

CONSCRIPTION IN THE NINETEENTH CENTURY OTTOMAN EMPIRE: ITS
REFLECTIONS ON THE LIVES OF ORDINARY PEOPLE AND RESISTANCE,

1843-1876



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2015

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Thesis submitted to the
Atatürk Institute for Modern Turkish History
in partial fulfillment of the requirements for the degree of
Master of Arts

by
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2015

“Conscription in the Nineteenth Century Ottoman Empire: Its Reflections on the Lives of Ordinary People and Resistance, 1843-1876,” a thesis prepared by Gizem Çimşit in partial fulfillment of the requirements for the Master of Arts in History degree from the Atatürk Institute for Modern Turkish History at Boğaziçi University.

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An abstract of the thesis of Gizem Çimşit for the degree of Master of Arts from the Atatürk Institute for Modern Turkish History to be taken May 2015

Title: Conscription in the Nineteenth Century Ottoman Empire: Its Reflections on the Lives of Ordinary People and Resistance, 1843-1876

This thesis examines the creation of a new army in the Ottoman Empire in the nineteenth century manned by conscripts. Starting from the eighteenth century, significant reforms were introduced in the Empire. A new army and a regular recruitment system were part of these reforms which are within the scope of this study. Especially after 1846, Ottoman subjects started to be recruited for military service as an obligation. This study presents the early years of implementation of the recruitment system. While analyzing the conscription law of 1846, the thesis takes examples of the practice of the law from archival documents. Finally, it tries to show the subjects' reactions to conscription, which might have created cracks in the relationship between the state and its subjects. These reactions ranged from negotiable methods for avoiding the military service obligation to open rebellion, desertion, and even banditry. The law forms a struggle field for the ordinary people who are mostly invisible in history studies. The thesis tries to tell the real stories of ordinary people by analyzing this point of contestation which provides a chance to hear them.

Atatürk İlkeleri ve İnkılap Tarihi Enstitüsü'nde Yüksek Lisans derecesi için Gizem Çimşit tarafından Mayıs 2015'te teslim edilen tezin kısa özeti

Başlık: On dokuzuncu Yüzyılda Osmanlı'da Zorunlu Askerlik: Sıradan İnsanların Hayatına Etkileri ve Direnişler, 1843-1876

Bu tez, Osmanlı'da on dokuzuncu yüzyılda zorunlu askerliğe dayalı yeni bir ordu yaratılması sürecini incelemektedir. On sekizinci yüzyıldan başlayarak, imparatorlukta önemli reformlar ortaya konulmaya çalışılmıştır. Yeni bir ordu ve düzenli bir askere alma sistemi bu reformlardandır ve çalışmanın kapsamını oluşturmaktadır. Özellikle 1846 yılından sonra Osmanlı tebaası kendi istekleri ve iradeleri dışında askerlik hizmeti için kaydedilmeye başladılar. Bu çalışma, askere alma sisteminin ilk yıllarındaki uygulamaları ortaya koymaya çalışmaktadır. Bir yandan Kur'a Kanunnamesini incelerken, pratikteki uygulamaları anlamak için de arşiv kaynaklarından örnekler sunmaktadır. Son olarak, bu tez tebaanın zorunlu askerliğe karşı tepkilerini ortaya koymaktadır. Bu tepkilerin devlet ve tebaa ilişkisinde yaratmış olabileceği çatlaklar araştırılmaktadır. Bu tepkiler, askerden kaçmak için uzlaşma ve müzakere metotlarına dayalı ve daha yumuşak yöntemlerden açık isyan, firar ve hatta eşkıyalığa kadar uzanmaktadır. Kanun tarihte sesini duymaya çok alışık olmadığımız sıradan insanlar için bir mücadele alanı yaratmıştır. Bu sesleri duymamıza yardımcı olan bu mücadele alanı analiz edilerek basit bir ahaliden çok daha fazlası olan insanların gerçek hikayeleri anlatılmaya çalışılmaktadır.

ACKNOWLEDGEMENTS

First and foremost, I would like to express my deepest gratitude to my advisor Prof. Dr. Nadir Özbek for his guidance and assistance. He always supported me during the writing process of this thesis. While I was a beginner in the Ottoman Turkish, he always provided encouragement and support to me for studying in the archives. Without the help of his discussions and comments I could not have finished my thesis. Not only for this thesis, but for all my problems he was always there to help.

I am also grateful to Assoc. Prof. Cengiz Kırılı for his courses at the Institute which gave me the inspiration to work on the Ottoman history, and also for his kind and helpful comments in the jury. Assoc. Prof. Gültekin Yıldız was a chance for me in the jury and I would like to thank to him for his precious comments and criticism. I owe a special thank to all professors of the Atatürk Institute, but especially to Çağlar Keyder, Şevket Pamuk, Ayşe Buğra, and Berna Yazıcı for their courses which provided me different perspectives.

I am also thankful to Mustafa Çakıcı from the Prime Ministry Ottoman Archives, from whom I took Ottoman Turkish courses. Without his expertise, and help it would have been impossible for me to learn Ottoman Turkish within a short period of time.

I take this opportunity to express gratitude to Tracy Lord for her care, patience and encouragement. She was always there to help me even I was unable to write something and submit to her. Her comments and our conversations helped me a lot during the writing process. I owe thanks to Kathryn Kranzler for editing this thesis. I am also thankful to Necla Turunç who made the life at the Institute easier and deeply saddened us with her early passing. I would like to thank to Kadriye Tamtekin for all her help and Leyla Kılıç for her always smiling face and care.

I considered myself lucky for coming to this Institute. Above all, I have met one of the most important people of my life at this Institute. She was always kind, helpful and understanding friend for me. When I needed her, she was always there. She listened to me patiently during our long conversations on the telephone. My most special and endless thanks go to my dear friend, Sema Yaşar Baraç, for all her help. Without her I would not have been able to write this thesis and even finish my courses. She is the precious gift that the Atatürk Institute gave me. I hope she will always be in my life as I will be in hers.

I would like to thank all my classmates for their support. I am also thankful to Gülseren Duman for her help in the archives and for her encouragement, and to Erhan Bektaş for teaching me the Ottoman Turkish alphabet and for his friendship.

My deepest gratitude goes to my beloved Ozan Güner. He was the closest witness of this stressful process and always helpful with his endless love and patience. I truly owe a deepest thank to him for all his tolerance and encouragement. He always believed in me even when I was so desperate, and made me believe in myself.

I am indebted to my parents, Yasemin and Kemal Çimşit, and my aunt Makbule Karaaslan for their patience, endless love, and encouragement. They always supported me in my decisions since my childhood and loved me even the times that was hard to love me. My dearest brother Onur Çimşit, and his wife, my lovely sister Burçin Coşkundere Çimşit were always there for me to help and motivate. They deserve a lot more than simple thanks, but it is impossible to express my feelings with a few words. Therefore I dedicate my thesis to my family.

During the writing process I received financial support from TÜBİTAK project 113K142 “Tanzimat’tan Cumhuriyet’e Aşar Vergisi ve Tahsilatı Ekseninde Toplum ve Siyaset, 1839-1925,” coordinated by my advisor Prof. Dr. Nadir Özbek. This financial support allowed me to concentrate on my thesis and finish it on time. I owe thanks to TÜBİTAK.



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CHAPTER ONE

INTRODUCTION

This thesis examines the effects of nineteenth century military system that can be called conscription, compulsory military service, or involuntary military recruitment. This system can be identified as an important tool of the modern state to increase its penetration capacity over the subjects. This study looks at the Ottoman Empire. In the eighteenth and nineteenth centuries, the Ottoman Empire tried to introduce some changes concerned with society and politics. After the promulgation of the 1839 reform decree (which marked the beginning of the Tanzimat era), changes accelerated. Creating a new army that consisted of ordinary subjects was one of these changes. A direct encounter with the state as its soldiers affected the relationship between subjects and the state radically. Introduction of a regular recruitment system (*kur'a*) in 1843 and the recruitment of young men without their free will caused problems that changed and transformed the society. People reacted to this new system and the officers who represented the state. This thesis examines these changes and reactions.

How did conscript armies become important during the formation of modern states? The modern state reconstitutes the relationships between different social groups and also their relations with the state. It is possible to say that the modern state can be defined with its increasing influence over society that it governs. Mann talks about two different types of state powers, despotic power and infrastructural power. Despotic power is “the range of actions which the elite is empowered to

undertake without routine, institutionalized negotiation with civil society groups.”¹ On the other hand, infrastructural power is “the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm.”² These types relate to the state’s organization form whether it is territorially or centralized.³

Following the concepts of Mann, the increase of infrastructural power means the increase in the state’s penetration to the everyday lives of ordinary people with administrative instruments. Charles Tilly, on the other hand, explains the same process with a transition from indirect rule to direct rule that means “unmediated intervention in the lives of local communities, households, and productive enterprises.”⁴ Anthony Giddens explains the increasing penetration capacity of the state with the progress of its “administrative power,” which has an essential element called surveillance, especially as coding of information.⁵ As Eugene Rogan states, “the penetration of society which infrastructural power permits allowed for an even greater share of production to be collected in taxes, which was essential for the maintenance of large standing armies.”⁶ Considering all these arguments, modern states have some concepts and practices such as, surveillance, military conscription,

¹ Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanism and Results,” *European Journal of Sociology* 25, no.2 (November, 1984), 188.

² *Ibid.*, 189.

³ *Ibid.*, 185.

⁴ Charles Tilly, *Coercion, Capital, and European States AD 990-1990* (Cambridge, Massachusetts: Basil Blackwell, 1990), 103.

⁵ Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1987), 47.

⁶ Charles Tilly, “Reflections on the History of European State-making,” in ed. Charles Tilly, *The Formation of National States in Western Europe* (Princeton NJ, 1975), cited in Eugene Rogan, *Frontiers of State in the Late Ottoman Empire: Transjordan, 1850-1921* (Cambridge, New York: Cambridge University Press, 1999), 3.

population censuses, highly centralized administrative organizations, police forces, and new forms of control and punishment.

The Ottoman state relied on a despotic power,⁷ but it is not wrong to say that starting from the eighteenth century it tried to implement some changes that would help to extend its infrastructural power. However, in the periphery, the infrastructural power of the state might have not been as strong as in the center.⁸ Rogan argues that in his book over the example of Transjordan and points out that “the Ottoman government launched a number of initiatives to secure its position in Kurdish and Arab frontier zones by extending the instruments of the Tanzimat state to the periphery.”⁹ This meant the modern state instruments could not function similarly throughout the Empire. As the scope of this study is military conscription, it is proper to exemplify center-periphery distinction from that point. Conscripts were mostly preferred from the settled Muslim subjects in Anatolia and Rumelia because of the strong resistances in the eastern provinces in the early years of the conscription.

The Imperial Edict of Gülhane of 1839 which also known as Tanzimat was an important step for Ottoman reforms. A series of administrative reforms was conducted to bring the Ottoman State into the nineteenth century.¹⁰ For instance, in 1835, a separate Census Department (*Ceride-i Nüfus Nezareti*) was established to provide general supervision and control which meant registering individuals both for

⁷ Rogan, *Frontiers of State*, 3.

⁸ Stein Rokkan, *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan* (Oxford, New York: Oxford, 1999), cited in İsmet Akça and Evren Balta Paker, “Ordu, Devlet, Güvenlik Siyaseti Üzerine Bir Değerlendirme,” in ed. Evren Balta Paker and İsmet Akça, *Türkiye’de Ordu, Devlet ve Güvenlik Siyaseti* (Istanbul: Bilgi Üniversitesi Yayınları, 2010), 10.

⁹ Rogan, 5.

¹⁰ *Ibid.*, 4.

the census and for military conscription.¹¹ Military conscription also changed in the time with the help of the records that censuses provided. Villages previously would have been asked to provide a certain number of soldiers, but, after the Tanzimat, individuals started to being registered and conscripted by name.¹²

The military, especially a conscript army, can be a protector of the state besides its other functions, such as providing security against external threats. That could bring the nation-states into question. As Tilly and Giddens claims it, modern armies were important in the formation of modern nation-states.¹³ However, this study will not analyze the foundation of nation-states or the creation of citizen-armies. This thesis examines the early years of military conscription in the Ottoman Empire and its effects on the everyday lives of ordinary people which might have created conflicts between the state and its subjects. That is why it is not mentioned the nation-state literature here broadly.

Compulsory military service, in other words, conscription, was and (for some countries) still is the most preferred system of military recruitment. Even though this was the easiest way to create a big army of least cost for nineteenth and twentieth centuries policy makers, it is still necessary to understand how this system became the most popular. On the other hand, as a historian, it is also important to look at this new system in the early years of the implementation when this was unfamiliar and had significant effects on ordinary people's lives. These effects might have been similar or different from country to country. Suffice it to say here that most of the

¹¹ Stanford Shaw, "The Ottoman Census System and Population, 1831-1914," *International Journal of Middle East Studies* 9, no.3 (October, 1978), 327.

¹² Rogan, *Frontiers of State*, 13.

¹³ For more information see, Charles Tilly, *Coercion, Capital, and European States*; Anthony Giddens, *The Nation-State and Violence*.

countries surprisingly had more or less the same process in the context of people's reaction against the introduction of an unknown system of conscription.

Lucassen and Zürcher say that “for most of the nineteenth and twentieth centuries, universal conscription has been by far the predominant system of military recruitment, but the phenomenon has received surprisingly little attention from social historians.”¹⁴ I mostly agree with their judgment, but still the number of military history studies has increased in the recent years. The studies have started to discuss the effects of wars on society which made it possible to shift from “war history” to “social military history” with the acceptance of “new military history” since the late 1960s.¹⁵ As John Whiteclay Chambers mentions “the “new” military history provided a larger social and historical context that was lacking in the old style, operational, headquarters-oriented accounts.”¹⁶ Nevertheless, in spite of all of these changes, the Ottoman conscription system and its macro and micro effects in the early years of implementation (especially after 1839) have not been studied in great detail.

Khalid Fahmy's inspiring book, *All the Pasha's Men*, is important to mention here because the idea of studying conscription and its effects on everyday life appeared to me after reading his study. The book is about power and resistance in general. He discusses Mehmet Ali Paşa's reign, his conscript army, and the making

¹⁴ Jan Lucassen and Erik Jan Zürcher, “Introduction: Conscription and Resistance: The Historical Context,” in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 1.

¹⁵ John Whiteclay Chambers, “The New Military History: Myth and Reality,” *The Journal of Military History* 55, no. 3 (July, 1991): 395-406; Gültekin Yıldız, “Bütüncül, Karşılaştırmalı ve Felsefi Bir Askeri Tarihe Doğru: Türkiye’de Askeri Tarih Araştırması ve Öğretiminin Geleceği Üzerine,” in ed. Cevat Şayin and Gültekin Yıldız, *Osmanlı Askeri Tarihini Araştırmak: Yeni Kaynaklar, Yeni Yaklaşımlar* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012): 3-22.

¹⁶ Chambers, 397.

of modern Egypt. Recruitment methods and the life of conscripts in the barracks and their strategies for escaping the military service are the other important subjects which can be found in the book. These subjects stimulated me to write this thesis.

Gültekin Yıldız¹⁷ has written one of the most comprehensive works on the process to introduce the military conscription in the Ottoman Empire. He analyzes the changes in the fields of politics, military, and society during the transition to conscription starting from the disbandment of the Janissaries and continuing until the promulgation of the Imperial Edict of Gülhane. The scope of this study involves the years between 1826 and 1839, which one could be called it the preparation process for conscription. The book focuses on the social, political, and military transformation and searches to what degree this transformation succeeded.

Yıldız starts with criticizing the former studies on military history and states rightly that even with the progress in the recent years it is still not possible enough to find ordinary people and society as real historical agents in the pictures which these studies draw. He uses Ottoman, British, and Austrian archives for his study. He claims that the process of disbandment of the Janissaries and constituting a new army was actually the construction of a political-ideological hegemony. Therefore, the disbandment was a political coup rather than a military reform. And the purpose of the new army, which was constituted after the disbandment of the Janissaries, was once represented as a struggle against the enemies of “religion and state,” but, as the time went by, the army became a tool which was used to control the subjects of the Empire by the political elites. These are the most remarkable arguments of the book.

¹⁷ Gültekin Yıldız, *Neferin Adı Yok: Zorunlu Askerliğe Geçiş Sürecinde Osmanlı Devleti'nde Siyaset, Ordu ve Toplum (1826-1839)* (Istanbul: Kitabevi, 2009).

On the other hand, Tobias Heinzelmann's study¹⁸ focuses on the military service obligation in the Ottoman Empire between 1826 and 1856. He starts with three questions in his mind and searches for the answers for these questions; the legitimization of the disbandment of the Janissaries and constitution of a new and educated (and salaried) army, the transformation of the man power in the army from voluntary soldiers (which was actually remained as a theory) to a compulsory service that subjects were obliged to and selecting these soldiers with a recruitment system (*kur'a* system), and the role of non-Muslim subjects inside the Ottoman army. He differs from Yıldız about "military reform" perception. When Yıldız sees the disbandment of the Janissaries as a coup, Heinzelmann does not make an argument about it and calls the period of time that he searches directly as a "military reform." The study's main subject is the discussions about the service obligations of the soldiers in the regular and reserve army between 1826 and 1856. Heinzelmann's work gives insight into the conscription issue for people who want to focus on that subject within the context of the Ottoman Empire.

Musa Çadircı also writes about the military.¹⁹ His work provides a guideline for the general military history of the Ottoman Empire. He presents the regulations in the Ottoman army during the Tanzimat era. So, it is important and useful for general information about the transformation in the Ottoman military. On the other hand, *Arming the State*,²⁰ which is a book edited by Erik Jan Zürcher, is another secondary source related with conscription and resistance in the Middle East and Central Asia.

¹⁸ Tobias Heinzelmann, *Cihaddan Vatan Savunmasına: Osmanlı İmparatorluğu'nda Genel Askerlik Yükümlülüğü 1826-1856*, trans. Türkis Noyan (Istanbul: Kitap yayınevi, 2009).

¹⁹ Musa Çadircı, *Tanzimat Sürecinde Türkiye: Askerlik* (Ankara: Imge Kitabevi, 2008).

²⁰ Erik Jan Zürcher, ed., *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999).

The articles in the book start with drawing a picture of the traditional recruitment systems which were used before the conscription in the Ottoman lands. It focuses on the decision-making process of the center and then shows the effects of new recruitment methods on the provinces with two distant examples (Bosnia and Syria). The book argues that “the logic of state formation and the reactions it encounters clearly transcends (the) boundaries of civilizations.”²¹ Starting from this point, it has an assertion to show the similarities of this process between Middle East and Europe.

Ufuk Gülsoy²² writes about the history of the Ottoman Empire’s non-Muslim subjects in the military. It is well-known that non-Muslims and Muslims had different procedures, especially in the field of military service for a long time. He contributes to the literature with extensive archival research on the subject and presents a study that depends on a detailed work about the non-Muslim subjects’ conditions in the army. The present study is neither just about Muslims nor just about non-Muslims. It tells “stories” from the archival documents about both of them. In this context, Gülsoy’s study provides the data on non-Muslim subjects’ military service for this study. These studies are crucial and directly related to my work.

Two master theses are directly related with this study. One of them is Veysel Şimşek’s study. The thesis of Şimşek focuses on the Ottoman military recruitment during the period between 1826 and 1853.²³ He analyses the establishment of a regular army (*Asakir-i Mansure*) in the reign of Mahmut II. The main issues of his thesis are the recruits, recruiters and the recruitment methods between 1826 and

²¹ Jan Lucassen and Erik Jan Zürcher, “Introduction: Conscription and Resistance: The Historical Context,” 16.

²² Ufuk Gülsoy, *Cizyeden Vatandaşlığa: Osmanlı’nın Gayrimüslim Askerleri* (Istanbul: Timaş Yayınları, 2010).

²³ Veysel Şimşek, “Ottoman Military Recruitment and the Recruit: 1826-1853” (MA thesis, Bilkent University, 2005).

1853. He asks who the recruits and recruiters were and how subjects were taken to military during that period. While he examines the laws and regulations about military, he also gives some examples about how these laws and regulations were implemented in practice. In addition, he looks at the responses and resistances to this system to a certain extent. My thesis and Şimşek's study focus on the military recruitment process and also the responses of the Ottoman subjects to recruitment. However, Şimşek's study mostly concentrates on the early years which involve the disbandment of the Janissaries and the creation of a new and regular army. My study, rather, analyzes how the conscription put into practice after 1843. I consider 1843 as the official beginning of the conscription in the Ottoman Empire. I aim to draw a picture of the early years of military conscription which started after 1843 *kur'a* (drawing of lots) system. I also present the laws and regulations, especially after 1843, and investigate their practice in the everyday life. I further focus on the negotiations and tensions which these regulations and laws created between the subjects and the Ottoman government agents.

Şimşek's thesis is an important and inspiring study of the Ottoman military recruitment system during the early years of the regular army. While Şimşek examines the years between 1826 and 1853, the scope of my study is different. I examine the years between 1843 and 1876 through presenting diverse cases. My study differs from Şimşek's by its focus on not only the military recruitment, but the Ottoman subjects' responses to the recruitment process.

The other thesis is by Edip Gölbaşı, who studies the Yezidi tribes who lived in the Ottoman Empire. He analyzes their relations with the state that also includes the military service obligation of the Yezidis. It is important for seeing the situation

and reactions of a different group about conscription.²⁴ There is also a dissertation by Mehmet Beşikçi²⁵ which examines the Ottoman experience of the mobilization of manpower in the First World War and the reactions against it. Although he studies a time later than the scope of my study, it is still important and inspiring.

Documents from the Prime Ministry Ottoman Archives were the primary sources for this study. I used documents from several catalogues in trying to formulate the story of the ordinary Ottoman subjects.

This thesis is an attempt to contribute the military history of the Ottoman Empire from a different perspective that includes the everyday lives of ordinary people and young soldier candidates. It tries to understand and discuss the problems of the implementation of conscription during its first years in the Ottoman Empire and studies the struggles which were manifested against the new system.

Introducing the conscription in the Ottoman Empire emerged after some serious changes in the social and political life. In Chapter Two, I will mention about this process, which includes the abolition of the Janissaries, the creation of a new army, the promulgation of the Imperial Edict of Gülhane in 1839, and its effects on the military and conscription, and the situation of the non-Muslim subjects in the military during this process.

Chapter Three examines the first regular recruitment system and its law in the Ottoman Empire (*kur'a* system), which can be regarded as the inception of the military conscription in real terms. A regular recruitment system was needed because of the irregular recruitments, which increased the fear of subjects against the military

²⁴ Edip Gölbaşı, “The Yezidis and the Ottoman State: Modern Power, Military Conscription, and Conversion Policies, 1830-1909” (MA. thesis, Atatürk Institute for Modern Turkish History, Boğaziçi Üniversitesi, 2008).

²⁵ Mehmet Beşikçi, “Between Voluntarism and Resistance: The Ottoman Mobilization of Manpower in the First World War” (Ph. D. diss., Boğaziçi Üniversitesi, 2009).

conscription. Thus, the kur'a system was formed in 1843 and implemented after its legislation in 1846. This chapter also will discuss the implementation of the kur'a system in the light of archival documents. Thus, it will be possible to analyze the encounter of subjects with the new system and its tools.

Chapter Four traces the reactions to military obligation in the nineteenth century. It will be questioned whether the subjects were willing to be a part of this system or not. The survival strategies of the young men (and their families) will be analyzed and these strategies will be organized from soft methods to harder ones. Negotiation ways, bribing the officials, lying in accordance with their strategies for avoiding the military service, and desertion were some of these methods. Resistance is the main subject of this chapter. Following several archival documents, which belong to the early years of conscription, I will try to tell a different story of the military, the main agents of which were the ordinary Ottoman subjects.

