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CHRISTIANITY UNDER ISLAM IN JERUSALEM

The Question of the Holy Sites in Early Ottoman Times

BY

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FOREWORD

Christianity, a religion based upon theophanies, or sacred past events, attaches numinous significance to the sites at which these divine miracles are said to have occurred. Many of these sites are found in and near Jerusalem, the scene of the most eminent and fundamental mysteries. Moreover, the most sanctified and revered sites associated with the more significant and constitutive events upon which Christianity is based are situated in and near Jerusalem. These are the Nativity in Bethlehem and the Crucifixion, Sepulchering and Resurrection in Jerusalem. These sites, having been monumentalized by sumptuous basilicas, evolved into the most sacred shrines of the entire Christian world. As such, these sites became an object of desire for Christians everywhere; a goal of visitation as well as aspirations of attachment, possession and control. From the moment that Christianity split into different churches and rites, these aspirations came into conflict. The Holy Sites Question (as this situation has come to be known) is the complex result of the inter-church conflict over these sanctuaries and the political authorities' attempts to handle the issue. Another set of problems associated with the Question and contributing to its complexity is derived from the fact that these sites—Christianity's holiest shrines—have for centuries been under the political rule of non-Christian powers, and in the case discussed here, under Islamic Ottoman rule.

There exists a large body of literature regarding the Holy Sites Question under Ottoman rule. Most of this scholarship, however, concentrates on the period when the Question of the Holy Sites had already evolved from a local Ottoman problem into an international issue, or one of the elements in the diplomatic complexity which came to be known as the "Eastern Question". The decline of Ottoman strength spurred the European powers into a scramble to become the weakening Empire's heirs. By the mid-eighteenth century, the Holy Sites Question was enfolded into this struggle and became one of its major issues. In the process, this question was gradually displaced from the exclusive care of the Ottoman government, which was forced to accept the dictates of foreign powers. The Question of the Holy Sites now became an all-European problem, whose solutions were generally conceived outside the Ottoman Empire and then forced upon it by international forums. This process, which culminated in the Treaty of Berlin (1878), has been described in detail in contemporary and later literature.

Very few studies have touched upon the Question of the Holy Sites in earlier times, when the Ottoman Empire was still the dominant power in Europe, and none of these supplies any satisfactory description, let alone explanation, of Ottoman policy concerning this complex and multifaceted issue. So the question remains: What was Ottoman policy with respect to the Holy Sites during the first two centuries of Ottoman rule in Jerusalem? In other words: How did the Ottoman authorities deal with the Holy Sites Question when it was an internal problem of local character, and when these authorities were able to propose independent and original solutions free of foreign interference and outside pressures? The main purpose of the present study is to attempt to answer this question which involves legal, religious, economic and political issues.

As far as is known, this is the first attempt to systematically explore Ottoman policy in the Question of the Holy Sites in the period preceding its transformation into a major international issue. Previous works devote at best a chapter or two to a cursory discussion of the Holy Sites Question during the first two centuries of Ottoman rule in Jerusalem. More problematic, most of these works were actually written on behalf of interested parties deeply involved in the conflict over the Holy Sites, making them too biased to be reliable sources of information on the issue. More scholarly works devoted to the study of a specific church in Jerusalem under Ottoman rule also tend to be equally one-sided. Naturally, for the most part these works draw on source material at the disposal of the church they study and tend to neglect other sources. Consequently, these studies present the Holy Sites Question from a narrow sectarian perspective, which is at best unbalanced, if not actually distorted. In short, the present inventory of publications on the Question of the Holy Sites in early Ottoman times is lacking in both quantity and quality. That leaves the subject in need of a serious research referring to the most relevant, and yet hitherto unused, sources—the official Ottoman records.

Logically, official Ottoman correspondence would seem to be the best place to investigate Ottoman official policy on the Question of the Holy Sites. Major collections of documents embodying Ottoman correspondence with regard to this question are found in the registers of the *kadı*'s court in Jerusalem; in the Başbakanlık Arşivi in Istanbul; and in the archives of certain churches adjoining the Holy Sites.

The registers of the Ottoman *kadı*'s court in Jerusalem, presently stored at the local *sharīʿa* court, are probably the most important source for the study of the region's history under Ottoman rule. The registers consist of records of the court's daily proceedings, called *sijill*. In early Ottoman times, these records touched upon a wide variety of issues encompassing all aspects of life in the city and its surrounding area. For the most part, these records contain copies of imperial decrees (*firman*s) dispatched from Istanbul, as well as protocols of the court's legal and notarial activities. Many of these records deal with various matters concerning the Holy Sites.

The Prime Ministry's Archive (Başbakanlık Arşivi) in Istanbul should in principle have copies of *firman*s and other documents dispatched from the Ottoman capital to Jerusalem, where they were copied into the *sijill*. In practice, however, it is possible to come across copies of many such documents which for reasons unknown did not make it to Jerusalem and were not copied into the *sijill*. It is likewise possible to find in the Başbakanlık Arşivi records of intra- or inter-ministerial correspondence which were not sent to Jerusalem although they discussed the city's particular affairs. This archive is therefore an indispensable complement of material found in local *sijill*s.

Original *firman*s are supposed to be stored at the archives of the Christian church hierarchies in Jerusalem, which in many cases were the applicants for, and therefore the recipients of, these decrees, after the *kadı* had copied them into his *sijill*s. Here too, it is possible to find documents which were not, after all, copied into the *sijill*. Unfortunately, these archives are not readily accessible for scholarly research. Of all the church hierarchies in Jerusalem, the Greek Orthodox patriarchate was the only one to grant my request to study their archive of Ottoman *firman*s. Other hierarchies have been too sensitive about their archives, which are still unavailable for unhindered research.

Wherever found, it is reasonable to expect that Ottoman official records would reliably reflect Ottoman official policy in any particular field. This policy, as far as it dealt with the Question of the Holy Sites, has long been shrouded in mystery nurtured largely by the prejudices of churches involved in the internecine struggle over the possession and use of these shrines. This work is an attempt to dispel some of this mystery through the study of official Ottoman records. With the help of these records, I try to establish whether Ottoman rule had a clearly defined policy on the Question of the Holy Sites, and what were its principles, manifestations and goals during the period under discussion. It is hoped that the answers given here to these questions will supply the key to decode and better understand one of the most obscure and controversial issues in the history of Ottoman Jerusalem.

This book has its origins in a Ph.D. dissertation prepared at the Hebrew University in Jerusalem. My thanks are, first and foremost, due to Prof. Amnon Cohen who has attentively supervised my work. His constant advice, encouragement and help were invaluable. My access to the *sijill* registers of the *sharīʿa* court in Jerusalem was made possible through the kindness of the late Shaykh Saʿd al-Dīn al-ʿAlamī, former *Muftī* and Head of the Supreme Islamic Council for Palestine. I regret that I cannot convey my gratitude to him in person. My gratitude is also due to the *qāḍīs* at the court, as well as the staff headed by Mr. Zayn al-Dīn al-ʿAlamī, who were always friendly, hospitable and helpful. The *sijill* registers of the *sharīʿa* court in Jerusalem were the most important source for this work. Another important source was the Başbakanlık Arşivi in Istanbul. I wish to thank its staff for their assistance and hospitality. In addition to these archives, I was given a genuinely unique opportunity to study the collection of original Ottoman *firman*s owned by the Greek Orthodox patriarchate in Jerusalem. I wish to thank His Eminence Patriarch Diodoros I and his secretary, Archimandrite Timotheos, who overcame the myriad of sensitivities which as yet prevent other churches in Jerusalem from making their archives available for scholarly research. Access to archives was a precondition for writing this book. This book could not have been accomplished without the financial and other vital assistance offered by the following institutions: The Harry S. Truman Institute for the Advancement of Peace, the Yitzhak Ben-Zvi Institute, Yad Hanadiv, the Hebrew University, and the American Research Institute in Turkey. It is my pleasant duty to thank them all. Last but not least, I owe a heavy debt of gratitude to my wife, Ilana. Her readiness to share in my grappling with every hardship along the way gave me the power to persevere and bring this work to end.

Jerusalem, 2000 Oded Peri

NOTE ON TRANSLITERATION

Names, dates, and terms in Ottoman Turkish, as well as direct quotations from Ottoman documents, are invariably rendered in modern Turkish transliteration. In applying this system of transliteration, I overlook the fact that most of the vocabulary in use for Ottoman Turkish names, dates, terms and texts originates in Arabic. In few cases where transliteration from Arabic was necessary, the system used by the *International Journal of Middle East Studies* is followed.

CHAPTER ONE

THE BASIC CONSTITUENTS OF THE HOLY SITES QUESTION IN EARLY OTTOMAN TIMES

In 1929, introducing a paper on the Status Quo in the Holy Places Sir Charles H. Luke, Chief Secretary to the Government of British-Mandate Palestine, wrote:

> It is probably true to say that no question more constantly exercised the Moslem rulers of Palestine and took up more of their time than the ever recurring difficulties and disputes arising out of the circumstance that the Christian Holy Places in Jerusalem and Bethlehem were not in one ownership but were shared and served by several communities.[1]

Overstated as this observation may sound, it does point to the basic ingredients of a centuries-old complexity which came to be known as the Question of the Holy Sites. These were (a) the Holy Sites themselves; (b) the Christian communities sharing or serving those sites; and (c) the Islamic rule under whose tutelage the Holy Sites were being shared or served by the various Christian rites. Acquiring a general idea about these basic factors is essential if one is to pursue an in-depth study of the Question of the Holy Sites. Also, insofar as such study is focused, like this one, on the early Ottoman period, one has to consider the pre-Ottoman legacy of this particular question as well, that is, the historical developments from the time when its basic constituents coalesced through to the beginning of the Ottoman era. The discussion of these preliminary issues is the main purpose of the present chapter.

A. The Holy Sites

The proclamation of Christianity by Emperor Constantine (313–337) as the official religion of the Roman Empire stirred up a wave of

[1] Cust 1930: Introductory Note.

religious enthusiasm. One of its foremost manifestations was a state-initiated effort to locate, consecrate and monumentalize sites associated with the myths of Christ's life in the Holy Land. This effort involved the erection of churches, monasteries and similar religious edifices over these sites. At the same time, certain traditions coalesced and were codified in an effort to substantiate the sanctity of these sites and to encourage worship at, and pilgrimage to, them. Understandably, the sites most affected by this pious enterprise were those directly associated with the traditions of Christ's Nativity in Bethlehem and the Crucifixion, Sepulchering, and Resurrection in Jerusalem. These sites were memorialized by impressive church buildings far more sumptuous and colossal than all other surrounding structures. The Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem became the foremost loci of Christian adoration and pilgrimage. The distinct prominence of these two churches was not eroded by the vicissitudes of time; rather it was enhanced as the years went by. By the early sixteenth century, when the Holy Land became part of the Ottoman Empire, these two sites had already had behind them over a millennium of continuity as Christianity's holiest shrines.

1. *The Church of the Holy Sepulchre in Jerusalem*

The Church of the Holy Sepulchre which the Ottoman conquerors encountered in Jerusalem was no longer the original complex of devotional and commemorative monuments erected in 335 by Emperor Constantine to mark the sites of Crucifixion, Sepulchering and Resurrection. That church had since been ruined, rebuilt and remodeled several times before the Crusaders gave it, in the mid-twelfth century, the essentially contemporary shape preserved through to the Ottoman era and the present day.[2]

Modest as it must have looked in comparison to its Byzantine antecedent, the Crusader Church of the Holy Sepulchre was, and still is, nevertheless a complex and impressive structure that includes a great number of commemoration points and sacred sites. A plan of that structure, largely relevant to the Ottoman period, is given in Chart 1.[3]

[2] For an architectural history of the Church of the Holy Sepulchre see Vincent and Abel 1914a: 154–300; Duckworth 1922: 93–258; Couasnon 1974: 37–62.

[3] The chart, legend and explanations are for the most part based on Pierotti 1860; Collin 1948: 8–10; Colbi 1988: 258–63.

The two principal and most important sites enshrined in the Church of the Holy Sepulchre are the Rock of Golgotha—the place of Crucifixion, and the Sepulchre itself—the place of Resurrection. These two sites are hallowed as the holiest places in Christendom, and from them the Church of the Holy Sepulchre derives most of its sanctity and renown. The rest of the holy sites therein are for the most part of secondary significance mainly derived from indirect association with the foundation myths of the Sepulchre and Golgotha.

The site identified by Christian tradition as Christ's Sepulchre is situated in the western wing of the Church of the Holy Sepulchre, inside a U-shaped structure (Edicule) which opens eastwards (1). This structure is placed at the center of a round, mausolean hall (Rotunda) surrounded by a two-story gallery and roofed by a huge dome (2). At the back of the Edicule, attached to its western end, is a small chapel in the possession of the Coptic church (3). Still further to the west, attached to and under the church's westernmost end, are a chapel (4) and underground prayer niches (5) dedicated to St. Nicodemus and Joseph Arimathae who according to the gospels were owners of the Sepulchre grounds.

About ten yards south-east of the Rotunda is where Christian traditions point to the Calvary, also known as Golgotha (6). This site is memorialized by a two-story structure consisting of three vaulted chapels. The most venerated part, the Chapel of Crucifixion (7), has its eastern side laid upon the natural rock which, according to Christian tradition, is the actual spot where the Cross was placed. Adjoining this chapel from south is another one memorializing the scene of Christ's Nailing to the Cross (8). Both chapels are built on the upper level of Golgotha. A third chapel, built on the lower level right beneath the Chapel of Crucifixion, is dedicated to the memory of Adam (10), the skull of whom is purported by Christian tradition to be buried under the Rock of Crucifixion.[4] No canonizing tradition has been associated with the vault beneath the Chapel of Nailing to the Cross, which is therefore used as mere sacristy.

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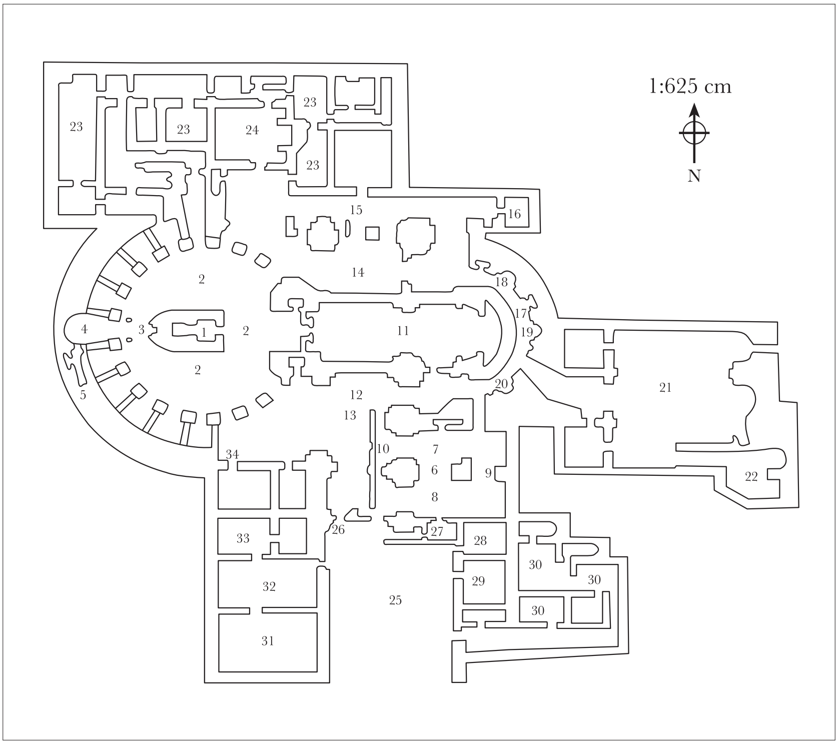
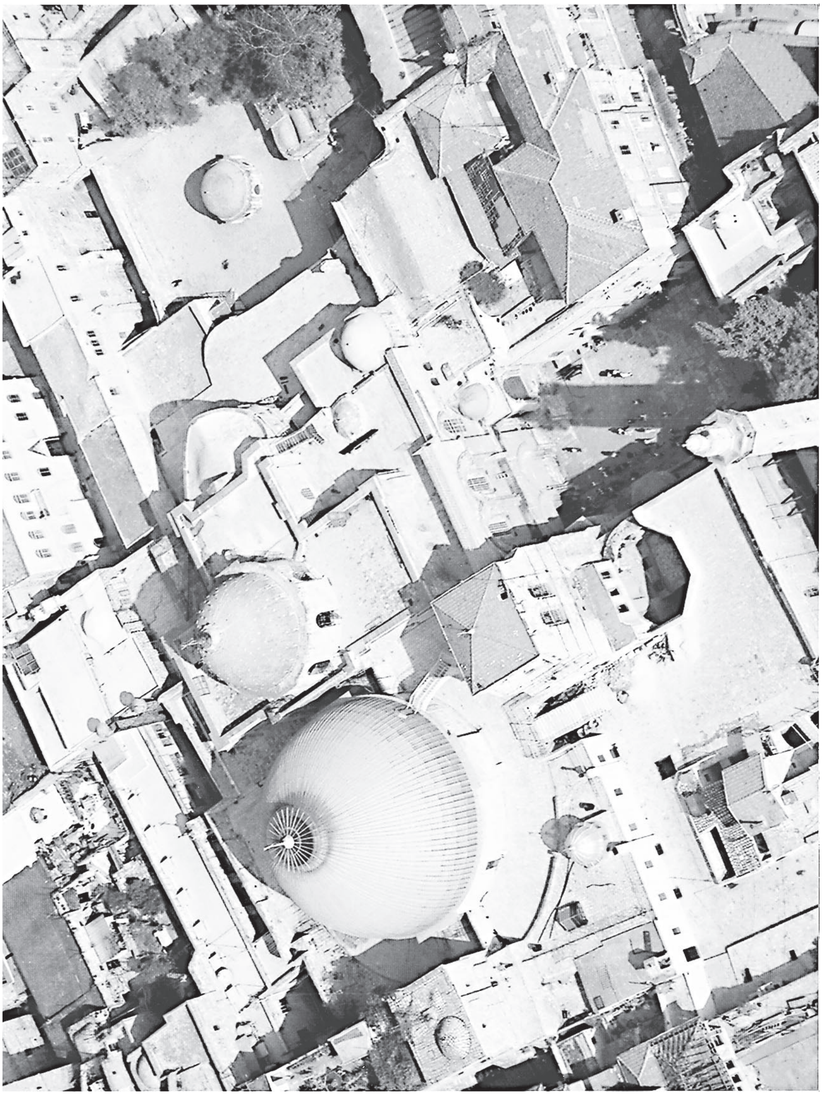
[4] As from of old an association was made in Christianity between Adam, on whose account mankind sinned, and Christ, who by Crucifixion redeemed mankind from its sins. In Christian iconography this concept is conveyed by the drawing of a human skull under a representation of the Crucifixion scene. Placing the Chapel of Adam under the Chapel of Crucifixion within the Church of the Holy Sepulchre is probably the most eloquent expression of this particular myth.

