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Poverty, Law and Labour in the Ottoman Empire (sixteenth-eighteenth centuries)

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Introduction

Scholarly work on poverty and charity has been expanding in Ottoman studies for the past decades.¹ This chapter provides an overview of the history of poverty and charity in the Ottoman Empire, focusing in particular on the way understandings of poverty were shaped through Islamic law, and argues that focusing on extraction of labour offers new insights into the history of poverty in the early modern Ottoman Empire. The key to this junction will be a focus on the legal system that gave definitions of poverty, dealt with the plights of the poor, institutionalised charity and regulated labour relations and the exploitation of workforce to some extent.

Judicial and fiscal definitions of poverty present a clear picture on how the Ottoman state understood and approached the problem of poverty, specifying how the poor could be worthy of relative clemency concerning their fiscal and legal obligations towards the state. Based on the juridical and judicial understandings of poverty, the question of indebtedness will be focused on. A private loan was granted on the basis of the property (that could be mortgaged) and the capacity of the debtor to generate earnings through their work. Situations of insolvency were especially revelatory of the ways the impoverished and incapacitated debtors were treated by the institutions who acted as the main guarantor of the lenders' private interests. Insolvent debtors who were not destitute at the time of the loan's granting are a good illustration of the average Ottoman subject's utter financial vulnerability and nearness to potential material obliteration depending on the circumstances. The situation of insolvent debtors shows that virtually any Ottoman subject could need assistance from public or private charity one day. Charitable foundations were an instrument of power on behalf of the sovereign and the elite, and they offered temporary, limited and localised solutions to poverty at best. Furthermore, their mission was not to eradicate poverty and their targeted public was generally not even the ordinary poor in priority. Although these institutions created employment for modest Ottomans (menial tasks that were essential to the establishments' daily functioning) who could thus rely on a work environment to avoid debilitating indigence and acquire the means of not getting to the point of needing assistance from others. How could one cope with poverty, especially when one could not rely on the offer of charity and did not have the possibility or the eagerness to work? Amongst the limited solutions to this problem, I will focus on the least criminalised one: mendicancy. It will be argued on the character of mendicancy as a 'profession', a profession that was exclusively associated to poverty, unemployability, unwillingness to work for an honest and earnest living. Since the problem of beggars in the urban space could not be dealt

¹See in particular the works by Amy Singer cited in the bibliography, as well as the different contributions in Jean-Paul Pascual, ed., *Pauvreté et richesse dans le monde musulman méditerranéen / Poverty and Wealth in the Muslim Mediterranean World* (Paris: Maisonneuve & Larose, 2003).

with by policing methods, Ottoman administrators compelled professional beggars to work in association and within a merely bureaucratized structure. Interacting with beggars in daily life made Ottomans confront their own prejudices on poverty and work, as well as their capacity for empathy and charity. The example of beggars is an illustration of how the poor could eventually choose or be engaged in a specific professional path. That of the children will be an illustration of labour extraction in dire circumstances. Child labour emphasises how families could benefit from the labour of their own progeny and how opportunistic individuals could hope to profit from the poverty of others by commodifying their offspring. This opportunistic exploitation of children had remarkably different features whether the agents in question were slave merchants, guild-member artisans or foster-families.

The population of the Ottoman Empire has often been characterised, in archival documents and historiography, as divided into binary categories. The most common of these binaries are those between Muslims and non-Muslims, *askeris* (fiscally exempted state officials) and *reaya* (tax-paying free subjects), the free and the unfree, men and women.² Amongst the *reaya*, we find Muslims and non-Muslims combined together as artisans, merchants and peasants, as the main producers of riches in the Empire to whom the imperial treasury owed a considerable part of its yearly receipts. Another binary opposition, that between the rich and the poor allows us to go diagonally through the above-mentioned categories in order to obtain intersectionalities that surpass and disrupt the monolithic simplicity of these partly artificial categorisations. For instance, poor Muslims and poor Jews were much closer to each other than to their richer co-religionists despite what could be ideologically affirmed in contradiction to socio-economic conditions.³ Non-Muslims certainly had heavier fiscal obligations because of the poll-tax (*jizya*) singularly imposed on them.⁴ Although, fiscal obligations weighed heavily on all those who had modest, low or non-existent incomes. If yearly taxes had prefixed rates or amounts, and even prices for basic foodstuffs had a fixed ceiling, people's revenues did not benefit from a level of guarantee at all: even the rich could be ruined in a disastrous conjunction of circumstances. To the above-mentioned dichotomies, we can add another one between the working and the non-working poor. This opposition obviously breaks an erroneously homogenous view of the poor while clarifying some of the axiological judgments on the merits of some poor for compassion and charity. To be clear, none of these dichotomies has an absolute primacy over the others, each one constitutes a single layer of a greater multiplicity. As we shall see below, age is another determinant factor, as children in situations of poverty could be prone to forms of exploitation that would not particularly concern adults.

In Ottoman political philosophy, the rich and the poor were considered as consubstantial, one did not go without the other: every class and every social group were supposed to know their place in the hierarchy that obeyed to the universal and natural order of things.⁵ Not only were the status quo and the socio-political hierarchy not to be questioned, but the importance of

²Gilles Veinstein, 'Pauvres et riches sous le regard du sultan ottoman', in *Les Ottomans. Variations sur une société d'Empire* (Paris: Éditions de l'École des hautes études en sciences sociales, 2017), 125.

³Minna Rozen, *A History of the Jewish Community in Istanbul. The Formative Years, 1453-1566* (Leiden-Boston: Brill, 2002), 215.

⁴The curious exception being the payment of *jizya* by Muslim Gypsies.

⁵Marinos Sariyannis, *A History of Ottoman Political Thought up to the Early Nineteenth Century* (Leiden: Brill, 2019), 84, 154 and 449.

maintaining the wealth gap was emphasised: if everybody was poor or rich altogether, then nobody would feel the need to serve someone else. Division of labour (religious, intellectual, political, military, productive and reproductive) and social inequalities that were derived from this very division were presented as inscribed in the immutable order of the universe, and thus to be maintained as necessary, since drastic social ascension was deemed undesirable and a sign of decay.⁶ The study of charitable foundations below will make these views quite clear.

Al-Shaybani (d. 805), an influential jurist and scholar of classical Islamic law, compared ‘earning a living as a religious obligation to that of seeking knowledge’ for all those who had the possibility to work, which required basically having a fully functional body.⁷ In relation to the religious obligations of Muslims, labour was considered as not only providing the necessary means of material reproduction for one’s own self (thus avoiding poverty with earnest effort), but also the means to distribute alms (*sadaqa*) to the poor, to the needy.⁸ Almsgiving can be interpreted as disinterested and purely altruistic, although it is impossible to detach from the eschatological promise by which it is sustained.⁹

In addition to voluntary almsgiving, well-off Muslims (who had managed to accumulate enough through their own work or the labour of those who worked for them) had the obligation of paying one fortieth of their annual revenues to the poor. This obligation was called *zakat*, a redistributive measure that was one of five pillars of Islam that had the noble goal of establishing the poor in a situation of autonomy with the necessary means to support themselves and then prosper beyond the initial obstacles indefinitely by securing a business, a practice, an industry.¹⁰ Almsgiving was originally said to having been conceived as a way to help people to work by providing them with necessary means, tools and eventually education, beyond basic economic security.¹¹

I will be examining mostly court records that shed light into the daily life of Ottoman subjects and social relations in the cities of the Ottoman Empire (mainly Istanbul and its surroundings along with examples from other cities of Arab provinces for instance). To a certain degree, the chapter will deal with examples coming from law codes, imperial orders and observations of chroniclers and travellers, because the classical tension between legal norms and their positive implementation provides a useful perspective in grasping the struggles at stake.

I will try to show how far the naïve idealism of the religious discourse on avoiding poverty by working could be from reality, especially in the example of indebtedness. Institutionalised

⁶*Ibid.*, 84, 88-92 and 449-452. Such would be the partial paraphrase of the main ideas pertaining to these themes that could be found in Kinalızade Ali Çelebi’s (d. 1572) bestselling treatise (from its first diffusion from 1564 onwards up until the eighteenth century) of ethics applied to the individual, the community and the ruler. This general discourse is highly representative of the Ottoman elite’s worldview in the early modern era. The necessity of maintaining the poor indefinitely impoverished for the sake of social and political order greatly echoes the similar views of Machiavelli on the importance of maintaining the citizens in poverty for the success of a republican society (*Discourses on Livy* [1531], book III, ch. 25).

⁷A. Singer, *Charity in Islamic Societies* (Cambridge: Cambridge University Press 2008), 165.