CHAPTER TWO

THE ROAD TO CONSCRIPTION: FROM THE JANISSARY CORPS TO THE RECRUITMENT OF SUBJECTS

The process to introduce conscription in the Ottoman Empire started with some serious changes that affected every part of society. Analyzing these changes is crucial for understanding the conscription phenomenon which was used as a tool by government. On the other hand, these changes (also introducing the conscription) were not independent from the subjects who lived within the boundaries of the Ottoman Empire. These ordinary people are not just a word. We need to give them their roles and influences when trying to analyze the process.

The *kur'a* system (drawing of lots), which was a recruitment style introduced after the Tanzimat was one of the most important changes concerned with the military. It was also probably the most important step for conscription. Conscription needs a regular system for recruiting subjects. There was no real system of recruitment before the *kur'a*,²⁶ which makes it likely conscription came to the Ottoman Empire with this system of recruitment. The *kur'a* will be the subject of the next chapter. This chapter will examine the process of creating a new army and conscription system in the nineteenth century Ottoman Empire and the situation of the Muslim and non-Muslim subjects during that time which means drawing a picture of the Ottoman military system before the *kur'a* system.

²⁶ Musa Çadırcı, *Tanzimat Sürecinde Türkiye: Askerlik* (Ankara: Imge Kitabevi, 2008), 68.

Early Efforts to Create a New Army

During the nineteenth century, the Ottoman statesmen tried to carry out European-style innovative movements in the fields of politics, education, and the military. They thought these reforms would invigorate the Empire and strengthen it against the interventions of the European states.²⁷ The efforts of the Ottoman Sultans Selim III and Mahmut II, who were concerned with reconstruction, were actually not about getting rid of the “underdevelopment” or trying to “keep up with epoch.” As Yıldız puts it, these are the assessments of orientalist historiography. These reconstruction efforts came after military defeats. Therefore, the reconstruction efforts in the Ottoman Empire were the same as those undertaken in various European countries in the seventeenth to nineteenth centuries.²⁸ All of these changes in every area of the Empire are definitely important, but the focus in the present study is the Ottoman military system and its transformation during that era.

Reforms in the Ottoman military actually started in the last decades of the eighteenth century with the initiatives of Selim III. He saw the weakness of the Ottoman military system during the long war with Austria and Russia between 1787 and 1792. According to the Sultan and the reports of his leading bureaucrats, the Janissary corps had become ineffective. The most important reason for this ineffectiveness was that a considerable number of the corps had become more

²⁷ Gül Tokay, “Osmanlı’da Modern Devlet, Güvenlik Siyaseti ve Ordunun Dönüşümüne Dair Bir Değerlendirme,” in ed. Evren Balta Paker and İsmet Akça, *Türkiye’de Ordu, Devlet ve Güvenlik Siyaseti* (Istanbul: Bilgi Üniversitesi Yayınları, 2010), 35.

²⁸ Gültekin Yıldız, *Neferin Adı Yok: Zorunlu Askerliğe Geçiş Sürecinde Osmanlı Devleti’nde Siyaset, Ordu ve Toplum (1826-1839)* (Istanbul: Kitabevi, 2009), 137.

interested in commercial activities than military campaigns.²⁹ However, Selim III did not choose to disband the Janissary corps. Despite their ineffectiveness in the defense of the country, they were still powerful inside the country. Thus, the Sultan decided to create an entirely new army, which was named *Nizam-ı Cedid* (The New Order)³⁰ instead of reforming or abolishing the Janissaries.³¹ To finance the new corps, an independent treasury was created called *İrad-ı Cedid* (The New Revenue).

This new army was organized, trained, and outfitted in the European style. The new army's soldiers mostly made up of Turkish peasant boys from Anatolia sent by the provincial governors and notables.³² The new corps' drill grounds were the Levend Çiftlik, which is described by Shaw:

Levend Çiftlik was an isolated spot then miles north of the capital on the plateau overlooking Beşiktaş on the Bosphorus.... The new unit was placed far enough away from the people of Istanbul and from the older corps so that it would excite neither their disapproval nor their anxiety until it was ready to meet any opposition with force.³³

However, the Janissaries refused to serve with these new corps. In 1807, a try at reforming the Janissaries caused a new uprising. Selim III did not respond to the uprising with his new army; on the contrary, he disbanded the *Nizam-ı Cedid* corps.

²⁹ Veysel Şimşek, "Ottoman Military Recruitment and the Recruit: 1826-1853" (MA thesis, Bilkent University, 2005), 20-24; Abdülkadir Özcan, "Osmanlı Devleti'nin Askeri Yapısı," *Genel Türk Tarihi* 6 (2002), 266-67.

³⁰ *Nizam-ı Cedid* means "New Order." It is also used for the entire spectrum of reforms introduced during Selim III's reign (1789-1807).

³¹ Stanford J. Shaw, "The Origins of Ottoman Military Reforms: The *Nizam-ı Cedid* Army of Sultan Selim III," *The Journal of Modern History* 37 (1965), 291-92.

³² Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey* (Cambridge: Cambridge University Press, 1976), 1: 262.

³³ Shaw, "The Origins of Ottoman Military Reforms," 293.

The rebels did not calm down with this disbandment. They replaced Selim III with his cousin, Mustafa IV, and killed all the young Nizam-ı Cedid men they could find.

Despite its failure and short life, the Nizam-ı Cedid experience was still important because it served as a model for the *Asakir-i Mansure* (Trained Victorious Muhammadan Soldiers) army (which will be discussed in detail below) created by Mahmut II after he disbanded the Janissaries in 1826.³⁴ It was a formidable process to organize a new army and it had deep effects both on subjects and also on states. It was seen in the Selim III's efforts and Nizam-ı Cedid model. However, this time with Mahmut II, it was going to be more difficult because he abolished the Janissaries and it was obvious that this was going to have some consequences. So, now it is time to tell about how the Janissary corps was disbanded and the effects of this disbandment on the ordinary people.

The Disbandment of the Janissaries

During the Greek revolts (1821-1827)³⁵ in Morea, the governor of Egypt, Mehmet Ali Paşa, his son İbrahim Paşa and his modern regiments played an important role in suppressing the outbreaks.³⁶ The Ottomans were unable to break into Morea because

³⁴ Shaw, "The Origins of Ottoman Military Reforms," 303-305.

³⁵ For more information, see Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, 2: 17-18.

³⁶ Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, His Army and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1997), 55-60. This study of Fahmy was probably the most comprehensive and intelligent work about the creation of Mehmed Ali's conscript army. It is also useful to understand the situation in the Ottoman Empire. As he says, Egypt should not be taken into account outside the Ottoman Empire until the middle of the nineteenth century. So, Fahmy's book is important and maybe one of the main sources of inspiration for this study.

of the general idea of dissatisfaction against the Janissaries and the old army. Thus, as Shaw writes, “Mahmut II called on the assistance of his still loyal governor of Egypt (...) Mehmet Ali accepted this call in return for promises that he would be appointed governor of both Morea and Crete.”³⁷ Mehmet Ali, his son İbrahim, and their modern regiments gained big success during these revolts. However, this caused some problems between Mehmet Ali and the Ottoman administration.

Mehmet Ali Paşa never had good feelings for the Ottoman administration and the Sultan,³⁸ and this war increased his anger against the Sultan’s authority. At the end of the war, Mehmet Ali appeared as an internal political rival of the Sultan and his bureaucrats. The war also narrowed the Ottoman administration’s political field, which increased the political crisis that the Empire was already experiencing. There were two options in front of the Ottoman political elites, either a new political framework and agreements with the actors (Mehmet Ali, the European powers, and the Greek community) in the political field, or to present these existing conditions to the public as an “emergency situation” and enlarge the narrowed political field with this emergency situation, which was a reaction against these conditions. Mahmut II chose the second option politically. Militarily, he chose to increase the number of mercenaries and create a new central army with the disbandment of the Janissaries.³⁹ This option required the elimination of oppositions such as the notables, the Janissaries, the Bektashi order, and other political and economic oppositions.

³⁷ Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 18.

³⁸ As I said in the footnote 36, Mehmet Ali and his modern regiments (conscript army) are important for this study because the Ottomans mostly took Mehmet Ali’s army as an example after the Greek revolts and the war. However, Mehmet Ali’s character or his anger against the Ottoman administration is not within the scope of this study. For more information about this subject, see Khaled Fahmy, *All the Pasha’s Men*.

³⁹ Yıldız, *Neferin Adı Yok*, 17-18.

Before the disbandment of the Janissaries, there was a preparation period during which Mahmut II worked on the plan. During this process, he tried to get some support from influential people. Shaw⁴⁰ describes this process:

The sultan had been preparing the way to eliminate the Janissary corps for some time, as we have seen, by appointing his own men to key positions in the corps. He also worked to get the support of the ulema, whose cooperation with the Janissaries had sealed the doom of so many reform measures in the past. Ulema loyal to the Sultan were promoted to high positions, while those who opposed him were dismissed or exiled. He also followed a careful policy of observing religious traditions and rituals to win over most ulema. He built new mosques and established religious foundations, required all Muslims to keep their children in the religious schools until a later age, and gave the local imams authority to enforce these regulations.

At the same time, Mahmut II decided to take serious steps by reforming the Janissaries by creating a selected active group inside it called the *Eşkinici Ocağı* (Eşkiniciyan corps).⁴¹ However, a few days after the first training session of the new groups, the Janissaries started an open revolt, similar to those in time of Selim III. This time, however, the Janissaries failed because of the help of loyal forces to the Sultan. The Janissary corps was abolished officially and physically in 1826 by means of an alliance between the Sultan, high officials, the religious bureaucracy, students, and some of the Muslims in the city of Istanbul.⁴²

After the abolition, the elimination process of the Janissaries and people related to them who were seen as political and economic opponent started. Organizing a new army helps states to consolidate their power. Yıldız explains it with the term of “hegemony.” He writes that the new situation could be seen as no

⁴⁰ Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 19.

⁴¹ Ibid., 19.

⁴² Yıldız, *Neferin Adı Yok*, 31.

more than the establishment of a new central army by disbanding the Janissary corps; however, it was not just about creating a new army. It was also about the construction of a political-ideological hegemony and the struggles against this construction. Therefore, in this elimination process, the people who did not accept the “subservient subject” role were punished with deportation, prison, and execution.⁴³

As stated above, most members of the Janissaries had become involved in commercial activities.⁴⁴ So, the abolition of the Janissary corps meant also their elimination in commerce life and the elimination of many small artisans because of the Janissaries’ relationships with these jobs. For example, the keepers of coffeehouses (*kahvecis*), who were known for their proximity to the Janissaries, were deported.⁴⁵ Yıldız gives some examples from the archival documents about these keepers of coffeehouses. The documents show the deportation of these keepers from Istanbul.⁴⁶ In this process, as Yıldız cites from the memoirs of an American missionary R. Walsh, even dogs were deported from Istanbul.⁴⁷ This was probably because the Janissaries had good relations with the dogs, who would obey them when ordered. Afterwards, the situation worsened. People were executed just because of the suspicion that they might be Janissaries.⁴⁸

⁴³ Yıldız, *Neferin Adı Yok*, 49-50.

⁴⁴ Veysel Şimşek, “Ottoman Military Recruitment and the Recruit: 1826-1853” (MA thesis, Bilkent University, 2005), 21.

⁴⁵ Yıldız, 50-51.

⁴⁶ For more information about these keepers of coffeehouses see, *ibid.*, 51, footnote 94.

⁴⁷ *Ibid.*, 66.

⁴⁸ *Ibid.*, 69.

When the conflict ended in favor of the Sultan and his alliance in Istanbul, “defeating” the Janissaries in the local places was easier. However, according to the archival documents, in the places where the Janissaries had good socio-economic relations with local elements (including the ulema), the resistance of the Janissary corps against the disbandment continued for many years. Some of these places were Bosnia,⁴⁹ Tokat, Amasya, Antep, and Kayseri. One of the strongest places of resistance was Bosnia. Thirty-two of the forty-eight Bosnia districts (*kazas*) refused to accept the decision which disbanded the Janissaries. They declared that they would not accept the new army or be soldiers of the state outside their provinces (*eyalet*).⁵⁰ These riots were sometimes strong and sometimes weak, but they continued for many years.

If the abolition of the Janissary corps is considered just a military reform, its socio-political point will be missed. As Yıldız cites from some English envoys and Taner Timur, these changes were not just about the reforms or innovations, but mostly about the absolute power.⁵¹ The biggest opponent in the center was destroyed with the disbandment of the Janissaries.

⁴⁹ I have some examples from archive concerned with the Bosnian resistance against the military service which belongs to a subsequent date. I will discuss it in the next chapter. For more information about the Bosnian resistance, see Odile Moreau, “Bosnian Resistance to Conscription in the Nineteenth Century,” in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 129-137; Fatma Sel Turhan, *Eski Düzen Adına: Osmanlı Bosna’sında İsyân, 1826-1836* (İstanbul: Küre Yayınları, 2013).

⁵⁰ HAT, nr. 338/19344; HAT, nr. 338/19350; HAT, nr. 425/21815.B.; HAT, nr. 425/21833.F.; HAT, nr. 738/35042.C.; HAT, nr. 423/21803.A. cited in Yıldız, 71-73.

⁵¹ *Ibid.*, 113-14.

The New Army and Preparations for Conscription

After this discussion of the abolition of the Janissary corps, I will examine the new regular army and its soldiers. After the disbandment of Janissaries in 1826, a new army, called *Muallem Asakir-i Mansure-i Muhammediye* (the Trained Victorious Muhammadan Soldiers) was announced. As Zürcher puts it,

The new army (...) quickly grew from 1500 to 27.000 men. It was organized along European lines, the basic unit being the regiment (*tertip*, later *alay*), consisting of three battalions (*tabur*). Once again, this was a professional army manned by volunteers and peasants recruited by the Sultan's officials in the provinces. There was no real system of recruitment, but the ranks of the army were filled according to need. Each year the army's requirements were determined in a decision (*kararname*) of the imperial council (*Divan-ı Hümayun*) and then communicated to the provincial authorities, who were left a free hand in the way they filled their quotas.⁵²

So, it can be said that the recruitment style of the *Asakir-i Mansure* was not a mass mobilization (or mass conscription) because a mass conscription would have required a regular recruitment system.

According to Yıldız, the hierarchical command chain and discipline based on obedience were implemented in the organization and administration of *Asakir-i Mansure*.⁵³ Furthermore, the recruitment age was between 15 and 30. The length of service was uncertain, but at least 12 years. Soldiers could return to their civil lives after these 12 years, but they had to serve until they were too old or physically unfit

⁵² Erik Jan Zürcher, "The Ottoman Conscription System in Theory and Practice, 1844-1918," in ed., Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 80.

⁵³ Yıldız, 262.

to do so.⁵⁴ The commander of the new army was now called *serasker* (commander in chief). Shaw writes that,

Recruitment proceeded rapidly in Istanbul. A week later the official regulation for the new army was issued, modeled after the *Nizam-ı Cedid* except in minor details. It was to be composed initially of 12,000 men, all stationed in Istanbul, organized into 8 regiments (*tertips*), each commanded by a colonel (*binbasi*). Each regiment would have 12 cannons and 12 musket companies. The old salary tickets, so often sold to others in the past, were replaced by a modern salary roll, with members having to be present to receive their pay.⁵⁵

The optimal requirements for soldiers were stated. Men in an unknown situation (e.g., Janissaries, Bektashies, spies of foreign states, lumpen communities in the cities) would not be allowed in the army. As mentioned above, soldiers had to be the age between 15 and 30. The new army's human resources would be from the settled population in Anatolia and Rumelia, which meant they would be from the bottom communities of society. The state sought to depoliticize these new soldiers from the bottom communities with religious propaganda.⁵⁶ Recruitment was generally from Turkish-speaking and Muslim places in Anatolia and Rumelia.⁵⁷ Among these, priority was given to places over which the government had been able to exert absolute control after the disbandment of the Janissary corps. Places with nomadic tribes and clans were excluded, at least in the beginning. The men from these areas were taken in war time as mercenaries. These places were Bosnia-Herzegovina (as mentioned before, they always had problems with the state and its

⁵⁴ Zürcher, 80.

⁵⁵ Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 2: 23.

⁵⁶ Yıldız, 140-45.

⁵⁷ Veysel Şimşek, "Osmanlı İmparatorluğu'nda Düzenli Ordu için Asker Toplanması: 1826-1853," *Toplumsal Tarih*, no. 198 (June, 2010), 37.

new army after the disbandment of the Janissaries); Shkodër, Ioannina, Vlorë and Delvinë, where the Albanians were the majority; Lazistan; and eastern and southeastern Anatolia, and the places where Kurdish tribes lived in northern Iraq.⁵⁸ The nomadic tribes and government generally opposed each other about the conscription. The tribes agreed to give mercenaries in war time, but they did not want to establish a relation with the government as soldiers in its regular army.⁵⁹

Nineteenth century travel writers Macfarlane and Frankland wrote about the profiles of the new soldiers. They wrote about their travels in Istanbul in 1827 and 1828. According to them, the new soldiers of the new army were untrained and just children.⁶⁰ Two other English visitors, Trant and Temple, described the Ottoman army's soldiers as children about 12 years old who could barely carry their weapons.⁶¹ A contemporary report in the Ottoman official newspaper, *Takvim-i Vakayi*, confirms these observations. According to this newspaper, there were boys in the army who had not been circumcised yet.⁶²

A report belongs to the English envoy Stratford Canning stated that there was no excitement among the people to join the new army.⁶³ The soldier nominees

⁵⁸ Yıldız, 212.

⁵⁹ Ibid., 251.

⁶⁰ Charles Macfarlane, *Constantinople in 1828: A Residence of Sixteenth Months in the Turkish Capital and Provinces* (London, 1829), 166-167; Charles Colville Frankland, *Travels to and from Constantinople in the Years 1827 and 1828* (London), 206, cited in Yıldız, 205-206.

⁶¹ Captain T. Abercromby Trant, *Journey through Greece in 1830, with Remarks upon the Actual State of the Naval and Military Power of the Ottoman Empire* (London, 1830), 370; Grenville Temple, *Excursions in the Mediterranean, Greece and Turkey* (London, 1836), 137, cited in Yıldız, 206.

⁶² *Takvim-i Vakayi*, def'a 74, 1 (19 Ş 1249/1 January 1834), cited in Yıldız, 207.

⁶³ Yıldız, 173-74.

worried about the wages and their own subsistence.⁶⁴ Some difficulties awaited them in the army, which may have been a reason for their reluctance. Clothing, food and just to survive were some of these difficulties. Yıldız exemplified these difficulties with some archival documents. For example, the governor of Damascus found 451 people for the Asakir-i Mansure with difficulty. He tried to cover their clothing costs from the villages, but was met with complaints from the villages. He drew the Sublime Porte's (*Bâb-ı Âli*) attention to this situation, but the government, which had given the order to constitute a regular army, did not provide the required goods and cash. Consequently, during the journey of these 451 people to Istanbul, they got out of control at the beginning⁶⁵ and probably tried to escape.

Another example was the situation in Izmir. According to records, 100 soldiers died during the time of the first establishment of the Asakir-i Mansure corps in Izmir in 1827. There was just one doctor in the force; the soldiers' sleeping place was in a bad condition and their hygiene was poor. Their clothes were made from poor and vulgar stuff.⁶⁶ One can guess that it was most likely these conditions which caused their death.

Considering the conditions in the military, it was normal for the Empire to have a manpower problem because people were scared to go into the military. Above all, there was no real recruitment style until the *kur'a* system. The recruitment system was rigorous and rude at that time. According to the *vakanüvis* (Ottoman chronicler) Ahmet Lütfi, poor young men who were alone were captured by force and

⁶⁴ Yıldız, 177-78.

⁶⁵ *Ibid.*, 184. For the situation in Aleppo, Belgrade and towns of Anatolia and Rumelia see, *ibid.*, 185-87.

⁶⁶ Public Record Office, Foreign Office (hereafter FO), 352/59 inside File 3, cited in Yıldız, 188.

handcuffed (*ahz-u girift ile*) like criminals for recruiting until 1843 because of the lack of a regular recruitment style.⁶⁷ Moltke, who stayed in the Ottoman Empire as a military instructor between 1835 and 1839, also described this rigorous style of recruitment in his letters; “it was very unequal and hurtful for the people.”⁶⁸

In addition to the increasing manpower problem, there were also exemptions from the military. As Zürcher puts it,

What made the manpower problem even more serious was the exceptionally large proportion of the population exempted from military service. Like most countries which introduced conscription, the Ottoman Empire, had a set of regulations about exemptions. Broadly speaking, one can say that there existed two types of exemption: individual and collective. Groups which were exempted were women; non-Muslims; inhabitants of the holy places, Mecca and Medina; religious functionaries and students in religious schools; and a whole range of professional groups (...) Nomads, even if not legally exempt, by and large were so in practice. Istanbul with its outlying districts (and a population of over a million) also did not deliver a single soldier to the army.⁶⁹

According to records, the total number of the soldiers who were recruited for the military between 1826 and 1837 was 161,036. However, just 54,670 of this number served actively. As Yıldız cites from Ahmet Yaramış, there were about 20,117 deserters at that time.⁷⁰ Considering the long term of service the number is not surprising. The high rate of desertion shows that if there is power, there is also resistance against this power. And desertion is always a problem for the power holders.

⁶⁷ *Tarih-i Lütüfi*, vol. 7, 74; cited in Tobias Heinzelmann, *Cihaddan Vatan Savunmasına: Osmanlı İmparatorluğu'nda Genel Askerlik Yükümlülüğü 1826-1856*, trans. Türkis Noyan (İstanbul: Kitap Yayınevi, 2009), 67.

⁶⁸ Helmuth von Moltke, *Moltke'nin Türkiye Mektupları*, trans. Hayrullah Örs (İstanbul: Remzi Kitabevi, 1999), 240. (English translation belongs to me).

⁶⁹ Zürcher, “The Ottoman Conscription System,” 86.

⁷⁰ Ahmet Yaramış, *II. Mahmut Döneminde Asakir-i Mansure-i Muhammediye (1826-1839)*, 129, cited in Yıldız, *Neferin Adı Yok*, 139.

Armies are not just organizations used in wartime against external enemies or internal domination struggles. They also exist because the power holders want to keep the young men busy and keep them out of politics. This may be one of the most important reasons for mass armies all over the world. According to a letter from the governor of Rumelia, Rüşdü Paşa, to the Sublime Porte (*Bâb-ı Âli*) the traces of above mentioned situation could be seen. He mentioned that he was going to include some Albanian warriors in the army just to lessen the unrest in the region.⁷¹ Maybe these were irregular soldiers of the army, but it must have been the same with regular soldiers, too. The government wanted these men to be busy and it was probably thought that this would prevent uprisings. For example, another record shows that the Sultan wanted soldiers to continue to drill also in the winter. He most likely wanted to keep them out of politics,⁷² and prevent them from joining revolts.

One of the most important steps for conscription was the formation of the *Asakir-i Redife-i Mansure* (Victorious Reserve Soldiers), shortly *Redif*, in 1834, to find enough (required number) and “useful” soldiers (who were ready for wars) in war time, with the training in soldiers’ own territories, at low cost and without keeping a large mass under arms.⁷³ Meanwhile, the government continued to take mercenaries from tribes and tribal warrior communities in the war time between 1826 and 1839.⁷⁴ Another purpose of the Redif was to decrease the need for mercenaries.⁷⁵ It was a reserve corps, but it also was a kind of unemployment

⁷¹ HAT, nr. 1039/43036.C (11 Rebiyü'l-evvel 1244/21 September 1828), cited in Yıldız, 235.