Chart 1: Church of the Holy Sepulchre in Jerusalem



Legend

1. The Holy Sepulchre
2. Rotunda
3. Copts' Chapel
4. Chapel of St. Nicodemus
5. Joseph of Arimathae's Chapel
6. Calvary/Golgotha
7. Chapel of Crucifixion
8. Chapel of Nailing to the Cross
9. Altar of Stabat Mater
10. Chapel of Adam
11. Katholikon
12. South Transept
13. Stone of Unction
14. North Transept
15. Virgin's Seven Arches
16. Prison of Christ
17. Ambulatory
18. Chapel of St. Longinus
19. Chapel of Parting of Raiment
20. Chapel of Derision
21. St. Helena's Chapel
22. Chapel of Invention
23. Franciscan Monastery
24. Chapel of Apparition
25. Parvis
26. Main Entrance
27. Chapel of St. Mary of Egypt
28. Chapel of St. Michael
29. Chapel of St. John
30. St. Abraham Monastery
31. Chapel of St. James
32. Chapel of St. John and Mary
33. Chapel of Forty Martyrs
34. Chapel of the Three Mary's



Illustr. 1: Church of the Holy Sepulchre in Jerusalem. (State of Israel—The Government Press Office)

The main prayer hall (Katholikon) (11) within the Church of the Holy Sepulchre extends to the east of the Rotunda, north of Golgotha. It has the shape of typical nave in Romanesque style churches. The Katholikon is surmounted by an impressive dome looming (next to the Rotunda dome) over the point where the transept crosses the nave. The South Transept (12) harbors the Stone of Unction (13)—according to the gospels the place where the corpse of Christ was anointed in preparation for burial.[5] The North Transept (14) is distinguished by an old colonnade. A remnant of the Byzantine Church of the Holy Sepulchre, this colonnade came to be known as the Virgin's Seven Arches (15) owing to both architectural layout and identification as the place of Christ's Apparition following the Resurrection.

A semi-circular corridor (Ambulatory) (17), flanking the Katholikon from east, opens into several chapels memorializing various scenes of Christ's Passion (18, 19, 20). A staircase leads down from that corridor into an underground chapel dedicated to Helena (21), mother of Emperor Constantine, to whom Christian literature ascribe a major role in the discovery of the Sepulchre and Golgotha. Thence, another staircase leads further down into another chapel built in a cave where the said Helena had purportedly unearthed the "True Cross" (22).

The northern wing of the Church of the Holy Sepulchre served during the Crusades as headquarters of the Latin Patriarchate in Jerusalem. By Ottoman times that complex was survived by a Franciscan monastery (23) and a chapel memorializing the Apparition (24). The southern wing includes the parvis (25) and the main entrance to the church (26). The parvis is densely surrounded by chapels, monasteries and similar religious buildings dedicated to the memory of various Christian saints (27–34).

Originally, the Church of the Holy Sepulchre contained only two sites revered as holy: the Sepulchre and Golgotha. As the centuries passed, various traditions evolved which raised the number of sites hallowed within the church to over sixty.[6] The association of this place with the most basic and significant tenets of Christianity has undoubtedly encouraged such phenomenon. No less important was

[5] John 19: 20.

[6] The sites listed in Chart 1 are the most significant thereof. For the full list of the church's sites, accompanied by detailed descriptions, see Vincent and Abel 1914a: 105–53.

the eventful history of the Church of the Holy Sepulchre which in a cyclic sequence of ruin and restoration caused substantial changes in the architecture of the church and in the functional setup of its various parts. In this respect, the history of the Church of the Holy Sepulchre is quite different from that of the second holiest site in Christendom, the Church of the Nativity in Bethlehem.

2. *The Church of the Nativity in Bethlehem*

The Church of the Nativity in Bethlehem is the only church throughout the Holy Land preserved practically in its original form since Byzantine times.[7] The church is a typical basilica including a nave flanked by colonnaded aisles. The basilical structure is supplemented from the east by a set of three apses arranged in a trefoil combination. This Architectural layout is markedly noticeable in Chart 2 presenting the plan of the Church of the Nativity as seen by European visitors in the early Ottoman period.[8]

The sanctity of the Nativity Church in Bethlehem centers on a subterranean cavern identified as the Grotto of the Nativity (1). The Grotto constitutes the church's crypt and is situated directly beneath the point where the transept crosses the nave. The exact point of Christ's birthplace is marked by an altar (2) ensconced in a little niche. Another niche neighboring that altar harbors the Manger (3) where Christ was cradled after birth.[9]

The space above the Grotto and within the church itself serves as the choir (4). Stairways located on both sides thereof (5) lead down to the Grotto. The Grotto is also accessible from the west through a subterranean passageway that starts at the Franciscan Cloister (19). The choir forms part of the church's central apse where the main altar (6) stands. Secondary altars (7) stand at the southern and northern apses. The church's nave (8) and aisles (9) extend to the west of the choir. On to the west are the church's narthex (11), main entrance (12), and parvis (13).

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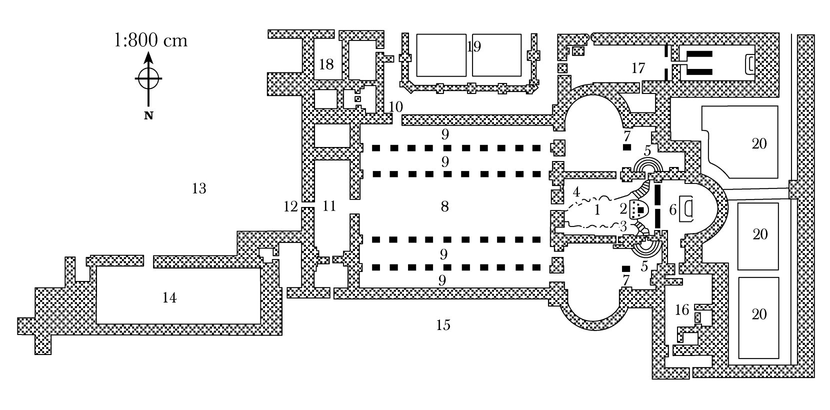
[7] The basic outline of today's Church of the Nativity is the product of comprehensive restoration works initiated by Emperor Justinian I (527–565) in the Constantinian basilica. See Vincent and Abel 1914b: 107–38.

[8] Amico 1620: 1–13.

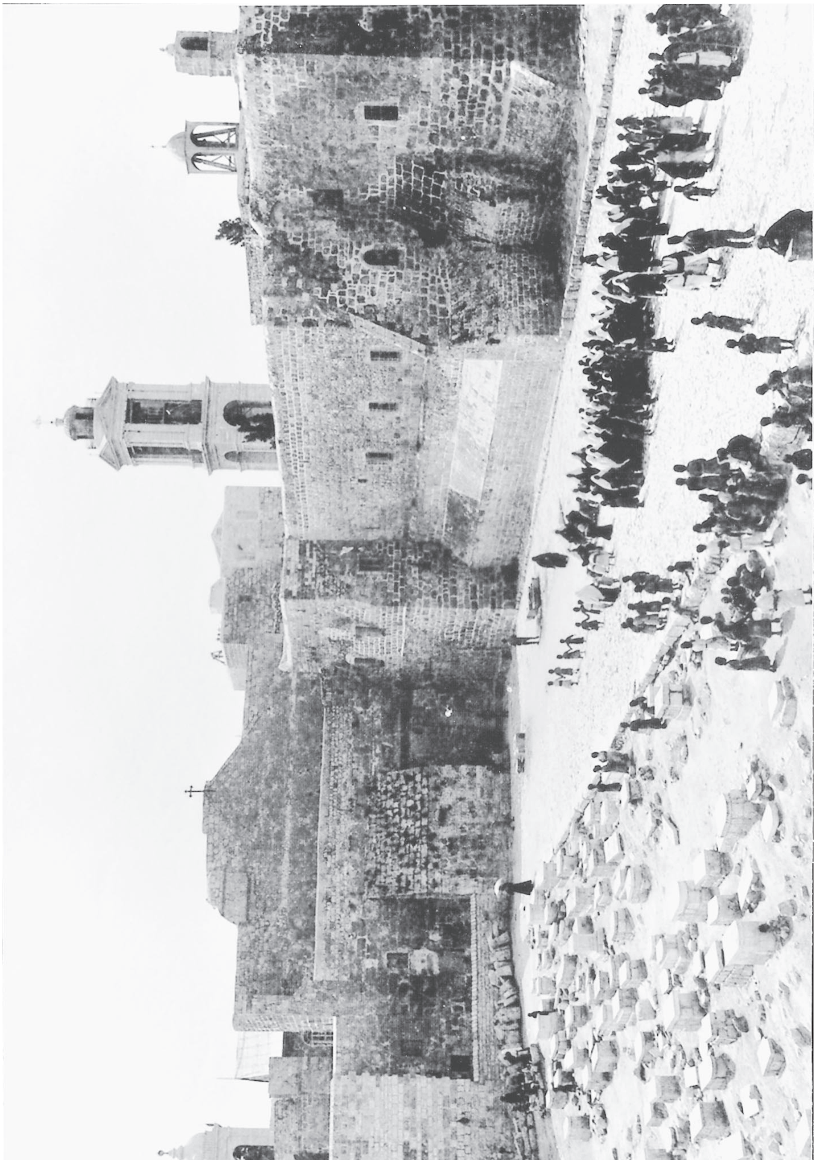
[9] Luke 2: 7.

Chart 2: Church of the Nativity in Bethlehem



Legend

1. Grotto of the Nativity
2. Altar of the Nativity
3. Manger
4. Choir
5. Entrance into the Grotto
6. Main Altar
7. Secondary Altar
8. Nave
9. Aisle
10. Latin Passageway
11. Narthex
12. Main Entrance
13. Parvis
14. Armenian Monastery
15. Greek Orthodox Cemetery
16. Greek Orthodox Monastery
17. St. Catherine Church
18. Franciscan Monastery
19. Franciscan Cloister
20. Garden



Illustr. 2: Nativity Church in Bethlehem. (State of Israel—The Government Press Office)

The Church of the Nativity in Bethlehem is densely surrounded by monasteries, pilgrim hostels, and oratories of several Christian denominations (14–19). This is also true for the Church of the Holy Sepulchre in Jerusalem. Hallowed as the most sacred sites in Christendom, these two churches became an object of tenacious attachment for all Christians regardless of affiliation or rite.

B. The Christian Communities Around the Holy Sites

The presence of the most venerated Christian holy sites in and near Jerusalem has accounted for the gathering of a variegated Christian population in that part of the world. During the sixteenth century this population was surveyed several times as part of the general land and population censuses taken for taxation purposes by the new masters of Palestine, the Ottoman Turks. Different from today's idea of statistical surveys, the sixteenth-century Ottoman censuses, known as *tahrir*, can still provide us with valuable quantitative information as to the demography and the basic social and economic features of the population surveyed.[10] Their historical value is all the more important in view of the fact that in Palestine no such *tahrir*s were taken for a long time after the sixteenth century. Without them, and in the absence of any other sources of their kind, attempts to add a quantitative dimension to the study of the social and economic history of, say, Jerusalem for any given time between the sixteenth and the nineteenth centuries would probably end in a frustrating dead end.

As far as the Christian and Jewish inhabitants of Jerusalem are concerned, one could hope to get over this gap of quantitative information by drawing on the records of the poll-tax (*cizye*) which under Islamic law they had to pay yearly to the Ottoman state treasury. *Cizye* collection records pertaining to post-sixteenth-century Jerusalem are certain to be found in the registers of the local *kadi*'s court or those of the Poll-Tax Accounting Department (*cizye muhasebesi kalemi*) of the Ottoman treasury in Istanbul. A closer scrutiny of these records may reveal, however, that in most cases they were little more than

[10] On the Ottoman *tahrir* censuses taken during the fifteenth and sixteenth centuries in various parts of the Ottoman Empire, see: Barkan 1965: 81–3; Barkan 1958: 9–36; Lewis 1952: 4–5; Lewis 1951: 144–8.

mere reproductions of the same synoptic data to be found in the old *tahrir* registers, taking little note, if any, of the substantial changes which the population they were assessing for taxation must have undergone in the meantime. Thus, even the *cizye* records, from which much could be hoped and expected, turn out to be of little help as they evidently were not the results of actual and updated censuses.

In this unpromising context one can hardly overstate the importance and the potential research possibilities embodied in Register 3643 of the Ottoman treasury.[11] It is a poll-tax collection report. Yet it is completely different from its seventeenth-century antecedents considering the special circumstances which precipitated it, the conscientious process by which it was accomplished, and most importantly—the quantity, the quality and credibility of the data it incorporated. The register, an 84-page volume, includes extensively detailed and seemingly updated accounts of the poll-tax and its non-Muslim payers residing in certain parts of Palestine—mainly in Jerusalem and its semi-rural vicinity—in the latter part of the seventeenth century. It was part of a comprehensive plan conceived by the central government in Istanbul to reform the fiscal affairs of the Ottoman Empire.[12] On 23 March 1691, an imperial decree was issued prescribing new regulations for improving the ways to collect the *cizye*, so as to augment the revenues deriving from this source. Naturally, the first and foremost of these regulations ordered the taking of a new, updated survey of the population liable for the poll-tax throughout the Ottoman Empire.[13]

The document entitled "Register of the Poll-Tax Owed by the Infidels in the District of Jerusalem for the Year 1102 [1690–91]"

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[11] Maliyeden Müdevver 3643.

[12] Gökbilgin and Repp 1986: 256–63.

[13] İnalcık 1965: 563–5. Other important regulations called for imposing the *cizye* per head (*alaürrüus*), with each individual taxpayer being responsible for his personal charge. The tax itself was to be levied at three different rates (high, medium, low) according to the economic competence of the assessee. Exemptions from the tax were abolished altogether except for those sanctioned by Islamic law. Based as they were on Islamic law, these regulations implied a significant departure from the practice prevalent in the Ottoman Empire whereby the *cizye* (like most other taxes) was levied not per head but per household (*hane*), or even as a fixed lump-sum (*maktu*) imposed on a certain community as a whole. Besides that, the *cizye* was levied at one invariable rate, usually the lowest. And if this were not enough, entire sectors such as Christian clergy were exempt from paying this tax (*ibid.*; Cohen and Lewis 1978: 70–1, 98–9). Abolishing these deviations from both Islamic norms and laws of sound fiscal administration was the main point about the decree of 1691.

is a direct product of the fulfillment of those regulations in Palestine. It lists the records of some 1800 *cizye*-payers, the great majority of whom were Christians living in Jerusalem and in the nearby, semi-rural towns of Bethlehem and Beyt Jālā. The details of each and every individual taken by the survey are meticulously noted including his name and father's name, dwelling-place, physical appearance, occupation, religious denomination, and tax rate. In terms of historiography, the compilation of such data in a single document like this one is of tremendous value. Given the general dearth of reliable statistical data relevant to the study of Ottoman history between the sixteenth and the nineteenth centuries, what this document seems to offer is a unique opportunity to reconstruct and sketch in broad quantitative lines a demographic, social and economic portrait of the Christian population of Jerusalem and its vicinity in the latter part of the seventeenth century.[14]

1. *General Demographic Data*

The first question to ask in a study in social and economic history would be: what was the size of the population concerned? Ascertaining the size of a given community and tracing its changes over time are an essential starting-point for the interpretation of various historical facts. Hence, the first question to ask at this point is how many Christians lived in Jerusalem in the early Ottoman period, and what changes occurred in their number?

Despite the remarkable richness of its data and their apparent credibility, it is in fact impossible to establish the exact number of Jerusalem Christians on the basis of the aforementioned register. The reason for this lies in the fact that those behind the survey, which preceded the making of this register, did not mean, after all, to launch a full-scale population census, but to build a useful and updated list of tax-paying subjects. And since the tax involved was the *cizye*, this survey was concerned only with that part of the non-Muslim population which was Ottoman, free, male, adult, and able

[14] About five years later, in 1107 (1695–96), another poll-tax register was put together by the Ottoman treasury (Maliyeden Müdevver 1292). The register, although claimed to cover the whole province of Damascus this time, is actually far less systematic and detailed than its 1690–91 antecedent. It has however been used here in some cases to correct or complement missing or illegible data found in the earlier register.

to earn a livelihood. In other words, a good part of the population consisting of women, children, aged, needy or disabled people, as well as slaves and foreign subjects, was excluded from the survey and is therefore missing from the register. Needless to say, the absence of these elements leaves a considerable gap of information, and this may naturally affect the prospects of coming up with accurate demographic estimates.

Surprisingly enough, Christian men of religion, priests and monks, are also missing from the Jerusalem poll-tax register, despite the fact that the order of 1691 had explicitly abolished the customary tax-exempt status enjoyed by people of this class. This phenomenon is all the more puzzling in view of the fact that in other places affected by the order of 1691, Christian clergymen were actually listed among those liable for the tax, with the Ottoman government dismissing outright all their protests and claims about worship being their trade, asceticism their way of life, and charity their only means to survive.[15] It is unclear why the same government agreed to re-exempt the Christian clergymen of Jerusalem from the poll-tax on the basis of their using these very same pretexts.[16] However, it is clear that due to Ottoman policy in this regard, there is nothing to be learned from the poll-tax register of 1690–91 regarding the leading segment of the Christian population in and around Jerusalem. It is therefore necessary to make do with the study of the rank and file of the local Christian population which was, after all, the human "hinterland" of these religious leaders.

Table 1 sums up the number of Christians assessed for the poll-tax in Jerusalem, Bethlehem and Beyt Jālā on the basis of the survey of 1691. The figures are juxtaposed with older data of the same kind obtained from the Palestinian *tahrir* registers for 970 (1562–63), which were the last of this series to contain contemporary statistical information about the Christians living in and around Jerusalem.[17] A third column is added displaying the results of comparing the two sets of figures.

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[15] İnalcık 1965: 563. Cf. *firman* dated 29 Şevval 1102 (26 July 1691), Kepeci 3509: 108; *firman* dated 20 Cemaziyelevvel 1105 (17 January 1694), Kepeci 181: 102.

[16] See, for example, *firman* dated 19 Şevval 1102 (16 July 1691), Kepeci 2472: 188; *firman* dated 10 Zilkade 1102 (5 August 1691), Kepeci 2472: 202; *arzuhal* (petition) dated 20 Şaban 1112 (30 January 1701), Cevdet-Maliye 1133.

[17] The figures concerning the Christian taxpayers of Jerusalem are based on Cohen and Lewis 1978: 85–93. Those concerning Bethlehem's and Beyt Jālā's are

Table 1: Christian Taxpayers in and near Jerusalem, 1562–63 and 1690–91

Locality	1562–63	1690–91	Change (in %)
Jerusalem	315	622	+ 97
Bethlehem	149	144	− 3
Beyt Jālā	218	143	− 34
Total	682	909	+ 33

The picture emerging from Table 1 could be the basis for further observations regarding the demography of the population studied. In fact, however, this picture will prove misleading if the data is taken at face-value, without further modification. Although the figures pertaining to both the mid-sixteenth and the late seventeenth centuries refer invariably to tax-paying Christians, the method applied for the purpose of their tax assessment was not always the same. Whereas in the mid-sixteenth century, all taxes were levied per household, the poll-tax in the late seventeenth century was levied per head.[18] Any such change in the taxation method would undoubtedly have entailed a parallel change in the size of the taxable population, and this should be taken into account in every demographic calculation based on the number of tax-payers. So before proceeding any further, one has to decide whether the picture drawn by Table 1 is an indication of a demographic trend, or simply the result of a fiscal policy change.

This being the question concerning Table 1, its data should be standardized, or put on an equal basis, so that comparing columns one and two would yield more realistic and reliable results. One possible way of doing this is to try and estimate how many people should be represented by a given number of taxpayers. Research on the Palestinian *tahrir* registers is based on the assumption that in order to come up with fair demographic estimates, all taxable families recorded as *hane* should be multiplied by a coefficient of six,

taken from Toledano 1984: 312. Statistical data concerning the Christian population in Bethlehem and Beyt Jālā are available for 1005 (1596–97) as well, but unfortunately these have no parallels for Jerusalem in the same year.