⁸*Ibid.*

⁹Eyal Ginio, ‘Living on the Margins of Charity. Coping with Poverty in an Ottoman Provincial City’, in *Poverty and Charity in Middle Eastern Contexts*, ed. M. Bonner, M. Ener and A. Singer (Albany: State University of New York Press, 2003), 167-168.

¹⁰Singer, *Charity in Islamic Societies*, *op. cit.*, 166.

¹¹*Ibid.*

charity and religiously motivated philanthropy were palliative solutions to poverty at best. Their insufficiency pushed the poor to opt for more radical attempts at escaping indigence, attempts that will be partially examined through the examples of begging (a much underrated ‘*métier*’) and child labour. Merely working did not suffice at all to avoid poverty and moreover, poverty created situations that configured extraction of labour in very specific ways. The point is not to be exhaustive in any way, nor to set a homogenous portrait of the Ottoman Empire, but to analyse representative examples of both ordinary and unusual situations from the sixteenth to the eighteenth centuries. In order to do so, we will be going through legal and fiscal ways of defining the poor, social and economic dynamics of unpaid debt, charity on imperial and societal scales and its shortcomings, mendicancy and child labour.

Legal and fiscal definitions of the poor

Fakir (poor), a word of Arabic origin frequently used in Ottoman Turkish commonly designated those who did not have the means of nourishment, clothing and material security on a regular basis.¹² In some of the Qur’anic verses where the word occurs, it is used in opposition to *ghani* (self-sufficient, well-to-do).¹³ Another sense of the word ‘*fakir*’ alluded to a certain culture of poverty in mystic Sufi orders that deliberately chose a life of material misery in order to attain spiritual richness and purity.¹⁴ In fact, although I will not be discussing the phenomenon of mystic poverty in Sufi orders, as Islamic societies and the learned class have debated extensively on the role of destitution in the quest for piety.¹⁵ Rather than the notions of pious ascetism or modesty as a moral posture, it is the sense of socio-economic vulnerability and dearth that will constitute my main focus.¹⁶ Members of Sufi orders who made a vow of poverty emulated the poor and put themselves voluntarily in dire circumstances, meanwhile the non-Sufi poor struggled to better their living conditions and ideally readjust their social standing. While there certainly was a practical overlap in the material living conditions of both types of poor, the economically poor strove to bend their poverty whereas the religiously poor preferred the status quo for themselves since the very fact of being poor was their religious medium.

As opposed to this type of chosen poverty as a religiously invested ‘life choice’, a true will to make one’s self poor and remain so for devotional purposes, one can distinguish structural and conjunctural forms of poverty as a social condition. Famine, disease, war, natural disasters, economic crises or political unrest were virtually immediate threats to most members of the early modern Ottoman society.¹⁷ This showed the precariousness of one’s material condition even for the wealthy who faced the possibility of unexpected destitution that would make them

¹²Singer, ‘Pauvres (XV^e-XVIII^e siècles)’, in *Dictionnaire de l’Empire ottoman*, ed. F. Georgeon, N. Vatin and G. Veinstein (Paris: Fayard, 2015), 920.

¹³K. A. Nizami, ‘Faḳīr’, in *Encyclopaedia of Islam. Second Edition*, ed. P. Bearman et al. (Leiden: Brill, 1965), vol. II: 775.

¹⁴Abdul-Karim Rafeq, ‘The Poor in Ottoman Damascus. A Socioeconomic and Political Study’, in *Pauvreté et richesse dans le monde musulman méditerranéen*, *op. cit.*, 218-219.

¹⁵Singer, ‘Pauvres’, *op. cit.*, 920. *Eadem*, *Charity in Islamic Societies*, *op. cit.* For a relevant study of mysticized poverty by Sufi orders, see Alexandre Papas, *Mystiques et vagabonds en Islam. Portraits de trois soufis qalandar* (Paris: Cerf, 2010).

¹⁶Ginio, *op. cit.*, 166.

¹⁷Yaron Ayalon, *Natural Disasters in the Ottoman Empire. Plague, Famine, and Other Misfortunes* (New York: Cambridge University Press, 2015).

depend on the generosity of others.¹⁸ The pioneering historian of poverty and charity in the Ottoman Empire, Amy Singer, while pointing out the existence of ‘universal categories of poor people’ such as ‘widows, orphans, the elderly, prisoners, the disabled’ (list to which we might add daily wage earners and manumitted slaves in part), rightly affirms that ‘poverty was not an absolute or uniform condition.’¹⁹ The economic policy of fixed prices (*narh*) systematically enforced in urban marketplaces had the objective of preventing abusive price speculation on staples and favouring society’s modest sectors. However, even fixed prices for food exceeded most people’s means.²⁰

In its general lines of division, the following tripartite social classification of classical Islamic law also applied to the Ottoman society and fiscal system. The chief *mufti*²¹ of the Empire between 1545 and 1574, the *şeyhülislam* Ebussuud Efendi,²² explicated the ways to define the poor, the middle class and the well-to-do in several fatwas²³ on the poll tax imposed on Ottoman Christians and Jews. Those who do not own 200 dirhams were deemed poor (*fakir*); those whose fortune is between 200 and 10,000 dirhams were of average condition, in the middle (*vasat*); and finally, those who own more than 10,000 dirhams were of superior condition (*faik*).²⁴ Although the questions he was answering in these fatwas were on the poll tax that was due to the state by non-Muslims, the *mufti*’s categorisation in his answer was valid for the entire population. The level of income fixed only the thresholds of annual taxes that were to be paid. Even extremely low incomes did not grant in any way a tax exemption as long as the subject was ‘able to work’ (*amele kadir olan*).²⁵ The classical monetary unit dirham is not to be taken literally, but one should refer to the basic monetary unit of one’s own time while trying to find comparable proportions.

What is interesting in Ebussuud’s reminder on the annual fiscal obligations of non-Muslims of all walks of life is precisely the proportion of the fiscal effort depending on one’s wealth. The poor (who own nothing or less than 200 dirhams) are to pay 12 dirhams a year, those in the middle (who own at least 200 dirhams and up to 10,000) 20 dirhams a year, and the rich who possess more than 10,000 dirhams only the double, 40 annual dirhams.²⁶ As compared to the

¹⁸Singer, *Charity in Islamic Societies*, *op. cit.*, 152.

¹⁹Singer goes on to describe the ‘deprivation created or maintained by shifting demographic or economic cycles, lack of land or work, life-cycle stages such as youth, childbearing, or old age, lack of marketable skills, or social prejudices against gender, age or race. All of these can contribute to forming barriers that prevent people from overcoming poverty.’ *Ibid.*, 152-153.

²⁰Singer, ‘Serving Up Charity: The Ottoman Public Kitchen’, *Journal of Interdisciplinary History*, XXXV/3 (2005): 497.

²¹*Muftis* were jurisconsults having the necessary scholarship in Islamic law and theology which gave them the authority to pronounce fatwas (see below n. 23). They didn’t have judicial or executive powers, but their legal expertise was regularly solicited by officials and civilians alike. The *mufti* of Istanbul was the highest placed amongst them, which gave him the title of *şeyhülislam*. Whereas the validity of a judge’s (*kadi*) decision was limited to the singular case in which it was pronounced, the opinion of a *mufti* had universal and indefinite validity in time and space.

²²Colin Imber, *Ebu’s-su’ud: The Islamic Legal Tradition* (Stanford: Stanford University Press, 1997).

²³A fatwa is a non-binding juridical opinion based on canonical doctrine. Fatwa compilations of prominent jurists show the debates and jurisprudential speculations of their time, as well as questions posed by the general public and the administration to authoritative figures with their resolutions.

²⁴M. Ertuğrul Düzdağ, *Şeyhülislam Ebussuud Efendi Fetvaları Işığında 16. Asır Türk Hayatı* (Istanbul: Enderun Kitabevi, 1983), 97, fatwas nos. 414 and 416.

²⁵*Ibid.*, 97, fatwa no. 414.

²⁶*Ibid.*

gap of material wealth between the three groups, what is demanded from the more modest parts of the population is proportionally much more significant than what was incumbent upon the rich to pay. Hypothetically, a poor (of the richest kind) who owned 200 dirhams would be paying 6 %, whereas a rich (of the poorest kind) who owned 10,000 dirhams would only be paying 0,4 % annual tax. Of course, we can easily affirm that this proportionally more significant fiscal effort fell on those who were demographically the majority even though they did not necessarily possess individually a significant part of the produced wealth.²⁷ Consequently, formal and informal networks of solidarity became necessary to undertake the yearly fiscal burden in the urban world. The example of seventeenth-century Aleppo, which is not isolated in the Ottoman Empire, shows us how guilds and neighbourhoods stood in unity vis-à-vis the state's and ruling class' fiscal pressure.²⁸ Organizing fiscal solidarity in neighbourhoods or parochial communities was almost an obligation for practical reasons because some taxes were calculated and levied for whole districts and communities at once.