⁷² HAT, nr. 525/25635, cited in *ibid.*, 320.

⁷³ Çadircı, *Tanzimat Sürecinde Türkiye: Askerlik*, 100.

⁷⁴ Yıldız, 139.

⁷⁵ *Ibid.*, 253.

coverage. In theory, it was like the *Landwehr*⁷⁶ system in Prussia, except that, in practice, when the Landwehr emerged from a federal political system in the military, the Ottoman Redif, as unemployment coverage, was an effort to control the potential for violence in the provinces.⁷⁷ In one of his letters, Moltke described the Redif corps in the Ottoman Empire;

We cannot compare *redifs* with our *Landwehrs*. Redif should be seen as a regular army battalion which gives its soldiers permission to go for an uncertain time with so little salary and without completing their training. These people's salaries are important for the State but it is quite little such as an unemployment compensation for the people.⁷⁸

Regular army soldiers who received salaries, arms, clothes, and food from the central treasury and professional warriors, who gave up the jobs if the money did not come from Istanbul, were not soldiers that the Sublime Porte (*Bâb-ı Âli*) wanted. Besides, there was not much money in the hands of the government. The soldier type that the Sublime Porte wanted was a hero who would fight unprofessionally, but more bravely than a professional soldier and without any cost if possible.⁷⁹

The Imperial Edict of Gülhane and Its Effects on the Military and Conscription

Moltke wrote in a letter in 1836 about the political and military conditions in the Ottoman Empire in 1836.⁸⁰ During these years there were attempts at creating and

⁷⁶ It was a kind of reserve army in Prussia.

⁷⁷ Yıldız, 259-60.

⁷⁸ Moltke, *Moltke'nin Türkiye Mektupları*, 235. (English translation belongs to me).

⁷⁹ Yıldız, 237-38.

⁸⁰ Moltke, 52-58.

strengthening a regular army. Moltke told about this need for a regular army in his letter. According to his statements, before everything, the Ottomans wanted to have a real, regular, and powerful army during these years because after the disbandment of the Janissary corps they had suffered many defeats in wars as militarily and even foreign armies had helped the Ottomans to defend their country. Considering his observations, the Ottomans needed a good administration in the first place and if not they could not support even a small army.⁸¹ In another letter, which was written in 1838, he mentioned the inequality of the military service between different areas and people.⁸² Ottoman Empire obviously needed a change or at least some regulations about the military service.

The most important developments in terms of military and conscription happened after the Imperial Edict of Gülhane, which was promulgated in 1839. The edict noted the similar problems Moltke had written about in his letters. It stated that the burden of defense had fallen unequally until that time in different areas and that lifetime service had damaged the population as well as the quality of the army.⁸³ As Zürcher cites from the edict,

it is the duty of the subjects to provide soldiers for the defence of the fatherland, it is also true that up to now the size of the population of a province has not been taken into account and because some (provinces) had to provide more (soldiers) than they could, others fewer, this has become the cause of all kinds of disorder and chaos in useful occupations such as agriculture and trade. As life-long service for those who enter the army causes loss of zeal and decline in the population, it is necessary with regard to those soldiers who will be recruited in each province according to need, to establish some good rules and to establish a system of rotation with a term of service of four to five years.⁸⁴

⁸¹ Moltke, 55.

⁸² Ibid., 240.

⁸³ Zürcher, "The Ottoman Conscription System," 81.

⁸⁴ Ibid., 81.

It was known that there were abuses in some districts in recruitment and also that the term of service in the military was too long. That is why it was important to be declared that recruitment would be put in order and the term of service would be fixed at four or five years.⁸⁵

Actually, there was no statement about non-Muslim's military service in the Edict. However, according to Gülsoy, a sentence in the edict shows that it also included non-Muslim subjects. This sentence was; "it is the duty of the subjects to provide soldiers for the defence of the fatherland."⁸⁶ But I do not agree with Gülsoy on this subject. It is not clear in the Edict whether it included the non-Muslims or not. Theoretically, it included all the subjects of the Empire, but as I can see from the archival documents non-Muslims were still not in the military. When really needed, however, the Empire continued to recruit them into the navy.

Non-Muslim Subjects of the Ottoman Empire and Their Conditions in the Military

Generally it is known that non-Muslims did not become soldiers for the regular army until 1839.⁸⁷ However, Ufuk Gülsoy writes that 1835 was the year that Christians started to do military service near Muslims equally. This was the first serious step on their "journey" in the military. They were just taken to the Ottoman navy.⁸⁸

⁸⁵ Ufuk Gülsoy, *Cizyeden Vatandaşlığa: Osmanlı'nın Gayrimüslim Askerleri* (Istanbul: Timaş Yayınları, 2010), 44.

⁸⁶ *Ibid.*, 41.

⁸⁷ Çadırcı, 106.

⁸⁸ Gülsoy, 10.

Actually, the non-Muslim subjects of the Ottoman Empire were mostly exempt from military service, but the government always wanted an amount of money called *cizye* (head tax) in return for this exemption.⁸⁹ However, when the government needed to, it sometimes used a limited number of non-Muslims for short times in the army.⁹⁰ In spite of the exemption that *cizye* gave to the non-Muslims, if the Ottomans needed soldiers, they did not hesitate to use non-Muslims for years.⁹¹

Same examples were traced also in the nineteenth century. According to a record which dated 4 January 1831, Yorgi and İstifani, who were Christians from Chios, working as gunsmiths in a tower relating to the navy.⁹² However, as stated above, non-Muslims (particularly Christians) started to actively service in the Ottoman army (just in navy) in 1835 restrictedly. The need for more soldiers forced the Ottoman government to recruit non-Muslims for the navy.⁹³

With an imperial *ferman* (Sultan's will) in 1837, regulations about recruiting non-Muslims were announced. After that, workings began to recruit the non-Muslims into the navy. However, it was not easy because non-Muslim subjects were not enthusiastic about being soldiers. On the contrary, this dragged them to panic and displeasure. Some of them fled to the mountains and islands to get rid of being soldier. Young males in the mountains avoided to turn back to their villages when they heard that the government was recruiting. Some men who were registered as

⁸⁹ As Shaw explains, *cizye* was paid by non-Muslim heads of households in return for protection, and exemption from military service. Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 2: 487.

⁹⁰ Gülsoy, 17.

⁹¹ Ibid., 21.

⁹² BOA, T, File nr. 674, cited in *ibid.*, 27.

⁹³ Mehmet Hacısalihoğlu, "İçerme ve Dışlama: Osmanlı İmparatorluğu'nda Askere Alma," in ed. Evren Balta Paker and İsmet Akça, *Türkiye'de Ordu, Devlet ve Güvenlik Siyaseti* (Istanbul: Bilgi Üniversitesi Yayınları, 2010), 82.

soldiers chose either not coming to the collection centers or desertion.⁹⁴ These incidents were normal because it was a new situation for the non-Muslim subjects (as it was for the Muslims, too). Until that day, they maybe had been sometimes recruited for some military jobs, but it had never been so serious. That is why their reactions were normal against the recruitment. However, in spite of these reactions, 1491 Christian subjects of the Ottoman Empire were recruited for the navy in 1837.⁹⁵ Recruitment continued after the promulgation of the Imperial Edict of Gülhane.

Along with non-Muslims' fear of the military service, their religious rituals were one of the main problems for them in the navy. For example, in 1847, on one of their religious days, the non-Muslim soldiers in the navy wanted to land and go to Church to attend the ritual. The captain thought that if he permitted them, they would escape, but at the same time he did not want to refuse them. He wrote a letter to the Sublime Porte (*Bâb-ı Âli*) and asked if the religious rituals could be performed on the ship. However, the answer was negative. Non-Muslim's religious practice thereby emerged as a problem in 1847 with this incident. After that date, if a ship landed and it was a religious day for the Christians on board, they were permitted to go to Church, but under the watch of soldiers⁹⁶ (probably Muslim soldiers).

There were also resistances among the non-Muslims against the military service. In the recruitment of 1851, the resistance was all about not to going into the military. That is why non-Muslims fled to the mountains or they became deserters.

⁹⁴ Gülsoy, 36-38.

⁹⁵ Ibid., 39.

⁹⁶ Ibid., 48-51.

They sometimes gave up their Ottoman nationality just to avoid being soldiers. This happened generally in the provinces of Rumelia.⁹⁷

One of the most important developments about the military service of non-Muslims happened during the Crimean War between the years 1853 and 1856. The need for soldiers increased dramatically, causing the repeal of the *cizye* in 1855, which was an exemption tax from the military service. It was replaced with the *bedel-i askeri* (military payment-in-lieu, or military service tax for non-Muslims) in 1856, which continued until 1909. At the same time, *bedel-i şahsi* (personal replacement or personal substitute for conscription obligation) and *bedel-i nakdi* (cash payment-in-lieu, or military service tax for Muslims) were implemented for Muslim subjects' exemption from military service.⁹⁸ After 1909, military service was made an obligation for all male subjects and conscription taxes were abolished altogether.⁹⁹

In conclusion, starting from the early nineteenth century, there were efforts to make some innovative improvements in the fields of politics, education and the military. The efforts which were concerned with changing the military structure and creating a new and regular army started with the initiatives of Selim III. Despite the early efforts, I agree with the opinion that in the modern sense reforms started in 1826 with disbanding the Janissary corps¹⁰⁰ and constituting the Asakir-i Mansure army. After the disbandment of the Janissaries and creation of the Asakir-i Mansure army, discussions about conscription became important and continued long years.

⁹⁷ Gülsoy, 56-57.

⁹⁸ Ibid., 59-67.

⁹⁹ Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 2:100.

¹⁰⁰ Tokay, "Osmanlı'da Modern Devlet, Güvenlik Siyaseti ve Ordunun Dönüşümüne Dair Bir Değerlendirme," 36.

However, as Zürcher writes, “the introduction of conscription in the Ottoman Empire was of course closely linked to the introduction of a European-style army, but it did not coincide with it.”¹⁰¹ A European-style army did not ensure the coming of conscription to the Empire abruptly. As conscription requires a regular recruitment system it seems reasonable to argue that it did not happen until a regular recruitment style.

In spite of all the efforts, there were still defeats at wars and inequality in the recruitment style. Thus, the government sought to regulate and amended the problems concerned with this subject. With the promulgation of Tanzimat *Fermanı* (Imperial Edict of Gülhane), they attempted constitute some changes. The Tanzimat Edict is a fact that is absolutely worth mentioning in terms of the nineteenth century’s innovative movements. As a result of this, the Tanzimat Edict and its implementation receive a real deal of attention from historians of the nineteenth century Ottoman Empire. The army, politics, and social life were affected by the promulgation of the Imperial Edict of Gülhane in 1839. The edict had also many effects on the military and the practice of conscription first entered the Empire after this Edict in the practice. From my point of view, the basic result which came from the Edict concerned with military service was the first steps of a new and regular recruitment style, the kur’a (drawing of lots) system.¹⁰² As a result it is not wrong to say that one of the most important regulations was starting the implementation of the kur’a system. Conscription came into the Ottoman Empire with the kur’a system in practice. The system of conscription was first established in detail under the *Kur’a*

¹⁰¹ Zürcher, “The Ottoman Conscription System,” 79.

¹⁰² The *kur’a* system will be discussed in the next chapter. Suffice it to say here that it was some kind a recruitment style in the Ottoman Empire after 1843 and means drawing of lots.

Kanunnamesi (regulation on the drawing of lots or Conscription Law)¹⁰³ of 1846. In other words, the Tanzimat Edict was a forerunner of a regular recruitment style which was and is crucial for modern and regular armies. I will examine and discuss the kur'a system, its legislation, its theory and practice in the next chapter.



¹⁰³ Zürcher, 82.

CHAPTER THREE

A RECRUITMENT STYLE: THE KUR'A SYSTEM IN THEORY AND PRACTICE

The kur'a system (drawing of lots), which was a recruitment system in the nineteenth century starting from 1843, formed a critical point in the military history of the Ottoman Empire. It brought an entirely new system into Ottoman subject's lives, which was truly strange for them and caused opposition. It also had an importance that conscription came officially into the Empire with this regular recruitment system. As guessed, a new army was not enough to introduce the conscription in states, but it was a step. The case was similar in the Ottoman Empire with the formation of the Asakir-i Mansure army.

Although the creation of a new army changes the relationship between the state and its subjects radically, this process mostly requires conscription. Hence, conscription was going to be the dominant army (indirectly; war) making form in nineteenth century Europe. This system needed a regular registration of the population, sanction power, and a persuasion mechanism. As Margaret Levy says, the history of compulsory military service is the story of the changing relationship with states and its citizens. When conscription is increased the male citizens' obligation against the state, on the other hand, it enlarges the state's influence field.¹⁰⁴ In the Ottoman Empire, it was probably thought that organizing the armies would help the state to centralize the political authority and increase its power in

¹⁰⁴ Margaret Levi, "The Institution of Conscription," *Social Science History* 20, no. 1 (Spring 1996): 133-167, cited in İsmet Akça and Evren Balta Paker, "Ordu, Devlet, Güvenlik Siyaseti Üzerine Bir Değerlendirme," in ed. Evren Balta Paker and İsmet Akça, *Türkiye 'de Ordu, Devlet ve Güvenlik Siyaseti* (Istanbul: Bilgi Üniversitesi Yayınları, 2010), 8-9.

local degrees.¹⁰⁵ The kur'a system was a tool for conscription during this process.

This chapter examines the first regular recruitment style, the kur'a system, its implementation in everyday life, and implementation's incompatibility with the law.

A whole new system would absolutely affect the ordinary people's lives and their relations with the government. The purpose of the chapter is first to describe the kur'a system and its law and then analyze the early encounters of subjects with the implementation of this system which arose out of the Ottoman archival documents. What is of concern here is to find out the practicability of the law and effects of the meeting modern with tradition.

The Need for a Recruitment Strategy

It is not wrong to allege that compulsory military service, in other words conscription, needs a regular and well-functioning recruitment system which could help the states with strengthening its power and bringing an order into the existing recruitment. In the Ottoman Empire, there was no regular system for the recruitment until the kur'a system.¹⁰⁶ As discussed in Chapter Two, the Edict of Gülhane stated that the burden of defense had hitherto fallen quite unequally on different regions of the Empire and that lifetime service damaged the population as well as the quality of

¹⁰⁵ Gül Tokay, "Osmanlı'da Modern Devlet, Güvenlik Siyaseti ve Ordunun Dönüşümüne Dair Bir Değerlendirme," in ed. Evren Balta Paker and İsmet Akça, *Türkiye'de Ordu, Devlet ve Güvenlik Siyaseti* (Istanbul: Bilgi Üniversitesi Yayınları, 2010), 37.

¹⁰⁶ Veysel Şimşek has an important and inspiring study about the recruitment system in the Ottoman Empire between the years 1826-1853. For more information about the recruitment, the recruiters and the recruits before the kur'a system of 1843, see Veysel Şimşek, "Ottoman Military Recruitment and the Recruit: 1826-1853" (MA thesis, Bilkent University, 2005).

the army.¹⁰⁷ The young men's place in the economy of the both Empire and their own households were not cared for much by the government, which had caused disorder and hindered trade and agriculture.¹⁰⁸ Probably these young men were recruited for the military without investigation of their role in family or regional order. Thus, if these men were important for their family's subsistence and commercial and agricultural life, recruitment suspended them from these daily "duties" for a long time. This created a negative effect on the economic and social life throughout the Empire. That is why the Imperial Edict of Gülhane mentioned these problems and explained the need for regulations concerned with the military. According to the Edict, for recruitment, the role of young men for the subsistence of their family should be considered and term of service should be limited to four or five years.¹⁰⁹ These theoretical sentences in the Edict were absolutely important even though they did not serve the purpose and bring justice to the recruitment system, as will be seen from the examples below. No matter how useless it was, one way or another, this was the forerunner of a new recruitment style; the kur'a system.

Çadırcı and Karal describe the recruitment system, which was performed before the kur'a system, in an exaggerated fashion, saying that the recruitment style was rigorous and rude. Young men, married or unmarried, were caught by force in the provinces and handcuffed like criminals. They were sent to Istanbul but the journey was really hard on them; they became very dirty, diseased, and miserable on the road. When they arrived in Istanbul, they were distributed to the war ships and

¹⁰⁷ Erik Jan Zürcher, "The Ottoman Conscription System in Theory and Practice, 1844-1918", in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 81.

¹⁰⁸ Enver Ziya Karal, *Osmanlı Tarihi: Nizam-ı Cedid ve Tanzimat Devirleri (1789-1856)* (Ankara: Türk Tarih Kurumu Basımevi, 1994), 5: 179.

¹⁰⁹ Ibid.

military regiments for “lifetime” service.¹¹⁰ Although these statements are a bit dramatized, there are other primary sources which confirm these statements mostly. According to the *vakanüvis* (Ottoman chronicler) Ahmet Lütfi, alone and poor young men were captured by force and handcuffed (*ahz-u girift ile*) like criminals for recruiting until 1843 because of the lack of a regular recruitment style.¹¹¹ Moltke also described about this rigorous style of recruitment in his letters;

(...) military service obligation is a heavy burden which a few people are obliged to do it in today’s situation. This obligation’s implementation in some places and especially on some people is quite hurtful. Siirt could be an example of the conditions that I want to tell. According to the census, there were 600 Muslim and 200 non-Muslim (*reaya*) families in here. 200 men recruited firstly from the 600 Muslim families. That refers to 5-6 percent of it. 600 Muslim families became 400 in three years. In the time that I saw this place, 200 soldiers were wanted for the military again. Thereupon, the whole male population escaped to the mountains and there are only children and old men in the streets. The mistake here is inequality in the distribution of the burden and the long term of the military service. Fifteen years service¹¹² in the military is another way of telling “lifetime service.”¹¹³

Even after the kur’a system, which will be seen in the examples below, the recruitment was still frightening for the subjects that they could find themselves easily in the military by force and by the reason of little mistakes just like not coming to the kur’a place. Therefore, I assume that these sources narrated the

¹¹⁰ Enver Ziya Karal, *Osmanlı Tarihi: Islahat Fermanı Devri (1856-1861)* (Ankara: Türk Tarih Kurumu Basımevi, 1988), 6: 158; Musa Çadırcı, *Tanzimat Sürecinde Türkiye: Askerlik* (Ankara: Imge Kitabevi, 2008), 68.

¹¹¹ *Tarih-i Lütfi*, vol. 7, 74, cited in Tobias Heinzelmann, *Cihaddan Vatan Savunmasına: Osmanlı İmparatorluğu’nda Genel Askerlik Yükümlülüğü 1826-1856* (Istanbul: Kitap Yayınevi, 2009), 67. Şimşek also mentions about this situation before the kur’a system broadly. See Şimşek, “Ottoman Military Recruitment and the Recruit,” 46-47.

¹¹² Actually, the term of military service is uncertain. In some sources it is said that it was 12 years. For example Zürcher puts it as 12 years. But Moltke mentions it as 15 years. I can say that it was more than ten years and really long and disappointing for the people of the Empire.

¹¹³ Helmuth von Moltke, *Moltke’nin Türkiye Mektupları*, trans. Hayrullah Örs (Istanbul: Remzi Kitabevi, 1999), 240-41. (English translation belongs to me).

situation before the kur'a truly and objectively because it is not hard to believe. If they are true then one can say how frightening this system could be for the Ottoman subjects. Military service obligation was already new and strange to them. The situation became harder when an unsystematic and arbitrary recruitment system was added to this. Moreover, this situation probably posed a problem for the government, too. It made the recruitment more difficult and costly because, as Moltke states, a lot of young men preferred to escape instead of experiencing the rude recruitment system of the government.

As a result of these problems, a few years after from the promulgation of the Imperial Edict of Gülhane, a temporary commission (*meclis-i muvakkat*) was established that was assigned to do detailed studies concerned with military reforms. It presented a report in 1843. This report gave some information concerned with the new military regulations. Prussia and French regulations affected this report basically. According to the report, the term of military service would be five years (later four, three and finally, two years) and this would constitute the regular army (*muvazzaf ordu*). Also there would be a reserve army, *Redif*, as there had been in the past. The Ottoman army was divided into five armies which were the *Hassa*, Istanbul, Rumelia provinces (*eyalets*), Anatolia, and Arabia provinces.¹¹⁴ The recruiting district of the *Hassa* Army (*Hassa Ordu-yı Hümayunu*) would be west Anatolia, the Istanbul Army's (*Dersaadet Ordu-yı Hümayunu*) district would be from central Anatolia to Çirmen in western Thracian, the Rumelia Army's (*Rumeli Ordu-yı Hümayunu*) district would be Bosnia, Herzegovina, Serbia, Wallachia and Moldavia and other Ottoman lands in Europe except for Çirmen. The Anatolia Army's (*Anadolu Ordu-yı Hümayunu*) recruiting district would be east Anatolia and

¹¹⁴ Zürcher, "The Ottoman Conscription System," 82.

northeast Mesopotamia, and the Arabian Army's (*Arabistan Ordu-yı Hümayunu*) district would be northwest Mesopotamia, Syria, Adana, and Maraş.¹¹⁵

This report referred the kur'a system as a recruitment strategy which is probably the most important matter in it. It also brought forward an idea that the kur'a system could provide the justice in the Empire.¹¹⁶ The commission and administration probably thought that the kur'a system would put an end to regional inequality on the subject of recruiting soldiers for the military and it also would provide a sufficient number of soldiers without problems and resistance. This was the ideal situation for the government, but, as guessed, the implementation of this system would be problematic.

The Kur'a System and Its Legislation

The temporary commission (*meclis-i muvakkat*) explained in great detail how the kur'a system would be implemented. According to this, first, every year before March, the government would calculate how many new soldiers were needed. This number would be divided to every district (*kaza*) equally, considering the population. Military officers would be charged to collect soldiers from these districts. A doctor would accompany these officers. Before these officers arrived at the district, the administrative chief (*kaza zabiti-mülki amir*), the *kadı* (Muslim judge) and village headmen (*muhtar*) would collect the young men between the ages of 20 and 25 at the center of the district. An assembly (*meclis-i kur'a*) would be constituted by military

¹¹⁵ Heinzelmann, *Cihaddan Vatan Savunmasına*, 132,134.

¹¹⁶ *Ibid.*, 134.

officers, the administrator of the district, the kadı, and notables of the place. Physical examination of young candidate soldiers would be carried out by the doctor in front of the *meclis-i kur'a*. After that, soldiers would be selected via the kur'a (drawing of lots).¹¹⁷

This report of the commission was presented to the Sultan by the Grand Vezir (*Sadrizam*). The Sultan approved this kur'a system; however, on the advice of the Sadrizam, the system started to be implemented after finishing the censuses in the Empire.¹¹⁸ It was really difficult for the Ottoman State to perform a census throughout the country. That is why inception of the kur'a system¹¹⁹ did not happen immediately and took time. In addition, there was no real code of law for the kur'a system. The Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*) discussed the creation of a real code of law for the kur'a in 1846. A law proposal was prepared and presented to the Supreme Council of Judicial Ordinances (*Meclis-i Vala-yı Ahkam-ı Adliye*) and approved by the Sultan.¹²⁰

Thus, the first *Kur'a Kanunnamesi* (code of law for kur'a or conscription law) was promulgated in 1846. The first implementation of the kur'a system was performed after the promulgation of this law. The text of the law was confusing because of the statements which were repeated constantly, but it stayed more or less the same until 1870. It was reviewed and made more comprehensible in 1870. The

¹¹⁷ Heinzelmann, 135-36; Şimşek, "Ottoman Military Recruitment and the Recruit," 53.

