

The Greek Rebellion and the Fatwas: The Ottoman State's Attempts to Remain within the Boundaries of the Law during the Rebellion

Zekeriya Kurşun*

Abstract

The Greek Rebellion did not start surprisingly. It had a preparation process from 1814 to 1821. Even the Ottoman Empire was following the activities of Greeks in the islands, in Wallachia and Moldavia and other parts of Empire; it could not have predicted the process going towards Tripolice Massacre in 1821. For, neither an intellectual background of nationalism nor any figures as leaders were not seen among the Greeks. Therefore, the state has presumed that while keeping the dialog alive with the Greeks who are open to foreign influences, it can solve the problem within the framework of its *millet* system. Whereas, the Greeks reached a capacity to transform the issue into a rebellion thanks to the direct and indirect supports from outside.

This paper will discuss the intercourses of Ottoman state with other states, the official statements on this subject, bargains and approaches of other states.

Keywords: The Greek Rebellion, Fatwa, Ottoman, Law, Tripolitsa.

Rum İsyanı ve Fetvalar: İsyan Sırasında Osmanlı Devleti'nin Hukuk İçinde Kalma Çabaları

Öz

Rum İsyanı sürpriz bir şekilde başlamadı. 1814 yılından 1821 yılına kadar bir hazırlık süreci bulunmaktadır. Osmanlı Devleti gerek Adalar gerek Eflak-Boğdan ve diğer taraflardaki Rumların faaliyetlerini takip etmekle

* Prof. Dr., Fatih Sultan Mehmet Vakıf University, Faculty of Arts, Department of History, İstanbul/TÜRKİYE, zkursun@fsm.edu.tr ORCID: 0000-0002-4157-6386
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birlikte 1821 Tripoliçe katliamına giden süreci asla tahmin edemedi. Zira Rumlar arasında ne milliyetçiliğin fikri bir arka planı ne de bu anlamda liderlik yapacak isimler görülmemekteydi. Dolayısıyla Devlet, dış tesirlere açık olan Rumlar ile diyalog kapısını açık tutarak, kendi millet sistemi içinde sorunu çözebileceğini zannediyordu. Oysa Rumlar dışarıdan aldıkları dolaylı ve doğrudan destekler sayesinde meseleyi isyana dönüştürme kapasitesine ulaştılar.

Bu tebliğde, bu süreçte Osmanlı Devleti'nin diğer devletler ile görüşmeleri, bu konuda yaptığı resmî açıklamaları, pazarlıkları ve diğer devletlerin yaklaşımları tartışılacaktır.

Anahtar Kelimeler: Rum İsyanı, Fetva, Osmanlı, Hukuk, Tripoliçe.

Introduction

The Greeks who lived in peace since the conquest of İstanbul under the Ottoman rule advanced in trade and seamanship, owned thousands of big or small ships in the Mediterranean and established big trading fleets. Additionally, they were able to perform their religious beliefs and rituals and to maintain their national customs and traditions within the Ottoman system. The Greeks took the place of the Venetians who lost their significance in the Mediterranean after the Treaty of Compo Formio (1797). A portion of the Greeks wanted to take part in politics due to this wealth that they have accumulated from trade which allowed them to have better living conditions. The Greeks, who were Ottoman citizens (tebaa), revolted due to the impact of the nationalist currents that started at the beginning of the 19th century and the provocations of primarily Russia and other European states that wanted to benefit from this situation. The "Greek Rebellion" did not start with any political, national or religious request made by the Greeks against the Ottoman State. This rebellion started with the turning of the events that started between the dates of 1814 and 1821 into a rebellion, the provocation of the states that wanted to corner the Ottoman State and the terror created by the Greeks in the Mediterranean. As a lot of research has been made until today regarding the rebellion, the details of the rebellion will not be included into this study.¹ However, after remembering the approaches of

1 Detailed information was given in this matter in the book that was published by us previously by benefitting from various sources. This paper is written out of the findings of that study. Zekeriya Kurşun, *Kaptanıderya Nasuhzade Ali Paşa ve Rum İsyanı*, Vakıfbank Kültür Yay., İstanbul 2021.

the foreign states and some concepts used regarding the rebels in all sources, the attempts of the Ottoman State to remain within the boundaries of the law will be analyzed in terms of this rebellion which did not just threaten the islands, but also İstanbul. For this purpose, the current study will use the binding fatwas (verdicts that are based on the Sharia – the Islamic Law) having the effect of judicial ruling (*kazâ*) which is the source of applications in the Ottoman Law of the period.