[18] See above, note 13. It is worth noting that in fiscal terms the difference between these two methods was not as big as one might imagine because the same elements (women, children, etc.) were exempt from the tax in both cases. The advantage of taxation per head applied only in case a taxable household consisted of more than one male adult capable of earning a livelihood.

which supposedly represented the size of an average household.[19] To the amount thus obtained one should add the net number of the bachelor (*mücerred*) taxpayers mentioned specifically as such in the same registers.[20] This routine may well work with the tax records of the mid-sixteenth century. It does not work with the poll-tax records of the late seventeenth century, where the tax was assessed individually, without any attention paid to the functionally irrelevant, and therefore unmentioned, marital status of the taxpayer. Here the question is what was the approximate proportion between the taxed and the untaxed segments of the population under study. The figures provided by the late Professor Uriel Heyd, who studied Jerusalem's Jewish population on the basis of the same register as that studied here, contain the plausible assumption that this proportion may have been one poll-tax payer for every four or five people.[21] Multiplying the number of post-1690 poll-tax payers with an adjusted coefficient of 4.5, may therefore result in a more dependable assessment of the number of Christians living in Jerusalem and its semi-rural vicinity in the latter part of the seventeenth century.[22] These standardized data may now be re-compared with their parallels of the mid-sixteenth century. The results are shown in Table 2, and Graphs 1, 2, and 3.

The most striking phenomenon reflected by these data is that while the Christian population in both Bethlehem and Beyt Jālā decreased significantly between the mid-sixteenth and the late seventeenth centuries, that of Jerusalem recorded an impressive growth. This

[19] Cohen 1984: 17; Lewis 1954: 475; Toledano 1984: 309. Cf. Barkan 1970: 168.

[20] The following table shows the manner in which the approximate size of the Christian population in mid-sixteenth-century Jerusalem may be calculated:

Locality	F (families)	B (bachelors)	Total	F*6+B (±)
Jerusalem	281	34	315	1720
Bethlehem	144	5	149	870
Beyt Jālā	171	47	218	1075
Total	596	86	682	3665

Cohen and Lewis 1978: 93; Toledano 1984: 312

[21] Heyd 1953: 173–84.

[22] This coefficient implies that the switch from taxation per household to taxation per head increased the bachelors' share in the taxable population from the usual average of 10–15 to 30–40 percent. For a discussion of problems involved in the use of coefficients while doing demographic calculations, see Gerber 1988: 4–9.

Table 2: Christian Population in and near Jerusalem, 1562–63 and 1690–91

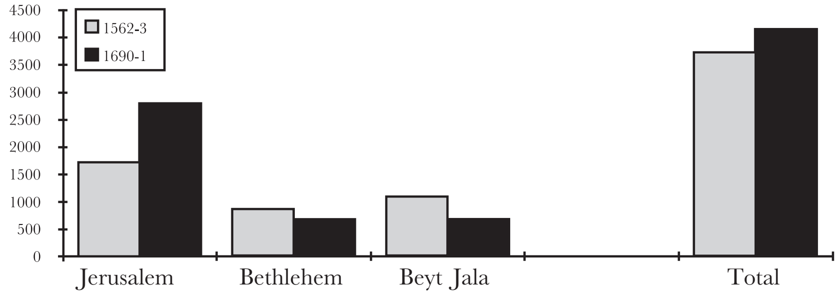
Locality	1562–63	1690–91	Change (in %)
Jerusalem	1720	2800	+ 63
Bethlehem	870	650	− 25
Beyt Jālā	1075	645	− 40
Total	3665	4095	+ 12

(necessarily tentative) observation might serve to suggest that the Christian population studied was undergoing a process of urbanization, probably the result of internal immigration from the semi-rural (and also presumably from the rural) periphery of Jerusalem to the nearby "metropolis". Evidence of this demographic trend is already borne by the *tahrir* registers for Jerusalem in the mid-sixteenth century: there are records of Christian taxpayers specifically mentioned as newcomers to Jerusalem from villages nearby. Moreover, the largest groups of these immigrants seem to have come either from Bethlehem or Beyt Jālā. Out of 315 Christian taxpayers recorded in 1562–63 in Jerusalem, 27 originated in Bethlehem, and 22 in Beyt Jālā.[23] It is possible to figure out what Graph 2 and its relation to Graph 3 would have looked like if these were numbered along with their original communities.

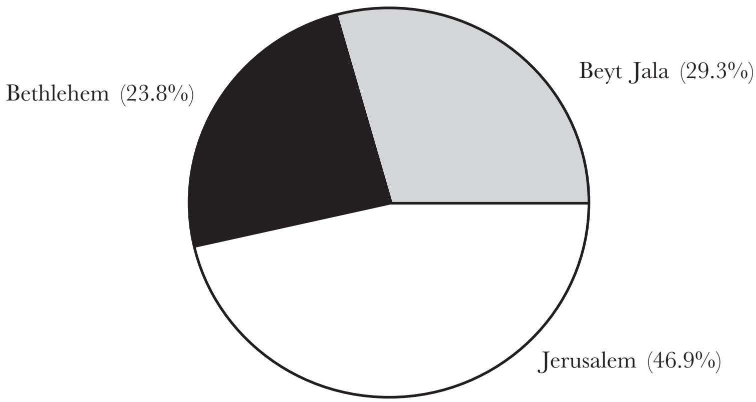
The records of the poll-tax owed in Jerusalem for the year 1690–91 do not contain systematic information regarding the origins of the taxpayers. However, it is possible to conclude from a comparison of Graph 3 to Graph 2 that the urbanization of Jerusalem's Christian population persisted through the seventeenth century. It emerges from this comparison that between the mid-sixteenth and the late seventeenth centuries the relative share of Jerusalem's Christians rose from approximately 50 to 70 percent of the studied population, presumably at the expense of Bethlehem and Beyt Jālā whose relative shares had dropped from approximately 20 and 30 percent respectively to approximately 16 percent each. On the whole, the Christian population in Jerusalem, Bethlehem and Beyt Jālā increased by 12 percent. The lack of parallel data concerning the Christian population in the rural environs of Jerusalem excludes the possibility of

[23] Cohen and Lewis 1978: 93.

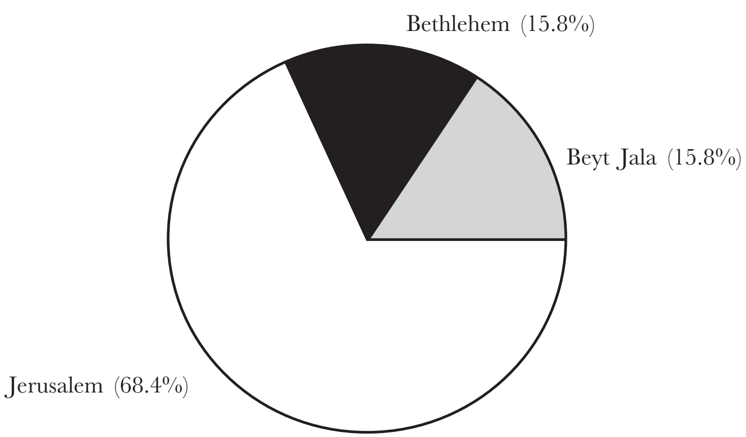
Graph 1: Christian Population in and near Jerusalem, 1562–63 and 1690–91



Graph 2: Christian Population in and near Jerusalem, 1562–63



Graph 3: Christian Population in and near Jerusalem, 1690–91



ascertaining whether the whole Christian population in and around Jerusalem was really multiplying, or merely urbanizing.

2. *Numeric Power Relations*

Although in Muslim eyes all unbelievers constitute one nation ("*kefere taifesi millet-i vahide*"), the Ottomans were wise enough to mind the religious and sectarian differences dividing the vast non-Muslim population under their rule. They further absorbed this differentiation into their governing policies. Traces of this preference are discernible in the studied poll-tax register, where the religious and sectarian affiliation of every assessee is assiduously noted, although this notification seems to have had no bearing on his tax assessment. The result of this assiduity provides an opportunity to follow the sectarian breakdown of the Christian population in Jerusalem and its semi-rural vicinity in the latter part of the seventeenth century.

Based on these data, Table 3 shows the sectarian breakdown of the Christian taxpayers in Jerusalem, Bethlehem, and Beyt Jālā in 1690–91. Assuming that the sectarian breakdown of the taxpayers should mirror that of the studied population as a whole, it is possible to establish the relative share of each of the Christian sects. Either way, it is obvious that the overwhelming majority of the Christians living in seventeenth-century Jerusalem and its semi-rural vicinity—around 70 percent—were adherents of the Greek Orthodox church. This is not surprising in view of the fact that most Christians living in Syria and Palestine, if not in the Ottoman Empire as a whole, belonged to this particular church. Their share in the studied population far surpassed that of the Armenians (approximately 15 percent), who were the second largest Christian sect. The shares of the other Christian sects were much smaller still.

Furthermore, nearly half of the Greek Orthodox community lived outside Jerusalem, either in Bethlehem or in Beyt Jālā, while the other Christian communities were represented in Jerusalem only. The Christian lay population of Bethlehem and Beyt Jālā seems to have been wholly Greek Orthodox, but this was not always the case. It is very likely that in earlier times the Christian population of Jerusalem's semi-rural vicinity had been more complex, and that the demographic reality reflected by the 1690–91 poll-tax register was largely the result of the urbanization process which this population had

Table 3: Breakdown of Christian Taxpayers by Sect and Locality, 1690–91

Sect	Jerusalem	Bethlehem	Beyt Jālā	Total
Greek Orthodox	364	144	143	651
Armenians	142	–	–	142
Jacobite Syrians	40	–	–	40
Maronites	37	–	–	37
Copts	25	–	–	25
Roman Catholics	12	–	–	12
Nestorians	2	–	–	2
Total	622	144	143	909

undergone. Evidence of this, at least as far as the Armenians were concerned, may be found in private papers kept by their church. These documents suggest that once there had been a strong Armenian presence in Bethlehem, but in the first half of the seventeenth century this presence disappeared completely.[24] It is very likely that many of the Armenians represented by these documents had left Bethlehem and moved to Jerusalem. However, as this demographic development would have had negative implications for the Armenian rights in the Church of the Nativity, strenuous efforts were made by the Armenian patriarchate of Jerusalem to restore the Armenian presence in Bethlehem. These efforts bore no fruit until the second half of the nineteenth century.[25]

At this point, the idea of comparing the findings of Table 3 with the comparable data of the mid-sixteenth century comes readily to mind. There is one problem, however, which may narrow the scope of such a comparison, which is the lack of information regarding the religious affiliations of the Christians living outside Jerusalem in the mid-sixteenth century. Unlike the poll-tax register of 1690–91, the *tahrir* registers of 1562–63 provide no information on this matter, and refer only to the Christians of Jerusalem. This means that the sectarian identity of the Christians living in Bethlehem and Beyt Jālā in the mid-sixteenth century is not known. Moreover, nor are the religious affiliations of the Christians who had moved from these

[24] Sanjian 1965: 142–3.
[25] *Ibid.*, 143.

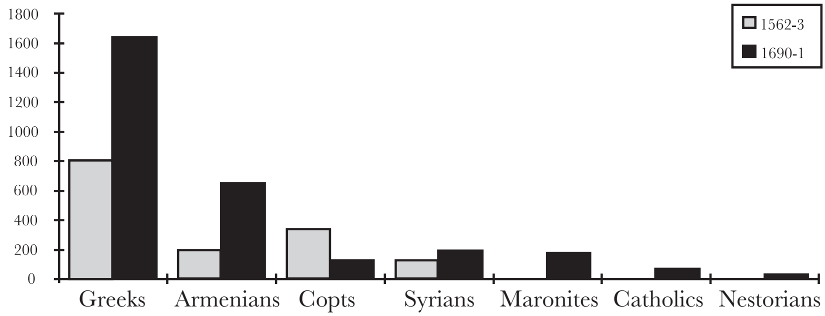
Table 4: Breakdown of Jerusalem's Christians by Sect, 1562–63 and 1690–91

Sect	1562–63	1690–91	Change (in %)
Greek Orthodox	802	1638	+ 104
Armenians	189	640	+ 239
Copts	326	113	− 65
Jacobite Syrians	119	180	+ 51
Maronites	0	166	
Roman Catholics	0	54	
Nestorians	0	9	
Unknown	284	0	
Total	1720	2800	+ 63

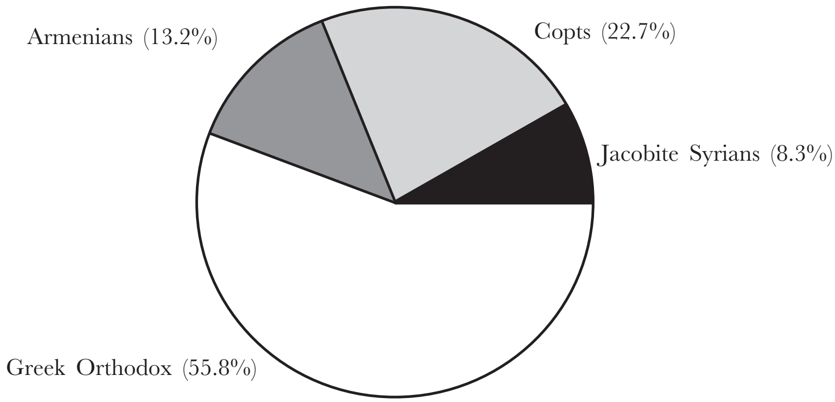
places to Jerusalem specified. There is no choice, then, but to limit the scope of the proposed comparison to Jerusalem alone. Of course, the same standardization routine applied for Table 2 is applicable in this case too. The results are shown in Table 4 and in Graphs 4, 5, and 6.

The data displayed there allow for several quantitative observations. First, it is noteworthy that the relative share of the Greek Orthodox remained in the late seventeenth century almost the same as in the mid-sixteenth century, notwithstanding the fact that their number had doubled during that period. This was, at least in part, the result of simultaneous demographic developments that affected the other Christian communities. Of these, the Armenians seem to have undergone the most impressive change. By the late seventeenth century the Armenians of Jerusalem more than tripled surpassing the Copts as the second largest Christian sect. The Copts meanwhile lost nearly two thirds of their number. Their share in the Christian population of Jerusalem, which in the mid-sixteenth century was over twenty percent, dropped by the late seventeenth century to four percent. The Copts of Jerusalem were thus reduced to the fifth largest Christian sect. The impressive growth of the Armenian community in Jerusalem may be partially explained by the above-described process of its urbanization. The parallel decline experienced by the Coptic community of Jerusalem is attributed by historians of that community to the difficulties suffered by its mother-church in Egypt, due to successive years of reduced Nile flooding, famine and subsequent political disorder that befell that country during the second

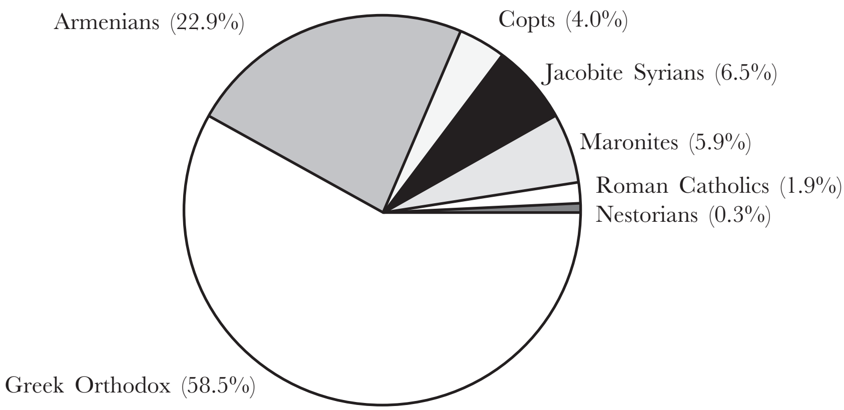
Graph 4: Jerusalem's Christians by Sect, 1562–63 and 1690–91



Graph 5: Breakdown of Jerusalem's Christians by Sect, 1562–63



Graph 6: Breakdown of Jerusalem's Christians by Sect, 1690–91



half of the seventeenth century.[26] The Coptic decline helped the Jacobite Syrians, whose number rose in the meantime by some fifty percent, to improve their standing in Jerusalem becoming the third largest Christian sect. On the whole, the basic ratio between the Greek Orthodox and the rest of Jerusalem's Christians (put together) did not change much. Apart from the developments described above, this ratio must have been affected also by the emergence of some new Christian communities in Jerusalem, namely the Maronites and the Roman Catholics.[27]

The formation of an indigenous Roman Catholic community in Jerusalem is rather interesting in view of the fact that for a long time before and after the Ottoman conquest Roman Catholicism was represented there by a handful of Franciscan monks who were foreign, not Ottoman, subjects. The emergence of a local Catholic community consisting of Ottoman subjects derived from two possible sources: One source would be indigenous Eastern-rite Christians who converted to Catholicism; the other would be Latin pilgrims who, choosing to stay in Jerusalem for good, assumed the status of tax-paying *zimmi*s. The records of those identified as Roman Catholics in Jerusalem's poll-tax register reveal that most had typical Arabophone names,[28] which may allude to their indigenous Eastern-rite origins. The names of the rest are written in distorted or illegible form, which was sometimes the case with Ottoman scribes struggling with transcriptions of European names. Most of Jerusalem's lay Catholics, then, seem to have been Eastern Christian converts. Their appearance in Jerusalem was apparently the result of Latin missionary activity, conducted throughout the seventeenth century by Franciscan and Jesuit monks, mainly among the lay Greek Orthodox inhabitants of

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[26] Meinardus 1960: 29. The fact that in the mid-sixteenth century the Copts of Jerusalem were far better off is attested by Germanus, then the Greek Orthodox patriarch of Jerusalem, in a letter sent in 1559 to the Russian Tsar, Ivan the Terrible (*ibid*). The consequences of the demographic blow which subsequently hit this community are referred to by some European travelers who visited Jerusalem in the second half of the seventeenth century. See e.g. Troilo 1676: 186; Nau 1726: 145, 176; Maundrell 1732: 70. Of special interest is the fact that some of these travelers were also aware of the concurrent increase in the number of Jerusalem's Armenians.

[27] There were also the Nestorians, but it is admittedly difficult to see in the records of two taxpayers any evidence of the formation of a Nestorian community in seventeenth-century Jerusalem.

[28] For example, Ḥalil veled-i Süleyman, İlyas veled-i Mansur, Mansur veled-i Hanna, İbrahim veled-i Ni'ma, etc.

Bethlehem.[29] Ottoman statistics suggest, however, that by the late seventeenth century the number of these converts was smaller than may be inferred from contemporary Latin reports,[30] or the enraged protests made by the Greek Orthodox patriarchate in Jerusalem to the Ottoman government in Istanbul.[31]

The Maronites embraced Catholicism en masse as early as the twelfth century. Their not entirely insignificant presence in seventeenth-century Jerusalem is somewhat surprising, for they received no attention at all in contemporary Christian sources, giving the impression that Maronites were nonexistent there as an established community. Perhaps the reason for this total disregard was the fact that the Maronites were the only Christian community in Jerusalem without any possessions whatsoever in the Holy Sites—by far the principal theme in the writings of Christian pilgrims to the Holy Land. The Maronites, however, kept close relations with the Roman Catholics with whom they were in denominational communion.[32] Taken together, these two communities could form in Jerusalem a local Catholic bloc that would make it the third largest Christian group.

In contrast to the Maronites, the Ethiopian community in Jerusalem is known to have had historical rights in the Holy Sites, and is therefore accorded ample attention in the accounts of Christian pilgrims to the Holy Land. However, the Ethiopian community of Jerusalem

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[29] This activity is amply referred to in Ottoman documentation. See, for example, *firman* dated 17 Receb 1023 (23 August 1614), Ecnebiye 13: 115; *firman* dated 1 Muharrem 1054 (10 March 1644), Ecnebiye 26: 38; *firman* dated Evasit-i Rebiyülevvel 1061 (4–13 March 1651), Ecnebiye 26: 51; *firman* dated Evahir-i Cemaziyelevvel 1101 (2–11 March 1690), Ecnebiye 28: 32; *firman* dated Evahir-i Şaban 1051 (25 November–3 December 1641), Sijill 131: 134–5. Cf. Gibb and Bowen 1950: 244; Vaughan 1954: 189–90. It is very likely that Christian inhabitants of Bethlehem who were converted by Latin propaganda could not remain in this distinctively Greek Orthodox town, and opted for Jerusalem which better suited, by virtue of its more pluralistic nature, their change of religious identity.