¹¹⁸ Heinzelmann, 136.

¹¹⁹ As Şimşek puts it some records can be found which shows that the method of kur'a had been used before its official declaration in 1843, but it was not a widespread practice. It started to be used throughout the Empire after 1843. For more information, see Şimşek, "Ottoman Military Recruitment and the Recruit," 48-49.

¹²⁰ Faruk Aydın, *Osmanlı Devleti'nde Tanzimat'tan Sonra Askeralma Kanunları (1839-1914)* (Ankara: Genelkurmay Basımevi, 1994), 11.

main theme of the law was declared in the first article: all Muslim subjects of the Ottoman State were obliged to perform their military service personally.¹²¹ It is argued here that this was probably the most important step to conscription because the statement that made the military service an obligation for all Muslim subjects of the Empire gave the meaning of duty to military service.

In the 1846 *Kur'a Kanunnamesi*, the method of the kur'a was described in detail. According to this, first, conscription councils would be formed in every recruiting district. Before the drawing of lots was to take place, the population records were checked and possible recruits were identified. These possible recruits, who were identified according to the census reports of the time, were ordered to report to the district capital personally. Some of them, who were exempt because of health or other reasons (people who were in the civil service and attendant in courts and medrese, sheikhs, prayer leaders, students (*talebe-i ulûm*), men who were the sole breadwinner for the subsistence of the family (*muin*), and diseased people were exempt from the military service¹²²), separated and the others organized around a square or open place.

Envelopes which had the soldier nominees' name on them were put in a bag. An equal number of envelopes were put in another bag. Some of the papers in the envelopes in the second bag had written on them "*asker oldum*" ("I have become a soldier") depending on the number of soldiers needed, and the rest of them were left blank. First, the mufti of the *kaza* (district), or if he was not there somebody else from the ulema, took names from the first bag and read the name out. The soldier candidate whose name was read drew out an envelope from the second bag. If he drew out an envelope with the paper "*asker oldum*" on it, he would be taken into the

¹²¹ Heinzelmann, 143-44.

¹²² Aydın, 14-15; Şimşek, "Ottoman Military Recruitment and the Recruit," 53-54.

military. This system went on until all the papers with “*asker oldum*” on them had been read. The code of law stated that when the implementation of the kur’a had been completed once it could not be repeated and the result could not be changed.¹²³

Apart from these, I am going to briefly specify the other regulations of the *Kur’a Kanunnamesi*;

First, the implementation of *kur’a* was to be conducted by an assembly to prevent any injustice. This assembly would be constituted by an administrative chief (*kaza zabiti*), a military officer (*subay*), an examiner (*mümeyyiz*), a clerk (*kâtib*), a judge of the *kaza* (district), a *mufti* of the *kaza*, and the other notables of the *kaza* and ulema. If an illegal situation occurred, the whole assembly members would be blamed (Article 8).

Second, if a person, who was supposed to be present at the place of the kur’a did not show, then he automatically would be registered as a soldier without kur’a (*bilâ kur’a*) (Article 9).

Third, men who were selected in the kur’a had 20 days off to see their parents and organize their affairs. After 20 days they had to join the military. If they did not, they would be punished (Article 10).

Fourth, it was forbidden to hide soldier nominees before or after the kur’a. Anyone caught doing so would be punished (Article 12).

Fifth, exemptions from the military service were separated into two groups, permanent exemptions, and conditional exemptions. When the reason for the temporary exemption disappeared, the man had to go to the military. Among conditions qualifying one for exempt status were men who were in the civil service and worked in the courts and medreses, sheiks (*seyh*), muftis, prayer leaders

¹²³ *Qur’a qanunname-i humayunu* (Istanbul, 1286/1870-71), parts 1 and 4, cited in Zürcher, 83-84; Heinzelmann, 158-159.

(*imams*), students (*talebe-i ulûm*), men who did not have anybody to look after their families, in short, who were the sole breadwinners in their families (*muin*),¹²⁴ and diseased people (Articles from 14 to 23).¹²⁵

Finally, the officers who were assigned to conduct the kur'a were never allowed to accept food, clothes or money from anyone in the place where they were assigned (Article 37).¹²⁶

These were the prominent subjects in the code of law for the kur'a. The legislators and the government probably thought that these regulations would help them to perform the kur'a smoothly and prevent any resistance to the recruitment which could come from the subjects of the Empire. However, the situation was not that simple. The system faced problems, which will be the subject of the following section.

Implementation of the Kur'a System in Everyday Life

The law of the kur'a system and planned implementation of it were more or less as described above, but, these were definitely new for the subjects of the Empire.

¹²⁴ Nicole A.N.M. van Os explains the meaning of *muin(siz)* with reference to Mehmet Zeki Pakalın; "...*muinsiz* is a term used for a person who does not have anybody to look after his mother, or, if married, his wife; in short, for a breadwinner." Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü* (3 vols., Istanbul, 1983) 2: 573, cited in Nicole A.N.M. van Os, "Taking Care of Soldiers' Families: The Ottoman State and the *Muinsiz aile maaşı*," in Erik Jan Zürcher, ed., *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (Londra: I.B. Tauris, 1999), 96.

¹²⁵ The law did not mention about the non-Muslim subjects of the Empire, but, they were exempt from the military service in practice for a long period of time with an amount of money which called *cizye* (poll-tax) until 1855 and then *iane-i askeri* (military assistance), finally called *bedel-i askeri* (military payment-in-lieu). This system more or less stayed the same until 1909, when military service was made compulsory for all Ottoman subjects.

¹²⁶ Ayın, 11-19.

Suddenly, young men became potential soldiers when they were farmers or merchants or just children of their family. The kur'a would determine their futures. An unfortunate draw would separate them from their jobs, family and normal life to serve in the military for a long period of time. Besides, this system was still unknown despite all the regulations because laws and regulations were already strange for the subjects. On the other hand, the kur'a was one of the practices of the Tanzimat which could exemplify the problems during the "modernization." I will discuss the implementation of kur'a and its legislation below with several examples thus it can be seen whether the efforts of government served the purpose or not and how the system would be conducted with real people in everyday life. Starting from the attempts to implement the kur'a in accordance with the law, the study goes forward with more chaotic implementations.

Putting the Conscription Law into Practice

The introduction of conscription did not suddenly made the military service more agreeable to potential soldiers. Despite all the regulations in the law performing the kur'a in practice was still problematic. Compulsory military service and the law were new and unpredictable to the ordinary people. This caused problems before and during the kur'a. Men tried to hide, not report to the kur'a place, or directly rebelled against the implementation of the kur'a. The law had regulations about most of these problems, but if it did not, arbitrary practices could appear. One way or another, the system caused fear and hatred among the subjects against the military service obligation.

According to a document, two headmen (named Himmet and Mustafa) of the tribe, Haremeyn, which was subjected to Ankara province,¹²⁷ hid some of the soldier candidates during the 1853 and 1854's kur'a and they were punished.¹²⁸ It is unknown why or how they hid these soldier nominees; however, one can guess that there were some patronage relations in this incident. They might have had good relations with these nominee men or they might have taken something in exchange for the help. Although Kur'a Kanunnamesi stated absolutely that no one could hide soldier candidates before or after the kur'a and if they did, they would be punished, subjects would continue to take advantage of their relations for hiding.

On the other hand, according to the code of law for the kur'a, a man, who should have been at the place of the kur'a, but did not come, automatically would be registered as a soldier without kur'a (*bilâ kur'a*).¹²⁹ Three inhabitants of villages in Prizrin did not show up for the kur'a. As a result, according to this record, all of the young men from these villages who were eligible for the military (32 young men), were registered as soldiers without kur'a. In the same place but another region called Gavra, four inhabitants of villages also did not report to the place of the kur'a. So, 111 young men who were eligible for the military (*esnan erbabi*) were registered as soldiers without kur'a. They were 143 young men in total.¹³⁰ Normally, only these seven people should have been registered as soldiers according to the legislation, but all of the young men in the villages were registered as soldiers in this incident. This was probably a kind of control mechanism to dissuade people from escaping the kur'a. However, as can be seen from the records, the mechanism was inefficient.

¹²⁷ The Haremeyn tribe lived in Ankara but also in Sivas.

¹²⁸ BOA.A.AMD.80/3, 1273 (1857).

¹²⁹ Heinzelmann, 146.

¹³⁰ BOA.A.MKT.NZD.2/87-1, 10 Ra 1266 (24 January 1850).

And these arbitrary implementations made military service more frightening to the people of the Empire.

Arbitrary implementations could sometimes cause bigger problems. For instance, recruitment was performed contrary to the kur'a system and this influenced the relation between the government and its subjects badly. As discussed above, the implementation of the kur'a was to be performed by the *meclis-i kur'a* (assembly of kur'a) and its officers, but most of the time because of the resistance to the system, the legislation was not followed. This increased the fear among the people which was already there because of the fear against the military service. For example, during the implementation of kur'a in 1858 in Damascus, soldiers were assigned the duty of recruiting, which was not in accordance with the kur'a law. Actually, it was not the implementation of kur'a but it was seizing young men for military randomly. The soldiers might have been conducted it by force. This frightened the people of Damascus greatly and caused distrust.¹³¹

A similar incident happened in Aleppo in 1850.¹³² There were some riots in Aleppo in the 1850s. The document in question reports that the aim of the riots was to prevent the implementation of kur'a. It is said that these rebels (*usat*) had thought that they could take advantage of the chaos to disrupt the recruiting. According to the record, it was important and necessary to punish these rebels to prevent them to spread these incidents to other places. That is why it was crucial to send soldiers to Aleppo as quickly as possible (*tizelden*). Every kind of measure had to be taken immediately (*serian ve acilen*) to put down (*def'i*) the riots. The governor of Aleppo was ordered to hold off these rebels until the soldiers came to there. Finally, as a

¹³¹ BOA.A.MKT.UM...306/61, 21 C 1274 (06 February 1858); Şimşek, "Ottoman Military Recruitment and the Recruit," 72.

¹³² BOA.A.MKT.UM...36/45-1, 29 Z 1266 (05 November 1850).

lesson to these rebels (and as an example to other places), all of the young men in Aleppo who were eligible for military service were taken into the military without exception and without kur'a.¹³³ Military service already caused discontent among the people and it became a disaster with these rude implementations and heavy handed responses from the government.

Trying to implement the law in everyday life was not as easy as it was to legislate. When the law encountered real people, it sometimes changed. The reactions of subjects sometimes could soften the law, but sometimes harden it. In the Ottoman Empire, the second one happened most often. This made things more difficult instead of easing them and increased the reactions against it.

Exemptions from the Kur'a: Muslim and non-Muslim Subjects of the Empire

Subjects of the Empire could use the exemptions which were regulated by the law for getting rid of the kur'a system that indirectly meant to get rid of the military service obligation. At the same time, these exemptions could cause problems between the subjects. When some of them took the advantage of exemptions the others had to do their compulsory military service. Non-Muslim subjects of the Empire also included in that process. They were exempt from the military service in practice which will explain in detail below. Here are the questions of this section; how did the subjects use these exemptions? How did the exemptions cause inequality between the subjects? I will try to answer these questions with the

¹³³ BOA.A.MKT.UM...36/45-1, 29 Z 1266 (05 November 1850): "*Halep şehrinin defter-i nüfusunda ne kadar esnanda bulunan kimse var ise bilâ istisna askere alınması (...)*"

examples below. This is also helpful to see the system from the eyes of the ordinary people.

It is proper to remember the exemption regulations in the *Kur'a Kanunnamesi* (code of law for kur'a). Articles from 14 to 23 regulated the exemptions. Accordingly, the people who were in the civil service and worked in courts and medrese, sheikhs, prayer leaders, students (*talebe-i ulûm*), men who did not have anybody to look after their families, in short, the only breadwinners in their families (*muin*), and diseased people were exempt from the military service.¹³⁴

Although it was the subjects of the next chapter suffice it here to say that Muslim men could also buy exemption by supplying a personal replacement (*bedel-i şahsi*).

The using of these exemptions can be understood in the following example. In a record that was written from the Grand Vizierate to the provinces of Anatolia and Rumelia, the Grand Vizierate mentioned a case which had happened in all of these provinces. Many people who were engaged in craft and commerce pretended to be students (*talebe-i ulûm*), and dressed in student clothes at the time of the kur'a. According to this record, the teachers also helped to disguise these people.¹³⁵ This was of course a strategy to avoid the military service and the Empire had noticed of this. In this record, it is also said that to take preventive measures against this problem. Probably these strategies never end up. In spite of all the regulations concerned with the recruitment system, the length of the service and other details, military service remained an obscurity to the ordinary people. That is why they kept finding ways to not do it. These strategies will be discussed in the next chapter in detailed. This example is enough for now to understand the positions of the subjects during the implementation of the kur'a.

¹³⁴ Heinzelmann, 151-53.

¹³⁵ BOA.A.MKT.MHM.341/3, 13 R 1282 (03 September 1865).

On the other hand, recruiting non-Muslims was not thought of for many years. Even if it was considered, it remained most of the time as a theory. So, it is not wrong to say that the non-Muslim subjects of the Empire were exempt from the military service in practice. Gülsoy and Heinzelmann have different views on this subject. According to Heinzelmann, the Tanzimat Fermanı (Imperial Edict of Gülhane) and kur'a Kanunnamesi (code of law for kur'a) did not include the non-Muslim subjects of the Empire. That is why non-Muslims were exempt from military service according to Heinzelmann's interpretation. He shows the religious principals of the kur'a kanunnamesi as a reason for his statement.¹³⁶ But he does not explain it in detail. On the other hand, Gülsoy thinks that it included the non-Muslims, too. According to Gülsoy, a sentence in the Edict shows that it also included the non-Muslims. This sentence was; "it is the duty of the subjects to provide soldiers for the defense of the fatherland."¹³⁷ He states that the word "subject (*ahali*)" included all of the Muslim and non-Muslim people of the Empire.

I am in the middle of these two interpretations. I think there is no certain statement in the Edict or in the code of law for kur'a concerned with the military situations of the non-Muslim subjects. Also, I cannot say that the non-Muslims were definitely exempt from the military service, according to the legislation. But, as far as I can see from the archival documents, they were not recruited into the military in practice.

However, all the non-Muslim subjects were obliged to pay an amount of money in return for their exemption from the military service. So, this was actually not a chance for non-Muslims, but an obligation. Even the reform decrees did not

¹³⁶ Heinzelmann, 160.

¹³⁷ Gülsoy, 41.

bring the same military service obligations to the non-Muslims as the Muslims. In May 1855 the Ottoman government made an announcement, according to which military service which had been restricted to Muslims until this time, was extended to include the Christian subjects of the Empire. This announcement also required the abolition of the poll-tax (*cizye*), admission of the Christian to the army where they would be allowed to rise to the rank of colonel and to the civil service where they could rise to the highest grade.¹³⁸ The Reform Decree of 1856 also stated the same points. It announced that "... all the subjects of my empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to merit, and conformably with rules to be generally applied."¹³⁹ The same decree also stated clearly that non-Muslim subjects were also obliged to military recruitment, but "permitted the sending of substitutes or the purchasing of exemption."¹⁴⁰ However, this was never implemented in practice. In fact "Instead of serving in the army, the non Muslim subjects of the Empire were permitted to commute their duty of military service to an exemption fee, the *bedel*, which happened to coincide exactly, in the method of assessment and collection, with the abolished poll-tax."¹⁴¹ Besides, neither non-Muslims subjects nor the Ottoman government were enthusiastic about the recruitment of non-Muslims. Thus they paid this exemption tax which was called first *iane-i askeri* (military assistance) and then

¹³⁸ Bernard Lewis, *The Emergence of Modern Turkey*, second ed. (London: Oxford University Press, 1968), 337.

¹³⁹ Carter V. Findley, "The Acid Test of Ottomanism: The Acceptance of Non-Muslims in the Late Ottoman Bureaucracy," in ed. Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire: The Functioning of Plural Society* (New York: Holmes & Meier Publishers, inc., 1982), 341.

¹⁴⁰ *Ibid.*, 342.

¹⁴¹ Lewis, *The Emergence of Modern Turkey*, 337.

bedel-i askeri (military payment-in-lieu). This system more or less stayed the same until 1909. Military service was made compulsory for all Ottoman subjects in 1909.¹⁴²

As can be guessed, this practical exemption caused problems between the Muslim and non-Muslim subjects of the Empire. A letter which was written on 24 January 1847 by a Bulgarian subject named Istefan from the village of Kalofer in Filibe, a province (*eyalet*) in Rumelia, reported attacks by Muslims.¹⁴³ He first mentioned Turks who had been registered for the regular army with the *kur'a*. Probably, he was referring to Muslims in his use of the word of “Turks”. Then he gave numbers from the villages. According to his statement, one soldier (*nefer*) had been taken from Doymuşlar village, six soldiers from the village of Küçükoba, and eleven soldiers from the village of Okçular. “This made the Turks angry,” he said in his letter. With following his letter, 150 Muslims (he wrote “*islam*”) had come to their village and beat the son of a man named Istancon to death. They had taken the hat (*fes*) and shoes of a man named Raso and in the bazaar place they had taken “Christians” (This is directly Istefan’s word from the letter) hat and shoes. He continued;

(...) then they entered houses for drinking and eating. They rode (got on-*bindiler*) Christians as riding on horses. They took the *medrese*’s teacher’s hat (*fes*), his wife’s belt (*kuşak*), and students’ shoes and hats. They are going to burn our village, we are afraid.

He wanted to inform their Great *Efendi* (He referred to the Sultan by saying “Great Efendi”).

¹⁴² Erik Jan Zürcher, “The Ottoman Conscription System in Theory and Practice, 1844-1918,” in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 88-89, Odile Moreau, *Reformlar Çağında Osmanlı İmparatorluğu: Askeri “Yeni Düzen”in İnsanları ve Fikirleri 1826-1914*, translated by Işık Ergüden (İstanbul: Bilgi Üniversitesi Yayınları, 2010), 13-15.

¹⁴³ BOA.A.MKT.65/35, 18 S 1263 (04 February 1847).

Istefan probably thought that the “Turks” (Muslims) were angry because they had been recruited to the military. That is why they reflected this temper to the non-Muslim subjects of the nearby village. Maybe this was an act against the non-Muslim subjects’ exemption from military and kur’a because while Muslims had to be at the kur’a place and wait for their names to be read, it was not the same with the non-Muslims. And I think this was a huge problem because, as can be seen from the examples, neither Muslims nor non-Muslims, practically saying, nobody actually wanted to go into the military.

Subjects tried to take advantage of exemptions. What is of important here is that this course of action shows the reluctance among the subjects against the kur’a and military service. On the other hand, practical exemptions and purchasable exemptions increased the tension between individuals and the government.

Invention of a crime: Receiving Gifts and Money

A regular army was a modern institution with its tools which contains a systematic recruitment style (kur’a system), its legislation and officers who were in charge of doing the recruitment. The encounter of the modern with the tradition would cause some cracks in the relationship between the officials (who represented the government) and the ordinary people. It was the same for the new army and its recruitment system. The transformation from the “old” to the “new” would also transform a tradition into a crime. When patronage relations, gift exchange for bureaucratic processes, getting economic benefits from one’s position were normal and ordinary factors of the pre-modern era, they were replaced with meritocracy,

neutrality of government officers, getting just the payment for one's position but nothing more in modern times.¹⁴⁴ Thus, traditional and normal facts of the pre-modern era suddenly came to be considered a crime or "corruption."¹⁴⁵ The examples below will help to understand this transformation, and the relationship between the Empire and its subjects, and how the subjects saw this relationship.

Gift exchange was an old tradition in the Ottoman Empire. Even Moltke mentions this tradition in his letters. According to him, the subjects of the Sultan could not get close to an upper person (bureaucrat, officer, or other high status person represented the Sultan) without a gift. For example, if someone sought justice from the kadı, this person needed to bring a gift. State and military officers were used to receiving tips (*bahşiş*). Moltke also noted that "the biggest gift-taker is the Sultan."¹⁴⁶ With a tradition like this, it was normal for the subjects of the Empire to think it was appropriate to give gifts to officers who came to their villages to implement the kur'a.

In Yeniil, a sub-province of Sivas (*Aşiret-i Türkmân-ı Haleb*), there was the Haremeyn tribe (a Turkmen tribe). According to the archival documents¹⁴⁷ they lived also in Keskin, Kırıkkale (Ankara). They were spread in three villages. During the implementation of the 1846-1847 years' kur'a in this tribe by the Istanbul Imperial Army's artillery colonel (*Dersaadet Ordu-yu Hümayunu Topçu Miralayı*), Emin Bey, there were some incidents. Emin Bey was accused of taking gifts and money

¹⁴⁴ Cengiz Kırılı, "Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi," *Tarih ve Toplum Yeni Yaklaşımlar*, no. 4 (Güz 2006), 46.

¹⁴⁵ Ibid.

¹⁴⁶ Helmuth von Moltke, *Moltke'nin Türkiye Mektupları*, trans. Hayrullah Örs (Istanbul: Remzi Kitabevi, 1999), 56-57.

¹⁴⁷ BOA. C..ML...229/9568, 17 Ş 1260 (31 August 1844); BOA. A. DVN. 29/46, 09 L 1263 (19 September 1847).

from the people of the tribe. Thus, there were some investigations about this incident. The relevant official report¹⁴⁸ (*mazbata*) that I am going to tell was written after the petition (*arz-ı hâl*) of the previous district governor (*kaymakam-ı sabık*), Hacı Ali Ağa, by the Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*).

The report contains the statements by different people about the case. This will also be helpful to see the people's point of view on different positions. The statements belonged respectively to Hacı Ali Ağa, Emin Bey, Abidin Bey (previous leader of the tribe), Nevşehirli Memiş (one of the witnesses of Hacı Ali Ağa), Kengirli Ahmet, and Emin Bey's clerks (*katib*).

In the report, firstly, Hacı Ali's statements were summarized. With reference to his petition, Emin Bey, who had been assigned to conduct the kur'a of Haremeyn tribe in 1846, had accepted some horses, rugs and money from the people of this tribe. Following Hacı Ali's story, when Emin Bey came to the district, Hacı Ali had been in Elmadağı for tax collection. Emin Bey had wanted to gather the tribe's people in one place and perform the kur'a. However, the headmen of the tribe (*muhtaran-ı aşireti*) had said to Emin Bey that people of the tribe were dispersed and it would be impossible to gather them in one place. Therefore, they had wanted to give Emin Bey 15,000 piasters (*guruş*), three horses (*esb*), and ten rugs to persuade him to perform the kur'a in three separate places. Allegedly, in the end, they have given him one horse which was worth 1,500 piasters, two horses which were worth 4,000 piasters, four rugs which were worth 800 piasters and in addition to the 15,000 piasters, 3,000 piasters from the district's treasury (*mal sandığı*) in cash. Besides, again according to the assertions, Emin Bey had not paid any money for food and accommodation in the places where he had passed and stayed.

¹⁴⁸ BOA. A.MKT. 107/35, 29 M 1264 (5 January 1848).

These mentioned horses, goods and cash money, totaling 9,300 piasters, the cost of food and accommodation were counted up on the tribe's account in case of Emin Bey's dismissal. That is why this amount must have been received from Emin Bey. According to the record,¹⁴⁹ Hacı Ali Ağa also asserted that Emin Bey took a horse from his barn by force in 1847. He declared that he wanted this horse back.¹⁵⁰ This was the narration of Hacı Ali Ağa of the incidents.