The Greek rebellions in the islands and the Mediterranean were not something new. With the provocation of the Russians who had been dreaming of gaining access to the warm waters, the Greeks were occasionally rebelling. The Russians' provocation and support of the Greeks go way back to the past. The Russians, who have diverted their attention to the Ottoman lands since Peter the Great, would increase their attention to the peak through the Greeks in the period of Tsarina Catherine II (1762 - 1796). Indeed, the latter tsars would also continue this practice as a legacy. The earliest encouragement of Russia regarding the Greek rebellion may be seen in the letter referenced to Peter the Great dated 1711. The translation of this letter which was the first and the most important motivation of the movements which would eventually led to the Greek rebellion was published by Herkül Millas. In one section of the letter, the following statements were included:

... I am sending this letter to you, the metropolitans, voivodes, commanders, leaders of the kleftis, the kapetanios, the palikaria who love us and all Christians having the same religion with us...; the Turks have trampled on our belief, took away our churches from our hands, destroyed our monasteries, ended the Roman Kingdom and enslaved numerous persons... I am coming for your help... The Turks have united with the Swedish King, but my sword has killed many men... with the might of my sword, you will be comfortable and saved... In the name of unity of God, let's unite and fight... let's find honor and kindheartedness. I feel sorry for you and I want to save you and revitalize your church. Fight in the name of belief... Let's thank God and try to take your ancestors' land...²

It is clearly seen in the letter of the Muscovite Tsar's letter that the Russians have targeted the Ottoman State through the Greeks way before obtaining

2 Herkül Millas, *Yunan Ulusçuluğu'nun Doğuşu*, İletişim Yay., İstanbul 2020, 5. edition, pp. 169-170.

their right to protect the Orthodox Christians in the Treaty of Küçük Kaynarca (1774). As Milas argues, no direct “Greek nationalism” was referred in the Tsar’s letter and the Orthodox Christians were addressed by a religious call. However, the fact that the majority of the Orthodox Christians were Greeks in the Ottoman State points out the real address of the Tsar’s letter. Besides, it is known in the literature that the words of “*kleftis*” and “*palikaria*” directly point out the Greeks more than the Orthodox Christians. Perhaps, as Millas rightfully argues, even if it is not possible to get nationalism out of the Tsar’s letter³, it is clear that a religious conflict, namely a Christian – Muslim conflict, existed in the letter. The fact that when two Greeks and one Bulgarian (Emanuil Xanthos, Nikolaos Skoufas and Athanasios Tsakalov) established an organization named “*Filiki Eteria*”⁴ in 1814 and invited the Greeks for the rebellion, the Russians’ providing support indicates that the legacy of Peter the Great was still being followed even after a century.

In the Mediterranean, it was not just the Russians who were supporting the Greeks. The rivalry of other states in the Mediterranean also encouraged the Greeks. The unexpected Egyptian Expedition of Napoleon (1798 - 1801) created the confrontation of the Ottoman State with France which was a former ally of the Ottomans. When the Ottoman – Russian – British Alliance (Triple Alliance) (1799 - 1800) was upset after encountering ups and downs, the Ottoman State and Russia became enemies again. The British, after Napoleon’s invasion of Egypt, became significant in the Ottoman politics. However, in the meantime they remained partially silent in the commotion experienced in the Balkans and they were playing both sides against the middle although they appeared on the side of the Ottomans. In other words, they were waiting for every incident to develop for their own benefit without intervening into the situation. The British would obtain the same advantage with the Ottoman – Russian support that they got against the French in Egypt in the Seven Islands that are close to the Morea. And this would lead to the Russian-French rivalry again and they would seek new tools that they could use in the Mediterranean. In the Tilsit Meetings conducted between the Russians and the French, (1807) the attitude of the French Emperor⁵ and the spread of the news regarding his consent for the

3 Millas, *ibid*, p. 170.

4 For the historical background and establishment of the Organization, see: Yavuz Özdemir-Erol Çiydem, “Osmanlı Coğrafyasında İlk Devrimci Örgüt: Filiki Eterya”, *Sosyal Bilimler Dergisi*, Vol. 7, No. 14, December 2017, pp. 24-45.

5 BOA, Kamil Kepeci Defterleri (KK) (Kamil Kepeci’s Notes), 59, p. 4.

division of the Ottoman State made the relations tense between the two parties. Finally, with the British involvement into the matter through its fleet and the Treaty of Kal'a-yi Sultaniye (Çanakkale), the French were no longer in the game. Only six months after this treaty, in a meeting that was made on the date of June 3, 1809 between the *Reisulküttap* and the Austrian Envoy, the Austrian Envoy insistently said: "Although the French are seemingly friends of the Ottoman State, in fact they are a powerful enemy". And in the abovementioned meeting, as evidence, he indicated the French decision to divide up the Ottoman State and their offer to give a share of the Ottoman lands to the Austrians.