The alleviation of fiscal obligations of Ottoman subjects due to their lack of resources or impoverishment (alleviations that were, of course, no general incentive to pay lower taxes) also had counterparts in the judicial system. For instance, the fines that had to be paid by criminal offenders were eventually revised and reduced according to the offender's level of assets. In Süleyman the Magnificent's (called *kanuni* in Ottoman Turkish, the 'Lawgiver', r. 1520-1566) law code, promulgated circa 1540,²⁹ the penalties and fines due by those who had extra-marital and thus illicit sexual intercourse, according to the offenders' wealth were detailed as follows:

'If a person commits fornication and [this] is proved against him— if the fornicator is married and is rich, possessing one thousand *akçes* or more, a fine of 300 *akçes* shall be collected [from him], provided he does not suffer the [death] penalty; if he is in average circumstances, his property amounting to six hundred *akçes*, a fine of 200 *akçes* shall be collected; if he is poor, his property amounting to four hundred *akçe* a fine of 100 *akçes* shall be collected; and if he is [in even] worse [circumstances], a fine of 50 *akçes* or a fine of 40 *akçes* shall be collected.'³⁰

For the same offence, we can note that a person considered as rich could pay three times the fine due by the poor, even six times as compared to a pauper, in other words an extremely poor person ('in worse circumstances than the poor'). We can also note that the gap between the thresholds amongst what the law code considers as wealth and poverty is moderately narrow and disproportionate in comparison with the fixed fines. The Ottoman silver currency of the time, *akçe* (asper), because of its instability throughout the sixteenth century, needs to be systematically converted to the gold standard of the early modern period, the Venetian ducat. According to this law code of the 1540s, assets superior to 1,000 aspers (from 16 ducats upwards) qualified a person as well-to-do, whereas the poor's assets were deemed inferior to 400 aspers (less than 6 ducats in all).³¹ So, the richer a person was, the more liable they became

²⁷Heather L. Ferguson, *The Proper Order of Things. Language, Power, and Law in Ottoman Administrative Discourses* (Stanford: Stanford University Press, 2018), 89.

²⁸Charles L. Wilkins, *Forging Urban Solidarities: Ottoman Aleppo, 1640-1700* (Leiden-Boston: Brill, 2010), 94, 98 and 106.

²⁹This was the classical Ottoman Criminal Code which was based partly on the law codes of Süleyman's predecessors, partly on his own new legislation.

³⁰Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V. L. Ménage (Oxford: Clarendon Press, 1973), 95.

³¹Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge: Cambridge University Press, 2003), 64.

to pay the highest fine for their criminal acts. Traditionally, the Ottoman criminal law graduated the fines in accordance with the offender's financial situation that could correspond to four general categories: rich, 'in medium circumstances', poor and pauper (in the sense of 'very poor').³²

A number of political and military upheavals, economic crises and monetary debasements (partly due to the gold and silver influx into Europe from the Spanish Americas) devaluated the asper in the second half of the sixteenth century. As a result, the fines as well as the thresholds indicated above became obsolete. In the *responsa* of a contemporary Jewish scholar, Elyahu ben Hayyim, we learn that, at the end of the sixteenth century, a tax-paying Ottoman Jew was considered as rich if he owned 40,000 aspers (320 ducats) or more, and poor if he possessed 5,000 aspers (40 ducats) or less.³³ Uriel Heyd points out that the ratio for these grades varied from one criminal code to the other: 4:3:2, 8:4:2:1, or 10:5:3, the distinction between the poor and the very poor not being systematic.³⁴ The main idea was to punish an offender severely enough, but not necessarily to the point of completely ruining a taxpayer who was much more instrumental to the imperial budget on a regular and reliable basis.

Whether an Ottoman subject was poor for structural or conjunctural reasons, the very fact of being poor had to be defined clearly for social, institutional, judicial, fiscal and even political matters. The *kadi's* court,³⁵ notably in cases of insolvency, fiscal debt, familial allocations, had to define simple criteria of poverty. The basic administrative and judicial definition of poverty is that of 'economic phenomenon that resulted in utter dearth of economic resources' which characterised the poor 'as unable to survive by their own means' or to take care of others.³⁶ Whether this absolute lack of means and resources was due to unemployment, to the impossibility of working or to extremely meagre revenues remains a pertinent question for ongoing research.

The question of indebtedness

The judicial and fiscal necessities of fixing thresholds according to the assets of Ottoman subjects contributed to the documentation of circumstantial and specific definitions of poverty. Similar interventions on behalf of administrative and judicial authorities also occurred in cases of insolvency.

³²Heyd, *op. cit.*, 283.

³³Heyd, *op. cit.*, 284. Pamuk, *op. cit.*, 97 and 144. In fact, in sixteenth-century Jerusalem, we can find instances of poll-tax reduction or cancellation for the poor Jewish inhabitants (Singer, *Palestinian peasants and Ottoman officials. Rural administration around sixteenth century* (New York: Cambridge University Press, 1994), 81-82). This example related to a given community does not mean other confessional groups did not benefit from similar legal exceptions and fiscal alleviations or exonerations.

³⁴Heyd, *op. cit.*, 283.

³⁵A *kadi*, real staple of Ottoman justice and administration, was a judge, administrator, notary in charge of a district (*kaza*) in the Ottoman Empire. The polyvalent bureaucrat was a lieutenant of the sovereign and in charge of implementing and enforcing Ottoman law (subtle synthesis of sharia and secular sultan law, the *kanun*) via his court. Through the *kadi's* intercession not only every Ottoman subject, but every person present in the imperial realms had access to the system of justice guaranteed by the sultan. To go further, see Ronald C. Jennings, 'Kadi, Court and Legal Procedure in 17th C. Ottoman Kayseri', *Studia Islamica*, 48 (1978): 133-172.

³⁶Ginio, *op. cit.*, 167.

The use of credit was widespread in Ottoman society, including by the poor.³⁷ The lender assessed the debtor's capacity for reimbursement according to their professional activity (having a job, a business, steady sources of income) and personal assets. Unpredictable and dire circumstances could prevent the arranged payment plan. By the way, a would-be debtor's desperate need for a loan for basic subsistence could lead them to present their reimbursement capacity under an unrealistically optimistic light, the priority being immediate access to cash before starting to worry about paying it back one day. In fact, debtors could be sued by creditors unsatisfied by the ongoing terms of the payment process. When the facts were established by the *kadi* or his agents in favour of the unpaid plaintiff, a common coercive measure that was taken against the debtor was temporary imprisonment. Imprisonment for unpaid debts was considered by creditors and Ottoman officials as an efficient way to compel the debtor and especially the debtor's family, associates and entourage to mobilise necessary resources—if there were any—for the expected reimbursement.

In a case dated 28 November 1663³⁸ from the Istanbul court records, we learn that the baker (or bakery seller, *çörekçi*) el-Hacc Fethullah, debtor of Nikolaos, son of Yannis, had been imprisoned, by a decision of justice, for six months prior to the hearing in an official gaol. Thanks to the testimonies of four credible, competent and disinterested Muslim witnesses (*udul-i müslimin*), Fethullah who owed Nikolaos 2,700 aspers (around 11-14 Venetian ducats)³⁹ was deemed as owning nothing else than the clothes he was wearing at the time. In this trial, Fethullah is described as 'bankrupt' (*müflis*), 'indebted' (*medyun*), 'destitute' (*mudim*) and 'poor' (*fakir*). Upon these testimonies and with the creditor's agreement, el-Hacc Fethullah was freed by the judge with the expectation that the defendant would acquire enough property and wealth in the near future to recover solvency.⁴⁰

This litigation shows us quite clearly the logic of imprisoning the debtor. It was mainly for seizing the necessary amount of assets that would allow the promised payment to the creditor. Since Fethullah was recognised as not owning anything while owing a substantial amount of money to Nikolaos, his incarceration became simply ill-advised and counterproductive. Fethullah's six-month imprisonment was even a new factor of retardation in the reimbursement process, because he could not earn anything during this period. Consequently, Fethullah was ordered to get back to working and producing and gather the necessary resources to pay Nikolaos back. As in most debt trials, the way in which the initial debt had been contracted is not explained, but one thing is obvious: Fethullah was able to obtain this sum of money from Nikolaos as he was deemed productive enough to generate the necessary reimbursement in the future by his work and commerce. Most likely, our debtor in this case was not initially of poor condition but became impoverished in the process. In other litigations, the imprisonment could

³⁷Pamuk, *op. cit.*, 79.