On the other hand Emin Bey, who was accused of taking money, gifts and horses, reported the events differently, while being interrogated by the Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*). According to Emin Bey's statement, when he had arrived at the Haremeyn tribe to conduct the tribe's kur'a, he had found out that it would be impossible to gather the people of the tribe in one place. Thus, he had given up conducting the kur'a and allowed to take the number of needed soldiers according to their own skills, which probably meant recruiting them considering their physical condition. Following Emin Bey's statement, the headmen of the tribe had still offered to give him 75,000 piasters. However, Emin Bey said that he had not accepted it. The previous leader of the tribe, Abidin Bey, also had wanted to give him a horse worth 1,500 piasters and Emin Bey had refused that, too. He also said he could show receipts for all of his accommodation and foods. Furthermore, Emin Bey

¹⁴⁹ BOA. A.MKT. 107/35, 29 M 1264 (5 January 1848).

¹⁵⁰ Ibid.: "(...) Emin Bey (...)usul-ü kur'anın üç mahalde icrası zımnında on beş bin kuruş ve üç re's esb ve on adet kilim verilmek üzere bilmukavele bin beş yüz kuruşa bir re's ve ikişer bin kuruşa iki re's esb ve ikişer yüz kuruşa dört adet kilim iştira olunarak ve zikr olunan on beş bin kuruşa mahsuben dahi mal sandığından nakden üç bin kuruş istikraz kılınarak mir-i mumaileyhe i'ta olunmuş ve geçtigüzar ettiği mahallerde me'külat baha ve menzil ücreti olarak bir akçe vermemiş olduğundan bervech muharrer esb ve eşya-yı saire bahası ve nakden verilmiş olan akçeyi cem'an dokuz bin üç yüz kuruşu ve mezkûr mekûlatbaha ve menzil ücretlerini muahharan kendisinin azli vukuunda ahali hesabına mahsub eylemiş olduğu beyanıyla mebalîğ-i mezkurenin mir-i mumaileyhden tahsili ve mir-i mumaileyh 63 senesi Kur'a-yı Şerîyesinin icrası memuriyetine azimetinden dahi kendi ahırından cebren bir esb aldirmiş olduğundan esb-i mezkûrun dahi istirdadı hususu istida olunmuş..."

said that he had not taken a horse by force, unlike Hacı Ali had said. He claimed that he had bought it from Mehmet, who was a man from the Haremeyn tribe.¹⁵¹

Thirdly, the Deliberative Council of the Army asked about the incidents to the previous leader of the tribe, Abidin Bey. His narration was quite different from those of the previous two men. According to the report,¹⁵² contrary to Emin Bey's statements, Abidin Bey said that he had not given horse to him. However, when the previous district governor, Hacı Ali Ağa, had been in Elmadağı to collect *akçe* (small silver coins),¹⁵³ two old men from the tribe had given Emin Bey two horses to persuade him not to include their sons in the kur'a and a man from the tribe called Ödemişli İsmail had given one horse to Emin Bey. Abidin Bey also said that he had not heard anything about the horse that Hacı Ali Ağa had accused Emin Bey of taking from his own barn. According to Abidin Bey, the mentioned horse had been taken from Ödemişli İsmail. That is why Abidin Bey had said that Hacı Ali had had no right to this horse and İsmail had had the right to demand it.

Then, the district governor, Hacı Ali Ağa, presented two witnesses to prove that Emin Bey had taken 3,000 piasters. One of these witnesses was Nevşehirli Memiş. He narrated the incidents; some of the menservants (*kedhiida*) from the tribe, who were Tülek Ahmet, Ödemişli Hacı İsmail, and Kuzugödenli Hasan Azade Mehmet, had come to Hacı Ali Ağa's manservant, Hacı Ahmet Ağa, for a loan. He had given them 3,000 piasters and gone with them to the mansion (*konak*) where

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ It was not mentioned in the report why Hacı Ali Ağa collected these *akçes* or from whom he collected them but it was written as I cited.

Emin Bey was. And according to Nevşehirli Memiş, Hacı Ahmet Ağa had seen that these three menservants had given Emin Bey the money.¹⁵⁴

However, Kengirli Ahmet, who was from the people of Hacı Ahmet Ağa, did not tell the same story as Hacı Ahmet Ağa and Nevşehirli Memiş. It is not clear in the report¹⁵⁵ what Kengirli Ahmet told the Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*); however, there were differences between the names Kengirli Ahmet and Nevşehirli Memiş gave. There were also some disparities between the places they said where this “money borrowing” incident had happened.¹⁵⁶ As discussed above, it is not clear in the record, but it was just written that there were disparities between their statements. That is why, according to the Deliberative Council of the Army, it was not certain that if Emin Bey had taken the money or not.

The aforementioned four rugs narrated by Hacı Ali Ağa¹⁵⁷ also were asked to the Emin Bey’s clerks in the years of the incident. They said that they had seen some rugs; however they did not know how these rugs had been bought. That is why, according to the Deliberative Council of the Army, the situation here was just as unclear as it was in the money incident.

The report¹⁵⁸ says that even if Emin Bey had taken these rugs and money, the people who had given them to him should have gone to the law and not Hacı Ali

¹⁵⁴ BOA. A.MKT. 107/35, 29 M 1264 (5 January 1848).

¹⁵⁵ Ibid.

¹⁵⁶ BOA. A.MKT. 107/35, 29 M 1264 (5 January 1848): “(...)Nevşehirli Memiş takririnde kaymakam-ı mumaileyhin kethüdası Hacı Ahmet ağa mir-i aşiret Yusuf beyin konağında olduğu halde aşiret kethüdalarından Tülek Ahmet ve merkum Ödemişli Hacı İsmail ve Kuzugödenli Hasan azade Mehmet ağnam kimesneler gelip merkum Hacı Ahmet Ağadan karz alarak 15 bin kuruş talep etmeleriyle (...)”

¹⁵⁷ Ibid.: “(...)bin beş yüz kuruşa bir re’s ve ikişer bin kuruşa iki re’s esb ve ikişer yüz kuruşa dört adet kilim iştira olunarak (...)”

¹⁵⁸ Ibid.

Ağa.¹⁵⁹ Nevertheless, it was obvious to the Deliberative Council of the Army that Emin Bey had admitted that he had taken the mentioned two horses in exchange for holding the kur'a in three different places. In the last lines of the report, the Deliberative Council of the Army stated that the *Kur'a Kanunnamesi*'s legislation concerned with the officers who had been tasked with the implementation of the kur'a, would never have allowed to take anything from the people of the kur'a place. They said that it was one of the most important obligations of the kur'a. Even if the thing in question was a gift, it was still a crime to accept it. However, Emin Bey was sick. He had paralysis (*mevlûc*) on the date of the report had been written (the report's date was 1848). The Deliberative Council of the Army concluded that when Emin Bey recovered he should be punished with a reprimand.

These statements belonged directly to the ordinary people of the kur'a place. This is probably the most important feature of the document. Although the separate narrations and confusing details, it is possible to read it differently; one can say that people's settlement were dispersed in some regions of the Empire (e.g. Yeniil sub-province) which caused difficulties in gathering all of the young men of the place in a center and performing the kur'a. On the other hand, the people who lived in those places probably did not have good feelings about the government officials such as Emin Bey because of their duties (tax collection, recruitment, etc.). In short, these subjects could have been united against these officials.

In the aforementioned example, Hacı Ali Ağa, who was a previous district governor, probably had the knowledge of the new code of law for the kur'a because the whole investigation started with his petition. According to the 36th article of the 1846 *Kur'a Kanunnamesi*, officers who were assigned to conduct the kur'a would be

¹⁵⁹ At the beginning, this investigation carried out because of Hacı Ali Ağa's petition (*arz-ı hâl*) which I mentioned before.

sent by the armies to their places of assignment. It was forbidden for them to accept food, clothes, or money from anyone in their assigned places (Article 37 of the 1846 *Kur'a Kanunnamesi*).¹⁶⁰ The law was very strict on this subject. Hacı Ali Ağa might have had a problem with Emin Bey personally. The new law would have helped him to accuse Emin Bey, or Emin Bey might have taken the mentioned money, horses and rugs really with the habit of traditions. As was said before, gift exchange was an old tradition and it was not easy for the subjects to give up these old habits in a short time. However, as can be seen from the example above, in the implementation of the kur'a, gift or bribe, it was forbidden to take something from the people of the kur'a places. It was a certain prohibition according to the Kur'a Kanunnamesi. Even if it was difficult to find the truth about whether the officers took money, gifts, or bribes from the subjects or not, the government would punish them in any case.¹⁶¹ These complicated stories and assertions of different people proved that the government was actually unable to find the truth without a hitch. And the Ottoman State was unable to prevent these incidents, especially in the early years of the implementation.

How were embezzlement, patronage relations or bribery (mostly meant gift exchange) regarded as crimes in the early modern political thought?¹⁶² How could the subjects of the Empire know that these traditions had become crime over a night in the early modern era? Probably they did not. However, I do not mean to describe the subjects as ignorant people; on the contrary, I am trying to present their agencies.

¹⁶⁰ Aydın, *Tanzimat'tan Sonra Asker Alma Kanunları*, 17-18.

¹⁶¹ Cengiz Kırılı's article about the trials of the important Paşas who were Nafiz Paşa, Akif Paşa and Hüsrev Paşa are crucial to understand how traditions became crimes especially after the 1840 Criminal Law. For more information see, Cengiz Kırılı, "Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi," *Tarih ve Toplum Yeni Yaklaşımlar*, no. 4 (Güz 2006): 45-119.

¹⁶² Kırılı, 50.

These were their rituals and traditions. This was the encounter of modern law and these traditions, and the kur'a was an example of it. Accordingly, officers sent by government, local notables, muftis, or imams usually continued to come up against accusations such as bribe and corruption.

During the implementation of the kur'a in 1848 in Alâiye's districts (*kazas*), the mufti of Alâiye, Hacı Mehmed Emin Efendi, was accused of corruption. According to a record written by the *muhassıl* (tax collector on behalf of the government) of Alâiye, Hacı Mehmed Emin Efendi had taken bribes from three men (Rifâd, Abdullah and Ahmed) to not to put their names in to the kur'a. He had accepted 100 piasters from Abdullah, 100 piasters from Ahmed, and 150 piasters from Rifâd.¹⁶³ This was the statement of the muhassıl. However, there was probably a patronage relationship between the mufti and the three men. The mufti might have known these men and had good relations with them. Therefore, he did not include their names in the kur'a in exchange for some money as a gift. He might not have wanted the money, but the men might have wanted to give it for his help.

Sometimes ranked soldiers and military officers were accused of bribery. Salih Efendi, a commander in the Anatolian Army, was one of them.¹⁶⁴ According to this document, Salih Efendi was an abettor of Şahin Bey, who was the administrator (*kaza müdiri*) of Eğil, in this incident. They had taken money from young men to not include them into kur'a. This was referred to as a huge and serious crime (*tö Ahmet-i cesime*) in the government document and it is said that these people had to be punished. The same possibilities with the aforementioned case are valid for this, too. They might have been friends with the men who wanted to protect them or they

¹⁶³ BOA.A.MKT.137/28, 01 Şevval 1264 (03 July 1848).

¹⁶⁴ BOA.A.AMD.19/43, 07 N 1266 (17 July 1850).

might have taken the money just because they wanted to, meaning bribery and corruption in modern sense, but causing confusion in the early modern era.

These are the possibilities concerned with the incidents, but the government would see it as corruption with the eyes of the law in the modern sense. This was also an implementation problem of the kur'a system for the government in that subjects could get away with it by using their relations with notables. That is why the assembly of kur'a (*meclis-i kur'a*) had been constituted by five attendants made up of a regiment officer, a regiment prayer leader (*imam*), a regiment clerk (*kâtib*), a doctor and a lieutenant senior grade, and local officers would accompany the assembly members to secure the neutrality of the *meclis-i kur'a* and prevent negative incidents such as protection and patronage.¹⁶⁵ As seen in above mentioned cases, this was not the way it happened in practice because everyday life is not mechanical and relations, feelings, strategies and concerns are included in it.

Concluding Remarks: Micro Problems as a Part of Macro Ones

These above examples show not only the problems of the kur'a system and its law, but also the problems in the overall system; the Tanzimat state. The Tanzimat was a modernization program for the Ottoman Empire. It was a step toward a modern state or an effort to be a modern state for the Ottoman State with its regulations and transformations. The military reforms in the nineteenth century for the purpose of reorganization caused a big innovation with the introduction of tax collection and one of the most unlikable precautions of Tanzimat for the subjects of the Empire,

¹⁶⁵ Heinzelmann, *Cihaddan Vatan Savunmasına*, 146.

compulsory military recruitment.¹⁶⁶ Both the kur'a and other systems of the Tanzimat were new to the people of the Empire and these systems were an intervention to their lives. These implementations were different from their previous lives which were the traditional way of doing things for the subjects.

As Bröckling puts it, the modern state and a regular army are inseparable units.¹⁶⁷ Government officers and other bureaucrats play important roles in modern states. From this point of view, state and military officers had a lot of responsibility in the Ottoman Empire during the transformation under discussion. In the previous documents from the archives which discussed above, it is understood that the military and state officers played these important roles in the implementation of the kur'a. There are also some documents which are directly concerned with the “hard work” of state and military officers in the implementation of the population censuses and the kur'a without problems and resistance. However, most of these documents show that the attempts to implement the kur'a and other state devices such as population censuses, collecting taxes, and to spread the Tanzimat to the entire Empire, which I call “attempts at placing the modern state” were mostly problematic.

A record¹⁶⁸ concerned with Bosnia is an example of the situation that I stated above. As discussed in the previous chapter, reactions against the disbandment of the

¹⁶⁶ Odile Moreau, *Reformlar Çağında Osmanlı İmparatorluğu: Askeri “Yeni Düzen”in İnsanları ve Fikirleri 1826-1914*, translated by Işık Ergüden (İstanbul: Bilgi Üniversitesi Yayınları, 2010), 11.

¹⁶⁷ Ulrich Bröckling, *Disiplin: Askeri İtaat Üretiminin Sosyolojisi ve Tarihi*, trans. by Veysel Atayman (İstanbul: Ayrıntı Yayınları, 2001), p. 23

¹⁶⁸ BOA.A.AMD. 23/90, 29 Z 1266 (5 November 1850).

Janissary corps were strong in Bosnia and continued for long years.¹⁶⁹ It also continued during the implementation of the kur'a system. That is why the Grand Vizierate ordered the Governor of Bosnia and the commander of Rumelia to work very hard at the population censuses and after the census, in order to introduce the kur'a system there. The document¹⁷⁰ states that “the kur'a is one of the main articles of the Tanzimat and reforms for the military¹⁷¹ and for performing the kur'a, population census were needed first.” However, “because of their rigorous character,” the Bosnian people were opposed to the census and the kur'a. So, the center ordered that the governor of Bosnia and the commander of Rumelia discipline these people and suppress the resistance anyway.

According to the language that was used in the document, the commander and governor were successful in their efforts. But, in the last lines of the document, the Grand Vizierate summoned Herzegovina's *mutasarrif* (a kind of governor in *sancaks*) and Bosnia council's headman (*reis*) to the center, Istanbul, to discuss the country's order. This shows that the situation in Bosnia was not going well, as was noted in the first lines of the document. On the other hand, it was easy for the center to associate opposition with the Bosnian people's character because of the long years of resistance in this place. The reluctance against the kur'a and military service however were not peculiar to the Bosnian people. On the contrary, the examples

¹⁶⁹ See Chapter 2 of this thesis; and see also Odile Moreau, “Bosnian Resistance to Conscription in the Nineteenth Century,” in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 129-137; Fatma Sel Turhan, *Eski Düzen Adına: Osmanlı Bosna'sında İsyân, 1826-1836* (İstanbul: Küre Yayınları, 2013).

¹⁷⁰ BOA.A.AMD. 23/90, 29 Z 1266 (5 November 1850).

¹⁷¹ “(...) *tanzimat-ı hayriye ve tensikat-ı askeriye'nin mevâdd-ı asliyyesinden olan kur'a-yı şer'iyye* (...)”

given show this was common throughout the Empire. This reluctance and opposition cannot be attributed to the people of any one place.

These examples that I mentioned above show the implementation of the kur'a system in the everyday life in the nineteenth century Ottoman Empire. As is understood, the system was not perfect and it did not function as thought. The government probably did not consider the agencies of the people of the Empire. They had feelings, angers, hatred and habits as any other human beings. They had traditions that were not easy to give up. In the encounter of modern and tradition, there occurred cracks and grey areas which could not identified just as black or white.

The aforementioned examples also show the reluctance of the Ottoman subjects against being soldiers in the military. They bring up a "refusing strategy" in our table for discussion. For instance, bribing the officials was a tradition on the one hand, but on the other hand it used as a strategy to avoid the kur'a and the military. That is why these implementation hitches should be also seen as forms of resistance from the subjects of the Empire. Edip Gölbaşı discusses the most common methods for escaping from military service. According to this, leaving the town and village, going to the mountains, not participating in censuses, escaping from the kur'a officers, migrating to other countries, bribing government officers or notables and self-mutilation were the most common desertion strategies.¹⁷² Starting from this point, "refusing-desertion" strategies will be discussed in the next chapter.

¹⁷² Edip Gölbaşı, "'Heretik' Aşiretler ve II. Abdülhamid Rejimi: Zorunlu Askerlik Meselesi ve İhtida Siyaseti Odağında Yezidiler ve Osmanlı İdaresi," *Tarih ve Toplum-Yeni Yaklaşımlar*, no. 9 (2009), 94-95.

CHAPTER FOUR

THE ARTS OF RESISTANCE¹⁷³ IN THE CONTEXT OF CONSCRIPTION: DESERTION, BANDITRY, AND OTHER METHODS OF THE ORDINARY PEOPLE

Ottoman subjects were never willing to join the military troops. Even if there was excitement in the beginning among the men for military service, it ended when they saw the conditions in the military. Starting from the recruitment process, they tried to escape and avoid the military obligation. The regular army and its regular recruitment system were the important tools of the Tanzimat for its attempt at placing the modern state. Edip Gölbaşı rightly points out about the Yezidi conscription and their avoidance of service that it was “an escape from the modern institutions and State control over the everyday life, and traditionally resistance to modern politics and modern life.”¹⁷⁴ Considering that, it could be said for all the subjects of the Empire.

This chapter tries to examine the resistance against the conscription during the early years of the implementation in the nineteenth century.¹⁷⁵ Fahmy argues several ways about the resistance to conscription in his book about Egypt which were

¹⁷³ I am using a chapter title similar to Scott’s, because it is in perfect harmony with the subject that will be discussed in this chapter. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).

¹⁷⁴ Edip Gölbaşı, “The Yezidis and the Ottoman State: Modern Power, Military Conscription, and Conversion Policies, 1830-1909” (MA. thesis, Atatürk Institute for Modern Turkish History, Boğaziçi Üniversitesi, 2008), 80.

¹⁷⁵ Ottoman subjects tried to avoid military recruitment starting from the establishment of regular army, *Asakir-i Mansure*. Şimşek gives some examples of the evasion of military recruitment, but most of these examples are from the early years of the regular army and before the *kur’a* system. For more information, see Veysel Şimşek, “Ottoman Military Recruitment and the Recruit: 1826-1853” (MA thesis, Bilkent University, 2005). On the other hand, this study tries to look the situation especially after 1843 because it is claimed in here that conscription came into the Empire after the *kur’a* system of 1843.

open rebellions (e.g. attacked the officials sent from center, refused to pay taxes), fleeing from their house to avoid being taken into the army, maiming themselves, resisting the conscription officers physically, directly deserting on their way to the conscription depots or from the training camps.¹⁷⁶ This was more or less similar to the case in the Ottoman Empire. Implementation problems of *kur'a* law, bribing the officials, rebellion against the officers, self-mutilation, and desertion before or after the recruitment were some of these strategies which were used by the Ottoman subjects. However, these avoiding strategies against the conscription and recruitment are difficult to see in the records.

How were the deserters registered by the government? What were the methods of ordinary people to escape from the military service? How was the life that was waiting for the deserters? Were they willing to live a life as deserters no matter how hard was it? Was the new system (conscription and being a soldier in the regular army) that bad as to accept the risk of being deserters? These are the questions that this chapter will try to answer.

“Registering” the Deserters

It is actually hard to find the deserters in the Ottoman archives. They mostly did not register unless they had committed a crime in the eye of law. Five cases are written below to help to explain the situation comprehensibly.

Case 1: After the implementation of the *kur'a* in Kızanlık district's (*kaza*) three villages (*karyeler*), Doymuşlar, Okçular, and Küçükoba in 1847, the chosen

¹⁷⁶ Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, His Army and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1997), 99-103.

men in kur'a escaped and attacked some people from Filibe district's Kalofer village. The *muhassıl* (tax collector on behalf of the government) of Filibe informed the government by his letter about these incidents. Some of these fugitives¹⁷⁷ (*firariler*) were arrested, but some of the other *nefers* (soldiers) escaped again. The tax collector mentioned that they were still trying to find these fugitives.¹⁷⁸ He directly talked about these fugitives as *nefers* (soldiers). So, this confirms the statement that if someone's name was drawn from the kur'a, he automatically became a soldier.

Two years later, two men were arrested in Istanbul, Yeniköy with weapons. Later, it was understood that one of them was a military deserter. He was sent back to his troop. *Zabtiyye Müşiri* (provincial paramilitary police- gendarmerie)¹⁷⁹ Mehmet Emin wrote this official record (*tezkire*) to inform the Grand Vizierate (*Sadrızamlık*) and ask for permission to send him back to his troop and punish the other man. Apparently, the fugitive was going to be punished in his troop by the Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*) or his commander.¹⁸⁰

¹⁷⁷ I came across using the word 'fugitive' for the meaning of military deserter in the book of Alan Forrest. Alan Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (Newyork: Oxford University Press, 1989).

¹⁷⁸ BOA. A.MKT. 70/8, 20 Ra 1263 (8 March 1847): "...zıkr olunan uygunsuzluğa cüret eden kesandan hayliceleri ahzla Kızanlıkta tevkif olunup beş altı neferi dahi firar suretiyle ahar mahalde bulunmuş oldukları bu defa rivayet ve istima' olunmuş ve bu keyfiyet-i istima' olunduğu halde firari-i merkulmar şayet bu taraflara intikal ederler mütalaasıyla bazı karyelere zabtiyye neferatı kolları ihrac olunarak zuhur ederler ise ahz u girifileri esbab-ı mukteziyesinin istihsaline mübaderet-i fariza-yı zimmet-i çakeranem bulunmuş olduğu..."

¹⁷⁹ As Nadir Özbek states it, *asakir-i zabtiyye* was a provincial paramilitary police organization established by bureaucrats of the Tanzimat state during the 1840s on an ad hoc basis. After the 1879 reform, it started to be called gendarmerie (*jandarma*). He states that he uses "gendarmerie" as a generic term to indicate the provincial paramilitary police organization of the Ottoman Empire before or after the 1879 reform program. I use the term "gendarmerie" as the English translation of zabtiyye in this thesis with reference to Nadir Özbek. See Nadir Özbek, "Policing the Countryside: Gendarmes of the Late 19th-Century Ottoman Empire (1876-1908)," *International Journal of Middle East Studies* 40 (2008): 47-67.

¹⁸⁰ BOA. A.MKT. 167/4, 6 S 1265 (01 January 1849).