Even though the claims of the Austrian Envoy against the French are correct, it is known that Austria also took place in similar plans in the past. Before 1774, the Austrian – Russian rapprochement that started to emerge against the Ottomans turned into a more concrete project in 1781. Joseph II (1741 - 1790), the Austrian Emperor, and Catherine II planned the division of the Ottoman lands in a likely war to be declared against the Ottoman State. Accordingly, a Dacian State would be established in the Balkans between the Dniester and Danube rivers. In the meantime, Serbia, Bosnia Herzegovina and the Dalmatian shores and a portion of Wallachia would be given to Austria. And surely, the most striking point of this alliance was the plan regarding the establishment of a Greek State in İstanbul under the control of Russia if the Ottomans' control over İstanbul was terminated. Moreover, with the title of Constantine III, the grandson of Catherine would be the king of the state to be established.⁶ The Ottoman State would read the process going to the Greek Rebellion in the light of all the attitudes of those states. In fact, the central bureaucracy of the Ottoman State would be asked to keep their arms by collectively entering the state of war from the state of peace with the emergence of the rebellion in an unexpected moment.⁷

The activities of the organization named *Filiki Eteria* was organized under the protection of Alexander Ypsilantis, the assistant of the Russian Tsar Alexander I (1777-1825), who was later dismissed due to the Ottoman pressure. This organization grew especially after 1816 and opened branches in every place where Greeks lived.⁸ One of the important reasons of the

6 Fahir Armaoğlu, *19. Yüzyıl Siyasi Tarihi (1789-1914)*, Türk Tarih Kurumu, Ankara 1999, p. 17.

7 BOA, HAT, 1317/51338.

8 Mehmed Mansur, *Rum Fetreti Tarihi*, İstanbul 1288/1871, p. 6.

Russian support was the possibility of Great Britain, which cooperated with the Ottomans, pushed the French out of the Seven Islands (Ionian Islands) and settled there, to prevent the Russia's dream of gaining access to the warm waters. In other words, Russia did not want the rivalry in the Mediterranean to remain only between France and Great Britain. Russia was giving the message through the Orthodox Greeks that it was also a party in this rivalry. The Greek Patriarchate in İstanbul and even the Voivode of Wallachia became the members of the organization supported by Russia. Greek ship owners, pirates, landlords and various self-employed persons and villagers were also supporting *Filiki Eteria*. The number of the active members of the organization which was under the influence of Russian Orthodoxy increased pretty much before 1821.⁹ Therefore, other Greek Orthodox persons who did not sympathize with them started to get organized among themselves and thusly the Mediterranean became a hot spot. Therefore, the next thing to do was to prepare the great rebellion which was the second stage of the plan. In fact, Ypsilantis and his men fired up the rebellion against the Ottoman rule by the pamphlets that they distributed among the Greeks in the Rumelia and later in the Morea.¹⁰

The Greek sailors, who were supported by the Russians and pampered by the British¹¹ and who mostly benefitted from the political rhetoric that was developed outside of them, made piracy a means for their living. As the British sailor Admiral Slade stated, the Greeks who labeled plundering and looting as free trade, revived piracy in the Mediterranean and destroyed the safety of the free trade. Therefore, many islands in the Sea of Islands and the Mediterranean became the center of smuggling and looting.¹² The domestic and international trade and passenger ships were being looted by the Greek pirates. Especially, the pilgrimage season was turning into the looting festival of the pirates. The raids were being made to the ships carrying the pilgrims and the looted goods were taken to the nearest islands and sold there. The open or secret support of the states and the declarations published

9 Richard Clogg, *Yunanistan'ın Kısa Tarihi*, trans. Dilek Şendil, Boğaziçi Üniv. Yay., İstanbul 2018, 2. edition, p. 45.

10 Şanizade Ataullah Efendi, *Tarih*, III, İstanbul, p. 165.

11 As soon as İpsilanti's activities in Wallachia and Moldavia started, the Western press started to pay close attention to the issue and some newspapers started to cover the issue with the title "Greek Revolution".... *The Times*, 8 Mayıs 1821.