³⁸In the conversion of dates from the Hijri calendar to the Gregorian, there is always a 24-hour error margin. See Nicoară Beldiceanu and Irène Beldiceanu-Steinherr, 'Considérations sur la chronologie des sources ottomanes et ses pièges', in *Studies in Ottoman History in Honour of Professor V. L. Ménage*, ed. C. Heywood and C. Imber (Istanbul: The Isis Press, 1994), 15-29.

³⁹Pamuk, *op. cit.*, 144.

⁴⁰Rasim Erol et al., eds., *İstanbul Kadı Sicilleri. İstanbul Mahkemesi 12 Numaralı Sicil (H. 1073–1074 / M. 1663–1664)* (Istanbul: İSAM, 2010), fol. 109r^o, 5th entry.

end upon an agreement on future payments in several instalments or the reimbursement of the total debt before a deadline but not necessarily in a pre-established frequency.⁴¹

In similar cases, the impoverished or bankrupt debtors, while in prison, could solicit the help of their family, relatives, friends, colleagues, neighbours or fellow villagers as guarantors of the debt. Rather than the uncertain potential of the debtor's future work performance, this method assured the creditor by way of relying on the riches of the debtor's social circle. Such was the case of İsmail, son of Ahmed, who owed the substantial amount of 50,000 aspers (200 Venetian ducats)⁴² to Cafer Bey, liberated after seven months of gaol thanks to his neighbours' mobilisation and one of them declaring himself as a guarantor to the above-mentioned debt before the judge on 17 October 1666.⁴³ We can surmise that the incarceration period of six-seven months in similar cases corresponded to the time that was necessary to put the debtor under pressure, exchange the necessary information back and forth at least several times between different parties, assess the belongings and payment capacities of those who were (willing to be) liable and put together the necessary organisation and agreement before the court to obtain the desired outcome. Whereas someone belonging to this entourage would not have been a guarantor to the debt by default in the previous circumstances, the carceral pressure put on the debtor also had the function of coercing the debtor's social circle to come forward as collateral in solidarity.

Independently from the debtor and his social world, this period of coercion gave also the necessary time to the *kadi's* court to verify various allegations, cross examine testimonies (sometimes by way of consulting the court records if pertinent information was previously taken into account by the same tribunal) and assess the debtor's (in)solvency. A Jewish resident of innermost Istanbul (in the neighbourhood of Unkapanı), Yosef, son of Eliya, who owed money to several creditors had already been gaoled for a hundred days, when the court of the Rumelia *kazasker*⁴⁴ on 24 November 1679 decided on his liberation upon the ascertainment of his bankruptcy (*iflası sabit*) and thanks to Mosheh, son of Mordechai, willing to declare himself as Yosef's guarantor.⁴⁵ Yosef was recognised by the court as 'destitute' (*mudim*) and 'poor' (*fakir*), along with the same stereotypical expression which meant that he did not have any valuables that could redeem his debt: 'he does not possess anything other than the clothes on him.'⁴⁶ Similar cases abound in court records of the Ottoman Empire throughout different provinces and centuries. These few examples allow us to comprehend the basic mechanisms at work that are not necessarily proper to Ottoman law.

⁴¹For a detailed case study on debt trials in a seventeenth-century Ottoman town, see Jennings, 'Loans and Credit in Early 17th Century Ottoman Judicial Records. The Sharia Court of Anatolian Kayseri', *Journal of the Economic and Social History of the Orient*, 16/2-3 (1973): 168-216.

⁴²Pamuk, *op. cit.*, 144.

⁴³Rıfat Günalan, ed., *İstanbul Kadı Sicilleri. Bâb Mahkemesi 3 Numaralı Sicil (H. 1077 / M. 1666–1667)* (Istanbul: İSAM, 2011), fol. 11v^o, 2nd entry.

⁴⁴The top judicial official of the Ottoman Empire (whose jurisdiction was the European provinces) with the *kazasker* of Anatolia (responsible for the Eastern provinces). Initially a military judge, the *kazasker* became involved with civil matters as well from the fifteenth century onwards.

⁴⁵Coşkun Yılmaz, ed., *İstanbul Kadı Sicilleri. Rumeli Sadâreti Mahkemesi 127 Numaralı Sicil (H. 1090–1091 / M. 1679–1680)* (Istanbul: Kültür A.Ş., 2019), fol. 4r^o, 2nd entry.

⁴⁶*Ibid.*

The judicial intervention did not only take place in the verification of contracts and the temporary resolution of insolvencies. The Ottoman *kadis* had numerous notarial, judicial, administrative, municipal duties amongst which I should point out their duty of acting as legal guardians for orphans who did not have anyone from their family who could assume such a responsibility. When a deceased parent had heirs, property and debts, the *kadi* (who received a standardised fee for the operation) assured the equitable clearing of debts (sometimes by selling partly or entirely the bequeathed property in public auctions) before proceeding to the legacy's planned distribution. The *kadi*'s impartiality was paramount in the prevention of an abusive dispossession of the heirs by the deceased's creditors which could potentially result in the orphans' complete destitution.

To give another example on the ways the history of poverty can be connected to indebtedness, in the slightly opposite situation where a creditor who did not have any heirs and died without having recuperated his loan, the debtor was not necessarily freed of his obligations. The Empire's chief jurisconsult Ebussuud (cited above) issued a fatwa in mid-sixteenth century that documents the jurisprudential basis of such a case. In fact, a debtor whose creditor died without heirs could only be considered as freed of his obligations only once he distributed the amount of the loan to 'the very poor and the infirm' (*gayet fakir ve zebunlar*).⁴⁷ Still in Ebussuud's opinion (based on conventional norms of Sunni Islam), the very same 'disabled and poor' (*kötürüm ve fakir*) could also be exonerated from their fiscal obligations by administrative and judicial officials of the state apparatus.⁴⁸

No matter how dramatic the situation of bankruptcy that created the situation of insolvency was,⁴⁹ the justice rarely ever or nearly never decided to cancel a debt. However, there were some exceptions. For instance, if an impoverished debtor was a descendant in the Prophet Muhammad's lineage (a *seyyid*), it was recommended and encouraged to give them an amount of money equivalent or superior to their debt out of pure benevolence, as a good Samaritan.⁵⁰

Periodically, especially those imprisoned for their debts in the gaols of the imperial capital Istanbul, benefited from the sovereign's generosity. Out of 'majestic munificence', the state assumed responsibility for the indebted by settling the cases with the creditors, thanks to public spending for private debt cancellation that generated satisfaction for both parties implicated. Maybe, we should emphasise 'all three parties', because there was an eschatological stake for the ruling class, a point that will be developed in the following section on charity. In two documents from the court records of Istanbul respectively dated 10 February 1696 and 10 March 1696, we have the example of 31 people, imprisoned for insolvency, for whom the state intervened by settling their debts (of 48 Venetian ducats each on average) and thus liberating them all.⁵¹ These 31 Ottoman subjects were Christians, Muslims, men and women, which

⁴⁷Düzdağ, *op. cit.*, 91-92, fatwa no. 382.

⁴⁸*Ibid.*, 97, fatwa no. 417.

⁴⁹Like in the case of Mustafa the quilter whose entire property and boutique had burnt down in a fire. Only his imprisonment was considered as illegitimate by the court, his debt remained valid: Mustafa's creditors were supposed to wait until he was able to resume a profitable activity. Case dated 23 December 1730, from the court of Istanbul (Yılmaz, ed., *İstanbul Kadı Sicilleri. Bab Mahkemesi 150 Numaralı Sicil (H. 1143-1144 / M. 1730-1732)* (Istanbul: Kültür A.Ş., 2019), fol. 122r^o, 2nd entry).

⁵⁰Düzdağ, *op. cit.*, 82, fatwa no. 332.

⁵¹Yılmaz, ed., *İstanbul Kadı Sicilleri. İstanbul Mahkemesi 22 Numaralı Sicil (H. 1107-1108 / M. 1695-1697)*

means that there was not any particular preference on behalf of the authorities who had only rounded up all those in prison for insolvency. They were not necessarily suffering from extreme poverty but definitely had severe difficulties of paying their debts to the point of getting incarcerated indefinitely.