Imamođlu Ali and Süleyman were from the *nahiye* (a place that was smaller than district and bigger than village) of Altıntaş of Kütahya *sancak* (sub-province). They went around armed and acted badly. They were also fugitives from the kur'a and *redif* (reserve soldiers). It was wanted to arrest them. However, a man named Keşşaf Efendi, helped them to escape again. Thereupon, the Deliberative Council of the Army (*Dar-ı Şura-yı Askeri*) wrote an official report asking for these fugitives to be caught and subdued.¹⁸¹

Case 2: A man, named Süleyman bin Osman, arrested for having injured someone. Süleyman was from the village of Göbekli in the district of Çorlu. Then, it was understood that he was a kur'a soldier and deserter.¹⁸² The record is about the punishment of Süleyman.

In 1857, Ahmed killed a sergeant (*zabtiyye çavuşu*). Ahmed was also a deserter from the army.¹⁸³ This record asked for approval for the implementation of his judgment.

Case 3: A woman, Emine, was beaten and raped by six men in Taşköprü district's (*kaza*) Orta village (*karye*) in 1859. The men had entered her house by force and had kidnapped her to the nearby of the Ersil brook, where they abused her.¹⁸⁴

¹⁸¹ BOA. A.MKT.MHM. 35/10, 8 L 1267 (6 August 1851): "...Keşşaf Efendi haber vererek merkûmları kaçırmakta idiđi mahallinden gelen iki kıt'a mazbata meâllerinden anlaşılmuş ve bunların ahz u giriftleriyle te'dîb ve terbiyeleri lâzımeden olarak merkûmların bi-eyy-i hâlin getirilmesi esbâbının istihsâli husûsunun taraf-ı şeriflerine iş'ârı Dâr-ı Şûrâ-yı Askerîden ifâde olunarak devletlü serasker paşa hazretleri tarafından bi't-tezkire beyân olunmuş ve bu makûlelerin derhal ahz u giriftleriyle te'dîb ve guşmâlleri lâzımeden bulunmuş..."

¹⁸² BOA. A.MKT.NZD. 124/33, 04 R 1271 (25 December 1854): "...Çorlu kazasına tabi Göbekli karyesi ahalisinden ve kur'a neferatı firarilerinden Süleyman Bin Osman..."

¹⁸³ BOA. A.MKT.NZD. 216/62, 14 B 1273 (10 March 1857): "...asakir-i şahane firarisinden Ahmedin ahz u girift kılınmasında zabtiyye çavuşu koca Ahmedi katl ve i'dam eylediđi cihetiyle..."

¹⁸⁴ It was written as "*fi'l-i şeni*" in the record. This Ottoman Turkish word's closest English meaning can be "sexual assault" or "rape".

The record¹⁸⁵ was about their punishment. However, upcoming lines show that one of these men, Çatık Hasan, was a deserter from *Asakir-i Nizamiye* (Regular Army). So, he was to be punished according to military law with the information of the commander in chief (*serasker*).¹⁸⁶

Case 4: In the *sancak* (sub-province) of Niğde, which was within the eyalet (province) of Konya, there were some incidents such as mugging and robbery in 1862. Some of the people involved in these incidents, were deserters from the kur'a and military. According to the record, these fugitives were to be sent to the related places for being punished.¹⁸⁷ The others were to be interrogated.

Case 5: In 1868, this time a man from Amasya named Ahmed was imprisoned for stealing sheep and lamb. According to the government, he was a criminal, but he was also a deserter from the army.¹⁸⁸ However, as is understood, the fact that he was a deserter had been revealed with this incident, which was seen as a crime by the government.

¹⁸⁵ BOA. MVL 592/84, 03 C 1276 (28 December 1859).

¹⁸⁶ BOA. MVL 592/84, 03 C 1276 (28 December 1859): “*Taşköprü kazasına tabi’ baviç kuyucağı divanı ahalisinden topaklı oğlu Halil ve kara bıçak oğlu Hasan ve köle oğlu Mehmed ve Osman ve kara kullukçu oğlu Hüseyin ve Akkaya nahiyesi burma divanı ahalisinden olub asâkir-i nizamiye firarisinden çatık Hasan nam şahıslar kaza-i mezkure tabi’ Ersil divanında Orta karyesi sakinelerinden zevci asâkir-i şahanede müstahdem bulunan Emine nam hatunun leylen menziline girip cebren darb ederek mezbureyi Ersil deresi nam-ı mahalle getirdiklerinde fi’l-i şeni’ icra ve irtikab eyledikleri ikrarlarıyla mahalli meclisinde tebeyyün eylediği bamazbata ifade olunmuş ve merkumeler derdest olunarak merkum çatık Hasan asâkir-i nizamiye firarisi bulunduğundan Bab-ı Seraskeri tarafına i’zam kılınmış...*”

¹⁸⁷ BOA. A.MKT.MHM. 252/72, 4 B 1279 (26 December 1862): “*...kur’a ve asâkir firarisinden ve takımından ve neferât ve eşhâs ahz ederek tahtelhıfz Konya’ ya irsâl eylemiş olduklarına mebnî asâkir-i merkûme merkezlerine irsâl kılınacağı misillü eşhâs-ı merkûmenin dahi zuhûr edecek müdde’iler ile usûl-i muhâkemeleri bi’l-icrâ tahakkuk edecek ve lâhık olacak hâle göre mazbatalarının bi’-tanzîm takdîmine i’tinâ olunacağından ol vakit tafsilâtı dahi arz ve iş’âr olunacağı...*”

¹⁸⁸ BOA. MVL 749/60, 9 N 1284 (4 January 1868).

These five cases have something in common. On the one hand, all of these records mention one or more deserters inside their story. On the other hand, all of these “hidden” deserters emerged with an incident that was referred as a crime in the government records. I choose to use the word “hidden” here for a purpose. It is hidden in the sense of both real and allegoric, because these fugitives or deserters are not so visible and described parts of history. They are the hidden parts of the history. At the same time, they were also hidden in the conditions of the time in which they lived. They had fled. They were hiding. They had not wanted to do military service, which meant they were deserters. Maybe this invisibility (in the real meaning) was their choice.

However, this life was also not so easy. They needed some things to survive. They sometimes committed crimes to meet their needs. In committing these crimes, they had two identities. On the one hand, they were criminals in the eyes of the government. On the other hand, they were fugitives. Their judgement and punishment was performed according to this double identity. If they were “criminals” and also deserted soldiers, they generally were sent to their troops and had been punished by the military according to military law.¹⁸⁹ Nevertheless, it is understood that these fugitives generally were not punished because of their deserter identity according to the examples that I found until now. They mostly were punished for their other crimes.

On the other hand, how was the life that was waiting for the military deserters? These “criminal” cases and records make it possible to find about their ordinary lives and give some clues to understand their reactions against a new and unfamiliar system, conscription. It was not desirable and this compulsory service was

¹⁸⁹ See; Case 3. Actually, it is understood from the all examples that deserters punished by the military, but case 3 directly refers that the person punished according to the military law.

strange for ordinary people. The clues about the life of the deserters can be only found in these criminal records. In that case, the life that ordinary people chose instead of military service was related to crime, not so easy and an abnormal life. It is understood that military service was fearful, unknown, uncertain and long for Ottoman people since they had chosen to live an abnormal and “criminal” life as fugitives.

Forrest’s book, which is about the French Army and society during the revolution and Empire, has some similarities to this thesis’ arguments. He discusses several responses to the militarization during the revolutionary and Napoleonic years which happened with the military recruitment of a considerable amount of men. He argues that these responses created conflicts between the local communities and the central state. This was truly a massive militarization in the nineteenth century that was never seen in the history of France before. He points out that,

Between 1791 and 1814 the government’s appetite for recruits seemed insatiable, especially in the last years of the Empire when no sacrifice seemed too great in the quest for military glory. In all some two to three million men were incorporated into the revolutionary and Napoleonic battalions, many of them against their will and without regard to the long-established traditions of their local communities. ... For many the routine quality of conscription was to end their resistance and guarantee their smooth incorporation in the ranks. For others, however, it merely added to the difficulties they incurred in avoiding the recruiting-sergeant and remaining with their families in their native villages.¹⁹⁰

They directed their anger against the army, “the Emperor,” or the headman of the village, and this anger remained as “a fact of political life throughout the long years of war.”¹⁹¹ They reflected their anger on different ways, but desertion

¹⁹⁰ Alan Forrest, “Preface”, in *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (Newyork: Oxford University Press, 1989).

¹⁹¹ Ibid.

and avoidance of service were the most permanent and perennial ones. Forrest puts these ways as; “(...) especially in consistently high rates of desertion and in the deliberate and stubborn avoidance of service by hundreds of thousands of young men for whom the military lifestyle held few charms.”¹⁹² Forrest writes about what happened in French society with the new conscription system.

It is no surprise that similar processes were experienced in the Ottoman Empire during the introduction of conscription which meant to recruit the large number of young men. A massive militarization followed it. There were some reactions against mass conscription in Ottoman society. Some of these reactions were desertion, bribing officers during the kur’a,¹⁹³ bending the truth in parallel with their strategies against the government officers (strategic lying),¹⁹⁴ becoming or joining bandits. As was said before, Edip Gölbaşı also discusses the most common methods for escaping from military service. According to this, leaving the town and village, going to the mountains, not participating in censuses, escaping from the kur’a officers, migrating to other countries, bribing officers, and maiming themselves were the most common avoidance strategies.¹⁹⁵ The following section will discuss these strategies with the example cases from the archive starting from the negotiable and soft ones and continuing with the more rigid ones. That will give shape to a story of the ordinary people

¹⁹² Ibid.

¹⁹³ See Chapter Three of this thesis.

¹⁹⁴ It is not surprising as we will see from the examples in the next pages. Scott also mentions about the utopian side of the “Speak truth to power” expression. I will mention about this again below. See, James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, 1.

¹⁹⁵ Edip Gölbaşı, “‘Heretik’ Aşiretler ve II. Abdülhamid Rejimi: Zorunlu Askerlik Meselesi ve İhtida Siyaseti Odağında Yezidiler ve Osmanlı İdaresi,” *Tarih ve Toplum-Yeni Yaklaşımlar*, no. 9 (2009), 94-95.

of the Empire against a modern system and its institutions which revealed the Ottoman subjects' arts of resistance.

Escaping from Military Service: Strategies of the Ordinary People

Conscription did not immediately create “citizens” who were willing to serve and die for their country. It was new for all the subjects of the Empire. It is easy to guess that a new system like conscription could not be accepted and implemented without any problem. Therefore I assumed that ordinary people in the Ottoman Empire tried various strategies to resist the compulsory military service and escape from it. On the other hand, while avoidance of military service and desertion can be seen as individual acts, the men had the support of households, families or villages most of the time in these acts. Migration, escape, hiding, self-mutilation, bribing the officers were never easy for young men to do by themselves. They must have had help from their relatives. In other words, the strategies against the compulsory military service were actually household strategies.¹⁹⁶ There was probably a survival instinct. The recruitment of young man in the house affected this survival struggle of the household negatively. It will be seen in the examples from archival documents below that there was mostly somebody who helped the soldier candidates to implement their strategies.

¹⁹⁶ Jan Lucassen and Erik Jan Zürcher, “Introduction: Conscription and Resistance: The Historical Context,” in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 13-15.

If there is power, there will be a resistance against it. Scott rightly points out that “relations of domination are, at the same time, relations of resistance.”¹⁹⁷ As Lucassen and Zürcher state in their article, “the most outspoken resistance may be expected where new forms of recruitment are introduced, where the rules are changed dramatically (as in the case of the introduction of conscription) or when circumstances change dramatically (for example, when war breaks out or when wars are lost).”¹⁹⁸ The Ottoman Empire was faced with radical changes on the eve of introducing conscription, which was one of these important changes in that era. The recruitment of subjects instead of the Janissary corps, a new recruitment strategy (kur’a system), and the introduction of conscription with the military service obligation of the subjects were all new dramatic changes for ordinary Ottoman subjects.

Resistance can be found in the relations between the weak and powerful, which make it important to analyze power relations, but it is hard to study. As Scott writes,

How do we study power relations when the powerless are often obliged to adopt a strategic pose in the presence of the powerful and when the powerful may have an interest in overdramatizing their reputation and mastery? If we take all of this at face value we risk mistaking what may be a tactic for the whole story. ... Every subordinate group creates, out of its ordeal, a "hidden transcript" that represents a critique of power spoken behind the back of the dominant. The powerful, for their part, also develop a hidden transcript representing the practices and claims of their rule that cannot be openly avowed. A comparison of the hidden transcript of the weak with that of the powerful and of *both* hidden transcripts to the public transcript¹⁹⁹ of power relations offers a substantially new way of understanding resistance to domination.²⁰⁰

¹⁹⁷ Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, 45.

¹⁹⁸ Jan Lucassen and Erik Jan Zürcher, 12.

¹⁹⁹ Scott uses the term “*public transcript*” as a shorthand way of describing the open interaction between subordinates and those who dominate.” Scott, 2.

²⁰⁰ Scott, xii.

The important thing is to find these strategic poses and hidden purposes in the behaviors of the ordinary people in the Ottoman Empire. The government, in other words the dominant, mostly played its own role with the punishments in front of the public for inappropriate behavior against itself. “Every visible, outward use of power-each command, each act of deference, each list and ranking, each ceremonial order, each public punishment, each use of an honorific or a term of derogation-is a symbolic gesture of domination that serves to manifest and reinforce a hierarchical order.”²⁰¹ It is easy to see from the archival documents that the government commonly preferred public punishments of “criminals” and military fugitives. In one of the above mentioned cases (case 3) some men had committed crime²⁰² and one of these men had been revealed to be a fugitive. In the following lines of this record it is understood that a kind of public punishment was given to these men including the military deserters. They had been put in chains (*pranga*) in the center of the province.²⁰³

This had actually two effects that the government wanted to create. One was to show other subjects that this was a crime and if they did the same bad things they would be punished, too. The other one was to give subjects the message that it was

²⁰¹ Scott, 45.

²⁰² A woman, Emine, was beaten and raped by six men in Taşköprü district’s (*kaza*) Orta village (*karye*) in 1859. These men entered her house by force and then kidnapped her to the nearby of the Ersil brook. They did bad things to her here. The record was about their punishment. However, upcoming lines show that one of these men, *Çatık* Hasan, was a deserter from *Asakir-i Nizamiye* (Regular Army). So, he should have punished according to the military law with the information of the head soldier (*serasker*). BOA. MVL 592/84, 03 C 1276 (28 December 1859).

²⁰³ BOA. MVL 592/84, 03 C 1276 (28 December 1859): “... *bu makule fezahata cüret edenlerin tam bir sene bulunduğu kazanın kürsi-yi livasında prangaya vaz’ıyla...*”

an attack on the sovereign's power and this power was reestablished. In other words, as Fahmy²⁰⁴ states it,

what informed the logic of the public punishment and its spectacle was not only the need to terrify the spectators into submission, nor the need to bring about an association of crime and punishment but also to remind them of the gulf that separates the vulnerable, expendable body of the culprit from the sanctified, central corpus of the Sovereign. This is why Foucault said that one should see public, spectacular punishments as making up one side of the equation of rituals of power; the other is made up of rituals in which the Sovereign spectacularly portrays his body in its magnificent glory in front of his subjects, e.g. coronations, submission of rebellious subjects, entering conquered cities, etc.

The public punishment was the most important strategy of the dominant that included hidden purposes such as reestablishing its power and putting itself in a different place from its subjects. However, the voices, resistances and strategic plans of the ordinary people, who are invisible most of the time in the history studies, are important for this study. The regular army as a modern institution and its tools (regular recruitment system and military obligation) met with some reactions from them. As Scott puts it, "the fish do not talk about the water" which means the intentions of the weak are in fact a secret.²⁰⁵ The following section discusses the intentions of subjects and presents their stories.

Negotiation Methods of Everyday Life: Exemptions with *Bedel* and Petitions

If the strategies of the subjects of the Empire were arrayed, the soft methods may be the starting point. As guessed, open rebellion and resistance were difficult paths of

²⁰⁴ Khaled Fahmy, *All the Pasha's Men: Mehmed Ali, His Army and the Making of Modern Egypt* (Cambridge: Cambridge University Press, 1997), 129; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 48-49.

²⁰⁵ James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985), 301.

avoiding military service. On the other hand, negotiation tactics such as buying an exemption with an amount of money instead of compulsory military service and writing petitions (*arz-ı hal/arzuhal*) were much easier. They were also the most common soft ways of trying to get rid of the military obligation.

Bedel means giving money or some other valuable things instead of something. Here it refers to money and personal replacement, which were used by some people for not doing the compulsory military service. Perhaps, it was not a strategy which was created by the ordinary people, but they still used this as a method for avoidance. Thus, they could get rid of the military obligation without getting into trouble with the government. As was discussed in the previous chapter, some regulations were made with the 1846 Kur'a Kanunnamesi. One of these regulations was the "chance" that was given to both Muslim and non-Muslim subjects. According to this, they were not going to go to military in return for an amount of money or personal replacement. This caused some inequalities among the subjects, but still it was used by the government.

Muslim subjects who did not have the exemption features stated above,²⁰⁶ could escape compulsory military service only by a lucky draw or through payment. A man, who drew a blank paper in the kur'a over and over again for six years, automatically was registered in the reserve army. Thus he was escaping service in the regular army in a way. On the other hand, any Muslim man had right to buy exemption. According to the law, a conscript was allowed to send a personal replacement (*bedel-i şahsi*). That meant he could send someone else instead of himself if he could force, persuade, or pay this man. This "escaping" payment was

²⁰⁶ The people who were at the civil service and tasked in courts and *medrese*, sheikhs, prayer leaders, students (*talebe-i ulûm*), men who did not have anybody to look after his family, in short, the only breadwinner in the family (*muin*), and diseased people were exempt from the military service. For more information see Chapter Three.

organized in detail with the 1870 regulations. It was first constituted as fifteen thousand guruş (piasters). Then it was decreased.²⁰⁷ As Zürcher²⁰⁸ puts it;

Exemption could be bought for 5000 kuruş or 50 gold lira (a very considerable sum at the time). Those seeking exemption were not allowed to sell land, house or tools in order to pay. This payment, called *bedel-i nakdi* (cash payment-in-lieu) in the sources, should not be confused with the- much lower²⁰⁹ - sums paid by non-Muslims until 1909. Those who had bought their exemption, like those who drew a lucky lot, were declared reservists, until a change in the law in May 1914, which stipulated that they should serve for six months with the active army and only then be classified as reservists. The same law made the *bedel* applicable in peacetime only, but it seems doubtful that the Ottoman government, always hungry for money, actually suspended the practice during World War I. The regulations for payment of the *bedel* also found their way into the first military service law of the republic (of 1927), but by then the amount was determined as 600 lira.

Now the discussion turns to how the *bedel* was used by the subjects, whether it was regularly processed, and what problems it caused.

In 1849, an official script (*şukka*)²¹⁰ was written to the tax collector (*muhassıl*) of Izmit about a *bedel* case. According to this, the name of Ahmed bin Hüseyin had been drawn from the box of kur'a in that year. However, a man named İbrahim (Seyyid Mehmed oğlu İbrahim) had been written in place of Ahmed bin Hüseyin to the military with the help of a man, Esirci Mehmed. There was a condition for this personal replacement. Ahmed bin Hüseyin was to pay 6000

²⁰⁷ Erik Jan Zürcher, "The Ottoman Conscription System in Theory and Practice, 1844-1918," in ed. Erik Jan Zürcher, *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925* (London: I.B. Tauris, 1999), 87; Odile Moreau, *Reformlar Çağında Osmanlı İmparatorluğu: Askeri "Yeni Düzen" in İnsanları ve Fikirleri 1826-1914*, translated by Işık Ergüden (İstanbul: Bilgi Üniversitesi Yayınları, 2010), 38-39.

²⁰⁸ Zürcher, 87.

²⁰⁹ The amount of the non-Muslims should pay was 60 kuruş for the rich ones, 30 kuruş for the less wealthy ones and 15 kuruş for the poor. See, Moreau, *Reformlar Çağında Osmanlı İmparatorluğu*, 39.

²¹⁰ BOA. A.MKT.DV 11/72-1, 10 Ra 1265 (3 February 1849).

piasters to İbrahim as bedel.²¹¹ In the beginning 4500 piasters were paid to İbrahim. However, according to İbrahim, he was not paid the rest of the money (1500 piasters). That is why he wanted some help. This official script was written to the tax collector of İzmit to charge him with investigating these incidents. The important thing here is that someone (Ahmed bin Hüseyin) gave money (bedel) to another man (İbrahim) to transfer his military service obligation to him.

Similarly, Memiş Bin Süleyman's name was drawn from the box during the kur'a of Kırşehir district in 1855 and Silo Bin Osman had been recruited in place of Süleyman in exchange for an amount of money as bedel.²¹² However, according to a report written to governor of Konya, Osman had deserted to his hometown.²¹³ This was probably very common. Even a man who was willing to go to the military especially in the place of someone else and in exchange for an amount of money when he saw the conditions in the military, could want to escape. In this case, the deserter was hidden by a member of the assembly of the kur'a, whose name was Hacı İbrahim Efendi. Furthermore, the mufti of the district, Şeyh Hasan Efendi, had taken the bedel money for himself and spent it instead of giving it to Osman or his family. So, there was more than one unsuitable situation in this case. It was wanted to punish these three men because of their crimes of desertion, hiding a fugitive, and

²¹¹ BOA. A.MKT.DV 11/72-1, 10 Ra 1265 (3 February 1849): "... Ahmed bin Hüseyin'in yerine Esirci Mehmed'in ma'rifetiyle ve altı bin guruş bedel ile Aksaray sakinlerinden Seyyid Mehmed oğlu İbrahim tahrir olunarak Asakir-i Bahriye-i Hazret-i Şahane silkine idhal olduğu..."

²¹² BOA. A.MKT.UM 451/30, 15 B 1277 (27 January 1861).

²¹³ Ibid.: "... Kırşehir kazası meclisinin bir kıt'a mazbata-i varidesinde kaza-i mezbura tabi' Boynuinceli aşiretinden Aydoğmuş karyesi ahalisinden olub yetmiş bir senesine mahsuben icra olunan kur'a-i şeriyede ismine kur'a isabet etmiş olan Memiş Bin Süleyman'ın yerine bedel yazılarak silk-i askeriye dahil olduğu halde memleketi canibine fırar etmiş olan kaza-i mezburda medrese mahalleli Kısaoğlan oğlu Silo Bin Osman..."

taking somebody else's bedel money. According to the conscription law, these were counted as crimes by the government.

In another example, Ali Rıza Efendi, a man from İzmir, had a son named Mehmed. Mehmed's name was drawn during the kur'a in 1850 and he was recruited as soldier to the military for his compulsory service. However, after a while, Ali Rıza Efendi wanted to set his son free by paying an amount of money (bedel). Mehmed had already been given to a temporary troop before he was transferred to his main troop by the time Ali Rıza Efendi wanted to pay bedel. This record was written to the commander in chief (*Serasker*) to inform him about the situation and obstructed them to send Mehmed to his main troop.²¹⁴ So, money could help ordinary Ottoman people (but a little wealthier ones) to get rid of the military service obligation.

It was an important matter in the law that people who used this bedel option should pay the money without selling any property or borrowing. This means they had to be wealthy enough to pay the money by themselves.²¹⁵ This caused inequalities between ordinary people. The poor ones who did not want to do compulsory military service chose directly to escape or sell things and borrow money. For example; some incidents were determined in Kudüs during the kur'a in 1863.²¹⁶ Some men did not come to the kur'a place. Some of them had fled to the desert in the districts of Kudüs, which were Halilürrahman and Gazze. When researching these incidents, it was seen that some villages tried to gather the *bedel* which was needed for the men whose names had been drawn from the kur'a. They tried to find the money from whole village or tried to sell some properties or

²¹⁴ BOA. AMKT.NZD 19/83, 27 M 1267 (2 December 1850).