12 Adolphus Slade, *Kaptan Paşa*, trans. Osman Öndeş, Boğaziçi Yay., İstanbul 1973, p. 17.

by the first rebels added legitimacy and even a religious and national flavor to the ongoing maritime looting. Some European states were evaluating the lootings acts performed by the Greeks over the sea and on the land as a request for independence in a manner which the Greeks were even unable to label at the time. The Europeans were silent about the piracy and looting of the trade ships by the Greeks so that the Greeks were able to obtain necessary finances. The Greek pirate ships could even continue their piracy and looting activities easily in the Mediterranean by flying the flags of the European states either with or without a permission for getting rid of the pursuit of the Ottoman Navy.¹³

Three separate rebel groups emerged in the Sea of Islands and the Mediterranean. The *palikaria* who used to be bandits on the land around northern Morea and Epir and were labeled as the *Kleptos* (dictionary meaning is thieves)¹⁴, were continuing their banditry in the mountainous sections. The second group were the *Maniots* who often disturbed peace and became famous with their piracy in southern Morea. And the third group were the looting pirates who were mentioned as the “*izbandit*” (Spandito in Italian) in the Ottoman documents and performing their activities in the eastern shores of the Morean peninsula, Hydra, Spactza and Psara near the Argolis Bay.¹⁵

As it may be understood from this short summary by which we have assessed the process going towards the Greek Rebellion, contrary to the claims, the problem did not originate from the Ottoman State’s oppression and injustice towards the Greeks. The problem emerged as an outcome of the playoff between the Russians who chose the Ottoman State as their target from the earlier periods and other states which had rivalries among themselves. While the Ottoman State was negotiating with the states that directly or indirectly supported the rebels through diplomacy on one side, it was also struggling with the terror created by the rebellion on the other in the framework of law.

13 Kurşun, *ibid.*, p. 51.

14 Richard Clogg defines the *Kleptos* as follows: “*For the duration of the Turcocracy, the Kleptos (dictionary meaning is bandits) constituted the most visible and important example of armed struggle against the Turks before the period of nationalism...*” See: Clogg, *ibid.*, p. 29.

15 Kurşun, *ibid.*, p. 52.

The First Fatwas Against the Rebellion

The Ottoman State directly perceived those developments as a rebellious movement in its own lands, not as legitimate requests. Naturally, it would take the measures in the direction that the current law at the time set out for the rebels. While introducing the military measures to prevent the rebellions, lootings and piracy that started in and around the islands on one side, it was also paying attention to the compatibility of those measures with the Islamic Law which was applied in the country on the other. In fact, in any legal system at the time, armed uprising against the legitimate government was not acceptable. In this regard, although there were some examples applied in the 18th and the 19th centuries in Europe, they remain outside of our subject matter. Here, the examples from the fatwas in the effect of the law requested by the Ottoman State while the rebellion was going on from time to time from the religious authorities who were the source of law will be analyzed.

Various claims were voiced in various sources regarding that Sultan Mahmud II at first requested taking very harsh measures against the Greek Rebellion up to massacring all of the Greeks if needed, and this matter was discussed in some of the studies. It is possible that this type of reaction might have been given by the Sultan against a threat that was directed towards his sultanate and state. However, things did not operate in this manner in the Ottoman State. Even if there was an order given by the Sultan, there must certainly be a legal basis in such a matter. In fact, voices would be raised in the center parallel to the expansion of the rebellion in the islands, Rumelia and the Anatolian shores and the rebels directly targeting the Muslim public. The impulsive request of the Sultan at the beginning would not be answered, however the Consultative Assembly (*Meclis-i Meşveret*) would convene and discuss the course of policy that needed to be followed. Approximately one month after the official announcement of the rebellion, the members of the Consultative Assembly convened at the mansion of the Shaikh Al-Islam on April 26, 1821 and discussed the measures that would be taken. After the examination of the incoming reports, the majority of the Assembly decided that this was a civil war and a military operation needed to be made against the rebels. Upon this decision, the fatwa consultant Üryanizâde Esad Efendi was called to the Assembly and a fatwa was requested from him for the announcement of a war against the Greeks who were Ottoman citizens. According to the Ottoman – Islamic Law, no brutal force could be used

against the non-Muslim subjects. However, those who rebelled gave up their responsibilities that were encumbered upon them by the Islamic Law regarding their non-Muslim status and attempted to rebel. Despite this, the military measures that would be taken against them needed to have a legal basis. The question, whose legal response was expected, was asked after making the following explanation that we have summarized from the text that belonged to the fatwa consultant who was called to the Assembly:

It has been understood that the Greek subjects who started rebelling everywhere, God forbid, united for the purpose of totally destroying and eliminating the Muslim nation as much as they could, and their treachery has become evident. The daring of the non-Muslim subjects, who have benefitted all the bounties of the Sultanate, for such an action is against the Law regarding the non-Muslim subjects and all of its provisions. Such rebels are considered as fighting infidels (*harbi*) and it is clear that application of the provisions of the state of war needed to be applied to them.