The frequency of such benevolent practices on the sultan's behalf not being certain, we can advance two explanations in this particular case. Mustafa II (r. 1695-1703), in his first year as the sovereign was firmly engaged in the pursuit of the ongoing war, since 1687, against the Holy League (Habsburg Empire, Papacy, Venice, Poland, Russia), with a mystical quest for military glory in his personal involvement, hence his generosity.⁵² Besides, this manifestation of public beneficence took place during the first two of the three holy months of the Islamic calendar: Rajab and Shaban preceding the holiest of Ramadan. During this most sacred time of the year, it was common for public figures to engage in displays of generosity that would touch the common lot of mortals. Philanthropy had the role of upholding the sultanic legitimacy.⁵³

Generosity of the powerful and the shortcomings of charity

Poor relief on an institutional level in the Ottoman Empire relied above all on the initiatives of the sovereign, the imperial dynasty and the ruling class. As a social fact in the Durkheimian sense, charity was probably one of the most Ottoman phenomena as virtually everybody in the imperial realms could be touched by it, either as a recipient or donor.⁵⁴

Waqfs (pious foundations) in the Ottoman Empire, coming from classical Islamic law, were endowments or charitable foundations that had the mission of benefiting a pious cause by helping the needy in perpetuity, based on a personal source of revenue set aside for their funding.⁵⁵ Since *waqfs* of a certain size included and supported public buildings like mosques, baths, schools, soup kitchens, hospitals, hospices, libraries and water supply infrastructures, they were inextricably part of everyday life within the urban landscape and social tissue.⁵⁶ The pious nature of such a foundation transformed it into an inalienable form of property, whereas its perpetuation was facilitated mostly by real estate revenues that were allocated to its functioning. The founder of a *waqf* would not only merit God's favour, but his or her endowed property would be completely exempt from all forms of taxation, confiscation and division

(Istanbul: Kültür A.Ş., 2019), fol. 10v° and fol. 32r°-v°.

⁵²Caroline Finkel, *Osman's Dream. The Story of the Ottoman Empire 1300-1923* (New York: Basic Books, 2005), 315-317.

⁵³Generosity and charity figured high on the list of characteristics of the ideal sultan, and were articulated in Islamic and Ottoman political theory. To shield himself from charges of self-interest and extravagance, the sultan had to highlight his generosity.' (Hakan T. Karateke, 'Legitimizing the Ottoman Sultanate: A Framework for Historical Analysis', in *Legitimizing the Order. The Ottoman Rhetoric of State Power*, ed. H. T. Karateke and M. Reinkowski (Leiden-Boston: Brill in 2005), 47) 'Bringing relief to poor people was acknowledged and heralded as one of the sultan's major responsibilities and concerns.' (Ginio, *op. cit.*, 165)

⁵⁴Singer, 'Charity', in *Encyclopedia of the Ottoman Empire*, ed. G. Ágoston and B. Masters (New York: Facts on File, 2009), 135. Singer, 'Philanthropie. Charité et philanthropie dans la culture ottomane (XV^e-XVIII^e siècles)', in *Dictionnaire de l'Empire ottoman*, ed. F. Georgeon et al. (Paris: Fayard, 2015), 944-945.

⁵⁵Bruce Masters, 'Waqf (Turk.: vakıf)', in *Encyclopedia of the Ottoman Empire, op. cit.*, 590. This institution is fairly comparable to *fideicommissum* (its equivalent in ancient Roman law that was still widespread in early modern Italian states) and to charitable trusts in English common law.

⁵⁶Singer, *Constructing Ottoman Beneficence. An Imperial Soup Kitchen in Jerusalem* (Albany: State University of New York Press, 2002), 4.

amongst heirs.⁵⁷ A purely Ottoman and quite ingenious invention was the cash *waqf*. A substantial amount of money would be endowed for the charitable cause in order to be lent to particulars. The generated interest became acceptable for Islamic scholars only because it was redistributed to the needy: the interest rate could go up to 10-20 %. Particularly present in Istanbul, Anatolia and the Balkans, they were practically non-existent in the Arab provinces.⁵⁸

In the monarch's eyes, the poor were not considered by and for themselves, but rather as an instrument through which the sovereign could accomplish his duties as a good Muslim and the sultan of the imperial realms, charitable actions being the medium that allowed the Ottoman sultan to achieve expiation and purity.⁵⁹ The sultan did have an absolute responsibility for his poor subjects but he also had the utmost duty of protecting the wealth of his subjects.⁶⁰ Furthermore, as for the rich people in general, there was no stain to wealth in juridical and religious Muslim literature: as long as the rich were assiduous in paying the annual alms (*zakat*), they were in their rightful place.⁶¹

For soteriological motivations amongst others,⁶² charitable endowments were conceived by testament or sometimes near death, while being very sick for instance, by those who had accumulated enough in their lifetime without being necessarily of the Ottoman upper-class.⁶³ Sultanic endowments as large-scale charities helped different sovereigns bolster their legitimacy and constituted a model for private altruism undertaken by the political and economic elites of the Empire.⁶⁴ Other prominent public figures, such as grand viziers, were split between local and imperial agendas, personal and political priorities in their charitable endeavours that were remarkably protean in some cases.⁶⁵ Even non-Muslims were allowed to establish charitable endowments as officially recognised and sharia-compatible *waqfs* as long as they did not fund non-Islamic religious institutions and practices.⁶⁶

The larger *waqfs*, concentrated in the bigger and prestigious cities of the Empire (preferably with a medieval Islamic past), employed scores of so-called 'unskilled labourers' as upkeepers, carriers, cooks, meal servers, doorkeepers and so on.⁶⁷ Giving more or less stable jobs to the urban working class potentially allowed these workers to earn an honest living, to avoid difficulties paying taxes and not to be in desperate need of public charity themselves.

Those who were in extreme poverty, economic dearth, in urgent need of material resources, etc., were not necessarily the prioritised group of recipients of charitable endowments. Different

⁵⁷Masters, 'Waqf', *op. cit.*, 591; Ginio, *op. cit.*, 167-168.

⁵⁸Singer, *Constructing Ottoman Beneficence*, *op. cit.*, 18. Faruk Bilici, 'Vakf / waqf', in *Dictionnaire de l'Empire ottoman*, *op. cit.*, 1189.

⁵⁹Veinstein, 'Pauvres et riches', *op. cit.*, 126.

⁶⁰Sariyannis, *A History of Ottoman Political Thought*, *op. cit.*, 38, 53 and 257.

⁶¹Singer, *Charity in Islamic Societies*, *op. cit.*, 154.

⁶²One could establish a charitable endowment remunerating one's heirs, manumitted slaves, etc. as the *waqf*'s administrators, so that the property could benefit the family and the descendants while assisting the poor. Singer, 'Serving Up Charity', *op. cit.*, 481-482.

⁶³Ginio, *op. cit.*, 168.

⁶⁴*Ibid.*, 165-166.

⁶⁵Astrid Meier, 'The Charities of a Grand Vizier. Towards a Comparative Approach to Koca Sinân Pasha's Endowment Deeds (989-1004/1581-1596)', *Turcica*, 43 (2011): 309-343.

⁶⁶Masters, 'Waqf', *op. cit.*, 591.

⁶⁷Singer, *Charity in Islamic Societies*, *op. cit.*, 166.

religious groups and professions, the founder's descendants, or the so-called 'worthy poor' like the devout, Sufi mystics, students of Islamic scholarship, legal scholars (even those with more than decent salaries) came before the broader population of the poor that was not regarded as the main target of altruism.⁶⁸ What qualified as 'deservedness' was far from universal, even quite arbitrary.⁶⁹ The profile of recipients of a *waqf*'s generosity were defined in the endowment deed along with the foundations' main missions. Travellers, pilgrims, merchants could be taken care of instead of the immobile poor of the city for instance.⁷⁰ In times of hardship, those who were excluded from public assistance but still desperately needed benefactors, were supposed to turn to other networks of solidarity such as familial ties, neighbourhood relations and when they were in some relation with a member, professional guilds.⁷¹

Ottoman public soup kitchens were probably of the widest scale that any Islamic society has known.⁷² The endowment deeds of the wealthy and powerful were generally eloquent on their daily functioning, accounts, menus, and especially about 'the identities of those included and excluded from the distributions' of soup kitchens.⁷³ From the public kitchens (called *imarets*) that chose to privilege scholars and students of Islamic law and theology, and mystics, the indigent poor could only take the leftovers at the end of the daily distribution to the targeted groups.⁷⁴ Imperial *imarets* were organised so thoroughly that the quantity of food that each status was entitled to was (an entire piece of meat each for the scholars and Sufis, half a piece of meat for the ordinary poor, for example) predetermined and the principle of scrupulosity made that the organisers strove to 'prevent abuse due to the "wrong" people being fed or the "right" people receiving too much'.⁷⁵ '[M]aterial poverty was only one criterion for gaining a seat at the table or a place in line at the cauldron of an Ottoman public kitchen'.⁷⁶ When the prefixed daily number of meals went out solely to the prioritised public (scholars, students, staff of the kitchen, pilgrims, Muhammad's descendants) the 'unqualified' indigents went unfed that day if their single solution was a given *imaret*'s supposed munificence.⁷⁷

The *waqfs* that fixed their ultimate beneficiaries as 'the poor' in general (in case their immediate beneficiaries were the founder's family members) would 'ensure that the irreversible endowment would serve an eternal purpose'.⁷⁸ Not only charitable foundations of public and private actors never had the pretention of eradicating poverty —no matter how deplorable the poor's living conditions might have been— furthermore, their founders (beginning by Ottoman sultans themselves) thus implicitly recognised that poverty was an eternally ongoing condition. Of course, in the long run, the stable functioning of a *waqf* depended on the precise limitation

⁶⁸Ginio, *op. cit.*, 169.