[30] Frazee 1983: 214; Masters 1988: 94–5.

[31] *Firman* dated Evasit-i Cemaziyelevvel 1047 (1–10 October 1637), Kilise 10: 29; *firman* dated Evasit-i Receb 1086 (1–10 October 1675), Kilise 9: 16–7; *firman* dated Evasit-i Şaban 1086 (31 October–9 November 1675), Patriarchate 68; *firman* dated Evahir-i Şaban 1107 (26 March–3 April 1696), Patriarchate 157. As is generally believed, the movement called Uniate was not that effective among the followers of the Greek Orthodox church before the second half of the eighteenth century.

[32] *Firman* dated 17 Receb 1023 (23 August 1614), Ecnebiye 13: 115; Record of a legal case dated 14 Zilkade 1056 (22 December 1646), Sijill 139: 122.

is not represented in this study. The reason for this lies in the fact that Jerusalem's Ethiopians have never constituted a lay tax-paying community. The twenty Ethiopians recorded in Jerusalem's *tahrir* register for 1562–63 were all tax-free clergymen.[33] Moreover, this monastic presence had been dwindling since then until, succumbing to a plague, it vanished altogether.[34] So by the late seventeenth century, the time in which the poll-tax register was being processed, there was no-one from this community left in Jerusalem.

The Georgians and the Serbians met a similar fate. Like the Ethiopians', their presence in Jerusalem was purely monastic; and—again like the Ethiopians'—this presence was on the wane during the first half of the seventeenth century until it vanished completely.[35] Yet data concerning the number of Georgian and Serbian monks in Jerusalem are missing from the *tahrir* registers of the sixteenth century just as they are from the poll-tax register of the late seventeenth century. One possible explanation for this is that the Ottomans, who paid more attention to the religious and sectarian than to the ethnic and cultural differences dividing their non-Muslim subjects, sometimes registered Georgians and Serbians simply as "*Rum*", that is, Greek Orthodox.[36]

3. *Economic Power Relations*

According to the poll-tax register of 1690–91, the Christians of Jerusalem and its semi-rural vicinity were engaged in over 60 different occupations. Classifying these various occupations by economic activity involved in each would be the first step in an attempt to sketch an economic outline of the population studied. Table 5 lists the main sectors of economic activity as well as the number of Christian taxpayers involved in each in late-seventeenth century Jerusalem and its semi-rural vicinity.

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[33] Cohen and Lewis 1978: 91.

[34] Legal case concerning the Ethiopian properties in Jerusalem, Receb 1063 (May–June 1653), Sijill 147: 323. Cf. Cerulli 1943: 410–18, 439–40; Cerulli 1947: 19–20, 56–60, 186.

[35] Legal cases registered between 1052 (1642) and 1055 (1645) with regard to the Georgian and Serbian properties in Jerusalem, Sijill 133: 115, 417; 134: 162–3, 270; 135: 506–7. Cf. *firman* dated Evahir-i Rebiyülâhir 1067 (5–14 February 1657), Kilise 10: 11–3.

[36] Cohen and Lewis 1978: 87.

Table 5: Breakdown of Christian Taxpayers by Economic Sector and Locality, 1690–91

Sector	Jerusalem	Bethlehem	Beyt Jālā	Total
Crafts	472	94	84	650
Trade	39	–	–	39
Services	33	1	–	34
Agriculture	2	38	56	96
Day-labor	65	8	–	73
Unknown	11	3	3	17
Total	622	144	143	909

From there it clearly emerges that artisans formed the dominant part of the Christian labor force in Jerusalem and its semi-rural vicinity. The relative share of these artisans (72%), together with those of the day-laborers (8%) and the peasants (11%), could depict a fairly productive society. For the sake of comparison, the percentage of those engaged in any manual occupation within the Jewish population of late seventeenth-century Jerusalem was less than 40, with the rest being occupied with petty trade and providing personal or communal services, mainly in the religious realm.[37] This last sector, however, is where some reservations should be raised regarding the above outline of the Christian labor force. It will be remembered that Christian men of religion—a seemingly "unproductive" sector (as they themselves would argue)—were all excluded from the poll-tax register. What Table 5 would have looked like had they been included is open to speculation.[38]

Whatever the part of the absent clerics, the Christian labor force in Jerusalem and its vicinity included other "unproductive" sectors such as trade and services. Regarding trade, it should be noted that out of the 39 Christians involved in this sector, only 5 were merchants called *bezirgân*—a title ascribed in Ottoman parlance to big businessmen engaged in international or inter-regional trade.[39] Most

[37] Heyd 1953: 179–81.

[38] See, for example, Gerber 1988: 25, who has found that at least one fifth of the general labor force in seventeenth-century Bursa was engaged in what might today be called "unproductive jobs"—a phenomenon, he notes, characteristic of many pre-modern societies.

[39] İnalcık 1969: 98–103, 137.

of the others, 25 by number, were local peddlers of second-hand goods called *eskici*. The remaining 9 were market place brokers, public auctioneers and salesmen. Obviously, large-scale commerce was not characteristic of Christian economic life in seventeenth-century Jerusalem.

The same could be said of services. Furthermore, out of the small group of Christians involved in this sector, only ten seem to have been engaged in providing services usually demanded by pilgrims: lodgment, transportation, guidance, etc. This is rather strange in view of the fact that Christian pilgrimage to the Holy Land has always been a key element, if not the most important factor, in the economy of Jerusalem and its immediate vicinity. On consideration, however, this finding is quite understandable, because attending to pilgrims—a profitable business as much as a pious mission—was virtually monopolized by the Christian monastic orders operating in Jerusalem.[40] Given the fact that these religious elements were excluded from the 1690–91 poll-tax register, it is no wonder the lively economic activity involved in the provisioning of necessary services for Christian pilgrims to Jerusalem seems so under-represented in Ottoman statistics.[41]

In contrast, unskilled day-laborers (*ırgat*) seem to have had a fairly remarkable presence in Ottoman statistics. The concentration of these elements in Jerusalem probably had to do with the demographic developments described above. Naturally, the likeliest source of this particular sort of Christian "proletariat" were Christian peasants moving to Jerusalem from its rural or semi-rural vicinity. Similar processes have led to similar consequences in different times and places around the world. What we already know about the urbanization of Jerusalem's Christian population seems to fit in with this theory.

Agriculture played an insignificant part in the economic activity of Jerusalem's Christians: only two shepherds were involved in this sector in the late seventeenth century. Outside Jerusalem, 27 peasants and 11 shepherds were assessed in Bethlehem, and 41 peasants

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[40] Verniero 1930: 188–92; Andreasyan 1964: 123–45; Burrell 1683: 27–49; Maundrell 1732: 67–97.

[41] The same may be said of the booming business of manufacturing and selling of pilgrim souvenirs which was also monopolized by the Christian church institutions in Jerusalem. See Bagatti 1954: 135; Serino 1939: 200; Troilo 1676: 298; Nau 1726: 397.

and 15 shepherds in Beyt Jālā. These findings reflect the semi-rural character of the Christian population in Bethlehem and Beyt Jālā, as opposed to the unmistakably urban nature of the same population in Jerusalem. It seems, however, that the Christian population of Bethlehem was urbanizing more rapidly than that of Beyt Jālā. This is conveyed not only by the fact that the number of Christians living by agriculture in Beyt Jālā was almost double than in Bethlehem, but also by the fact that the occupational structure of the Christian population of Beyt Jālā was much simpler than that of Bethlehem's. That the Christian population of Beyt Jālā was not entirely rural is implied by the fact that it had more artisans than peasants and shepherds.

To what extent is the picture delineated thus far compatible with the economic profile of each of the different communities that made up the Christian population of seventeenth-century Jerusalem? Could any of these communities be tagged as specializing in any particular field? What was the relative role of each of these groups in the general labor force of the population studied? These and other related questions will be dealt with on the basis of the data presented in Tables 6, 7, and 8.

These data reveal that manual work was most characteristic of the Greek Orthodox community, with artisans, day-laborers and peasants constituting more than 90 percent of their labor force. Much the same could be said of the other communities, as all had a dominant sector of artisans, which together with the day-laborers accounted for 80–90 percent of their labor force. This means that relatively small parts of these communities were involved in the potentially more lucrative sectors of trade and services,[42] with those of the Greek Orthodox proportionally the smallest, and the Armenians' and Jacobite Syrians' slightly larger. The Copts, on the other hand, were somewhat distinct in having as much as 16.7 percent of their labor force involved in services. In keeping with a professional tradition which has become characteristic of that community in Egypt, the Copts belonging to this sector in Jerusalem offered their famous book-keeping skills to any interested party.[43] The Maronites, for their part, were distinguished in trade. Traders accounted for 13.5 percent of the Maronite labor force in Jerusalem. Moreover, these traders were, in

[42] See below, Table 10.
[43] Atiya 1968: 92–3.

fact, the five Christians recorded as *bezirgân* in Jerusalem's poll-tax register. The Maronite labor force included, however, a relatively large sector of unskilled day-laborers, as did the Jacobite Syrians'. If indeed there was a relationship between this particular sector and the migration of Christian peasants to Jerusalem, then these two communities seem to have been affected by this demographic trend more than any other of Jerusalem's Christian sects.

Table 6: Breakdown of Christian Taxpayers by Sect and Economic Sector, Jerusalem and its Semi-Rural Vicinity, 1690–91

Sector	Greeks	Armenians	Syrians	Maronites	Copts	Catholics	Nest's	Total
Crafts	461	113	24	23	17	11	1	650
Trade	24	8	2	5	–	–	–	39
Services	17	9	3	–	4	1	–	34
Agriculture	95	–	–	1	–	–	–	96
Day labor	43	8	11	8	3	–	–	73
Unknown	11	4	–	–	1	–	1	17
Total	651	142	40	37	25	12	2	909

Table 7: Occupational Structure of Christian Sects in and near Jerusalem, 1690–91 (in %)

Sect	Crafts	Trade	Services	Agriculture	Day Labor	Unknown	Total
Greek Orthodox	70.8	3.7	2.6	14.6	6.6	1.7	100.0
Armenians	79.6	5.6	6.4	–	5.6	2.8	100.0
Jacobite Syrians	60.0	5.0	7.5	–	27.5	–	100.0
Maronites	62.2	13.5	–	2.7	21.6	–	100.0
Copts	68.0	–	16.0	–	12.0	4.0	100.0
Roman Catholics	91.7	–	8.3	–	–	–	100.0
Nestorians	50.0	–	–	–	–	50.0	100.0

Table 8: Sectarian Structure of Christian Economic Activity in and near Jerusalem, 1690–91 (in %)

Sector	Greeks	Armenians	Syrians	Maronites	Copts	Catholics	Nest's	Total
Crafts	70.9	17.4	3.7	3.5	2.6	1.7	0.2	100.0
Trade	61.5	20.5	5.2	12.8	–	–	–	100.0
Services	50.0	26.5	8.8	–	11.8	2.9	–	100.0
Agriculture	99.0	–	–	1.0	–	–	–	100.0
Day labor	58.9	11.0	15.0	11.0	4.1	–	–	100.0
Unknown	64.7	23.5	–	–	5.9	–	5.9	100.0

According to the data shown in Table 8, the Greek Orthodox were the dominant group in each of the basic sectors of Christian economic activity. But whereas agriculture was almost entirely in Greek Orthodox hands, their share in services equaled that of the other Christian communities put together. Things were not much different with regard to trade, though here too the Greek Orthodox maintained an absolute majority. The Armenians, the second largest community, were also the second largest group in crafts, services, and trade. As for the other communities, their share in the economic activity of Jerusalem's Christians appears to have been less determined by their relative size.

The economic picture delineated thus far can be supplemented by another statistical factor, the progressive rates of the poll-tax paid by non-Muslims following the fiscal reform of 1691. As noted, one of the important innovations involved in this reform was the adoption of the traditional Islamic norms prescribing the *cizye* assessed at three different rates according to the economic ability of the payer. These being "low" (*edna*) for those of modest subsistence; "medium" (*evsat*) for those who were somewhat better off; and "high" (*a'la*) for those considered rich. The sums paid were one, two, and four gold pieces respectively. As these norms were applied in Jerusalem as well, the 1690–91 poll-tax register might help in a further clarification of the social and economic conditions under which the studied population lived.

According to the poll-tax register of 1690–91, most (81%) of the Christians living in Jerusalem and its semi-rural vicinity paid the lowest *cizye* rate. A much smaller group (18.5%) paid the medium rate tax. The rest (0.5%) paid the highest. As a whole, this population seems to have had a quite modest standard of living. However, as none of those living outside Jerusalem paid the *cizye* at its medium or highest rates, the Christians living in Jerusalem proper seem to have been slightly better off.

Appraising the economic strength of each community in relation to the others necessitates the use of a standardized scale that would help position each of these communities in the context discussed. This may be achieved by calculating separately the total sum paid as *cizye* by each community, then dividing this sum by the given number of payers. The result is a value indicating the average tax burden imposed on each taxpayer in a given community. The higher this value, the better the economic standing of the community concerned.

According to Table 9, this value was highest for the Nestorians. This finding, however, is practically meaningless, since it is based on only two cases. Hence, the Maronites seem to have been the strongest community in economic terms.[44] They were followed by the Armenians who were also the second largest sect. At the bottom of the scale were the Greek Orthodox and the Roman Catholics who appear to have been the most economically deprived. The Jacobite Syrians and the Copts seem to have been slightly better off, as may be inferred from their position in the middle of this scale. These findings should not come as a surprise: Table 10 corroborates the predictable relationship between the professional structure of each community (see Table 7) and its economic standing. But were the differences significant? In answering this question one should note that the average tax burden of no community extended beyond the mid-range between the lowest and the medium *cizye* rates. The Christian communities in and near Jerusalem appear all to have shared the same standard of living, which by Ottoman official figures was basic, modest, or poor.

4. *Conclusion*

The poll-tax register of 1690–91 appears to be a unique and indispensable source for reconstructing the general demographic, social and economic portrait of the Christian population in seventeenth-century Jerusalem. However, a certain degree of skepticism is due here, as in any other study based on early Ottoman statistics. Doubts concerning the accuracy, credibility and research applicability of the Ottoman tax and population surveys are as old as the systematic study of them.[45] So, here too, the same question needs to be asked: to what extent do the statistical data on which this study is based reflect the reality to which they relate? With the scholarly debate over the historical value of Ottoman statistics still underway, no definite answer to this question is forthcoming. Nevertheless, as far as the 1690–91 poll-tax survey of Jerusalem is concerned, one might hope that the special circumstances which surrounded its taking,

[44] The credit for this must go, of course, to the presence of the five *bezirgân*s among the members of that community in Jerusalem.

[45] See in particular, Issawi 1958: 329–31; Cook 1972: 8–9; Murphey 1990: 115–26; Darling 1996: 100–8.

together with the improved methods employed in its making, must, this time, have secured more accurate and reliable results. Whatever the case, one thing is certain: the Christian population of seventeenth-century Jerusalem is better known with the 1690–91 poll-tax register than it would have been without it.

Another question is how relevant were these statistical data to the Question of the Holy Sites? Apparently they were, as some observers like Charles H. Luke would readily argue:

Table 9: Breakdown of Christian Taxpayers by Sect and Tax Rate, Jerusalem and its Semi-Rural Vicinity, 1690–91

Sect	Tax Rate			Total	Sum	Average
	High	Medium	Low			
Nestorians	–	1	1	2	3	1.50
Maronites	3	9	25	37	55	1.49
Armenians	2	44	96	142	192	1.35
Copts	–	7	18	25	32	1.28
Jacobite Syrians	–	11	29	40	51	1.27
Roman Catholics	–	2	10	12	14	1.17
Greek Orthodox	1	94	556	651	748	1.15
Total	6	168	735	909	1095	1.20

Sum in Hungarian gold pieces (*Üngürüs*)

Table 10: Breakdown of Christian Taxpayers by Economic Sector and Tax Rate, Jerusalem and its Semi-Rural Vicinity, 1690–91

Sector	Tax Rate			Total	Sum	Average
	High	Medium	Low			
Trade	3	8	28	39	56	1.44
Services	1	9	24	34	46	1.35
Crafts	2	147	501	650	803	1.24
Day Labor	–	2	71	73	75	1.03
Agriculture	–	–	96	96	96	1.00
Unknown	–	2	15	17	19	1.12
Total	6	168	735	909	1095	1.20

Sum in Hungarian gold pieces (*Üngürüs*)

> As the several ecclesiastical communities represented in the Holy Places waxed or waned in influence or even (as in the case of the Georgians) lost all representation in the Holy Land, so their shares in the sanctuaries fluctuated and their boundaries within the shrines tended to depend upon the numbers, wealth, and even strong right arm, of the parties concerned and upon the favour of the Sultan.[46]

Leaving aside for the moment whatever is meant by the "favour of the Sultan", it remains to be seen whether and to what extent the economic and numerical power relations between the various Christian denominations determined their respective shares and standing at the Holy Sites.

As for the economic power relations, it becomes clear that none of the Christian communities present in and around Jerusalem enjoyed any significant edge over its various counterparts. Furthermore, no single community had sufficient economic power to support whatever aspirations its ecclesiastical leadership might be fostering with respect to the Holy Sites. Indeed, Christian as well as Ottoman sources concur that the ability of the various church hierarchies to act in their respective interests with regard to the Holy Sites relied on outside support. Such support came in various guises. One of the most important took the form of Christian pilgrimage to the Holy Sites. The potential contribution of Christian pilgrimage to Jerusalem's economy has already been noted. So has the control of Christian ecclesiastical institutions over the economic activity associated with attending to the pilgrims' needs. What is more, it appears that while in Jerusalem, many pilgrims would go beyond paying for their transport, lodging and guidance, and dispense extra money as donations for the benefit of the Christian institutions that provided these services—each according to his church affiliation, the depth of his piety, and of course, the extent of his financial capacity. The fervent preoccupation of the various church hierarchies in Jerusalem with renovating church buildings and running them as pilgrim hostels points to the great expectations pinned on this particular source of regular income.[47] Another important source of regular income were dona-

[46] Cust 1930: Introductory Note.

[47] See, for example, the appeal by the Armenian patriarch in Jerusalem to the Ottoman authorities asking permission to establish new hostels in the Armenian quarter to meet the increasing demand by Armenian pilgrims to the Holy Sepulchre. The patriarch justified his request by claiming that the Armenian pilgrimage was essential for the subsistence of the Armenian church hierarchy in Jerusalem: "Daima

tions collected by emissaries of the various church hierarchies in Jerusalem from wealthier Christian congregations scattered across the Ottoman Empire and abroad.[48] Furthermore, these church hierarchies would have also benefited from all manner of grants and gifts, the generous donations of Christian princes and kings, as well as regular income from endowments and bequests willed on their behalf in various Christian states.[49] Documents bearing witness to this give the impression that the Greek Orthodox, Armenian, and Franciscan hierarchies in Jerusalem were the main beneficiaries of these kinds of outside support. Nevertheless, this impression is unsubstantiated by quantitative and comparable data, making it impossible to discern the exact correlation that must have existed between the economic power of each of these ecclesiastical institutions, and their respective rights in the Holy Sites.