If the non-Muslims residing in one of the Muslim cities completely quit becoming loyal to our administration and start fighting and it becomes evident that they fight against us by massacring many Muslims, does the Law of War become valid for that group and would it be acceptable from the perspective of the Islamic Law to fight against them, take their properties as spoils of the war and enslave their women and children?¹⁶

The fatwa consultant gave the short “Yes, it does” answer for the question, which was asked after the explanation, as this was the case in all fatwa examples and he declared that the military operation to be performed would be legal. If we have a look at the fatwa closely, this question was openly asked: If the non-Muslims who were given the opportunity to live in the Muslim lands arm themselves and rise against the established order, kill and loot, can the provisions regarding fighting infidels (*ehl-i harp*) be applied to them, namely can they be treated as the warring party? In the original text of the fatwa, another distinction is also striking. While the areas, where rebellions started, were defined as the “Land of Islam” (*Darü'l İslam*), the phrases of “confederate and ally” were especially used for the Greeks. This shows that the fatwa was requested for the collective insurrections and did

¹⁶ BOA, MD 239, p. 39, Verdict 150.

not cover individual crimes. The question which was asked for the fatwa also summarizes the Ottoman's system regarding the non-Muslims. The safety of the lives and properties is under the guarantee of the Muslim state according to the Islamic Law. They are not like the people of war, namely the people with whom a state of war is going on. While asking the question for the fatwa, emphasizing this matter should especially be evaluated as a pursuit to legalize the decision to be made and the procedure to be performed. Because the non-Muslims are interpreted as the people of war in the text of the fatwa due to "their own choices and dispositions" after being accepted as the people who were given the guarantee to live (ehl-i eman). Accordingly, because they naturally no longer had the protection of the Law regarding non-Muslims with the justification that they have broken the covenant, the way for killing and enslaving the rebels was opened as this was done for the people of the war.¹⁷

Indeed, it is understood that the Ottoman State attempted to make a psychological pressure by this fatwa on the non-Muslims who lived in different places in a scattered manner and who have not rebelled yet. Because it is clear that the fatwa would not be influential on those who were rebelling at the time. On the other hand, it was also aimed to support those who were fighting against the rebels. The following questions are also answered: How would the commander or the salaried or voluntary soldiers going to war in their own lands treat the rebel subjects against whom they fight? What are the powers and limitations of those who fight in the name of the state? However, more importantly, by those fatwas, a legal ground was prepared for the treatment of the rebels who have risen against the sovereignty of the State, attempted to terminate the Muslims and Jews living on the islands or to force them to migrate. After this date, it was requested from the representatives in the field who wanted to stop the Greek Rebellion to be sensitive about the safety of the lives and properties of the Greek people, and they were asked to proceed against the rebels in the manner as it was set out in the fatwa. For instance, in an order which was sent to the fleet and all captains in the Mediterranean on the date of October 2, 1821, information was given regarding how to treat the Morean rebels. The fatwa was reminded to the commanders of the fleet even while giving them wide powers regarding accepting or rejecting those who surrendered, punishing those who continued to rebel according to the fatwas, capturing their properties and enslaving them. This situation

17 BOA, Cevdet Dahiliye, 28/1353; 43/2115.

indicated that it was attempted to continue the struggle against the rebels by remaining within the boundaries of the law. In fact, this request was not just an order, the Ottoman State followed up the application of the fatwas strictly. By considering the reactions introduced by the rebellion and the possible excesses of the soldiers and volunteers who were assigned to quell the rebellion, many orders were sent to the commanders, local authorities, and judges for performing the procedures within the boundaries of the law and not causing injustice against those who were not rebels or those who were given quarter even if they were regarded as rebels. Following this first fatwa which was issued for the Greek rebels, there were also those who wanted to turn this into an opportunity and target the innocent people by claiming that the fatwa covered all Greeks outside of the rebel region. Again, the Ottoman State notified the related representatives and the public in a clear manner through the fatwas that it had announced through the local judges that the issued fatwa was only about the rebels and other Greeks should never be harmed. There are many examples in this regard. Indeed, the fact that the Greeks residing outside of the rebel areas did not encounter any harm during the rebellion indicates that those orders were followed strictly.¹⁸ For instance, in an order which was written to Abdi Pasha, the Guardian of the Chios Island, it was ordered to protect the persons who were given quarter or innocent people from the unlawful actions of some of the soldiers during the incidents on the Chios Island where the Chief Admiral lost his life.¹⁹