⁶⁹Singer, 'Serving Up Charity', *op. cit.*, 482. In the arbitrariness of the distribution of sympathy and comfort, we can point out the preferential treatment received by Sufi mystics (poor by choice) in opposition to the relative exclusion of the economically indigent.

⁷⁰Meier, *op. cit.*, 334.

⁷¹Ginio, *op. cit.*, 169.

⁷²Nina Ergin et al., eds., *Feeding People, Feeding Power: Imarets in the Ottoman Empire* (Istanbul: Eren, 2007; Singer, 'Serving Up Charity', *op. cit.*, 481; Singer, *Constructing Ottoman Beneficence*, *op. cit.*, 84, 145-157.

⁷³Singer, 'Serving Up Charity', *op. cit.*, 485.

⁷⁴*Ibid.*, 486-487.

⁷⁵*Ibid.*

⁷⁶*Ibid.*, 498.

⁷⁷*Ibid.*, 489 and 498.

⁷⁸*Ibid.*, 484.

of its beneficiaries. If *waqfs* offered partial and insufficient relief to poverty, they also were efficient machines that perpetuated the prestige and the well-being of their founders and the families of the latter. The *waqf*-system's continuity and legitimacy depended on the permanence of a sizeable crowd of impoverished people in the society. Ironically, an Ottoman subject could perfectly ruin himself to pay his yearly taxes due to the sovereign and then require the assistance of sultanic endowments for regular nourishment.

The poor who neither relied on (in)formal solidarity networks, nor could be qualified as recipients of *waqfs* or other forms of public assistance, needed to develop their own solutions and strategies. It was conceivable and possible to address and make individual requests directly to the Porte. Once granted, there would be a periodical need to renew accorded benefits and rights by justifying one's condition of need.⁷⁹ Ottoman subjects could also go to public authorities in order to oblige their family members to provide them with required assistance. Such is the case of an impoverished and abandoned mother, Hadice who implored the judicial authorities of Istanbul to make her well-off (*musir*) son Mehmed pay her a daily allowance of 20 aspers for her upkeep, wish that was approved and granted by the tribunal on 25 October 1670.⁸⁰

Mendicancy: a profession?

Since charitable foundations were not necessarily reliable institutions on an uninterrupted basis for the very destitute, and if one was unable, unwilling or incapable of finding a conventional job, begging came out as one of the non-straightforward ways of facing poverty. Compared to common law criminality (such as becoming a robber), mendicancy was another solution, and above all, a lesser evil tolerated by Ottoman society before the nineteenth century.⁸¹ For the marginalised and unemployed poor, Robert Castel speaks of the '*double bind*' created by the injunction to work at all costs and the impossibility of doing so under the prescribed circumstances or the impossibility of finding a job altogether.⁸²

In the Qur'an and the *hadiths* (authenticated collections of Muhammad's sayings), texts at the heart of Muslim morality and partly underlying Islamic law, we find mostly negative and, at best, ambivalent attitudes and discourses towards mendicancy. While begging could be deemed worthy of charity out of pity and compassion (Qur'an, II:177), the poor who do not ask anything

⁷⁹On those who were potentially excluded on an unpredictable basis from daily distributions, archival evidence is scarce but not non-existent. 'Only occasionally is it possible to learn something about a needy individual. On 6 October 1598, a letter of patent was issued by Mehmed III (r. 1595-1603) to Kamer, daughter of Abdullah, a poor woman (*fakire*). It confirmed her original entitlement, granted three years earlier, to receive one full serving of food per meal at the public kitchen founded in Istanbul by Selim I (r. 1512-1520). Additional signatures on the back of the same document reconfirmed the patent in 1601 and 1614. Finally, years later, Kamer voluntarily transferred her food right to a woman named Nafise (Topkapı Palace Archives E.5411/3). In another example, a certain Ahmed obtained an imperial Ottoman decree in mid-August 1601 to reconfirm his right to receive a full serving of food at the public kitchen of the Süleymaniye complex in Istanbul. Ahmed had requested that his right be renewed for the third time, explaining that since he had lost both legs in the battle of Eger (1595) during the Hungarian campaign of Mehmed III, he and his family had become poor (*fakirülhal*) and he could not undertake any kind of regular work (Topkapı Palace Archives E.5411/7)'. (Singer, *Charity in Islamic Societies*, *op. cit.*, 149)

⁸⁰Yılmaz, ed., *İstanbul Kadı Sicilleri. Bab Mahkemesi 11 Numaralı Sicil (H. 1081 / M. 1670-1671)* (Istanbul: Kültür A.Ş., 2019), fol. 7v°, 1st entry.

⁸¹Singer, *Charity in Islamic Societies*, *op. cit.*, 165, 168 and 170.

⁸²R. Castel, *Les métamorphoses de la question sociale. Une chronique du salariat* (Paris: Gallimard, 1999), 139.

at all and those who do not beg importunately as obnoxious panhandlers are praised above all (Qur'an, II:273). Moreover, any menial labour was considered ideally as preferable to begging in several *hadiths*, since begging was seen as particularly humiliating.⁸³

The mendicancy of the truly poor who did not have any other choice was tolerated. Whether begging was practiced in public places such as markets, outside mosques, or even door to door, it was perceived as permissible but not at all laudable, for instance in the very influential philosopher, theologian and mystic al-Ghazali's (d. 1111) opinion.⁸⁴ In common Islamic ethics, begging was defined as demeaning to human dignity in general and only a permissible means of support in situations of extreme necessity.⁸⁵ Begging shared the same social and symbolic burden of shame along with poverty.⁸⁶ Furthermore, aggressive and audacious panhandlers were particularly castigated in the public opinion, as expressed in the notorious chronicler Evliya Çelebi's (d. 1683) travelogue that comprises the detailed accounts and descriptions of his journeys all around the Ottoman realms in the second half of the seventeenth century, as well as in the writings of the sixteenth-century bureaucrat and chronicler Mustafa Ali of Gallipoli.⁸⁷

Not only beggars who were not really in need were condemned, but paradoxically, Sufi dervishes who had made a vow of poverty were imagined to be beggars *par excellence* and very acceptable ones at that: their begging was interpreted as a necessary humiliation (or at least a very humbling experience) in their paths, because this more or less obligatory dimension of their spiritual practice consisted of abasing themselves in order to attempt achieving nearness to God.⁸⁸ Those who did choose to make themselves poor for religious reasons were respected and admired for doing so whereas those who were poor due to factors they could not control could never be praised for being in the same situation. For true mystics who vowed poverty in the utmost sincerity, wealth and poverty were supposed to be identical and thus indifferent according to the prolific sociograph and bureaucrat Mustafa Ali of Gallipoli (d. 1600); otherwise, what the dervishes embodied was just purely hypocritical ostentatious poverty.⁸⁹

Physically disabled, paralysed, amputated or blind persons could rely on familial support, charitable endowments (as some *waqfs* supported exclusively blind students), Sufi orders or simply themselves sometimes: we know that there were blind scholars of Islamic law and theology with an astounding mnemotechnic prowess.⁹⁰ The uneducated blind and disabled who could not rely on familial support or some kind of professional asset resorted commonly to

⁸³Singer, *Charity in Islamic Societies*, *op. cit.*, 165 n. 47 and 169.

⁸⁴*Ibid.*, 165 and 169.

⁸⁵Zeki Tekin, 'Beggars in the Ottoman Empire', in *The Great Ottoman-Turkish Civilization, vol. 2: Economy and Society*, ed. K. Çiçek et al. (Ankara: Yeni Türkiye, 2000), 750.

⁸⁶Singer, *Charity in Islamic Societies*, *op. cit.*, 169.

⁸⁷Tekin, *op. cit.*, 750-751. Evliya Çelebi especially complains about the impossibility of walking through the marketplaces of Cairo, as hordes of well-organised beggars importuned each passer-by constantly (R. Dankoff and S. Kim, *An Ottoman Traveller. Selections from the Book of Travels of Evliya Çelebi* (London: Eland, 2010), 377 and 395).

⁸⁸Singer, *Charity in Islamic Societies*, *op. cit.*, 169.

⁸⁹Cornell H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541-1600)* (Princeton: Princeton University Press, 1986), 74.