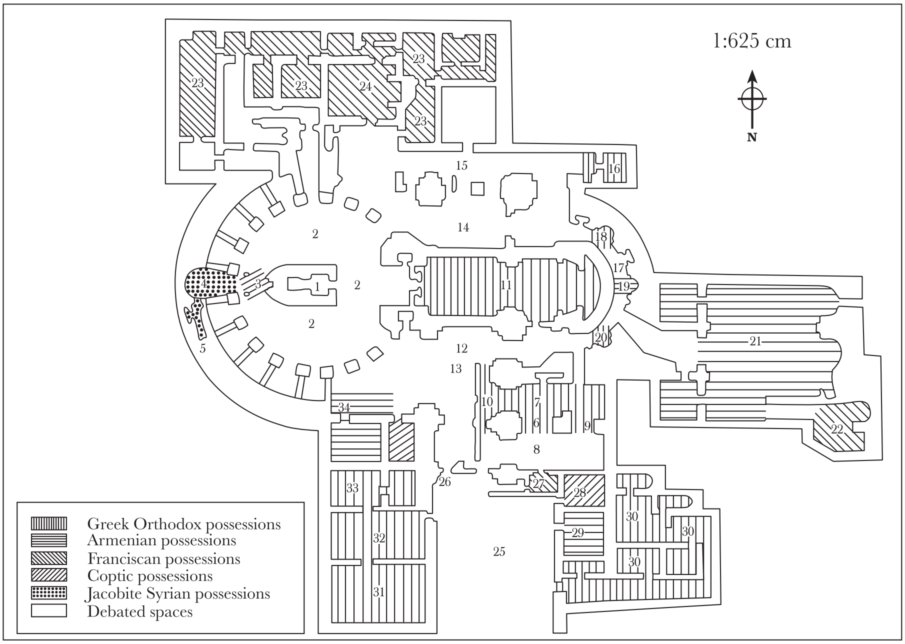
On the other hand, was there a discernible correlation between the numeric power of each of Jerusalem's Christian groups, and their respective standing in the Holy Sites? There is no straightforward answer to this question either, for possession of the most important shares, the Edicule of the Holy Sepulchre or the Grotto of the Nativity, was not static but repeatedly changed hands, particularly between the Greek Orthodox and the Franciscan monks. This matter and its various implications are discussed at length in Chapter Three.

Kumame ziyaretine gelen Ermeni misafirlerinden mezbur rühbânlara küllî imdat ve nefleri olup", *firman* dated Evail-i Zilhicce 1084 (9–18 March 1674), Sijill 177: 107–8. See a similar request by the head of the Coptic hierarchy in Jerusalem, 17 Rebiyülevvel 1055 (13 May 1645), Sijill 135: 442. Cf. Sanjian 1965: 204–5; Verniero 1930: 188–92; Andreasyan 1964: 123–45; Burrell 1683: 27–49; Maundrell 1732: 67–97.

[48] See, for example, the appeal by the Greek Orthodox patriarch in Jerusalem to the Ottoman authorities asking permission to travel freely between the Greek Orthodox communities scattered throughout the Ottoman Empire for the purpose of fund raising (*tasadduk cerri*) on behalf of the hierarchy he headed: *arzuhal* dated 10 Muharrem 1128 (5 January 1716), Cevdet-Adliye 2480. An (incidental) idea regarding the scope of this fund raising activity may be inferred from an Armenian complaint against the Armenian patriarch of Jerusalem who had allegedly embezzled the sum of 22,500 *guruş* raised in 1698–99 in İstanbul, Haslar, Üsküdar, Balat, Galata, Tokat, Sivas, Diyarbakır, Erzurum ,and Aleppo for the benefit of the Armenian church in Jerusalem: *arzuhal* dated 9 Ramazan 1110 (11 March 1699), Emiri-II. Mustafa 753.

[49] See, for example, *firman* dated Evasit-i Receb 965 (29 April–8 May 1558), Patriarchate 9, dealing with the intention of a Moldavian Prince to ship (unspecified) gifts to the Greek Orthodox patriarchate of Jerusalem. See also *firman* dated Evail-i Rebiyülâhir 1061 (24 March–1 April 1651), Ecnebiye 26: 50, dealing with the annual contributions of the French kings towards the maintenance of the Franciscan monks in Jerusalem, Bethlehem, and Nazareth.

Chart 3: Sectarian Possessions at the Church of the Holy Sepulchre in Jerusalem



There remains to discuss those possessions which for the most part remained non-controversial and static. The exploration of these rights reveals that there was in fact a certain positive correlation between the relative size of each denomination and the position its ecclesiastical hierarchy had in the Holy Sites.

Greek Orthodox was the church of most Christians living around the Holy Sites. In the Church of the Holy Sepulchre this reality was reflected by the fact that the Greek Orthodox church possessed exclusive and permanent rights to many important sites such as the Chapel of Crucifixion (7) and the Chapel of Adam (10) at Golgotha (6), as well as the Katholikon (11), the Chapel of St. Longinus (18), Christ's Prison (16), the Chapel of Derision (20), and St. Abraham Monastery (30).[50] Similarly, it owned the ancient chapels to the west of the

[50] The Greek Orthodox church had inherited the three last-mentioned sites from the Ethiopian monastic community after the latter's demise in Jerusalem. See in this regard *firman* registered by the *kadı* in Jerusalem at the request of the Greek Orthodox patriarch, 17 Zilhicce 1065 (18 October 1655), Sijill 151: 9–10.

parvis (31–33). In Bethlehem, the Greek Orthodox church dominated most of the above-ground sections of the Church of the Nativity.[51] For most of the seventeenth century, control of these sites provided the Greek Orthodox church with a convenient stepping-stone for extending its possessions to include also the other, more important sites, which were the cause of perennial conflict between the different Christian rites.

The second most important shareholder at the Holy Sites was, as to be expected, the Armenian church. The Armenians possessed exclusive and permanent rights to a number of important chapels at the Church of the Holy Sepulchre, namely the Chapel of Parting of Raiment (19), St. Helena's Chapel (21), the Chapel of St. John (29), and the Chapel of the Three Mary's (34). They also owned the second floor above the main entrance (26), visible today from the front of the church.[52] The Armenian church also had clearly-defined claims to the Grotto of the Nativity in Bethlehem, and apparently at some point in time, succeeded in gaining a foothold there, next to the Greek Orthodox church and/or the Franciscan order.[53] Nevertheless, the decline of the Armenian presence within the Christian population of Bethlehem proved detrimental to the Armenian church: Without the backing of a local congregation to support its claims, the Armenian church had difficulty in retaining whatever holdings it had at the Grotto, and dropped out of the picture very early on in the second half of the seventeenth century.[54]

The numeric power of the Christians backing the Franciscan presence in Jerusalem was far less significant than that of the Armenians, and almost non-existent compared to the Greek Orthodox'. One must nevertheless remember that the Franciscan monks not only served as the spiritual leaders of the Pope's followers in Jerusalem,

[51] See various *firman*s given between 1047 (1637)–1088 (1678) for the rights of the Greek Orthodox church in the Holy Sites, Kilise 8: 26–8; 9: 16–7; 10: 11–3, 29, 30–1. Cf. Baldi 1954: 24; Moschopoulos 1956: 165–7.

[52] See a conclusive report on the rights of the Armenian church in the Holy Sites, 6 Şevval 1078 (20 March 1668), Sijill 168: 129–30.

[53] See in this regard records of court hearings held during the months Rebiyülevvel-Rebiyülâhir 1067 (January–February 1657), Sijill 152: 89–90, 71–2, 77.

[54] *Firman* dated Evahir-i Rebiyülâhir 1067 (5–16 February 1657), Kilise 10: 11–3; court hearing registered on 29 Receb 1067 (13 May 1657), Sijill 152: 273; *firman* dated Evail-i Muharrem 1068 (9–19 October 1657), Kilise 10: 13–4. Cf. Sanjian 1965: 143.

but also, and primarily, as the exclusive representatives of the Roman Catholic church, thence of Europe's Catholic states, at the Holy Sites. As representatives (and dependents) of such world-wide, heavy-weight powers, it was only natural that the Franciscan monks, despite their small number, would constitute the main rival to the Greek Orthodox church in its struggle for preeminence in the Holy Sites. Until late in the seventeenth century, the Greek Orthodox had the upper hand, which left the Franciscan monks with possession of the Chapel of Invention (22), the Chapel of Apparition (24), the monastery around it (23), and the Chapel of St. Mary of Egypt (27) in the Church of the Holy Sepulchre alone.[55] Thus, there seems to have been a correlation between the Franciscans being the third most important shareholder in the Holy Sites, and the fact that their co-religionists, the Roman Catholic and the Maronite communities, together formed the third largest element within the Christian population in Jerusalem. As for the Franciscan monks themselves, their number as well as the duration of their stay in Jerusalem were limited by the Ottoman authorities, probably continuing an older precedent that had been established by their Mamluk predecessors.[56] Thus the number of Franciscans permitted to stay in and around Jerusalem normally ranged between 36–60 monks. The duration of their stay was confined to three years, after which the heads of the Franciscan order in Europe were obliged to recall them and send others in their stead. The exact number—36 or 60—was a subject of controversy between the Greek Orthodox church and the Franciscan order, with each side pressing the Ottoman authorities to decide on the number which better suited its own wishes and needs.[57] The understandable insistence of the Greek Orthodox church on the lower number may well indicate its awareness of the relationship between numeric supe-

[55] See a conclusive report on Franciscan rights in the Holy Sites, 18 Receb 1097 (10 June 1686), Sijill 187: 417–8, 419–20. Cf. Baldi 1954: 20, 40.

[56] Court hearings registered on 14 Zilkade 1056 (22 December 1646) and on 11 Cemaziyelevvel 1062 (20 April 1652), Sijill 139: 122; 146: 286–7. See also a letter by the governor (*vali*) of Damascus to the *kadı* in Jerusalem, Muharrem 1063 (December 1652), Sijill 147: 14.

[57] See, for example, *firman* dated Evail-i Cemaziyelâhir 1099 (3–12 April 1688), Kilise 8: 28–30, which takes up the Greek Orthodox church's position that the total number of Franciscan monks permitted to stay in and near Jerusalem should not exceed 36. See on the other hand *firman* dated Evail-i Rebiyülevvel 1062 (11–20 February 1652), Ecnebiye 26: 58–9, which takes up the Franciscan monks' position that that number may add up to 60.

riority in and around Jerusalem, and preeminence in the Holy Sites.[58] In this regard, it seems that not only religious reasoning but also a profound fear of any change, however slight, in the numeric power relations between the Christian denominations in and around Jerusalem was behind the forceful opposition of the Greek Orthodox church to the activities of the Latin mission. For the same reason, it appears, the same church objected vehemently to any sign that could be interpreted as a Franciscan attempt to establish a Catholic-Maronite bloc in Jerusalem with the objective of concerted action on religious issues, among these being the struggle for preeminence in the Holy Sites. Taking advantage of its numeric superiority, the Greek Orthodox church in Jerusalem successfully maintained its primacy in the Holy Sites up until late in the seventeenth century. By then, as the Question of the Holy Sites started transforming from an internal Ottoman problem to an external diplomatic one, new and foreign forces interposed, which to a great degree eliminated the advantages the Greek Orthodox church derived from any locally-gained preponderance.

The Greek Orthodox church, the Armenian church, and the Franciscan order were thus the principal title holders at the Holy Sites. The other Christian sects retained only small representation in these sites, which by and large reflected their numeric inferiority, as well as the meager sources of external aid to which they could appeal. The Coptic church, the numbers of whose adherents in Jerusalem and pilgrims from Egypt were waning, had rights to a tiny chapel adjacent to the west of the Edicule at the Church of the Holy Sepulchre (3), as well as to the Chapel of St. Michael (28).[59] The Jacobite Syrian church owned the Chapel of St. Nicodemus (4) and the Chapel of Joseph Arimathae (5). However, it seems that in the mid-seventeenth century the Jacobite Syrian church in Jerusalem had to relinquish these sites after incurring heavy debts. Unable to get help from its small and impoverished congregations in Jerusalem

[58] See, for example, *firman* dated Evasit-i Cemaziyelevvel 1047 (1–10 October 1637), Kilise 10: 29. There, the Greek Orthodox patriarch in Jerusalem is cited as claiming that the number of Franciscan monks in the city was increasing from day to day: "Yevmen feyevmen mahal-ı mezburda Firenk taifesi izdiyad bulup." The complaint was reiterated several more times during the second half of the seventeenth century, Kilise 8: 26–8, 28–30; 9: 16–7.

[59] Deposition by the Coptic bishop in Jerusalem as to the predicament of his small community of monks, 17 Rebiyülevvel 1055 (13 May 1645), Sijill 135: 442.

and elsewhere, the Jacobite Syrian church was forced to transfer its rights in the Church of the Holy Sepulchre to the Armenian church, in return for the latter's guarantee to cover the former's debts.[60] The Jacobite Syrians were forced out of the Church of the Holy Sepulchre, a fact noticed by the English traveler, Henry Maundrell, who had visited Jerusalem at the end of the seventeenth century and found only "Latins, Greeks, Armenians and Cophtites" to be title holders at the Holy Sites.[61]

To recap: the system of Christian rights to the Holy Sites described thus far touches mainly on those parts where a particular church had an exclusive claim to which the others acquiesced outright. The other parts where the issue of possession remained unsettled, are also the most sacred spaces within the Holy Sites. Over these spaces a fierce rivalry sprang up between the dominant Christian churches, with each struggling to win preeminence. The roots of this rivalry go deep into the pre-Ottoman history of the Question of the Holy Sites.

C. The Pre-Ottoman Legacy of the Question of the Holy Sites

The inter-church struggle over the Holy Sites was a latter consequence of earlier development: The historical fragmentation of Christianity from a single unified church to several churches divided by a variety of theological trends and between different political centers in the Christian world. Each schism gave rise to separate Christian denominations, and these denominations gave rise to an internecine conflict over possession and use of the most sacred Christian sites. Most of these schisms occurred during the first centuries of Christianity following its adoption as the official religion of the Roman Empire. Almost all of them derived from the interminable theological debates into which the young church had fallen while trying to determine the nature of Christ. Yet a distinct political shade colored these religious polemics and ensuing schisms, as many were started by Christian

[60] Sale deed dated 27 Muharrem 1065 (7 December 1654), Sijill 149: 415–6. Here probably are the origins of a later-conceived and yet unsolved conflict between the Armenian and the Jacobite Syrian churches over possession of the two last-mentioned sites, Cust 1930: 23–6.

[61] Maundrell 1732: 70.

peoples in the East feeling excluded and displeased at the centralized manner in which the Byzantine state administered the matters of the church, as well as the monopolization of its higher hierarchy by clerics of Greek descent.[62]

The first challenge to the unity of the church occurred early in the fourth century when an Alexandrine priest named Arius claimed that Christ had been created by God, and that therefore the divinity of Christ was of different nature from God's. This view was examined in 325 by the Council of Nicaea which resolved to repudiate the Arian creed, and to denounce its followers as heretics.

The Arian heresy faded out in the course of the fifth century without leaving a trace in the form of an enduring schism. But the matter at issue remained unsolved, and debate continued within the church on how settle the contradiction found between the divine nature of Christ as God's Son, and his earthly substance as a human being. The solution proposed by Nestorius, Patriarch of Constantinople (428–431), led to the first lasting schism in church history. Stressing the human side in Christ's personality, Nestorius conceived of Him as having two distinct natures, the one human and the other divine, embodied in two distinct persons, the one earthly and the other heavenly. This idea of Christ was harshly criticized and declared heresy at the Council of Ephesus (431), which forced Nestorius to flee and seek refuge in Persia. His Aramaic-speaking followers founded the dissident Nestorian church, which at first prospered until being nearly destroyed by the Mongolian invasions of the thirteenth century. Unable to recover, the Nestorian church fell victim to a steady process of dwindling numbers and decline. The insignificant Nestorian presence in the Ottoman Empire in general and in seventeenth-century Jerusalem in particular could well be a symptom and a result of this ill-fated process.

Among the harshest critics of Nestorianism in Ephesus were those who developed a diametrically opposite theory. To them, Christ had but one nature, embodied in one person, both divine. Monophysism, as this theological position came to be known, rapidly caught hold gaining prevalence and support particularly in Syria and Egypt which had been strongholds of political opposition to the Byzantine state.

[62] Bliss 1912: 39–122; Fortescue 1916: 5–50, 135–98; Fortescue 1913: 3–113, 163–248, 293–352, 383–419; Frend 1969: 239–96; Gibb and Bowen 1957: 227–30; Janin 1922: 9–23.

The denunciation of Monophysism by the Council of Chalcedon (451) led to the withdrawal of the Monophysite elements from the Byzantine church who upheld the "orthodox" belief that Christ had two distinct natures—divine and human—embodied in a single person. The Monophysite schism however did not end in a single Monophysite church, for the matter at issue was not merely or wholly theological. It is generally believed that the Monophysite schism was an act of national-like defiance on the part of some Christian peoples in the East who had grown tired of Byzantine Greek-Hellenic exclusivity in deciding matters of religion and church. The result was that each of these peoples established their own national-like Monophysite church bearing their name, speaking their language, and featuring their own culture. These developed into the Armenian, Coptic (i.e. Egyptian), Ethiopian and the (Jacobite-) Syrian churches. The Armenian church has always been the major, dominant and richest of the Monophysite rites. The Coptic and the Jacobite-Syrian communities experienced mass conversions and decline following the Islamic conquests. The Ethiopian church remained beyond the limits of Islamic expansion, and was at the same time loath to nurture believers' communities outside the Ethiopian kingdom itself, Jerusalem being the only exception.

Attempts to reconcile with the Monophysites and bring them back to Orthodoxy (that is, the Byzantine church) not only failed but paved the way to another schism. The compromise formulated by Emperor Heraclius (610–641), suggesting that Christ had two distinct natures but only one will, was accepted by few churchmen from either side. Those who followed them were called Monothelites (Greek, *monos thelma*: "one will"). The Maronite church, named for a Christian saint living in fifth-century Syria, is probably an upshot of the Monothelitic schism.

At the same time as the Orthodox church was busy struggling with the dissident churches of the East, the gap between its two main jurisdictional centers, Constantinople and Rome, was growing seriously wider. This jurisdictional partition reflected the political division of the Roman Empire after the death of Theodosius (395) into a western empire (that crumbled shortly afterwards), and an eastern empire (that became the Byzantine state). However, what began as an administrative or political division, evolved over time into a cultural and religious rift. In 1054 this state of affairs resulted in a formal schism leaving mainstream Christianity torn between two distinct and opposing churches: the Greek Orthodox in the East, and the Roman Catholic in the West.

What was the role of Jerusalem in this chain of religious polemics and schisms? How did these developments affect the genesis of the Question of the Holy Sites? History has it that Emperor Constantine set about discovering and commemorating Christianity's most significant sites so as to make them universal foci of faith and pilgrimage, a rallying cause the entire Christian world could identify with. Constantine, who had just managed to reunite the Roman Empire under his rule, saw in Christianity a powerful integrative tool that would hopefully preclude re-partition of the realm. It is therefore not a coincidence that the cue for launching the project of locating and unearthing Christianity's most significant sites was given at the same time the Council of Nicaea was meeting to discuss the Arian creed. On the occasion of the first challenge to the unity of the church, the first foundation was laid for making Jerusalem and its vicinity a universal locus of adoration for all Christians on earth.[63]

The newly discovered and monumentalized sites of the Nativity, Crucifixion and Sepulchering fell short of preserving the unity of the Christian world and church. Yet, the formal consecration of Jerusalem and Bethlehem, with every emphasis put on their unique significance to Christians as a whole, made all schisms and splits of Christianity equal in their deep admiring of, and strong attachment to, the Holy Sites. This is reflected by the fact that possession and use of these sites have been shared by different Christian sects from an early stage in their history. But the deepening of the internal strife within the Christian church, and the ineffectiveness of all efforts to come to terms with the dissident elements and bring them back to Orthodoxy, made the Byzantine state adopt a firm religious policy that stressed the association of the Holy Sites with the Byzantine church, to the exclusion of the others. It was in this very context—the emergence of Monophysism—that the modest bishopric of Jerusalem was elevated to the status of patriarchate, a move urged by the wish to keep the local hierarchy loyal to the Byzantine church, as well as to assert the pertinence of the Holy Sites to the Byzantine state.[64]

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[63] Buhl 1924: 1096; Parkes 1949: 183–4; Wardi 1975: 385; Colbi 1988: 9–11.