²¹⁵ Ayın, *Tanzimat'tan Sonra Askeralma Kanunları*, 16.

²¹⁶ BOA. A.MKT.MHM 320/8, 13 B 1281 (12 December 1864).

borrowing money from foreign merchants. According to the record, these initiatives were unsuitable to the article about *bedel-i nakdi*. Besides it was said that these incidents could cause a lot of disorder between the subjects in the long run.²¹⁷

All of the subjects of the Ottoman Empire, of course, wanted to benefit from *bedel*. However, all the restrictions about that article made it impossible, especially for the poorer subjects. They tried to find gaps, but the government prevented them from using *bedel*. This record shows that poor or rich, almost all men refused to go to military and tried to find ways not to. It is not important whether they succeeded or not, the important thing is that they tried. And this was another proof of the dissatisfaction with the military service among the subjects.²¹⁸ In practice, the implementation of *bedel* caused inequalities between the subjects and this was the most important consequence of it. Inequalities also might have increased the hatred. In conclusion, even the *bedel* system was problematic in practice, government and subjects still used that option. When the governments' enthusiasm was probably because of the need for money and also for more soldiers, the subjects' was for avoiding the military service obligation.

The other method which provided a negotiation environment for the subjects with the government was petitions (*arz-ı hal/arzuhal*). They could be about every problem of the ordinary people. Alongside of their different topics, petitions were

²¹⁷ Ibid.; “... *halbuki bu bedel-i nakdi maddesi mücerred kendi vergisinden itaya muktedir olanlar için vaz' ve ittihaz edilmiş bir usul-ü mu'tedil olup şimdi bu dereceye kadar sui-istimale düşmesi hem gitgide ahalinin kesb-i harabiyet eylemesini ve hem de madem ki ahali ve sekene içlerinden ismine kur'a isabet edenlerin bedel-i nakdisini böyle birkaç sene müşterek vermekte olmasıyla bundan böyle dahi her kimin ismine kur'a isabet ederse onun birkaç seneden beri diğerlerine ettiği i'aneye mukabil kendi hissesini dahi hemşehrilerinin i'anesiyle tesviyeye kıyam edeceği ...”*

²¹⁸ For more similar examples about the men who wanted to use *bedel* in place of their compulsory military service see, BOA. A.MKT.NZD 53/13, 28 C 1268 (19 April 1852), BOA. A.MKT.MHM 401/51, 12 Za 1284 (6 March 1868).

also a tool for avoiding the military service which will be discussed below in detail. First, it is useful to understand what a petition was and why it is important for history and historians. As Lex Heerma Van Voss puts it, writing petitions was a common human experience.²¹⁹ Petitions meant presenting the ordinary people's own complaints directly to sovereign or ruler. They could be presented individually or collectively.²²⁰ To explain petitions, in short, it is proper to cite from Van Voss; "petitions are demands for a favour, or for the redressing of an injustice, directed to some established authority."²²¹ It was a very common practice in the Ottoman Empire, too. Starting from the mid-seventeenth century the central bureaucracy recorded the complaints and claims of the subjects. When the number of the petitions had increased, it created some institutions in the Empire in the nineteenth century. The institution called "*Maruzat-ı Rikabiye İdaresi*" which was supposed to collect, examine and answer petitions.²²²

These documents had the words, or in the allegoric meaning, "voices," of the ordinary people. This makes them quite important social history sources. It is possible to guess the social and economic background of the petition's owner, and to make some inferences about the ruler and the relation between the ruler and the ordinary people. It is sometimes also possible to understand the feelings and

²¹⁹ Lex Heerma van Voss, "Introduction," Petitions in History, Special Issue of *International Review of Social History*, no. 46, supplement 9 (2001), 1.

²²⁰ Halil İnalçık, "Şikayet Hakkı: 'Arz-ı Hal' ve 'Arz-ı Mahzar'lar," *Osmanlı Araştırmaları* 7-8 (1988), 33-35.

²²¹ Van Voss, 1.

²²² Yiğit Akın, "'Fazilet Değil Vazife İstiyoruz!': Erken Cumhuriyet Dönemi Sosyal Tarihçiliğinde Dilekçeler," *Toplum ve Bilim*, no. 99 (Kış 2004), 101-2; Yiğit Akın, "Reconsidering State, Party, and Society in Early Republican Turkey: Politics of Petitioning," *International Journal of Middle East Studies* 39, no. 3 (2007), 437-38.

reactions of the ordinary people against a change. That is why petitions²²³ and similar documents have an importance as sources for social history. As Van Voss states,

writing petitions is an act which produces historical sources, many of which have survived. ... To be effective, a petition has to mention the ruler or ruling body it is addressed to, the request, perhaps a motivation and certainly the name (and often some other qualities) of the petitioner(s).²²⁴

This makes petitions a powerful historical source.

On the other hand, ordinary people usually need help to write petitions. Van Voss points out that;

Before the rise of mass literacy, many petitioners were unable to write, let alone write a petition. The fact that petitions had to conform to formal requirements, or had to be written in official language, often required a professional hand even if the petitioner was able to write. Still, it is generally possible to determine what was the influence of the professional scribe (preacher, schoolmaster), and what is the voice of the real petitioner.²²⁵

In the Ottoman records, the petitions found for this study were marked with the phrase, “this is an official document for writing a petition - thirty money.”²²⁶ As is understood, there were some people in the Ottoman Empire who wrote these petitions for ordinary people at the requests of these people. And they received money for this “service.”

²²³ For more information about the petitions see also; John Chalcraft, “Engaging the State: Peasants and Petitions in Egypt on the Eve of Colonial Rule,” *International Journal of Middle East Studies*, no. 37 (2005): 303-325; Cengiz Kırılı, “İvranyalılar, Hüseyin Paşa ve Tasvir-i Zulüm,” *Toplumsal Tarih*, no. 195 (March 2010): 12-21; and Milen V. Petrov. “Everyday Forms of Compliance: Subaltern Commentaries on Ottoman Reform, 1864-1868,” *Comparative Studies in Society and History* 46, no. 4 (2004): 730-759.

²²⁴ Van Voss, 1, 6.

²²⁵ *Ibid.*, 9.

²²⁶ “Arz-ı hal yazılmak için varakadır- Otuz para.”

In the Ottoman Empire, some people or their family members wrote petitions to the Sultan or government to release themselves or their sons from the military service. Their reason was most of the time that he (soldier) was the sole breadwinner in the family. As was told in the previous chapter, the 1846 Kur'a Kanunnamesi (code of law for kur'a) stated the exemption conditions from compulsory military service. According to this, if a widow had just a son and no other sons for her subsistence or nurture, this son would not be taken for military service. Furthermore, if a man of military age was the only person for his family's subsistence (*muin*) or had orphans and small children with him, he did not participate in the kur'a.²²⁷ Of course, the practice was never the same as the theory and these rules were never implemented as planned.

A man named Arif Bin Yusuf was recruited for compulsory military service in 1849. He wrote a petition.²²⁸ According to his statements, he had children who were all alone (*bi-kes*) in his house (*menzilde*). Besides, his shop (*dükkan*) had debts of 15,000 piasters in total. He said that he had a brother, but their houses and shops were separate. It is informed that he had a father. Arif Bin Yusuf stated that his father was blind, sick, and alone and he could not provide even his own personal needs. That is why Arif Bin Yusuf asked for letting him go to his house and being him released from military service. He wanted to go back his job and his children. Because there was nobody to do this jobs for him and help his children to live.²²⁹

²²⁷ Aydın, *Osmanlı Devleti'nde Tanzimat'tan Sonra Askeralma Kanunları (1839-1914)*, 15; Tobias Heinzelmann, *Cihaddan Vatan Savunmasına: Osmanlı İmparatorluğu'nda Genel Askerlik Yükümlülüğü 1826-1856* (Istanbul: Kitap yayımevi, 2009), 152.

²²⁸ BOA. A.DVN 48/66, 20 Ş 1265 (11 July 1849).

²²⁹ Ibid.: "... uncu esnafından ikinci alayın birinci taburun üçüncü bölümünde ikinci onbaşısının dördüncü neferi olup menzilde yalnız ve çoluk çocuklarım bi-kes ve dükkan dahi on beş bin kuruş deynim olup yüzü üstü olmuş ve karındaşım var ise de menzil ve dükkan ayrı olduğundan ve arz-ı hal takdim olundukda kain pederim var deyu i'lam olunmuş ve kain

In 1857, a woman named Fatima wrote a petition.²³⁰ Petitions from women were not very common in the Ottoman Empire. That is why this petition is important. As Van Voss says, most of the petitions from women are about their caring and caring role.²³¹ In the petition, this basis can be seen again. However, the most important thing in the petition for this thesis is the mention about compulsory military service. Fatima had a son-in-law who had been in the military service for 10 years.²³² According to her statements, they had nobody to look after them. They were in very bad circumstances. Their house had been closed up (she probably meant that they could not handle with their own subsistence). That is why she needed her son-in-law. She asked that he be released from the military and sent home.

Sometimes, petitions were used about the bedel subjects, but the main problem was generally the subsistence of family again. An ordinary person, Mehmed Bin Ahmed, wrote a petition.²³³ In the kur'a his name had been drawn from the box, but according to his statement, his family was so big and he had to support the family because he was the only person in the family who could do this. That is why he asked to send his brother, Hasan, in place of himself as bedel. Mehmed Bin Ahmed ensured that if Hasan's name was drawn from the kur'a box during another drawing he would give bedel in place of his brother, too. This petition was written to ask to

pederim alil ve kendisi bi-kes ve kendi umurunu ru'yeteye gayr-ı muktedir ve her vechle şayeste-i merhamet olup umur-ı beytiyem yüzü üstü olmuş olmağla rahim-i aliyyelerinden mercudur ki yalnızlığımıza merhameten kullarının vilayete i'zam ve azimetine rahmet i'tası babında emr ü ferman hazret-i veliyyü'l-emrindir”

²³⁰ BOA. A.DVN 126/19, 06 M 1274 (27 August 1857).

²³¹ Van Voss, 10.

²³² Also the long term of service can be seen in this example, too. Actually it was not that long in theory however it was being longer than it thought probably because of the need for soldiers. It is strongly possible that Ottoman Army could not find enough soldiers for its ranks because of the fugitives and exempts.

²³³ BOA. DH.MKT 1314/8, 29 Z 1287 (22 March 1871).

send his brother instead of him by Mehmed Bin Ahmed and most likely he got rid of the military service with this petition.

Petitions could be mediators for young men and their families to perform their strategies against the compulsory military service, as was seen in the examples above. It is not easy to say if they were lying or not in these petitions, but, in the end they got rid of the compulsory military service about which they were not enthusiastic. In conclusion, bedel and petitions were the soft and “legal” ways for avoiding the military service. But these methods might not have worked all the time because the subjects continued to search for other methods to escape from the military service obligation.

Strategic Lying for Avoiding the Military Service Obligation

The subjects who could not use petition or bedel sought to bend the truth in accordance with their strategies to deal with the military service. For instance, in 1847, some people who were involved in trade and other jobs in Istanbul but lived outside the city, were candidates to be chosen as soldiers in the kur’a in their hometowns. Apparently, these men wanted to avoid the military service, because they tried to get married in Istanbul.²³⁴ This was similar to a performance in a theater because these marriages probably would not be real. It was known that Istanbul and the districts around it, with a population of over a million, did not send a single soldier to the army.²³⁵ That is why this marriage was a strategy to avoid the kur’a.

²³⁴ BOA. A.MKT 84/93, 25 C 1263 (10 June 1847).

²³⁵ Ahmet İzzet Furgaç, *Denkwürdigkeiten des Marschalls Izzet Pascha* (Leipzig, 1927), 169, cited in Zürcher, “The Ottoman Conscription System,” 86.

However, as the record shows, the government understood that these marriages were not real. This written order (*buyruktu*) requested from the provincial paramilitary police (*zabtiyye müşiri*) to locate these men and send them to their hometowns to be recruited.

During the implementation of the kur'a in 1846 in İçel, a man from Ermenek district whose name was Mehmed declared that he was the only breadwinner and only man in his family to look after them. This situation was identified as an exemption reason from the kur'a in the law. Mehmed wanted to exempt from the military service obligation with taking the advantage of this article. However, two years later, Serasker (Commander in chief) Rıza Paşa wrote a record which he stated that Mehmet's declaration had been made on a "false pretences (*yanlış beyanat*)."²³⁶ It is obvious that Mehmed had lied to avoid the military service.

The Grand Vizierate wrote a record to the provinces of Anatolia and Rumelia in 1865.²³⁷ Some people who were especially engaged in craft and commerce had pretended to be as students (*talebe-i ulûm*) and had dressed in student clothes at the time of the kur'a. As was told in the previous chapter, students were exempt from the kur'a according to the code of law for kur'a.²³⁸ This example shows that some Ottoman subjects used this law and strategically lied to the government. Probably, they wanted to escape from the kur'a and thus get rid of the compulsory military service.

²³⁶ BOA. A.MKT 143/11, 11 Ca 1264 (15 April 1848).

²³⁷ BOA. A.MKT.MHM 341/3, 13 R 1282 (3 September 1865).

²³⁸ Exemptions from the military service were separated into two groups, one permanent exemptions, and the other conditional exemptions. When the reason for the exemption disappeared, the person had to go to the military. Among conditions qualifying one for exempt status were; the people who were in the civil service and worked in the courts and *medreses*, sheiks (*şeyh*), muftis, prayer leaders (*imams*), students (*talebe-i ulûm*), men who supported their family's subsistence solely (*muin*), and diseased people (Articles from 14 to 23), cited in Ayın, *Osmanlı Devleti'nde Tanzimat'tan Sonra Askeralma Kanunları (1839-1914)*, 14-15.

As these cases show, strategic lying was another way for ordinary Ottoman people for avoiding their compulsory military service. Scott writes about the “strategic pose” that the powerless adopt in the presence of the powerful.²³⁹ In these examples, the strategic pose that Scott writes about can be observed which could help to see also the resistance. These people chose to strategically lie to the government and play a role as they were on a theater stage so as to not go to the military. In the example of “pretending to be as students” they even had school uniforms for this theater. Consequently, it is not wrong to state that strategic lying was another resistance strategy against the compulsory military service. It was more dangerous than petitions or *bedel*, but still softer than open rebellion or desertion.

Sometimes the government was aware of the possibility that subjects were lying. For example, a man declared with a document that he had completed twenty-nine years of age and passed the eligible military age²⁴⁰ to the government. This was his statement; however, according to the record,²⁴¹ government did not believe him and called him to the Headquarters of the Commander in Chief (*Bab-ı Hazret-i Seraskeri*) to explain his own situation there again. In the end of this investigation, if it was understood that he was lying and he was of eligible military age, then he would pay an amount of money and send another man in place of himself with proper manner which called *bedel* and were told in detail above. This skepticism shows that this kind of case had happened before, so the government was not sure whether he had told the truth or not.

²³⁹ Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, xii.

²⁴⁰ Normally young men who were at the age between 20 and 25 were eligible for the military according to the code of law for *kur'a*.

²⁴¹ BOA. A.MKT.MHM 3/30, 16 Ra 1264 (21 February 1848).

The lies of the ordinary and weak people are not surprising. As Scott puts it “if the expression ‘speak truth to power’ still has a utopian ring to it, even in modern democracies, this is surely because it is so rarely practiced. The dissembling of the weak in the face of power is hardly an occasion for surprise.”²⁴² However, in these examples, “the strategic lies” and “the theater” were understood by the power. Consequently, the strategic lies became visible which could help us to determine it as a way to resist.²⁴³ If strategic lying did not work to avoid the service obligation, then stronger methods came onto the scene such as open rebellion and desertion.

Open Rebellion: Trying to Prevent the kur’a

The aforementioned methods used by men to escape the military service sometimes did not work. Some men were caught while lying strategically and some did not have enough money to buy an exemption. When they could not use these soft methods, more direct strategies were used. One of these methods was open rebellion. Fahmy talks about the methods that were used by men in Egypt to escape from Mehmed Ali Paşa’s men, who were sent to recruit them.²⁴⁴ The first method he states was open rebellion.²⁴⁵ Attacking the officials sent from center and refusing to pay taxes were

²⁴² Scott, *Domination and the Arts of Resistance*, 1.

²⁴³ Scott writes that “without a privileged peek backstage or a rupture in the performance we have no way of calling into question the status of what might be a convincing but feigned performance.” Scott, 4. In the example below, it was understood that they were lying. Unfortunately, it is not easy to say how the government found and exposed this lie. Maybe they heard some rumors, it is not certain in the records but there is something certain which is that they found it somehow and wrote this record to take precautions.

²⁴⁴ Fahmy, *All the Pasha’s Men*, 99-103.

²⁴⁵ *Ibid.*, 99.

the most common ways of open rebellion. It is not surprise that these methods also occurred in the Ottoman Empire.

As stated in the previous chapter, the implementation of the kur'a was performed in accordance with the some rules that were introduced by the *Kur'a Kanunnamesi* (code of law for Kur'a) in 1846. According to this, every year before March, the government would determine how many new soldiers were needed. This number would be divided to every district (*kaza*) equally considering the population. Military officers would be assigned to collect soldiers from these districts. A doctor would accompany these officers. Before these officers arrived at the district, the administrative chief (*kaza zabiti-mülki amir*), the kadı, and village headmen (*muhtar*) would collect the young men between the ages of 20 and 25 at the center of the district. An assembly (*meclis-i kur'a*) would be constituted by the military officer, the administrator of the kaza, the kadı and notables of the place. Physical examination of the candidate soldiers would be carried out by the doctor in front of the *meclis-i kur'a*. After that, the soldiers would be selected via the kur'a.²⁴⁶ This was the process of kur'a in the districts, but most of these officers who were sent from the center were new and unusual for the subjects of the Empire. When young men and their families did not find a way to avoid the kur'a and military service, they could rebel against the kur'a officers for preventing the implementation of kur'a.

For instance, in 1848, during the implementation of the kur'a in Kütahya, seventeen men, who were the people of the kur'a,²⁴⁷ opposed against the implementation of kur'a²⁴⁸. Probably, they did not want to go to military and refused

²⁴⁶ Heinzelmann, *Cihaddan Vatan Savunmasına*, 135-36, 146.

²⁴⁷ This means they could be chosen as soldier in the kur'a.

²⁴⁸ BOA. A.MKT 134/18, 12 B 1264 (14 June 1848): "... kur'a-yı şeriyeye icrasından dolayı bazı hareket-ı na-marziye içtisarlarına binaen..."

to serve in the military for compulsory military service. The year was 1848, one of the early years of both the conscription and kur'a system. Gathering young men in the center places and picking their names from a pocket that determined if they would be a soldier or not were new things for ordinary Ottoman people. As is seen in this case, they tried to rebel against the officers, which caused a chaotic atmosphere. They might have wanted to take advantage of this atmosphere and flee for not going to military. Because it is understood from the record that five of these seventeen men had run away and they had been found and arrested afterwards. It was probably a way for them to get rid of the compulsory military service or to escape from it.

Similarly, a day after the kur'a of Alaiye in 1857 some men rebelled against the kur'a officers.²⁴⁹ Their names probably had been drawn from the kur'a box, which meant they had been chosen as soldiers. Once they had been chosen it would not have been possible to change or withdraw as far as the law decreed. As a result, they might have resorted to resisting against the officers. The record was about disciplining these rebels.

In the same year, in Sason, subjects were opposed the kur'a and paying taxes.²⁵⁰ It is understood from the document that the government sent soldiers to the region to quell an uprising. Sending soldiers to recruit more soldiers was quite ironic. Obviously, the new system created conflicts between the subjects and the local officers, but it created conflicts also between subjects. However, it is not wrong to say that these uprisings did not expand and stayed mostly on an individual basis and did not become a collective rebellion. It is still important to make these little reactions visible in order to understand the effects of the conscription on the ordinary people and their everyday lives. Suddenly, their normal lives changed dramatically

²⁴⁹ BOA. A.MKT.NZD 244/45, 15 R 1274 (3 December 1857).

²⁵⁰ BOA. A.MKT.MHM 110/65, 04 N 1273 (28 April 1857).

with the introduction of conscription, which might have been taken them away from their normal lives to unknown and unsecured lives.

In conclusion, these were the most encountered strategies of ordinary people used to avoid recruitment. Apart from these methods, there were some other ones such as bribing officers and self-mutilation. Bribing officers was discussed broadly in Chapter Three. That is why it is not going to be discussed in this chapter again. On the other hand, self-mutilation was an interesting²⁵¹ and individual act of rebellion used by the Ottoman subjects.²⁵² However, the most difficult method for the subjects to choose was probably desertion. It will be seen that a deserter's life was not as normal and easy as it had been before. Desertion was probably the last resort of the ordinary people, but still a common method for avoiding the military service obligation.

Desertion

In some cases, subjects of the Ottoman Empire chose directly the desertion method rather than become soldiers. This desertion could be before the kur'a,²⁵³ during the kur'a, after the kur'a in the roads²⁵⁴ or from the troops they sent. However, as it was said before, these fugitives generally could be seen in the records if they were

²⁵¹ It is interesting because self-mutilation was a common method for the people of the other regions. For example see, Fahmy, *All the Pasha's Men*, 101; Alan Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (New York: Oxford University Press, 1989), 136.

²⁵² For more information see BOA. A.MKT.MHM 343/68, 21 Ca 1282 (12 October 1865). The record was about the men who maimed themselves for escaping from the military service and their recruitment without kur'a.

²⁵³ BOA. A.MKT.UM 564/7, 13 Za 1278 (12 May 1862).

²⁵⁴ BOA. MVL 27/66, 12 L 1264 (11 September 1848).

involved in some other incidents which were considered to be crimes by the government. The following examples will prove this again, but the important issue here is the tendency for desertion from the military. The life that awaited the deserters will also be seen in the examples below.

First, it is important to state the regulations in the code of law for the kur'a about desertion. After the soldiers were determined with the kur'a, the chosen men were given twenty days to see their families and complete their other personal affairs. When these twenty days were over, soldiers were sent to their regiments. If they escaped or disappeared during these twenty days, they would be punished with sixty cane strokes (*değnek*). In the law, it was clearly stated that if they escaped during these twenty days they would be regarded as dishonorable.²⁵⁵ In the same article, the oath of enlistment (*yemin*) that the soldiers swore after the kur'a was given. The subject of desertion was even found in this oath. According to this, soldiers were to swear that they would go back district's center after twenty days and report to their regiments and serve their religion and state in the regular army for five years and never try to desert or do any other unsuitable behaviors during that time.²⁵⁶ As Heinzelmänn points out, the time of the oath was probably strategic. The twenty days permission was a suitable time to escape easily for the men. If they were soldiers at that time they could be punished according to the military law because they were regarded as soldiers. So, it might have been thought that potential deserters could be given up the idea to escape.

In addition to this, the law stated the punishment for people who helped deserters to escape and hide. These people who helped deserters would pay an amount of money equal to the amount of that year's tax (a maximum 120 piasters).

²⁵⁵ Article 49 of the code of law for the kur'a.

²⁵⁶ Kur'a Kanunname-i Hümayunu, 1262, 34, Article 49, cited in Heinzelmänn, 147.