Also, in a memorandum published for the Greeks of İstanbul as a precaution, we see the attempt to provide security by remaining within the boundaries of the law. With a memorandum aiming to calm down the anger of Sultan Mahmud II, it was requested to apply the Law regarding non-Muslims which set out the relations between Muslims and non-Muslims and the status of the non-Muslims under the Ottoman protection. As it is known, a lot of Greeks were living in İstanbul. Some of them were the immigrant Greeks coming from the islands and settling in İstanbul. In this regard, they had connections with the rebels. On the other hand, following the beginning of the rebellion, the greatest Orthodox leader was asked to prevent the rebels; however no positive result was obtained. This situation was directly endangering İstanbul, which was the capital city. Any movement that was

¹⁸ BOA, Cevdet Dahiliye, 14/690; Cevdet Zabtiye, 18/897.

¹⁹ BOA, Ayniyat Defteri, Nr. 576, p. 24.

likely to happen in İstanbul might have caused great massacres between the Muslims and Christians. For this reason, the Ottoman State revitalized some of the applications that were theoretically set out by the Law regarding non-Muslims and were not applied for a long time. The Law regarding non-Muslims, which determines the rights and obligations of non-Muslims living in a Muslim society, may be discussed in various aspects. However, after all it was a legal system which was accepted among the parties and not open to international intervention as it set out the domestic law and its manner of application was under the responsibility of the state, to be more exact, under the responsibility of the Sultan.

Sultan Mahmud II got the mistaken impression that the tolerance displayed towards the non-Muslim subjects of the Ottoman State until that day was one of the reasons of the rebellion. Three months after the rebellion, Sultan Mahmud II, determined the limits of tolerance which had been traditionally displayed for the non-Muslims with an edict that he issued on June 28, 1821, to all of the institutions including the Chief Admiral, Head of the Janissaries, Chief Armorer, Chief Quartermaster and Chief of the Imperial Guards.

With the issued edict, as a security measure a ban was introduced regarding the non-Muslims (Greeks and other non-Muslim communities) previously having the permission to travel with mules and horses inside the city walls and to carry weapons. While this ban was notified to the Greek and Armenian Patriarchates and the Jewish Rabbinate in İstanbul, the non-Muslims living in the city including the districts of Üsküdar, Galata, Beyoğlu and Büyükdere were asked to sell their saddle beasts to the Muslims over their fair market values.²⁰ Naturally, after this demand, the weapons of the non-Muslims were confiscated and unemployed Greek youngsters, who were likely to break the peace, were exiled out of İstanbul. Those measures applied in İstanbul may not be explained by the fear of threats against the sultanate of Mahmud II and impulsiveness. All data prove that those measures were taken as a security measure with the consideration that the rebellions and massacres might affect the capital city. And in one judge announcement aiming to control individuals entering into and exiting from İstanbul, it was put forward that some spies, who disguised themselves and were likely to be related to the rebellion, were visiting İstanbul. The suggested security measure was giving

20 BOA, Ayniyat Defteri (Record of Official Writings of the Central Administration), Nr. 573, p. 48.

a sealed document to the individuals traveling from/to İstanbul which they would obtain from the judge without a fee. Thusly, the suspicious individuals would be prevented from contacting the public. The point mentioned in the announcement regarding that this procedure was also “being applied in other states” is an evidence stating that this measure was attempted to be taken within the boundaries of the law.²¹ After the rebellion started, the exemption of government officials such as the translator of the Council, the sick and the elderly indicates that the strict decisions were purely about security and they did not cover those who did not pose any threat. However, when the spread of the rebellion and the massacre of the Muslims on the islands created a wave of thrill in İstanbul, some urgent decisions were made, and new confiscations and exiles were performed. However, the government did not ignore preparing new means of living for those who were sent to exile. In fact, the edict included those who were related and likely to be related to the rebellion. It was ordered that those who were not related to the rebellion would not be subjected to the exile only with a powerful bail.²²

The Greeks of Fener who had a privileged position until that day completely lost their reputation before the Ottoman State. Even Muslim statesmen who were related to them lost their reputation. And the Greek Patriarch Grigorios V, who excommunicated the rebels out of fear, was executed in front of the Patriarchate for cooperating with *Filiki Eteria*, failing to perform his duties, and failing to use his power over the clergy who supported the rebellion.²³ The biggest security measure that was applied in İstanbul due to the Greek rebellion was the execution of the Patriarch. This execution, which caused the Russians to protest the Ottomans, was based on the domestic law within the Ottoman system. When the Russian Ambassador protested the execution, the Ottoman Reisülküttap reminded the Ambassador that “the Russian Tsar Peter the Great also abolished the Patriarchate from his lands in the past.”²⁴ However, the Reisülküttap would reveal the real approach of the Ottoman State in this matter in the meeting that he made with Stanford Canning, the British Ambassador.