⁹⁰Sara Scalenghe, *Disability in the Ottoman Arab World, 1500-1800* (New York: Cambridge University Press, 2014), 79-83.

mendicancy: urban scenes from the Ottoman Empire, depicted either by local miniaturists or European painters and travellers, are replete with disabled and amputated beggars. Resentment, doubt and anxiety about the blind beggars feigning their impairment and earning money without having to work like honest people were commonplace as in other contemporary countries and cultures.⁹¹ Inspiring both pity and fear, disabled beggars were proficient in collecting voluntary alms from reluctant and convinced benefactors on a daily basis.

The trope of beggars not having to work to earn a living is misleading and based on quite banal preconceptions that need to be deconstructed. If we were to seriously consider begging as a profession, there are serious arguments in favour. Mendicancy consists of numerous techniques that require time and trial to master and perfect: one does not become an efficiently importunate panhandler in a day. The profession evidently required a certain level of mental and physical strength that was to be built with experience.⁹² Clearly, there are ‘working hours’ in the day with different audiences to target in public gatherings and near public buildings. There is territorial competition for good spots in the urban space, as well as mutual respect or intimidation amongst colleagues in the share of said space. A well-documented technique in the sixteenth century was the systematic participation to funerals and loitering in cemeteries to the point of making the Porte issue an order to prevent beggars from going into the graveyards of Istanbul in 1567.⁹³ Becoming a fixture in the urban decor or perpetual mobility both had their (dis)advantages for a continuously fruitful activity: weekly communal prayers of Muslims on Friday were a profitable opportunity allowing the beggars to play on the ‘charitableness’ of the devout.⁹⁴ Physical impairments undeniably improved the chances of the desperately poor begging in the public space in comparison to their able-bodied counterparts who were more easily prey to suspicion and disdain, as the disabled were a more ‘specialised’ and potentially successful type of beggar.⁹⁵ When they could, public authorities tried to intervene and regulate the right to beg by preventing those who had healthy bodies and thus considered capable of working in menial tasks.⁹⁶ These interventions had limited success. A scandalised sultanic order addressed to the *kadi* of Istanbul mentions the case of (obviously rich enough) beggars buying blind or crippled slaves (men and women) in order to make them beg on the streets wearing old clothes.⁹⁷

Evliya Çelebi, in the first volume of his travelogue, dedicated to Istanbul, in the second half of the seventeenth century, describes the community of beggars (his estimation of 7,000 members is most likely exaggerated) as a professional guild with a designated leader, recognised by authorities and organizing parades soliciting baksheesh from the Porte and prominent officials.⁹⁸ His description of the community of Istanbulite beggars as a corporation might come

⁹¹*Ibid.*, 84.

⁹²Tekin, *op. cit.*, 750.

⁹³*Ibid.*, 751.

⁹⁴Abraham Marcus, *The Middle East on the Eve of Modernity. Aleppo in the Eighteenth Century* (New York: Columbia University Press, 1989), 214.

⁹⁵Scalenghe, *op. cit.*, 84-85.

⁹⁶Tekin, *op. cit.*, 752-753.

⁹⁷*Ibid.*, 752.

⁹⁸Evliya Çelebi b. Derviş Mehmed Zillî, *Evliyâ Çelebi Seyahatnâmesi, 1. Kitap. Topkapı Sarayı Kütüphanesi Bağdat 304 Numaralı Yazmanın Transkripsiyonu-Dizini*, ed. R. Dankoff et al. (Istanbul: Yapı Kredi Yayınları, 2006), 260, fol. 157r°.

off as ironic and impertinent, since he is one of the greatest entertainers of Ottoman literature.⁹⁹ Of course, beggars, notwithstanding their ‘professionalism’, were not an occupational group that could be compared as an equivalent to institutionalised artisan guilds like that of bakers or goldsmiths with a proper internal and urban structure. As social outcasts without a fixed station, nor an incentive to act collectively in justice with a tangible organisation, it was above all in the interest of public authorities to assign them a group identity with a leader that could be spotted out when needed for obvious reasons of social control.¹⁰⁰ Evidence from eighteenth-century Aleppo shows that a professional guild of beggars was recognised by the city’s *kadi*, with a court-appointed leader and a code regulating their conduct that all members vowed to respect under their leader’s supervision as people claiming to lead pious lives and trying not to annoy the public with improper demands.¹⁰¹ Having professionally organised beggar communities in cities potentially allowed the Ottoman administration to surveil and limit the number of those who ‘did not work’ by practicing mendicancy so that begging could not likely become a ‘career choice’.

Child labour, between the ordinary and the extreme

Another case study on the intersection between misfortunes of poverty and labour dynamics would be on the place of children in the workforce. Some children were naturally used and ‘brought up’ as professional beggars in opportunistic ways: especially unprotected orphans were ideal targets of such criminal enterprises. However, poor parents who wanted to make use of their progeny as breadwinners, also hired out their offspring for wages on a contractual basis.

The Arabic loanword *icare* (Ar. *ijara*), derived from *ajr* (‘remuneration’, that gave *ücret*, ‘price’, ‘salary’ in Ottoman Turkish), designates a rental agreement or a contract to hire. An *icare* contract could either be for the rental of tools or real estate, or for the hire of services. The hire of services could be a contract to work, or the hiring of a skilled artisan for a specific task. A hiring or a rental contract is in theory purely consensual and mutually binding, just like an act of sale from a juridical point of view. And, from a legal standpoint, none of the contracting parties are required to have reached the age of majority. A hiring agreement should be fixed in time, with no other limits, it should just be defined in advance and renewed if necessary. In the Hanafi jurisprudence of *icare* (according to the official legal school of the Ottoman administration), as per the conditions of rent and hire, an argument that was frequently invoked was that of the indivisibility of the service. If the service could not be quantified by an amount or goal of production, and time of work being too modern a concept, the service had to be performed as a whole as intended initially, in its full duration. This legal formality could be implemented in a coercive way on the labourer under contract had he unilaterally decided not to go along with the initial agreement.¹⁰²

⁹⁹Robert Dankoff, *An Ottoman Mentality. The World of Evliya Çelebi* (Leiden-Boston: Brill, 2006), ch. 6: ‘Reporter and Entertainer’, 185-214.

¹⁰⁰Eunjeong Yi, *Guild Dynamics in Seventeenth-Century Istanbul: Fluidity and Leverage* (Leiden-Boston: Brill, 2004), 43. François Georgeon and Işık Tamdoğan, ‘Marginaux’, in *Dictionnaire de l’Empire ottoman, op. cit.*, 754.

¹⁰¹Marcus, *op. cit.*, 214-215.

¹⁰²Émile Tyan, ‘İdjār’, in *Encyclopaedia of Islam. Second Edition*, ed. P. Bearman et al. (Leiden: Brill, 1971), vol. III: 1071.

As it was conceivable to hire out one's self by agreeing to a salary for a given time period, or to rent out one's own slave, parents in need hired out their children as contractual labourers. There was at least three distinct objectives: benefiting from the child's salary as a source of income, no longer having to provide for the hired out child, or in case of apprenticeship, having the child learn a profession with a promised future in a guild in exchange for food and shelter during the period of formation. Guild records mention the 'little' (*sagir*) or 'boys' (*oglan*) as the youngest of apprentices (five or six years-old) who were almost always unpaid.¹⁰³ Children who had not reached puberty were under the absolute legal authority of their parents or legal guardians who could conclude such labour contracts on their behalf.¹⁰⁴

Children as young as eight years-old were hired out as domestics by poor and modest families, their daily wages guaranteeing the upkeep of parents upon the conclusion of a contract.¹⁰⁵ Having to separate family members for subsistence issues was certainly dramatic, but it was also a more consistent solution in comparison to the limited aid that could be received from charity. Although apprenticeship in a guild was not as harsh as a beggar's life on the streets, it was not less prone to exploitation and abuse. An example is the case of apprentice Ebubekir, severely beaten by his artisan master in Kayseri (central Anatolia), whose swollen body did not survive more than a month after the incident in February 1639.¹⁰⁶

For artisans hiring apprentices, profitable use of cheap labour was at stake. The average duration of contracts was around four-five years, although they were not necessarily executed in their full duration: some apprentices chose simply flight or a change of masters.¹⁰⁷

Orphans were seen as 'a reservoir of cheap manual labour, vulnerable to merciless exploitation and oppression'.¹⁰⁸ Therefore, fostering or adopting orphans was a pious, charitable act and economically more viable than hiring a wage-earning domestic or purchasing a slave, at once. Although emotional attachment and sincere familial ties existed for the adopted, exploitative intentions and tendencies were widespread on behalf of the 'well-meaning' households. For instance, most adopted or fostered children continued to work as domestic servants after puberty and came into adulthood as subordinate employees. Also, girls and boys could not escape physical and sexual abuse under the hold and authority of their foster families.¹⁰⁹

Apprenticeship, fostering or hiring out of children by poor families fell within the boundaries of law. Things could get worse in dire circumstances especially due to the combination of two factors: desperation generated by extreme deprivation and Ottoman society's willingness to benefit from child labour. The great drought that devastated the steppes north of the Black Sea in 1559-1560 caused a massive wave of migration of Tatars from Nogai territories towards

¹⁰³Yahya Araz, *16. yüzyıldan 19. yüzyıl başlarına Osmanlı toplumunda çocuk olmak* (Istanbul: Kitap Yayınevi, 2013), 146-147 and 153.