[64] Colbi 1988: 20–1; Cust 1930: 4; Buhl 1924: 1096; Wardi 1975: 385–6. Before being made the fifth patriarchate of the Christian church, Jerusalem was a bishopric subordinate to the Patriarchate of Antioch. The other patriarchates were Rome, Constantinople, and Alexandria.

Of particular note is Justinian I (527–565), who as part of his struggle against Monophysism, denied its adherents access to the Holy Sites. This restriction remained in force until the Islamic conquest of Jerusalem in 638.[65]

The Muslim conquest of Jerusalem resumed the interrupted development of the Holy Sites as universal venues of worship and pilgrimage common to all Christians regardless of their church. On the one hand, the Muslim conquest eliminated Byzantine state control of Jerusalem. It also removed local church affairs from the intrusive reach of the ecumenical leadership of the Byzantine church. On the other hand, and in contrast to the policies of the Byzantine state (or church), Muslim rule permitted all Christian rites to maintain relations with their holiest sites. Apart from making Jerusalem and its vicinity accessible for pilgrimage from all parts of the Christian world, Muslim rulers expressed, at least in two well-known instances, explicit recognition of the universal quality of the Holy Sites and of their possessing a pan-Christian interest. In the late eighth century the famous Abbasid Caliph, Hārūn al-Rashīd, recognized the Latin interest in the Holy Sites by allowing Charlemagne to establish and maintain hostels for European pilgrims in and around Jerusalem.[66] In 1036, the Fatimid Caliph al-Mustanṣir acknowledged the right of the Byzantine Emperor Constantine IX Monomachus to rebuild the Church of the Holy Sepulchre which in 1009 had been demolished by his predecessor, al-Ḥākim.[67] As noted, this comprehensive policy restored the Holy Sites their quality as universal religious assets common to all Christians. One of the consequences of this development was the return of the Monophysite churches to their old possessions at the Holy Sites.[68]

The Crusades and the fall of Jerusalem in 1099 destroyed the pan-Christian character of the Holy Sites making them again the property of a single church, this time—the Roman Catholic. It is true that in the beginning, the Crusaders worked in concert with the local Christian communities. But with Jerusalem declared as the

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[65] Parkes 1949: 184.

[66] Goitein 1986: 326; Colbi 1988: 30–1; Parkes 1949: 185. European sources claim that on that occasion Hārūn al-Rashīd also offered Charlemagne the keys to the Church of the Holy Sepulchre. This claim is not corroborated by any of the Muslim sources known to modern scholarship.

[67] Parkes 1949: 185; Buhl 1924: 1099.

[68] Parkes 1949: 185–7.

capital of the Latin Kingdom, it became eminently clear who would have the final say regarding issues related to the Holy Sites. In the Latin Kingdom of Jerusalem there was no room for a Byzantine patriarch, who was indeed displaced by a Latin one. Moreover, the adherents of the Greek Orthodox and the other Eastern-rite churches were exposed to Latin proselytizing efforts and made subordinate to the authority of Roman Catholic priests. Unsurprisingly, these churches were relegated to an inferior or no standing at all in the Holy Sites.[69] This state of affairs survived the fall of Jerusalem in 1187 to Saladin, for Latin kings used diplomacy to preserve Roman Catholic ascendancy at the Holy Sites.[70] Change came only with the Mamluk conquest of Jerusalem in 1244, and was stamped by the final annihilation, in 1291, of the Latin political presence in the Holy Land.

The Muslim victory and the demise of the Latin Kingdom made it possible for the Eastern-rite churches to recover their rights in the Holy Sites. But an interesting situation emerged: after a century of Latin domination in Jerusalem and Bethlehem (and precisely for this very reason), the Roman Catholic church found itself devoid of all representation in the Holy Sites.[71] This was hardly a situation the Roman Catholic church could, or would, put up with. So, after some ninety years of forced absence from the most important shrines of Christianity, it was only natural for the Roman Catholic church to try and find some way back to the Holy Sites.

The monks of the Franciscan order paved the way of the Roman Catholic church to come back to the Holy Sites. The first Franciscan monks arrived in the Holy Land in 1333 to become, after ten years, the official representatives of Roman Catholicism in the Holy Sites.[72] Armed, on the one hand, with a great deal of ambition, resolve, and perseverance, and aided, on the other hand, by the insouciance and the relative weakness of the other churches, the Franciscan monks managed in quite a short time to establish for themselves a pride of place in the Holy Sites. By the time of the Ottoman conquest, the Franciscan monks were already in possession of most of the important shares

[69] Buhl 1924: 1100; Colbi 1988: 37–41; Wardi 1975: 386.

[70] Cust 1930: 6; Colbi 1988: 53–60.

[71] Parkes 1949: 190–1; Wardi 1975: 387.

[72] Parkes 1949: 193; Wardi 1975: 387; Cust 1930: 7; Colbi 1988: 75–7. The Franciscan mission to Jerusalem was therefore given the title Custodia Terrae Sanctae by the Roman Catholic church.

in the Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem.[73]

The inclusion of the Roman Catholic church among the Christian denominations sharing the Holy Sites marked the completion of the historical process, evolution and acceptance of these sites as universal venues of worship and pilgrimage common to all Christians regardless of their church. Since then, the Holy Sites have been held in common by representatives of the Roman Catholic, Greek Orthodox and most of the Monophysite churches. This process involved another, ominous development: the growing tension, suspiciousness and resentment among the joint holders of the Holy Sites. Each one of these holders had in the past experienced forced exclusion from the Holy Sites. Now, the facts established by the Franciscan monks evoked bitter memories of the past, as well as fears of the future, should others, like the Greek Orthodox or the Armenians, decide to take up the Franciscan example—which is exactly what happened under Ottoman rule.

D. Islamic Rule: The Ottoman Empire in Early Modern Times

The combination of holy sites and Christian rites vying for preeminence thereat was not sufficient to create the so-called Question of the Holy Sites. Another crucial factor had to be added: the presence of these sites under non-Christian rule. The logic behind this observation seems simple and clear: Under Christian rule of any kind, preeminence at the Holy Sites would automatically and incontestably be promised to the particular church with which the government identified. Moreover, at times of mounting inter-church tensions, this preeminence would turn into exclusivity, as had actually happened under Byzantine or Crusader rule. However, under Islamic rule, state and church were no longer one and the same thing, as far as the Holy Sites were concerned, which made competition over their pos-

[73] Collin 1948: 37–46, 48–53. Accounts of European pilgrims to the Holy Land reveal that on the eve of the Ottoman conquest, the Franciscan monks were in exclusive possession of the Edicule, part of Golgotha, the Chapel of Apparition and the Chapel of Invention at the Church of the Holy Sepulchre, as well as the Grotto and parts of the basilica at the Church of the Nativity.

session and use open to all branches of Christianity. Islamic rule seems then to have contributed greatly towards the preservation of the Holy Sites' pan-Christian quality. This of course had significant implications for the evolution of the Holy Sites as Christianity's holiest shrines, as well as for the development of an inter-church conflict over their possession and use. To this should one add the intricacies involved in the mere presence of such important shrines of Christianity under the rule of Islam. Islamic rule became thus one of the basic constituents of the Question of the Holy Sites. It goes without saying that the nature and fortunes of this rule should play an important part in the shaping of this question and its historical development.

Except for the time of the Crusades, the Holy Sites were under the aegis of an Islamic state from the early seventh century onward. Actual rule, however, frequently changed. The Ottoman Turks who on the eve of early modern times established the last dynasty to rule the core lands of the Muslim world, liked to think of their polity as a genuine representation of the classical Islamic state. As all of their predecessors had tried to do the same, the passage from Mamluk to Ottoman rule did not make a big cultural or religious difference for the Holy Land. Nevertheless, with the Ottoman conquest the Holy Land came to be part of a vigorous expanding state which was about to become the most significant power within and beyond the world of Islam.

When the victorious armies of Sultan Selim I (1512–1520) took Palestine (together with Syria, Egypt and Hedjaz), the domains of the Ottoman Empire stretched over three continents. Another half-century of Ottoman expansion and consolidation followed. These were the years of Sultan Süleyman I (1520–1566), "the Magnificent", according to his European peers, who watched with appreciation and apprehension his military and political achievements which spread Ottoman power from Trnava to Tabriz, and from Aden to Tlemcen. Ottoman success in the age of Süleyman is explained by his ability to combine territorial expansion abroad with stability and cohesion at home. He did this by waging wars of conquest to the east and to the west, and by constructing a strong centralist bureaucracy to better control the realm. This is the reason classical historians call the time of Süleyman the "Golden Age" of the Ottoman Empire. Revisionist scholars assert, however, that the Süleymanic "Golden Age" was not really a fact but, rather, an ideal construct impressed by the Ottoman "Advice Literature" of the seventeenth century.[74] Whichever the case, all seem to agree that by the middle of the sixteenth century, and for many years thereafter, the Ottoman Empire was the strongest and most important force in the global balance of power.

By the middle of the sixteenth century, however, the Ottoman Empire had more or less reached its limits of territorial expansion. Time was naturally needed for this change of circumstances to sink in, as the innate thrust for fresh conquests remained unabated in the minds of Ottoman sultans who came to the throne after the death of Süleyman. So, during the latter part of the sixteenth century the Ottoman army exhausted its power fighting static wars, which, regardless of victory or defeat, did not result in territorial gains for the Ottoman Empire. Rather, this indecisive warfare strained the resources, and drained the treasury, of the Ottoman state as the increasing expenses could no longer be balanced by the additional revenues that more conquests would have secured. In the early seventeenth century this financial crisis began to cause political disorder and social unrest.

Recent interpretations of Ottoman history set the difficulties of the seventeenth century in the wider context of a general crisis that is said to have occurred in Eurasia as a whole.[75] Polities across both continents seem all to have suffered from population growth, excessive urbanization, rural depletion, monetary confusion, price inflation, popular revolts of various forms, and the dilution of central power by ambitious elite groups emerging in both the capital and the provinces. To be sure, this crisis was eventually managed. But the way it was managed in the West differed from the way it was managed in the East. Whereas adjustment and accommodation was the Ottomans' way of dealing with the effects of the seventeenth-century crisis, in Europe, response to the same crisis resulted in economic renaissance and technological progress, which helps account for the subsequent reversal of the global power relations as the major European powers came to assert their superiority over the Ottoman Empire.

As it turned out, European powers were not to assert their military and political superiority over the Ottoman Empire before the

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[74] Fleischer 1986: 267–72; Peirce 1993: 153–85; Barkey 1994: 48–54; Faroqhi 1994: 413–4; Darling 1996: 1–16; Hathaway 1996: 25–31.

[75] Barkey 1994: 48–53; Darling 1996: 8–15.

turn of the eighteenth century. There were, however, early warning signs. In the early 1650s the Venetian navy managed to effectively blockade the Dardanelles, thereby posing a potential threat to the Ottoman capital itself. From the point of view of Istanbul, this was truly an alarming development, completely inconceivable just a few decades before.[76]

In anxious Istanbul, actual authority was conferred on Köprülü Mehmed Paşa, an elderly man in his eighties, but nevertheless renowned for extraordinary energy and rich experience in Ottoman military and administrative service. Appointed grand vizier on September 15, 1656, Köprülü Mehmed Paşa did indeed work assiduously and resolvedly to reform what he judged to be wrong with the Ottoman Empire. He embarked on reestablishing central control over the provinces and on breaking all manifestations of internal lawlessness. Measures were also taken to prune the bloated machinery of the state and ensure the flow of taxes to the central treasury. The situation on the Venetian front also improved, resulting in the lifting of the blockade of the Dardanelles and removing the menace to Istanbul.[77]

Köprülü Mehmed Paşa died of old age after only five years in office. He was succeeded by his own sons and other members of his household, who kept the Köprülü family in actual control of the Ottoman state throughout the second half of the seventeenth century. These were: Fazıl Ahmed (1661–1676), Kara Mustafa (1676–1683), Fazıl Mustafa (1689–1691), and Amcazade Hüseyin (1698–1702). All served as grand viziers after Mehmed Paşa; all remained loyal to his political legacy whose basic principles were centralization at home and aggrandizement abroad. Under the Köprülüs, the wave of territorial conquests resumed, which added the Province of Podolia (1676) and the Island of Crete (1669) to the Ottoman Empire. At the same time, efforts continued to improve and reform the military, the administrative machinery and the financial affairs of the Ottoman state.[78]

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[76] Kunt 1971: 20–1; Itzkowitz 1972: 75–6; Faroqhi 1994: 419–20.

[77] Kunt 1971: 26–33, 133–4; Itzkowitz 1972: 76–80; Gökbilgin and Repp 1986: 256–9; Faroqhi 1994: 420.

[78] Itzkowitz 1972: 81–5; Gökbilgin and Repp 1986: 259–62; Faroqhi 1994: 420. Noteworthy among these reforms was that initiated in 1691 by Fazıl Mustafa to improve the collection of *cizye*. See above, Section B of the present chapter.

The achievements of the Köprülüs enabled the Ottoman Empire to retain its pride of place in the global balance of power. The Ottoman Empire appeared to be reliving the legendary "Golden Age" associated with the reign of Süleyman, which was the model that had inspired the Köprülü reforms in the first place. It is therefore not surprising that by 1683, upon believing that most of their work was done, and that the empire came more or less back to what it was at the time of Süleyman, the Köprülüs would try to repeat the most ambitious and daring move of that glorious sultan—laying siege to Vienna.

The siege to Vienna in the early sixteenth century marked the zenith of Ottoman power and its territorial extent. It also marked their limits: the walls of Vienna were as far as the Ottomans would get. In the late seventeenth century, the Ottoman Empire tested these limits for the second (and last) time. But just as Süleyman failed in his attempt to break through the walls of Vienna, so too did Kara Mustafa a century and a half later. But the price of his failure was higher than that of Süleyman's. The second failure at Vienna cost Kara Mustafa his life, and the Ottoman Empire had to face the counterattack of a strong, victory-inspired coalition including Austria, Poland and Venice, which were later joined by Russia. This coalition dealt a series of painful blows on the Ottoman army. Fifteen more years were to elapse with the Ottomans trying to hold on and fight back. By 1699 it was all over, and the Ottoman Empire prepared to concede defeat to its enemies, which it formally did, that year in Karlowitz.[79]

In retrospect, the Peace of Karlowitz appears as a significant turning point in Ottoman history. This peace agreement and the negotiations that preceded it heralded the new course of the foreign affairs of the Ottoman Empire. The Peace of Karlowitz was the first in a long series of diplomatic agreements that the Ottoman Empire, defeated on the battlefield, would have to conclude with stronger enemies. It was the first of many political settlements in which the Ottoman Empire ceded territories that had long been an integral part of the "Well-Protected Domains."[80] At Karlowitz, it is claimed,

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[79] Itzkowitz 1972: 81–5; Faroqhi 1994: 428–30.

[80] The Peace of Karlowitz involved for the Ottoman Empire the loss of Transylvania and Hungary to Austria; of Dalmatia and Morea to Venice; and of Podolia and Ukraine to Poland. In a separate treaty concluded the following year in Istanbul

the first step of the long and continuous Ottoman withdrawal from Europe was made. The global power relations took an irreversible turn to the detriment of the Ottoman Empire. After two and a half centuries of virtually unchallenged superiority, the fortunes of the Ottoman Empire became increasingly dependent on the vicissitudes of European diplomacy.

Consequently, so did the fortunes of the Holy Sites. The seeds of change and the portentous signs of an imminent turn in the way the Question of the Holy Sites would be handled were already present in Karlowitz. During the negotiations preceding the Peace of Karlowitz, the Ottoman Empire was for the first time in history presented with firmly worded foreign demands with regard to the Holy Sites.[81] In the course of the eighteenth century, these demands were intensified in substance and assertiveness reflecting the weakening position of the Ottoman Empire in relation to the other powers. In the late nineteenth century, this process culminated with the European powers formally taking over the Question of the Holy Sites and forcing on the Ottoman Empire their own solution thereof. Surely, none of the delegates to Karlowitz could imagine the way things would come to end 180 years later, in the Treaty of Berlin. But in retrospect, it would be fair to regard the end of the seventeenth century as the beginning of the end of Ottoman exclusivity in determining the fortunes of the Holy Sites.

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with Russia, the Ottoman Empire ceded control of areas north of the Sea of Azov. See Itzkowitz 1972: 84; Cook and Parry 1976: 199; Faroqhi 1994: 430.

[81] In the Treaty of Karlowitz, the Austrians managed to extract from the Ottomans formal engagement to ensure freedom of Catholic worship in the Ottoman Empire in general, and at the Christian holy sites in and near Jerusalem in particular. To counter this Austrian support of Catholicism, the Russians claimed the right to protect the Greek Orthodox subjects of the Ottoman Empire. And if this were not enough, the Russians demanded from the Ottomans to vouch for Greek Orthodox preeminence at the Holy Sites. Eventually, the Russians withdrew those demands, but the historical precedent set by the presentation of such demands make the Treaty of Karlowitz a significant precursor of the eventual internationalization of the Question of the Holy Sites. See Sumner 1965: 26–32.

CHAPTER TWO

THE LEGAL STATUS OF THE HOLY SITES UNDER OTTOMAN RULE

The end of Byzantine rule in Jerusalem confronted Christendom with an anomalous reality whereby the most significant and sanctified symbols of Christianity became subject to the rule of Islam. Attempts at Christian return ended by the mid-thirteenth century in a decisive Muslim victory. The rule of Islam over Christianity's holiest shrines became an accomplished fact which remained unchallenged until the twentieth century. The way Muslim rulers would in general deal with this problematic and intricate reality is considered one of the basic constituents of the Holy Sites Question. This question materialized in various guises. The legal status of the most sacred sites of Christianity under the rule of Islam is the primary consideration. This issue is considered below with reference to the Ottoman Empire.

A. Theory

A study of the relations between the Ottoman state and the Empire's non-Muslim residents reveals so many inconsistencies on the part of the Ottomans that one may be led into thinking that their much-spoken-of policy of religious toleration was of an erratic, haphazard nature, as were the whims and moods of the reigning sultan.[1] Based as it may be on historical events, this thinking tends to ignore or underestimate the fact that in Islam, the relations between the state and its non-Muslim residents were regulated by law, and that the Ottoman Empire, as an Islamic state, was in principle obliged to respect and abide by this law. This means that the inconsistencies occasionally found in the religious policy of the Ottoman state were simply deviations from a definite and established norm. This norm

[1] Colbi 1988: 72; Collin 1956: 38; Arnakis 1952: 235.

drew on the same legal sources from which the Ottoman Empire modeled its self-view and relations with the outer world: Islamic law (*şeriat*), sultanic legislation (*kanun*), and diplomatic accords (*uhud*) with Christian polities.