21 BOA, Cevdet Dahiliye, 48/2373, 103/5138.

22 In this matter, for a correspondence between the Voivode of Wallachia and Selim Pasha, the Governor of Silistra, see: BOA, HAT, 872/38770.

23 Mustafa Cezar - Midhat Sertoğlu, *Mufasssal Osmanlı Tarihi*, VI, p. 2880; Zeki Arıkan, “1821 Yunan İsyanının Başlangıcı”, *Askeri Tarih Bülteni*, February 1987, I. 22, pp. 101-102.

24 Clogg, *ibid*, p. 25.

In the meeting, the Ambassador asked the reason of the execution of the Greek Patriarch in a diplomatic language to the Ottoman Foreign Minister for the purpose of answering the rumors abroad after stating that the execution was completely a domestic matter of the Ottoman State, and no one needed to intervene into this. After saying “We are also aware of those rumors. It is supposedly said that the Ottoman State executed the Patriarch to insult the Christians. However, there is even no need to state that those rumors are impertinent lies.” the Foreign Minister explained the execution of the Patriarch as follows: “The Patriarch committed an evident crime against the State. His words and advice were influential over his community because he was the leader of his community. It was possible for him to make the necessary suggestions to his community from the religious and sectarian perspective after becoming aware of the Greek problem, to heed them to the right path and to resolve the problem before the beginning of the rebellion and it was his duty to do all of those. However, far from preventing his community to support the rebellion, the Patriarch personally led the rebellion. In the consequence of local and international intelligence activities and of the information obtained from the Greeks who are loyal to the State, his crime about the rebellion was regarded as evident and he was thusly executed”.²⁵It is also meaningful that for the questions asked in the same meeting, Reisülküttap stated that the legal principles would be followed thereafter in the treatment of the Christians; the Ottoman State would treat Christianity thereafter in the manner that it had been treating it until that date, and in the event that the rebels sought forgiveness, everything would turn to normal.²⁶ The Greek merchants trading between the Mediterranean and Black Sea ports applied to the Ottoman State for the purpose of being able to maintain their trading activities upon the cessation of their trade due to the rebellion. The State’s permission for them under certain conditions to continue trading upon their application while the rebellion was going on is one of the examples indicating that the State distinguished the rebels and the ordinary subjects who were conducting their normal businesses.²⁷

25 BOA, HAT, 924/40152.

26 The same document.

27 BOA, HAT, 686/33311.

Legal Pursuits and Fatwas During and After the Chios Incident

Two big incidents were encountered during the Greek Rebellion. The first one is the Tripolitsa incident of 1821 which caused the massacring of tens of thousands of Muslims in the Morean Peninsula. The other one is the sabotage made to the Ottoman fleet, which was prepared and sailed for the purpose of quelling the rebellion, near the Chios Island on the date of June 18, 1822. Despite the insensitivity of the European States, following the first incident the State cared about staying within the boundaries of the law and declared its position to the foreign envoys persistently and announced that the Law regarding non-Muslims would be applied to those who seek forgiveness and give up rebelling.²⁸

And the fatwas issued after the Chios Incident indicate that the State attempted to remain within the boundaries of the law. In the sabotage made by the Greek rebels on the anchored Ottoman fleet off of Chios, while the Chief Admiral Ali Pasha was inside, the captain's ship caught fire and while he was leaving the ship, he died and fell into the sea as he was crushed by the falling mast. This big incident created a huge impact both on the fleet and the soldiers on the Chios Island. The idle soldiers and volunteers started attacking here and there and took some Greek farmers as slaves. After this incident which took place out of the chain of command, there were soldiers who wanted to sell the slaves in the market or to take them to bigger markets such as İstanbul. Even though the Chios Incident created huge reactions in the Ottoman State and provided advantages for the rebels; by the fatwas that it issued, the Ottoman State banned enslaving and selling the imprisoned individuals against the fatwas that it has issued earlier.