¹⁰⁴Eugenia Kermeli, 'Children treated as commodity in Ottoman Crete', in *The Ottoman Empire. Myths, realities and 'black holes': contributions in honour of Colin Imber*, ed. E. Kermeli and O. Özel (Istanbul: The Isis Press, 2006), 269-270.

¹⁰⁵Araz, *op. cit.*, 142.

¹⁰⁶*Ibid.*, 150-151.

¹⁰⁷*Ibid.*, 152-153.

¹⁰⁸Éric Chaumont and Ron Shaham, 'Yatım', in *Encyclopaedia of Islam. Second Edition*, ed. P. Bearman et al. (Leiden: Brill, 2002), vol. XI: 299-300.

¹⁰⁹Araz, *op. cit.*, 160-175.

Ottoman Crimea. Families had escaped famine and travelled on foot for hundreds of kilometres hoping to find some relief in Ottoman towns of northern Black Sea. Besides the need to handle the urgency of a humanitarian crisis, the Porte was preoccupied with the matter of illegal enslavement on a massive scale in 1559-1561. In fact, Tatar families had sought refuge in Crimea, one of the most central regions of the intense slave trade that supplied the demand of major cities in the Empire's centre beginning with Istanbul. Distressed Tatar families were most probably victims of a scheme orchestrated by deceitful and unscrupulous slave merchants who had pretended hiring children for work on *icare* contracts and had instead alienated and enslaved them for further profit.¹¹⁰ Despite the scandalous character of the illegal enslavement of Muslims by other Muslims in the eyes of the Porte, it was practically impossible to trace these illegal transactions as well as the children who had been sold illegally (because of great distances between different points of this commercial network and the time needed for the correspondence with Istanbul), even though officials of different cities of Anatolia and Crimea that had close commercial ties in the slave trade were alerted to reverse the illegal sales and punish the responsible.¹¹¹ In this Crimean example, we have a case of extreme exploitation of a situation of unexpected impoverishment by opportunistic and criminal salesmen who had the 'flair' of extracting property and profit for dozens of people out of a crisis. Illegal sale of children or their use as a pledge by their own families (in financial transactions) in times of hardship have been documented elsewhere in the Ottoman Empire, as in mid-seventeenth-century Crete that had been newly conquered.¹¹²

Conclusion

If being poor gave certain rights to some extent in the Ottoman Empire, it most certainly produced exclusion, radical solutions and vulnerability to different forms of exploitation. From the sixteenth century onwards, internal religious conflicts, fiscal revolts, exactions by corrupt officials and demobilised troops, lack of arable land and abuses of local potentates pushed many Anatolian peasants to flight towards urban centres. The 'big flight' (*büyük kaçgun*) from Anatolia gave place to massive usurpations of land on behalf of unpaid creditors and other local forces, usurpations that were comparable to the movement of enclosures in eighteenth-century England in some ways.¹¹³ On the other hand, rural migrants in midsize and big cities of the Empire formed the 'outsider poor' who were not part of any recognised social network in the city along with the rest of a mass of unemployed, marginalised and criminalised undesirables such as fugitive slaves, unskilled workers, beggars, dismissed servants and solitary women.¹¹⁴

¹¹⁰Especially when the price of a slave child on the urban market and the daily wage of a child hired as a servant are compared, the profit margin was quite high for the slave traders engaged in this illicit activity that was godsend for them.

¹¹¹Veinstein, 'La grande sécheresse de 1560 au nord de la mer Noire : perceptions et réactions des autorités ottomanes', in *Natural disasters in the Ottoman Empire. Halcyon Days in Crete III*, ed. E. Zachariadou (Rethymnon: Crete University Press, 1999), 273-281.

¹¹²Kermeli, *op. cit.*, 271-277. As chattel slavery became progressively rare in the Ottoman Empire in the nineteenth and twentieth centuries, adopting children as domestic servants became a more 'charitable' and cheaper alternative to domestic slavery: Y. Araz and İrfan Kokdaş, 'In Between Market and Charity: Child Domestic Work and Changing Labor Relations in Nineteenth-Century Ottoman Istanbul', *International Labor and Working-Class History*, 97 (2020): 81-108.

¹¹³Oktay Özel, 'Population Changes in Ottoman Anatolia during the 16th and 17th Centuries. The "Demographic Crisis" Reconsidered', *International Journal of Middle East Studies*, XXXVI/2 (2004): 183-205.

¹¹⁴Ginio, *op. cit.*, 169-170.

The intensification of rural exodus in the eighteenth-century brought stricter social control on the rural migrants in Istanbul as they were suspected of being troublemaker vagabonds by default.¹¹⁵ As in medieval and early-modern Europe, these marginalised poor were also suspected of an intrinsic ‘refusal of work’: they were required to provide the names and addresses of their guarantors in the city along with the obligation of finding a job within a time frame fixed by the authorities.¹¹⁶

Drastic impoverishment (due to circumstances like death of family members or disasters on a societal scale) usually meant that one could not continue in one’s normal working conditions as before, while facing poverty and especially the menace of remaining permanently poor. The lack of attachment to a visible and recognised professional activity being perceived as a threat, the marginalised poor and drastically impoverished populations in despair constitute one of the best points of entry in the social history of the urban underworld mostly absent from official documentation outside criminal cases.¹¹⁷ Since local society and officials decided who amongst the poor would be assisted, and who would be marginalised by exploitation, abuse and criminalisation by distinguishing between the deserving and the undeserving, what is left to historians of poverty is the examination of various strategies adopted by the poor against the place and the conditions to which they were assigned by the mighty, strategies that generally assured basic survival.¹¹⁸

The poor most certainly did not passively and patiently wait for social and economic rescuers.¹¹⁹ The examples mentioned and discussed above show in what sense they were capable of acting for themselves, whether by knowing and claiming their rights or by thinking outside the box. By focusing on labour extraction that can be detected around the phenomena of poverty, I hope to have exposed wider social, economic, political and legal structures and issues that contributed to shaping and defining a given society in some of its general traits.

The doctrinal assumption that working to earn one’s life decently to avoid poverty altogether proved to be completely false out of excessive optimism and lack of any empirical foundation. This could have been true only in a society that guaranteed decent wages and acceptable living standards to every worker without exception. Neither the *waqfs*, nor almsgiving fulfilled accurately their idealistic promise of providing the poor with the necessary means to lead a materially autonomous life, hence poverty’s persistency and the unorthodox responses to it such as mendicancy and child labour.

¹¹⁵Suraiya Faroqhi, ‘Migration into Eighteenth-Century “Greater Istanbul” as Reflected in de Kadi Registers of Eyüp’, *Turcica*, 30 (1998): 163-183; Fariba Zarinebaf, *Crime & Punishment in Istanbul, 1700-1800* (Berkeley-Los Angeles: University of California Press 2010), 35-50; Shirine Hamadeh, ‘Mean Streets: Space and Moral Order in Early Modern Istanbul’, *Turcica*, XLIV (2012-2013): 249-277; Betül Başaran, *Selim III, Social Control and Policing in Istanbul at the End of the Eighteenth Century* (Leiden-Boston: Brill, 2014), 11, 30-31 and 65.

¹¹⁶Bronislaw Geremek, *Truands et misérables dans l’Europe moderne, 1350-1600* (Paris: Gallimard, 2014), 11; Robert Jütte, *Poverty and Deviance in Early Modern Europe* (Cambridge: Cambridge University Press, 1994); Reşad Ekrem Koçu, R. E., ‘Amele’, in *İstanbul Ansiklopedisi*, ed. R. E. Koçu (Istanbul: Koçu Yayınları, 1959), vol. II: 764-776.

¹¹⁷Sariyannis, “‘Neglected Trades’: Glimpses into the 17th Century Istanbul Underworld”, *Turcica*, 38 (2006): 155-179.

¹¹⁸Ginio, *op. cit.*, 166.

¹¹⁹Singer, ‘Pauvres’, *op. cit.*, 921.

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