1. *Islamic Law*

As the formal law applied in the Ottoman Empire, the *şeriat* (Arabic: *sharīʿa*) was the main reference for the legal status of the Holy Sites under Ottoman rule. The *sharīʿa* is regarded by Muslims as a God-enacted all-embracing system of law affecting all aspects of life in both the individual and public domains. As such, the *sharīʿa* deals also with the status of non-Muslims living within the boundaries of the Muslim domains.[2]

The Qurʾān recognizes the other monotheistic religions—especially Judaism and Christianity—as earlier, incomplete and distorted forms of the same divine revelation that reached perfection and finality in Islam. This recognition stands at the basis of the tolerance accorded to Jews and Christians living under Islam. Muslims from the beginning of the Islamic conquests determined that polytheists could be forcibly converted. In contrast, those professing monotheistic religions were offered the tolerance of the Islamic state. In other words, they were allowed to practice their religions and enjoy a certain degree of communal autonomy on condition of their submission to Muslim rule and compliance with the tutelage (*dhimma*) of Islam.[3]

Necessitated in any case by the realities of the early Islamic conquests, this offer took the appearance of a binding bilateral contract regulating the relationship between the Islamic state and its non-Muslim subjects. The Islamic state, for its part, pledged to guarantee the lives, property and liberties of its non-Muslim subjects, and to tolerate their religions and rites. In exchange, the non-Muslim subjects pledged to fully submit to the rule of Islam, to pay a special poll-tax (*jizya*) as a token of submission to the authority of Islam, to recognize the supremacy of Muslims and Islam, and to acquiesce in

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[2] This definition refers to two separate categories: (a) non-Muslim subjects of the Islamic state; (b) non-Muslim foreigners staying temporarily in the Islamic domains. For now, only the first category is considered. The second category will be dealt with later, in the third subsection below.

[3] Bosworth 1982: 41–2; Cahen 1965: 227.

their own inferiority as protected people (*ahl al-dhimma* or *dhimmī*s) tolerated by Islam.[4]

These early contractual arrangements were canonized and became law, on the basis of which the *sharīʿa* slowly and gradually developed its doctrine on the status of *dhimmī*s under the rule of Islam. By the third century of Islam, this juristic enterprise yielded a detailed set of rules and regulations collectively known as the "Covenant of ʿUmar".[5]

There are several versions of the "Covenant of ʿUmar". The best known reads as a letter purportedly addressed by Christians in Syria to the Caliph ʿUmar I (634–644) at the time of the Muslim conquest. The letter lists the terms which these Christians were ready to accept in return for protected and tolerated life under the aegis of Islam. Muslim tradition states that when the caliph was shown this letter, he agreed to the terms with minor alterations. Though this and similar versions were adopted by Muslims and *dhimmī*s alike as the legal basis of their relationship, the "Covenant of ʿUmar" is actually more fiction than fact. Research on this subject has convincingly proven that such a document as the "Covenant of ʿUmar" could not possibly have originated from the Caliph ʿUmar, and that certain clauses given in his name reflect social and cultural conditions posterior to those prevailing in his time.[6] One must understand, however, that what really matters here is not the issue of authenticity, but rather the fact that the "Covenant of ʿUmar" is the authoritative statement of the *sharīʿa* regarding the status of *dhimmī*s in Islam.

In essence, the "Covenant of ʿUmar" is a detailed list of restrictions and disabilities that must be obeyed by non-Muslims who wish to enter the *dhimma* pact offered by Islam. The list betrays the main concern of the Muslim jurists who had composed it: how should the *dhimmī*s perform their standing obligation to recognize the supremacy of Islam and acquiesce to their own inferiority? The answer is given in the "Covenant of ʿUmar"—a series of discriminatory laws designed to differentiate *dhimmī*s from Muslims; to segregate, in a humiliating manner, the false from the true believers. These laws forbid *dhimmī*s to look, behave and dress in any way similar to Muslims. Moreover, *dhimmī*s are required to wear special distinguishing emblems on their clothes, and to always show by various specified gestures respect for

[4] Gibb and Bowen 1957: 208; Bosworth 1982: 44–5; Cahen 1965: 227.
[5] Fattal 1958: 60, 65, 68; Bosworth 1982: 42, 45, 47; Cahen 1965: 228.
[6] Tritton 1930: 5–16; Fattal 1958: 60–9; Bosworth 1982: 45–7; Lewis 1984: 24–5.

Islam and submission to Muslims.[7] Other restrictions concern *dhimmī* places of worship and *dhimmī* religious practices.

The "Covenant of 'Umar" (in fact, the *sharī'a*) legalizes only those *dhimmī* religious buildings which had already been in existence at the time of the Muslim conquest. *Dhimmī*s therefore may keep and use their old places of worship, but they are not allowed to establish new ones. When necessary, *dhimmī*s may repair and restore their legally recognized places of worship provided that they do not make additions or effect substantial changes to their original construction. Furthermore, *dhimmī*s are required to open their churches and monasteries to Muslim visitors, and to offer accommodation to Muslim travelers. In addition, *dhimmī*s are warned against using their places of worship to provide sanctuary to anyone or anything detrimental to Muslims and Islam.[8]

The way *dhimmī*s may worship at their places of worship is also restricted by Islamic law. It principally prohibits loud or public expression of *dhimmī* religious practices. Among other things, this meant that Christians living in the neighborhood of Muslims were prohibited from displaying the crucifix outside their churches and from ringing their bells. It was similarly unlawful for them to raise their voices in prayer, or hold processions or other religious ceremonies outdoors.[9]

It goes without saying that these restrictive regulations applied also to the most holy Christian sites in Jerusalem and Bethlehem. But in order to better understand the status of these sites in light of these regulations, it is necessary to add the following account: First, despite all the limitations, *dhimmī*s in general, and their holy sites in particular, do have status in Islam, which is immensely better than having no status at all. Aside from restrictions, *dhimmī*s were accorded certain legal rights. Moreover, the law securing these rights is formulated as a contractual obligation imposed by God Almighty on Muslims as a whole.[10]

Secondly, history shows that the stringent regulations imposed on the *dhimmī*s as the price of tolerated life under the aegis of Islam

[7] Tritton 1930: 5–16; Fattal 1958: 60–6; Bosworth 1982: 46.
[8] Tritton 1930: 37–9, 50–1; Fattal 1958: 174–5, 179–80; Jawziyya 1961: 666 ff.; Cahen 1965: 227. Cf. Ward 1984: 2–9, 37–58, 116 ff.; Ward 1989: 169–88.
[9] Tritton 1930: 100, 102, 113–4; Fattal 1958: 203–4.
[10] Fattal 1958: 72–3; Lewis 1984: 41–6, 61–2.

were not always, wholly or systematically applied.[11] This would be a typical result of the natural gap which is usually found between the letter of the law and its actual implementation. But the odds for such a gap occurring were particularly high due to the overly abstract and dogmatic nature of the rules constituting the "Covenant of ʿUmar" and the apparent difficulty of adjusting them to the changing needs of the real world.

Such problems are pertinent not just to the "Covenant of ʿUmar", but to the *sharīʿa* as a whole. These drawbacks, coupled with incidences of insufficient legislation, were particularly felt in the provinces of public and criminal law. The incapacity of the *sharīʿa* to serve as a truly working code of law had brought Muslim jurists to acknowledge the need for the political authorities to enact complementary laws for the public benefit and in response to the state's needs. Muslim rulers in general had exploited this concession, but it was only with the Ottomans that state enactment of "secular" laws became formally established and systematically employed.

2. *Sultanic Legislation*

In order to supplement the law where the *şeriat* proved insufficient, Ottoman sultans made extensive use of their authority to enact formal regulations that had the power of law. Known as *kanun*s, these regulations were originally in most cases administrative decrees (*firman, hüküm, hatt-ı hümayun*) issued by or in the name of the sultan in response to various appeals and specific problems that derived from the day-to-day management of the Ottoman Empire. In due course, the summaries of these decrees were systematically compiled as codes of rules and regulations called *kanunname*s.[12]

Ottoman *kanunname*s are therefore collections of *kanun*s, that is sultanic decrees summarized as statutes whose specific details referring to individual persons, places, and events had been eliminated. There are two principal types of Ottoman *kanunname*s:[13] (a) general *kanunname*s consisting of laws valid in the Ottoman Empire as a whole;

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[11] Cahen 1965: 228; Lewis 1984: 24–5, 31–2, 49–50. One has to remember, though, the other side of this coin: cases in which *dhimmī* rights were severely violated.

[12] Cahen and İnalcık 1978: 556–62; Heyd 1973: 152 ff., 167, 170; Gerber 1981: 136–9.

[13] İnalcık 1978: 562–66.

(b) particular *kanunname*s consisting of laws valid in individual provinces. This distinction and the existence of different codes for different parts of the Ottoman Empire point to the inherent practicality of the Ottoman *kanun* system and to its close association with local usages, or customary law.

Indeed, the legal basis of the Ottoman *kanun* system was the sultan's will (*örf*), but the material source of most *kanun*s enacted by the sultans were norms enshrined by common local usage (*adet*). The sultan's will was expressed by the decrees issued in his name. But more often than not these decrees came to confirm and formalize, in fact legalize, customary practices that had existed for generations and were therefore regarded as binding. In principle, a *kanun* was valid only during the reign of the sultan who had enacted it. In practice, however, the function of *kanun* as a mechanism of codifying customary law inspired sultans to reaffirm the *kanun*s and other decrees of their predecessors.[14]

Another, more substantial reservation belying the validity of Sultanic law emerged from its relationship with Islamic law. For all the extensive use made of the *kanun*, the *şeriat* remained in principle the exclusive legal basis of the Ottoman state. The *kanun* was therefore held as a secondary system of law supposed merely to augment and supplement the *şeriat*. This notion was implicit in the fact that in the Ottoman Empire, the *kanun* and *şeriat* were theoretically merged into a single system of law, with *kadı*s expected to adjudicate in accordance with both. In theory, the statutes of the *kanun* could not supersede, let alone contradict the commandments of the *şeriat*. In practice, however, many *kanun*s and *firman*s did just that, especially where the *şeriat* proved deficient or inapplicable. This was particularly true for matters of public law, e.g. government, administration, army, financial organization etc., on which the *şeriat* is virtually silent.[15]

A study of the Ottoman *kanunname*s reveals that they too are silent on the status of non-Muslims and their holy sites. The *kanunname* for the district of Jerusalem contains only one statute concerning the Church of the Holy Sepulchre and dealing with the tolls which state officials might collect from Christian visitors and pilgrims to the site.

[14] Heyd 1973: 168–9, 172; Gerber 1981: 140–1.

[15] Heyd 1973: 180, 215–6; Gerber 1981: 132, 136, 139, 146; Cahen and İnalcık 1978: 557, 560.

There are two possible explanations for the apparently sparse attention paid by the Ottoman *kanun* system to this important matter: First, although no dichotomy was supposed to exist between *şeriat* and *kanun*, the status of non-Muslims in Islam might have been regarded a purely "religious" matter, that is off limits for the state-enacted law, which was essentially "secular" in nature. Second, while many of the *kanun*s had been enacted in the absence of adequate alternatives in the *şeriat*, the legal status of non-Muslims and their holy sites is treated in detail and at length by the "Covenant of ʿUmar", that is the *şeriat*. However, it is obvious that the *şeriat* was not the only source of law that determined the legal status of the Holy Sites under Ottoman rule. Another, no less important source, were the *firman*s that Ottoman sultans issued in this regard, either on their own accord, or in response to appeals by various elements, local and foreign alike. It would therefore be fair to say that the *kanun* did, after all, supplement the *şeriat* in determining the legal status of the Holy Sites under Ottoman rule. For, essentially, *kanun* was any written expression of the sultan's will.[16] How these written expressions reflected the legal status of the Holy Sites will be discussed in the second part of this chapter.

3. *Diplomatic Accords with Christian Polities*

The diplomatic agreements the Ottoman Empire made with several Christian states can be considered as written expressions of the sultan's will.[17] Beginning in the seventeenth century, these agreements came to include specific clauses delineating the rights of foreigners in relation to the Holy Sites. The texts of these agreements are another source of law that determined, together with the *şeriat* and the *kanun*, the legal status of these sanctuaries under Ottoman rule. Typical products of the sultanic legislative powers, these agreements are eloquent examples of the conflict between *şeriat* and *kanun* inherent in the legal system of the Ottoman Empire. Insofar as the foreign relations of the Ottoman Empire were concerned, the conflict was

[16] Heyd 1973: 174; Cahen and İnalcık 1978: 560.

[17] Although essentially bilateral, the Ottomans liked to formulate these agreements as if they were one-sided privileges which the sultan condescendingly bestowed on an inferior party. This protocol caused diplomatic agreements of the Ottoman Empire to be phrased in the form of *nişan*s, that is warrants of privileges decreed by the sultan. See İnalcık 1971: 1179.

about the Islamic code of war, as well as the status of non-Muslim foreigners staying in the domains of Islam.

Islamic law divides the universe by two: (a) the "Abode of Islam" (*dār al-Islām*), areas in which Muslims rule and Islam prevails; (b) the "Abode of War" (*dār al-ḥarb*), everything under non-Muslim control. Within the "Abode of Islam", the lives, property and liberties of non-Muslims are protected, and their religions tolerated, provided they live according to the rules of the "Covenant of ʿUmar". Infidels residing in the "Abode of War" are taken to be the eternal enemies of Muslims and Islam. Muslims are therefore obliged to wage total and perpetual war (*jihād*) against the realms of unbelief until they are vanquished and their peoples embrace Islam or accept to live as *dhimmī*s under Islamic tutelage. Thus, Islamic law precludes any possibility of peace between *dār al-Islām* and *dār al-ḥarb*. Furthermore, the life and freedom of non-Muslim foreigners (*ḥarbī*s) are deniable and their property confiscable as legal spoils of war.[18]

This view of the proper relationship between Islamdom and the outer world seems more rhetorical than feasible. No wonder that the *sharīʿa* makers who formulated this weltanschauung, were also those who saw fit to qualify and moderate it to some extent. Thus, the *sharīʿa* allows the heads of *dār al-Islām* to temporarily suspend the *jihād* and conclude limited truce (*hudna*) with *dār al-ḥarb* whenever necessary or expedient.[19] Likewise, the *sharīʿa* provides a legal mechanism for *ḥarbī*s to visit and reside in the domains of Islam without risking exposure to the Islamic rules of war. A non-Muslim from *dār al-ḥarb* who wishes to visit *dār al-Islām* must bear a kind of safe-conduct called *amān*, which may be obtained on an individual basis from any Muslim. The holder of an *amān* is called *mustaʾmin*, a term denoting the legal status of a non-Muslim foreigner who seeks protection under the rule of Islam. The *mustaʾmin* is entitled to all the protections but exempt from most of the duties and restrictions involved in the *dhimmī* status. The *amān*, however, is given for a limited period: one year at most. The *mustaʾmin* who extended his residence in the Islamic domains had to relinquish his foreign citizenship and become a *dhimmī*.[20]

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[18] Fattal 1958: 71; Lewis 1984: 21–2; İnalcık 1971: 1181.

[19] Fattal 1958: 71. The *sharīʿa* limits recourse to that mechanism to times where Muslims would suffer from temporary weakness before their infidel enemies. In any case, Muslims could keep the truce no longer than 10 years. Moreover, Muslims are enjoined to unilaterally break the truce whenever renewing the *jihād* is made possible.

[20] Fattal 1958: 72; Lewis 1984: 22; Ḥalabī 1323: 72.

The mechanisms of *hudna* and *amān* do mitigate the totality of the precept of *jihād*. But this was hardly a basis on which an Islamic state could run a realistic foreign policy. Muslim rulers would therefore strain the canonical meaning of *hudna* and *amān*, so as to be able to conduct such a policy without being forced to openly infringe too much of the *sharīʿa*. Thus, the limited *hudna* became the facade behind which Muslim rulers would conclude full peace with any of their Christian peers whose friendship was deemed beneficial to the political and economic interests of the Islamic state. Similarly, Muslim rulers would accord collective and perennial *amān*s to the governments of friendly Christian states, so that their subjects could come and go freely through the gates of the Islamic state, and also establish resident communities of merchants, diplomats, and even churchmen on Islamic soil.[21] In the Ottoman period, these diplomatic accords were called Capitulations.

The Capitulatory system of the Ottoman Empire has been covered by rich and varied literature. While this is not the place to review this literature, one point is worth noting and emphasizing: Notwithstanding their simple definition as mere privileges granted to foreign merchants to trade with and in the Ottoman Empire, Capitulations (*imtiyazat*, in Ottoman usage) were actually the articles or terms of any comprehensive political accord concluded between two independent and sovereign states. The Ottoman document recording and validating these terms was accordingly called *ahidname*, i.e. a contract deed, or pact. The *ahidname* formulated and regulated all aspects and manifestations of bilateral relations between the Ottoman state and any of the Christian polities with which it had concluded such pacts, including the presence of individuals from these polities (merchants, emissaries, monks, pilgrims etc.) in and under the aegis of the Ottoman Empire.[22] This made the *ahidname* the main legal basis of Roman Catholic presence in Ottoman Jerusalem and Bethlehem, and at the Holy Sites.

The Roman Catholic church, the church of *dār al-ḥarb*, had vital interests concerning the Holy Sites, which happened to be lying in

[21] İnalcık 1971: 1179; Faroqhi 1987: 312, 328–9; Masters 1988: 75–6. In its Near-Eastern context, the term *dār al-ḥarb* would generally mean Christendom. As of the second half of the fifteenth century, the concrete meaning of this term was limited for obvious reasons to denote the western Catholic world.

[22] Wansbrough 1971: 1178; İnalcık 1971: 1179, 1180, 1181; Faroqhi 1987: 328, 343.

the heart of *dār al-Islām*. For one thing, the Roman Catholic church possessed specific parts of the Church of the Holy Sepulchre and the Church of the Nativity, guarded and serviced in its behalf by monks of the Franciscan order. In addition, many of the pilgrims coming yearly to visit these sites were European adherents of the Roman Catholic church. These pilgrims, as well as the Franciscan monks, were regarded as *müstemin*s whose status was legalized by the Capitulatory accords the Ottoman Empire had signed with their respective states.[23] Although, to be precise, many pilgrims and monks were subjects of states that had no diplomatic relations with the Ottoman Empire, this was not really a problem: Foreigners of this kind could avail themselves of the collective *aman* granted to the Capitulatory polities, provided that they entered the Ottoman Empire under the respective flags and diplomatic auspices of these privileged states.[24] In the sixteenth and seventeenth centuries, Venice and France, the main Capitulatory states, took advantage of this fact in order to claim diplomatic patronage over the Roman Catholic presence at the Holy Sites.[25]

The Ottomans conferred Capitulatory rights on Venice as early as the fourteenth century, when they were rulers of a young Anatolian emirate making the first steps of expansion into the Balkans.[26] Two centuries later, the value of these rights rose significantly as the Ottomans, by then the rulers of an immense empire, annexed Syria and Egypt to their realm. Far from being stable, the relations between the Ottoman Empire and Venice were constantly swaying between

[23] See e.g. *firman* dated Evasit-i Ramazan 1076 (17–26 March 1666), Maliyeden Müdevver 2747: 6 (another copy: Sijill 159: 168): "Kuds-ü Şerfite vaki Kumamede ahidname-i hümayun mucibince olan rühbân taifesi". See also *firman* dated 14 Rebiyülâhir 1019 (6 July 1610), Ecnebiye 13: 75: "Zikrolunan kilisede olan İfrenc rühbânların Venedikli ile olan sulh ve salah müktezasınca her birini siyanet ve himayet".

[24] İnalcık 1971: 1184.

[25] See *firman* dated Evahir-i Muharrem 1033 (14–23 November 1623), Sijill 114: 152, referring to the Franciscan monks and European pilgrims in Jerusalem as Venetian subjects: "Venedikli İfrenc taifesinin Kuds-ü Şerifte vaki vech-i meşruh üzere kadimüleyamdan ziyaret edegeldikleri mahallar." See another, dated Evail-i Rebiyülâhir 1061 (24 March–1 April 1651), Ecnebiye 26: 52 (another copy: Sijill 145: 401) referring to the Franciscan monks in Jerusalem, Bethlehem, and Nazareth as French proxies and clients: "Françe padişahinin namı ve himayetiyle Kuds-ü Şerifte ve Beytüllahim ve Nasire nam ziyaretgâhlarda izn-i hümayunum ile mütemekkin olan İfrenc rühbânları."