Mustafa Pasha, the Guardian of the Dardanelles, wrote a letter to İstanbul and notified the Government that some soldiers took some prisoners among the people who were given protection following the death of the Chief Admiral and the events' getting out of control, they brought the slaves to the Dardanelles and asked permission to pass the strait and the Pasha asked the right course of action regarding what to do in this manner. Mustafa Pasha, who reminded that under normal conditions such an action would not be permissible, wrote that he had some hesitations regarding allowing the slaves to pass or not for the purpose of preventing turmoil that might take place due to the heat of the events. The Grand Vizier notified the issue

28 BOA, HAT, 889/39279.

to the Religious Affairs Department and requested a fatwa in this matter from the Shaikh Al-Islam and prevented such treatment of the innocent people through the use of the law. Indeed, in two fatwas obtained from the Office of the Shaikh Al-Islam, it was indicated that those people were “free subjects” and it was never legitimate to buy and sell them. The fatwa obtained from the Shaikh Al-Islam was both sent to Mustafa Pasha and notified to the provincial offices of judges. Additionally, it was also ordered that those who had such slaves in their hands immediately needed to free those slaves and contact with the Guardian of Chios so that those slaves would be directly taken by the authorities and returned to their homes. It was also advised to announce the fatwa in a manner that would be heard by those who were continuing to keep the slaves in their hands that it was religiously forbidden to purchase, sell or lay down with the people of Chios. Strong measures were taken against the possibility of some looters or disorganized soldiers to take the persons whom they enslaved to İstanbul without permission and sell them there. Besides the orders for not allowing them to pass the Dardanelles, the fatwa of the Shaikh Al-Islam was also sent to the judges’ offices of İstanbul, Galata, Eyüp and Üsküdar along with the Director of Customs and the Chamberlain of Slave Sellers. The issued fatwas completely explained the ongoing events and used a very clear and understandable language.

In the first fatwa which was issued after the Chios Incident, it was clearly declared that it would not be possible from a religious perspective for Muslims to raid the provinces of the non-Muslims with whom an agreement was made or who were given protection and to enslave those people. Additionally, it was also stated that the women who were captured as slaves would never be accepted as concubines. The second fatwa stated that it would never be religiously permissible to enslave or sell women out of the people with whom an agreement was made even if they were from the war zones.²⁹ It should not be forgotten that the declaration of a fatwa stating that “it would not be permissible” to do something is not actually a recommendation, it is actually a rule that must be followed.

Those last fatwas indicated that the Ottoman State has attempted to protect the people of Chios who did not attempt to rebel by using both the administrative, legal and religious means. However, it is also clear that there

²⁹ BOA, HAT, 846/37993.

were people who attempted to benefit from such chaos. However, the crimes committed by those people should not be referred to the administration or the administrators. As we have seen in many documents except those fatwas regarding the subject matter, the Sultan and the high rank administrators attempted to distinguish the rebels and the ordinary public. Edicts were issued in this regard, and even some court decisions were announced. For instance, at the very beginning a court announcement came to İstanbul from Seyyid Hüseyin, the judge of Kaloniye, to prevent some of the pillagers who claimed that the fatwa issued for the rebels of Chios would also be valid for the people of Lesbos Island and other islands. In the judges announcement dated August 9, 1822 it was expressed that the verdict was only for the rebellious people on the Chios Island, however until that day, there was no rebellious attempt coming from the people of Lesbos Island, and even if there were some incidents, the necessary measures were taken by the security forces, therefore the mentioned fatwa, which was issued for the rebels, was not valid for the people of the Lesbos Island.³⁰

Conclusion

The Ottoman State encountered a huge rebellion at an unexpected moment despite the fact that it was observing the preparations of the Greeks in the recent years. In fact, the intentions of the great powers at the beginning of the 19th century, the alliances and rivalries among them created a huge opportunity for the Greek Rebellion. The Ottoman State perceived the rebellion as a wanton uprising against the sovereignty of the State. The Ottoman State, which considered the events as a terrorist event that caused the death of tens of thousands of citizens on the islands who were Muslims, Jews or believing in other religions or sects, perceived this incident as a threat against its capital city at the same time. The State followed two methods while developing defensive reflexes against those events which directly targeted its sovereignty. Those are maintaining diplomacy with the states provoking the rebellion and struggling with the rebels within the boundaries of the law. In all military operations and other security measures that were performed for this purpose, either the current legal principles at the time were followed or an attempt was made to remain within the boundaries of the law by obtaining fatwas which had the effect of a legal verdict. Besides, the applications of sovereign states around the world against similar incidents were not also ignored.

30 BOA, Cevdet Zabtiye, 18/897, 21.11.1237.

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