This money would be given to the person who informed the government about the deserter's hiding place. Besides, ordinary people who hid deserters would be put in chains (*pranga*) in the center of the province. Notables who helped deserters would be punished with imprisonment or deportation (*nefy-sürgün*). Government officials who helped deserters would be suspended from their posts.²⁵⁷

Sometimes soldiers were sent for a change of air (*tebdil-i hava*) to other places. Change of air was used by especially ill soldiers. In the nineteenth century Ottoman Empire, this was an escape method for conscripts. And sometimes, men did not come to the muster after their last muster. Thus they were charged with the desertion because this was another escaping strategy which was called *bakaya*.²⁵⁸

In the 1850s there was an incident in Kütahya sub-province (*sancak*). Some conscripts deserted from the Hassa Army, some of them directly deserted, some of them escaped when they were sent for a change of air, and some of them were deserters because of their *bakaya* status.²⁵⁹ The regiment's commissioned officer (*alay emini*) Hasan Efendi was charged to find (*taharrisiyle*) and catch these deserters. The record did not finish with this information. What was more important in the document is the information about these deserters' lives after their escape.

The record continues and it was written that there were some men in Banaz district (*kaza*) of Kütahya sub-province named Muslu and Halil. They had also supporters (*avenesi*). These men took along the aforementioned deserters. They used these deserters to help themselves for killing (*katl-i nüfus*) and seizing goods (*gasb-i emval*). These were behaviors which put the other subjects' and their properties' safety at risk. In addition to these incidents, they took the district's tithe (*aşar*) by

²⁵⁷ Heinzlmann, 147-49.

²⁵⁸ For example see, BOA. A.MKT.MHM. 90/62, 27 L 1272 (1 July 1856).

²⁵⁹ BOA. A.MKT.MHM 90/62, 27 L 1272 (1 July 1856).

force. According to the record, the soldiers in question could not be caught unless Muslu, Halil and their supporters were arrested. So, it was wanted in the record to catch all of these men and deserters and interrogate and then punish them according to their crimes.

Why did Muslu and Halil take on these deserters? Probably most of the deserters escaped with their guns. First of all this should be a big and important reason for other men to keep these deserters. Also these men wanted to take advantage of the deserters' hard lives. The deserters were already criminals because they had escaped from their compulsory service. It would be hard for them to live normal lives. As also seen in the record, they chose to join these men who were criminals for the government (not just criminals but also strong criminals²⁶⁰) to continue their lives. Muslu and Halil took advantage of their tough situation.

These men and their supporters were already criminals in the eyes of the government, but they committed another crime in helping, hiding, and protecting the deserters. As was said before, according to military law, helpers of deserters should be punished. However, it is not stated in the record. Perhaps, they were already guilty of many crimes, so it was not important or necessary to mention about helping deserters. They attacked and killed people. This was a serious crime for the government. They also involved the deserters in these crimes. That is why the only important thing for the government was to arrest all of these people. One thing is certain, according to this record, deserters who were actually criminals because of their desertion could live a life which was also full of crime.

²⁶⁰ It was said in the record that one of these men, Muslu, built a castle which made it difficult to find and catch them, cited in BOA. A.MKT.MHM 90/62, 27 L 1272 (1 July 1856).

The governor of Konya wrote an official record to the central government in 1849. This record²⁶¹ mentions the desertion problem again. It is stated in the record that six soldiers had been sent from Konya to Istanbul (*Dersaadet*). Three of them were deserters. One man was a soldier in the regular army (*Asakir-i Nizamiye*), another one was a soldier in the navy (*Bahriye*) and the last one was a soldier in the reserve army (*Asakir-i Redife*). The reason for sending these three men was their desertion “crime”. The fourth soldier was already a prisoner, but his crime is not mentioned in the record. The last two men (soldiers) had forced two other soldiers who were young to dance. A sergeant, named Himmet, had been injured by these two soldiers when he tried to interfere in this incident. It was decided to send these six soldiers to Istanbul to acquire them good manners.

It was probably thought that in this way, they would become obedient soldiers, which the government wanted. Actually, the soldier type that the government wanted was a kind of slave; they had to do whatever their commander wanted and they would get nothing in return. Even, on the contrary, their term of service could be extended. They would not know whether they would be able to see their families and hometowns again. This was indeed a terrifying system for the ordinary people from the beginning which had always problems in it. The government continued to demand obedient soldiers.

However, in this case, the soldiers were not the “dream” soldiers. They sent to Istanbul and some other soldiers accompanied them as guards on the road. As can be guessed, it was not easy to travel (especially for soldiers) in the nineteenth century. People mostly walked from place to place. According to the record, during their journey the guard soldiers were changed in some districts and provinces

²⁶¹ BOA. MVL 196/32, 21 B 1266 (2 June 1850).

through which they passed. They stopped to rest along the way. In these places, the guards delivered the six criminal soldiers to the place's authorized person. When the journey started again, this authorized person gave other guards to accompany the criminals. This was a long and complex journey that gave lots of chances to these soldiers to escape during that time. It was not difficult to guess that they tried to escape. As a matter of fact that somewhere on the road, these six soldiers broke their chains with rocks (They were chained probably because of their crimes). They threw rocks at the guard soldiers and attacked them. According to the governor's statement, "they were six men, but the guards were just two."²⁶² Thus, these six deserters fled into the woods. This was the second desertion for three of them. As stated above, they were accused of desertion at the beginning. One hundred and fifteen soldiers were charged to find these deserters after the incident. They searched the wood, but they did not find them.

These six men, especially the previous fugitives, probably were tired of being soldier in the military. The law stated their term of service as four or five years in the regular army, but it never happened that way as it is understood from the archival documents. This term was always extended. Besides, compulsory military service was already new for these men. They were separated from their hometowns and their families. Thinking in that way makes it possible to understand these people's feelings and it is not surprising to see them doing everything for not going back to the military (which was always an obscurity for ordinary people). Even if it cost their lives, they chose to run away. They probably knew that their lives were not going to be normal again and they would be on the run forever, but they still chose that way. This is strong proof of the rejection of the compulsory service in the military.

²⁶² BOA. MVL 196/32, 21 B 1266 (2 June 1850).

It is understood that deserters were accepted as potential criminals by the government. Even if they did not commit any crimes which were stated in the law, they were always seen as a threat. For example, this fear could be seen from the sentences in a record²⁶³ that was written by the district governor (*kaymakam*) of Aydın. According to the record, the districts' book, which show the recruits stated that there were many kur'a and regular army deserters that year. As was said before, desertion was counted as a crime and there were punishments in the law for this crime. However, most of the records (not all of them, of course) show that deserters generally were not punished because of their desertion, but were punished for other crimes in which they were involved. This is seen in this record, too. The district governor first said in the record that these kur'a and regular army deserters had not done anything bad and had not been involved in unsuitable incidents. Despite this, he gave examples from previous incidents. According to him, as it happened before, these deserters would cause problems and harm within one or two months. They were calm now but would not stay like this. That is why they needed to be arrested immediately and absolutely for the peace of the other subjects of the district. Consequently, the districts were ordered to arrest these deserters immediately. If these men resisted or fought back or pulled out a gun, the response would be the same and they would be captured dead or alive. This was declared to all of the administrators. The district governor of Aydın stated that good consequences of this attempt would be seen in the future.

As seen in this example, the Ottoman government always considered the deserters as criminals or potential ones. It might have been scared of these men even if they had not committed any crimes. Probably, it was thought that they would cause

²⁶³ BOA. MVL 676/12, 9 M 1281 (14 June 1864).

harm sooner or later. However, there was a “hidden transcript”²⁶⁴ here again. The powerful, in other words the government, did not want his subjects to escape from this compulsory military service. Deserters could set a bad example for the rest of the men in the Empire. The government wanted everything in order to dominate them from the center. Therefore, they strongly wanted to catch the deserters and punish them to prevent other desertion attempts, but they did this with another scenario in the foreground. Although they wanted to catch them to protect the government’s central power, subjects of the Empire were told that this was for their safety.²⁶⁵

As was stated, the deserters would do everything to continue to escape. This escaping process and deserter status could be exhausting for them. Some correspondences about a deserter in Kastamonu’s Duragan district show this.²⁶⁶ According to these records, he was a deserter from regular army. His name was Mustafa. He had escaped, but then he had returned to his house and started to hide there. Sometime later, the district governor learned he was hiding in the house and sent there two gendarmeries (*zabtiyye*) to arrest him. However, according to the gendarmeries’ statement, Mustafa attacked them with a knife, injured them, and escaped. He was caught the same night, but he swore that he had not known the reason of the gendarmeries had come to his house. Mustafa said he had known that

²⁶⁴ Scott, *Domination and the Arts of Resistance: Hidden Transcripts*.

²⁶⁵ This kind of language also shows itself in the aforementioned document. District governor firstly says that these deserters were harmless but he sees them as a threat for the subjects’ safe right after. These contradictory statements were worth to mention. “*Sâye-i aliye-i cenâb-ı sadâretpenâhîlerinde Aydın sancağının âsâyîş ve istirahat-i umûmiyesi derkâr olup fakat bu kere kazalardan celb olunan defterlere nazaran pek çok kur‘a ve asâkir-i şâhâne firârîsi olduđu anlaşılıp bunun her ne kadar şimdilik bir gûne uygunsuzluđu işitilmemekte ise de geçen senelerde vukû‘ bulduđu misillü bir iki ay sonra li-ecli’l-... dâhil-i sancağa gelip gidenlere hasâr edeceklere derkâr olup bu ise sâye-i âsâyîş-vâye-i cenâb-ı şehinşâhîde tecvîz olunamayacağından firârî-i merkûmenin behemehâl derdestleri...*” cited in BOA. MVL 676/12, 9 M 1281 (14 June 1864).

²⁶⁶ BOA. MVL 678/106, 27 S 1281 (1 August 1864).

deserters were wanted by the government and he would surrender, too. However, when these gendarmeries suddenly came, he panicked and escaped outside then went to Sinop. He did not accept that he had attacked the gendarmeries and injured them. There were no other witnesses of the incident. That is why the council of the province (*meclis-i liva*) could not decide about his situation and wrote about the case to the center.

This was the document of this notification. The results of this case are not known, but it is obvious that a deserter's life would never be easy. He always had to escape. No matter what, he would always be guilty and wanted by the government. Even if he did nothing he would be accused of any crime that had happened in the place where he was. And if he had no witness, probably he would be declared guilty of said crime. Consequently, the deserters could be guilty of crimes that they did not commit. This was maybe the hardest part of a deserter's life. As was stated in the previous document,²⁶⁷ the government always tended to see and represent these men as potential criminals.

In the end, these deserters found ways to live in this exhaustive world. No matter what, government would continue to regard them as criminals or potential ones. It is therefore no surprise that these men became engaged in crimes sooner or later. According to the archival documents, this unpredictable life usually ended up with banditry which was a different lifestyle. Young men escaped from their villages when they heard the rumors that kur'a officers were coming, fled onto the roads during their journey to the regiments, and deserted from their regiments. The deserter life was new for most of them who were generally alone in this journey. Probably

²⁶⁷ BOA. MVL 676/12, 9 M 1281 (14 June 1864).

this was a compelling factor for them to join the bandits, for whom this kind of lifestyle was a way of life.

Banditry: A Way to Live as Deserters

Banditry could be discussed in quite different ways. Some could take it as a romantic type, but for example Karen Barkey sees them as one of the most important helpers of the Ottoman state centralization in the seventeenth century. She explains the decrease of the banditry in the Ottoman Empire starting from the 1600s as “As the Ottoman State mobilized and demobilized mercenary armies without immediate attention to the consequences, banditry became a widespread phenomenon.”²⁶⁸ It is obvious that banditry spread starting from the seventeenth century throughout the Empire. How did banditry develop in the Ottoman Empire? Barkey states that,

It is clear that banditry was a result of a pooling that occurred when societal institutions such as the military and officials’ retinues (and, less so, religious schools) recruited the landless, the vagrant, and the destitute into their midst, training them, providing them with organization, using them during campaigns, and demobilizing them en masse at the end of war. These mobilized soldiers formed pools of mercenaries available for hire but also engaged in banditry, pillage, rape, and destruction along the way. It is therefore not useful to think of these men as peasants, or vagrants, or students. Rather, it is important to rethink them under a new category and to delineate their characteristics and the implications of these characteristics.²⁶⁹

There were two basic characteristics of this group. On the one hand, they had multiple and fluid identities, from peasant to vagrant, soldier, mercenary or bandit.

²⁶⁸ Karen Barkey, *Bandits and Bureaucrats: The Ottoman Route to State Centralization* (Ithaca and London: Cornell University Press, 1994), 12.

²⁶⁹ *Ibid.*, 181.

On the other hand, they were an “artificial social construction” created by societal elites.²⁷⁰ Barkey created a different type of banditry that could negotiate with the state and not similar to the social bandits of Hobsbawm. She sees these bandits as the real “malefactors of the rural society.”

When it comes to the nineteenth century, especially in the highlands of the Empire, the men resources of the bandits were partly comprised of military deserters,²⁷¹ which made bandits important for this study. The fear against the military service obligation, the conditions in the military, direct relation with the state via military service were forced the young men to escape and join bandits.

Were the bandits of the nineteenth century similar to the type that Barkey discusses? In 1855, the subjects of Kalecik district wrote a petition to the government.²⁷² They complained about attacks from armed bandits. According to their statements, these men were kur’a and regular army deserters and they had been attacking them for eight months. They wrote that some gendarmeries had tried to arrest them, but the deserters had injured the gendarmeries. They asked for help from the government.

If it is accepted that these writings and accusations were true, then these bandits could be most likely Barkey’s bandit type, who were not romantic or had good relations with the subjects. Contrary to the romantic type bandits, she claims that bandits mostly had relations with the local elites in the seventeenth century. It is hard to know whether it was same in the nineteenth century or not. However, a record which was about the military deserter bandits mentions the relationship between the administrator of the district (*kaza müdiri*) and the bandits. Accordingly,

²⁷⁰ Barkey, 181.

²⁷¹ Sabri Yetkin, *Ege’de Eşküyalar* (İstanbul: Tarih Vakfı Yurt Yayınları, 1997), 29-31.

²⁷² BOA. MVL 164/6, 13 Ş 1271 (1 May 1855).

the administrator of Menlek district had provided protection for these men.²⁷³

Probably they had a relationship based on mutual interests.

According to a report²⁷⁴ that was written by the commander-in-chief to the Supreme Council (*Meclis-i Vâlâ*) in 1853, Kara Osman, who was from the reserve army (*asakir-i redife*) soldiers, had deserted during the time that the reserve army had been taken away from Menteşe sub-province to Dersaadet. Apparently, reserve army deserters were registered to the regular army (*asakir-i nizamiye*) for a year when they had been caught. Kara Osman also had been caught and sent to the regular army for being registered. However, it was understood that he had engaged in banditry.²⁷⁵ That's why his registration had been canceled in the regular army and he had been put in chains (*pranga*) in the Imperial Dockyard (*Tersane-i Amire*) for six years. Probably this was not his first desertion attempt. He had tried it before and might have joined the bandits during one of these because he had been caught immediately according to the record that he could not have had time to engage in banditry for the first time.

The same year, in Selanik province, some kur'a deserters, named Abdullah, Salih, Praveneli Hasan, Kocacıklı Mürteza, and Abdurrahman, had been caught when they had engaged in banditry and burglary.²⁷⁶ They had attacked the zabtiyye (gendarmeries) who had been sent to catch them. According to the record, their registration in the military was to be cancelled and they were to be punished with hard labor for seven years in the Imperial Dockyard. The same document also

²⁷³ BOA. A.MKT.MHM 107/1, 14 C 1273 (9 February 1857).

²⁷⁴ BOA. A.MKT.MVL 62/21, 19 C 1269 (30 March 1853).

²⁷⁵ Ibid.: "... merkumun kutta-i Tarik ve katl-i nüfus madde-i feci'alarına dahi ictisar etmiş olduğundan..."

²⁷⁶ BOA. A.MKT.MVL 61/17, 17 Ca 1269 (26 February 1853).

mentions Mehmed, who had been involved in some burglary with his five friends. Mehmed and his friends had been soldiers in the regular army and deserted. Their punishment was the same as that of the bandits; however, their registration in the army would not be cancelled. It seems that engaging in banditry was the only reason for being erased from the military registers.

Deserters might have been bandits before the military service or they might have joined them after their escape from the kur'a or troops. For instance, a man named Zeytinli Mustafa was a deserter from 1858 year's kur'a in Amasya. It was suspected that he had joined the bandits.²⁷⁷ He had been seen with a bandit named Ömer, who had been engaged in banditry for eight years and did a lot of bad things such as murder, break into houses by force, and rape. The report was about the punishment of Mustafa because he had been found guilty. Mustafa might have escaped from the kur'a by himself. It is obvious that as a deserter his life would not be easy and normal again. He might have joined Ömer's group for their power and thought that they could protect him. In addition, as said before, banditry seems to have been the only reason for registration in the military might be cancelled.²⁷⁸

Banditry was an important phenomenon that should be studied in detail which exceeds this study's limits. Suffice it here to say that deserters could prefer to join bandits and engage in banditry in the nineteenth century as a way to live. When their lives were already associated with crime in the eye of the government, it is no surprise that they became bandits. On the other hand, as the aforementioned documents showed, young men could get rid of the military service obligation forever by engaging in banditry. It is seen that the government erased their

²⁷⁷ BOA. MVL 607/89, 01 Ca 1277 (15 November 1860).

²⁷⁸ There are a lot of examples about that issue, but, the aforementioned examples look sufficient here to understand the case. For more examples see, BOA. MVL 566/1, 02 Z 1282 (18 April 1866); BOA. MVL 746/94, 01 § 1283 (9 December 1866).

registrations and records in the military when it was understood that they were engaged in banditry. Besides, they were punished by being put in chains or hard labor for periods of time as long as six or seven years. That means if they were caught, a life which was harder than before was waiting for them.

In conclusion, modern institutions such as conscription were introduced into the everyday life in the nineteenth century. Engaging with the state directly could be frightening for the subjects of the Ottoman Empire and conscription was one of the most direct ways of they experienced it. Because of the reluctance against this engagement the subjects would never give up trying to find strategies for avoiding the military service. They had strategies for escaping, starting from soft and negotiable methods such as petitioning, buying exemption with *bedel*, bribing officers, to harder ones by degrees such as strategic lying, open rebellion, and finally desertion and banditry. These strategies show the reluctance against the military service obligation as well as they are helpful to find the clues about everyday life of the ordinary people, military and *kur'a* fugitives and bandits.

CHAPTER FIVE

CONCLUSION

There were transformation efforts in the fields of politics, education, and the military throughout the nineteenth century in the Ottoman Empire. For the scope of this thesis, changes in the military are important. Starting in the late eighteenth century, the need to change the basic institutions of state such as the Ottoman army was understood. Selim III tried to take steps about military reform and he constituted a new army which was dressed and drilled along European lines and called *Nizam-ı Cedid* (The New Order). However, the Janissaries rebelled against the new army, which resulted in disbandment of the *Nizam-ı Cedid* army and overthrow Selim III. Even in failure, the *Nizam-ı Cedid* was important as a model for a new army.

Mahmut II, the successor of Selim III, took the reforms further by destroying the Janissaries and their supporters in 1826 and creating the new regular army, *Muallem Asakir-i Mansure-i Muhammediye* (the Trained Victorious Muhammadan Soldiers). The new army was manned by the peasants and volunteers who were recruited by the Sultan's officers. There was no regular system for recruitment for the *Asakir-i Mansure*, but villages were asked to give a certain number of soldiers according to the need. The term of service was unclear, but it continued for more than twelve years. The other important step was the formation of *Redif* (reserve army) in order to have a sufficient number of trained soldiers in the war time. They received training in their hometowns, which allowed the state to keep high numbers of young men under arms. There had been no such system as conscription yet.

The promulgation of the Imperial Edict of Gülhane (*Tanzimat Fermanı*) in 1839 had an importance for conscription. It stated the problems of the military system, such as no regular recruitment system, the recruitment of young men by force, the long term of service, and arbitrary implementations. It was the forerunner of the regular recruitment system, the *kur'a*. On the other hand, it states that the term of service should be four or five years in the military.

After the Edict, a temporary commission was established to prepare a report about the *kur'a* system and they presented the report in 1843. Efforts were made to regulate the recruitment system with a conscription law that emerged from the report and was legislated in 1846. This thesis agrees with the claims which see that year as the introduction of conscription to the Empire in practice. After the legislation, the implementation of the *kur'a* was started throughout the Empire.

This study examined the first conscription law of the Ottoman Empire and its implementation in everyday life. There was a written order on the one hand, but there was also the encounter of this written order by the Ottoman subjects. It was really surprising to see the practice of the law. Even all the regulations, the modernization that came with the law could not be accepted immediately by the subjects, who had traditions and habits. Considering the agencies of these people, the problems during the implementation made sense. They were not just simple subjects. They had feelings, logic, and survival instinct. When the law met with these people it did not function as had been thought by the government.

Exemptions from the *kur'a* and military service caused inequalities between subjects. The Muslim subjects, who were neither economically nor politically exempt from the military service obligation, had the burden of it. But the exemption of the non-Muslim subjects and wealthy Muslim subjects (who could buy

exemptions with an amount of money called *bedel* and personal replacement) broke the balances and created cracks in the relationship of the subjects with each other.

On the other hand, new crimes which were also unfamiliar to the subjects were invented with the law. Bribery was one of these crimes. Although gift exchange was an old tradition for Ottoman subjects, it became a serious crime with the conscription law. The law prohibited kur'a officers from receiving gifts or money from the people of the kur'a place. In the end of the incidents about gift exchange, officers were punished for the accusation of taking bribes. This exemplified the encounter of the modern with tradition properly.

This thesis also showed that the government continued to perform rude implementation in the field of recruitment, but this increased the fear against the system. This was also caused macro problems as well as the micro ones. The government wanted to increase its penetration capacity by reforming the institutions in that era. The Tanzimat era, which was a state-making attempt of the Ottoman Empire, became problematic despite all the legislations and regulations because of the despotic implementations of the government.

This study tried to find the refusing strategies of Ottoman subjects to the military service obligation. Finding these strategies from the archival documents was difficult because they mostly became visible with another incident that was constituted a crime in the eyes of government. In other words, most of the records about the escape methods of the young men were criminal cases. The subjects of the Empire were never willing to join, fight, or die in the military. That means universal conscription did not immediately create "citizens" who were willing to serve and die for their country. These concepts were new for the Ottoman subjects who were directed to find ways to avoid the military service. This thesis found several ways

that subjects tried to avoid conscription. These started from negotiable methods such as petitioning, buying exemptions with an amount of money, and bribing the officials. If these methods did not work, the strategies that required courage emerged involving self-mutilation, strategic lying, open rebellion, desertion, and banditry. Men tried to rebel against the kur'a officers to not be recruited, which was a collective act, but did not cause a big uprising in the Empire. They sometimes lied to the officers in accordance with their strategies. In the end, if they did not find any other way, they deserted before the kur'a, after the kur'a in the roads or from their troops. A deserter's life could be difficult because the government considered them to be potential criminals all the time. That is why most of them engaged in banditry for survival, which could result in being erased from military records. Several examples showed that the only way to be erased from records was the engagement with banditries.

Banditry was a different category in these methods that must be examined broadly. However, the relation between banditry and conscription is a massive subject that needs further study. This was beyond the limits of this study. There is a wealth of information in the archives about that subject which can be a suggestion for future studies.

As a concluding remark, it should always be kept in mind that the documents which were used in this study were mostly government correspondence except for the direct petitions. That is why we should read them carefully and try to read between the lines. This study was an attempt to write a military history from a different perspective which sought to hear the voices of ordinary subjects and find the clues of their everyday life. They were the soldiers or candidates of the conscript army.

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