[26] İnalcık 1971: 1182–3.

war and peace. Consequently, the Venetian Capitulations were periodically suspended and restored. The original texts of some of them, especially those drafted in the course of the sixteenth century, have been published in scholarly works.[27] No mention is made of Jerusalem, Bethlehem and the Holy Sites in these early versions. However, from various *firman*s, issued later in the name of the sultan, it emerges that by the beginning of the seventeenth century, the texts of Ottoman-Venetian *ahidname*s came to include the following terms:[28]

(a) Citizens of the Venetian Republic and of all its allies among the Christian states may visit Jerusalem and the Holy Sites in absolute safety ("Emn ve aman ile"). They can come and go freely, without hindrance of any sort.
(b) The [Franciscan] monks who are settled in the Church of the Holy Sepulchre ("Kumame nam kilisede mütemekkin olan rühbânlar") will suffer neither from annoyance nor abuse of any source.
(c) When necessary, [these monks] may repair and restore whatever parts they own within the aforementioned church ("Harabe müşerref olan yerlerini vaz-ı kadim üzere tamir ve termim"). They are not to be unlawfully molested ("Hilâf-ı şer'-i şerif kimsene rencide eylemeye") for doing just that.

Similar terms were included in the texts of the diplomatic accords the Ottoman Empire was concluding with France at this time.

Unlike Venice, France was anxious to maintain close relations of lasting peace and friendship with the Ottoman Empire. As of the late sixteenth century, this fact, combined with Venice's political and economic decline, helped France assert its role as the main supporter of Roman Catholic interests in the Ottoman Empire in general, and in Jerusalem, Bethlehem and the Holy Sites in particular. A relative newcomer to the global balance of power, France was first honored with Ottoman Capitulations in 1569.[29] Thirty-five years later, French concern for Roman Catholic rights with regard to the Holy Sites won the formal recognition of the Ottoman state: The Capitulations conferred in 1604 by Sultan Ahmed I on France included specific terms concerning the status of the Franciscan monks in, and European

[27] Belin 1876: 381–424; Şakiroğlu 1981–2: 387–403.
[28] *Firman* dated 15 Ramazan 1013 (4 February 1605), Ecnebiye 13: 14; *firman* dated 2 Cemaziyelevvel 1014 (15 September 1605), Ecnebiye 13: 25; *nişan* dated Evail-i Zilkade 1112 (9–18 April 1701), Ecnebiye 16: 19–30.
[29] İnalcık 1971: 1183. In 1535, the Ottomans merely revalidated old privileges that had previously been granted to France by the Mamluks in Egypt and Syria.

pilgrims to, these particular sites. In 1673, these terms were reaffirmed and appended in a new *ahidname* which marked a certain peak in Ottoman-French relations. These terms were:[30]

(a) Those French citizens who come to Jerusalem as pilgrims, or dwell at the Church of the Holy Sepulchre as monks, are to be neither obstructed nor harassed ("Françalıdan Kuds-ü Şerif ziyaretine gelip gidenlere ve Kumame nam kilisede olan rühbânlara dahl ve taarruz olunmaya").

(b) Foreigners whose governments lack formal representation in Istanbul ("Astane-i seadetimde müstekil elçileri olmayan harbi taife") may nonetheless enter the Ottoman Empire for the purpose of pilgrimage or trade, provided that they come under the flag of the King of France ("Françа Padişahı bayrağı altında ticaret ve ziyaret için memalik-i mahruseme gelip"). At the request of the King of France, those foreigners who come to visit Jerusalem as pilgrims may continue to do so even at times when their entry as traders is prohibited ("Harbiler ticaretten men' olundukları takdirce Kuds-ü Şerif ziyaretine evvelden varageldikleri üzere varıp"). Entering and leaving, they are to be neither harassed nor driven away.

(c) Christian churchmen who are citizens of France, and other Catholic monks regardless of their origin ("Françaya tabi olan peskoposlar ve sair-i Firenk mezhebinde olan rühbân taifesi herne cinsden olursa olsun") may practice their religion in any place throughout the Ottoman Empire that has from of old been in their possession and use. No-one is to prevent them from doing so, as long as they mind their own business in a peaceful, inoffensive manner ("Memalik-i padişahide kadimden oldukları yerlerde kendi hallarında olup âyinleri icra eylediklerinde kimsene mani olmaya").

(d) The Franciscan monks who have traditionally and from of old been dwelling in and outside Jerusalem and within the Church of the Holy Sepulchre ("Kuds-ü Şerifin dahilinde ve haricinde ve Kumame nam kilisede kadimden olageldiği üzere temekkün eyleyen Firenk rahibleri") are entitled to continue to dwell in the aforementioned places. Likewise, they have the right to retain, as in the

[30] *Nişan* dated 10 Safer 1084 (27 May 1673), Ecnebiye 27: 4–10. Another copy: Sijill 174: 419–23, recorded in Evail-i Receb 1084 (12–21 October 1673) at the request of the Franciscan monks in Jerusalem. The Ottoman text of the 1604 accord is not available, but its terms are reiterated in the *nişan* of 1673. In any case, the terms concerning Roman Catholic rights in the Holy Sites are cited in relevant *firman*s issued prior to 1673. See *firman* dated Evail-i Rebiyülâhir 1061 (24 March–1 April 1651), Ecnebiye 26: 50; *firman* dated Evasit-i Ramazan 1076 (17–26 March 1666), Maliyeden Müdevver 2747: 6. The texts of both the 1604 and 1673 accords are reproduced by Noradounghian 1900: 93–102, 136–45, but this French translation of the original is fraught with mistakes and substantial inaccuracies.

past, the same sites of pilgrimage that have been theirs until the present time.

(e) While on pilgrimage to Jerusalem, French citizens and their protégés of whatever nationality will be obstructed by none ("Kuds-ü Şerife varan Fransız ve onlara tabi olan herne cinsden olur ise varımda ve gelimde kimsene dahl eylemeye").

Years later, in the eighteenth and (more so) the nineteenth centuries, these very terms were cited by French statesmen to substantiate demands to place the Holy Sites under the effective and direct protection of France. There is no question, however, that when these terms were formulated—the seventeenth century—the Ottoman authorities never intended to grant to France nor to any other foreign power any such exceptional concession at the expense of Ottoman sovereignty. Indeed, the diplomatic gains that France could extract from the Ottoman Capitulations of 1604 and 1673 were rather modest, which the French themselves did not care to admit.[31] Despite subsequent claims on this matter, the Ottoman Capitulations of the seventeenth century did little more than recognize European foreigners as French or Venetian subjects. In practical terms, this recognition meant that diplomatic representatives for both these polities could apply, when necessary, for sultanic defense of the legal rights of these foreigners in the Ottoman Empire.[32] The legal rights of these foreigners were specified in the aforementioned Capitulations. Nowhere in the texts of these Capitulations is there any deviation from the principle that enforcing their stipulations was within the exclusive authority of the Ottoman state. Moreover, the Ottoman state assumed complete and sole responsibility for the safety and well being of all its foreign guests from any foreign state, which can be inferred from the following case: In the mid-seventeenth century, the French ambassador to Istanbul filed several complaints against some local Ottoman officials for harassing the Franciscan monks at the

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[31] Homsy 1956: 238–58; Moschopoulos 1956: 164; Vaughan 1954: 121–2. Winning recognition as the champion of Roman Catholicism in the Ottoman Empire in general, and at the Holy Sites in particular, was a valuable asset in western European politics. This may account for French tendency to overstate the diplomatic accomplishments obtained with the Capitulations of 1604 and 1673.

[32] "Daima ahidname-i hümayunum mucibince himayet ve siyanet olunmaları için emr-i şerifim verilmek babında inayet ricasına ilam etmeğin"—this formula recurs with minor changes in most *firman*s solicited during the seventeenth century by the Venetian or French ambassadors to Istanbul on behalf of the Franciscan monks in Jerusalem.

Holy Sites. Though the Franciscan monks were defined in these complaints as "French protégés", it was not a representative of the king of France, but a special envoy of the Ottoman sultan, who was the authority charged with looking into the matter and attending to the problem raised.[33] In other words, the Ottoman sultan, and no foreign entity, was the guardian of all foreigners traveling and residing in the Ottoman Empire. After all, these foreigners came under the aegis of an Islamic state obliged by the Sacred Law to vouch for their safety and well being, which was the main idea of *amān*.

Two related but essentially different concepts, *dhimma* and *amān*, were integrated into a single theory substantiating the legal status of Christianity's holiest shrines under the rule of Islam. The Ottomans solved the legal anomaly that could emerge from such a combination between *zimmet* and *aman* by applying the *dhimma* laws to the Holy Sites, regardless of the fact that *müstemin*s shared *zimmi*s in the possession and use of these sanctuaries. The above-cited Capitulations make it quite clear that the "*müstemin*-ship" of the Franciscan monks could not in itself secure them any legal advantage over the *zimmi* co-holders of the Holy Sites. In this context, the main purpose of the Capitulations seems to have been merely to furnish the legal basis for the presence of non-*zimmi* Christians at these sanctuaries and under the rule of Islam. On this basis, the legal status of the Holy Sites was to be determined by one system of law, the Ottoman law, that is *şeriat ve kanun*.

B. Practice

The *şeriat*, the *kanun* and the diplomatic *uhud* laid down the general principles concerning the status of Christianity's holiest shrines under Ottoman rule. How were these theoretical principles applied in practice? The answer to this question is implied in the contents of countless decrees issued by the central government in Istanbul, as well as the records of many legal cases heard at the local *kadı*'s court in

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[33] *Firman* dated Evail-i Rebiyülâhir 1061 (24 March–1 April 1651), Ecnebiye 26: 50: "Cânib-i hümayunumdan emr-i şerifimle bir mütemid aleyh kimsene bu hususa mübaşir tayin olunup murad üzere istikametle Kuds-ü Şerifte temekkün edip badülyevm zikrolunan rahiblere ehl-i örf tarafından dahl ve taarruz eylemek isteyenleri men' ve def' ve ahidname-i hümayunuma mühâlif ol rühbânlar rencide ve remide olunmayıp himayet ve siyanet ettirilmek babında firman-ı âlişanım sâdir olmuştur".

Jerusalem. Many of these decrees and court hearings were inspired by circumstances in which these principles had to face reality. In early modern times, circumstances forced the Ottoman government to take clear, unequivocal stands on the following issues:

(a) The continuance of the Holy Sites as Christian sanctuaries
(b) Muslim infringements on the Holy Sites
(c) The practice of religion in and around the Holy Sites
(d) Repairs and renovations of the Holy Sites

How did the Ottoman government deal with these issues? To answer this question means exploring the actual manifestations of the legal status of Christianity's holiest shrines in early Ottoman times.

1. *The Continuance of the Holy Sites as Christian Sanctuaries*

The right to maintain ancient shrines and places of worship is one of the substantial and legally binding privileges accorded by Islamic law to non-Muslims living as protected subjects under the aegis (*dhimma*) of Islam. Nevertheless, closure, expropriation ("Islamization") and destruction were real dangers facing these sites under the rule of Islam. Throughout Islamic history, Muslim authorities confiscated many Christian churches and Jewish synagogues turning them into mosques or other religious institutions.[34] This was particularly true of cities which developed as religious centers in the Muslim world. Jerusalem, which reverted to Muslim hands after the defeat of the Crusader kingdom, emerged as one of the most sanctified cities in Islam.

The sanctity of Jerusalem in Islam is based on the allusion to it in the Qur'ān as the goal of the Prophet's nocturnal journey from Mecca (17: 1), and as the direction towards which Muslims turned in prayer before the *qibla* was replaced by Mecca (2: 136, 138). These allusions, coupled with the traditional interpretation thereof, have inspired Muslims to rank Jerusalem as the third most important sanctuary ("Thālith al-Ḥaramayn") after Mecca and Medina.[35] This sanctity, though, was not much in evidence before the end of the twelfth

[34] Tritton 1930: 37–9, 50–1, 52 ff.; Fattal 1958: 183–4; Gibb and Bowen 1957: 208.
[35] Kister 1969: 173–96; Busse 1968: 441–68.

century. Although Jerusalem came under Muslim control as early as 638, the city retained its Christian appearance and character for centuries thereafter. This was so because the new Muslim masters of the city were careful in their dealings with their Christian subjects and generally abstained from harming them and their religious edifices. This attitude was no doubt fostered by the fact that Jerusalem's Muslims confined their religious worship to the Temple Mount—a place avoided by Christians even before the Muslim conquest. Consequently, the Umayyad building projects in the Temple Mount area, impressive as they were, did not really change the Christian semblance of Jerusalem. Thus, accounts of the city written prior to the Crusades clearly indicate that four centuries after the Muslim conquest, the urban landscape of Jerusalem was still dominated by Christian public and religious buildings.[36] The change in the Muslim treatment of Jerusalem occurred only after its conquest by the Crusaders and the rise of the idea that the city must be freed of the infidels by way of *jihād*.

The struggle for the liberation of Jerusalem from Christian control was accompanied by strenuous Islamic propaganda which elevated the eminence of that city in Islam to unprecedented heights. It was therefore only natural for the Ayyubid liberators of Jerusalem to take active measures to Islamize the image of the city and to rid it of some of the more obvious and offensive symbols of its Christian past and character.[37] After four centuries of Muslim restraint, an all-out conflict over Jerusalem's religious nature erupted. What the Ayyubids began, their Mamluk successors completed. The Mamluks' penchant for grandiose construction projects, combined with their eagerness to make Jerusalem look like a sacred Muslim domain, resulted in the erection of dozens of Muslim religious buildings which altered the physical appearance of the city from end to end. Many of those buildings appropriated Christian sites or were built upon the leveled localities thereof. When the Ottomans arrived in Jerusalem after 250 years of Mamluk rule, not much of its Christian past and character remained.[38]

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[36] Buhl 1924: 1097–8, 1101; Goitein 1986: 323–4, 327; Fattal 1958: 188; Busse 1968: 462.

[37] Buhl 1924: 1101; Sivan 1967: 169–79; Sivan 1971: 100–10; Busse 1968: 461 ff.; Schaefer 1985: 194–221.

[38] ʿĀrif 1986: 197–259; Burgoyne 1987: 57–87; Drory 1981: 190–213; Goitein 1986: 332–3; Lutfi 1985: 110–9; Schaefer 1985: 275 ff.

The Ottomans received Jerusalem as a ready-made Muslim city. Yet it is safe to assume that they would have pursued a policy similar to that of the Mamluks had they been in their place, as suggested by their treatment of Constantinople, which, until it fell into their hands, was one of the two most important centers of Christendom. Starting with the Hagia Sophia, the process of Islamizing Istanbul involved the expropriation of many churches and their conversion into mosques,[39] and such actions continued on occasion even after the Muslim character of the city was no longer in question. In 1587, for example, the Ottoman authorities seized the Greek Orthodox Patriarchal Church (*Patrik Kilisesi*) in Istanbul and converted the building into a mosque.[40] This dramatic action was echoed in the provinces, where Ottoman governors sought to imitate the example of Istanbul and apply it to Christian churches located within their respective jurisdictions. Worried about the grave implications that this kind of action would have for Muslim-Christian relations in the Ottoman Empire as a whole, the Ottoman sultan, in a *firman* of 4 October 1587, warned his representatives in the provinces to refrain from fulfilling their aims.[41] The provincial governors were ordered to hold back, although in Istanbul itself no need was felt to rescind the confiscation of the Patriarchal Church, which had caused the commotion in the first place.

In post-Mamluk Jerusalem, the Ottoman seekers of Islamization retained some room for maneuver. The eviction of the Franciscan monks from Mount Zion during the first half of the sixteenth century and the conversion of their church and holy places ("David's Tomb" and the "Coenaculum") into a mosque, a Sufi convent and a Muslim pious foundation, is one of the best-known cases in point.[42] Similarly, recurrent attempts were made to confiscate the Monastery of the Cross beginning in the second half of the same century.[43] As it turned out, the monastery remained in Christian hands, but the

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[39] İnalcık 1990: 4–6; Arnakis 1952: 246.

[40] Heyd 1960: 175. Heyd identifies that building as the Pammakaristos Church which later came to be known as the Fethiye Mosque.

[41] *Firman* dated 2 Zilkade 995 (4 October 1587), Mühimme 62: 95.

[42] Cohen 1982: 61–74.

[43] *Firman* dated 26 Cemaziyelevvel 972 (30 December 1564), Mühimme 6: 262; *firman* dated 3 Şevval 977 (11 March 1570), Mühimme 9: 45. Cf. Heyd 1960: 176–7.

danger of its destruction or conversion into a mosque persisted until the end of the seventeenth century.[44] The same danger posed a threat to Jewish sanctuaries. In 1587 (the same year in which the Greek Orthodox Patriarchal Church in Istanbul was confiscated) the Ottoman authorities sealed the main, if not the only Jewish prayer house in Jerusalem—the ancient Synagogue of Rabbi Moshe b. Naḥman (Ramban)—on the pretext that it stood too close to the ʿUmarī Mosque.[45]

Under these circumstances, the Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem could have been found in a very delicate, if not completely compromised position. These two sites were not merely Christian oratories located within a Muslim city; the Church of the Holy Sepulchre and the Church of the Nativity were the most illustrious and holy symbols of Christianity within and near the third most holy city in Islam. As such, these sites must have constituted an obtrusive challenge to any Muslim ruler who cared for the Islamic image and religious nature of Jerusalem. It was reasonable to expect that the struggle for the Muslim appearance of Jerusalem, which began with the Ayyubids, peaked under the Mamluks, and lasted through the early days of Ottoman rule, would affect the aforementioned sites, and that Muslim rulers would regard these sites as their first and foremost goals. The opposite was the case, however. Despite the changes that occurred over time in the status of Jerusalem and its importance to Islam, the most venerated shrines of Christianity remained intact and under Christian control. This picture was marred only once, when the Fatimid Caliph al-Ḥākim (996–1020) ordered the destruction of the Church of the Holy Sepulchre. Otherwise, the Muslim rulers of Jerusalem protected the legal rights of their non-Muslim subjects, especially those related to the two most important Christian holy sites.

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[44] See records of lawsuits concerning this case dated 21 Şaban 1097 (13 July 1686) and 20 Receb 1100 (10 May 1689), Sijill 187: 438; 191: 130. See also *firman* dated Evahir-i Şaban 1107 (25 March–3 April 1696), Sijill 197: 383.

[45] This case is fully discussed by Cohen 1984: 76–86, who cites, in addition, various *firman*s which explicitly object to the presence of churches and Christian dwelling houses next to mosques in sixteenth-century Istanbul (241, note 32). For threats by the Ottoman governor of Damascus to destroy Christian churches and monasteries standing too close to mosques in his jurisdiction, see *firman* dated Evasit-i Receb 1093 (16–25 July 1682), Sijill 182: 130–3.

The last point calls for clarification, because it suggests that Muslim rulers were less careful with regard to the commandments of the *sharīʿa* when it came to other, less important, non-Muslim sanctuaries. And indeed, incidents like those mentioned above, in which the Muslim authorities sealed, ruined or seized ancient non-Muslim shrines, did occur. How could this be reconciled with the fact that the Muslim state viewed itself as a polity based on law—the Sacred Law—and regarded the enforcement of this law as its primary duty and raison d'être? The Ottomans tried to solve the problem by manipulating the *şeriat* in such a way as to render legitimate their dubious acts. One common way of doing so was to raise the claim (and, of course, produce the "evidence") that in the past the confiscated shrines had been used by Muslims for ritual purposes, so that their expropriation for the benefit of the Muslim community was in fact a restoration of ancient rights to their lawful owners.[46] The explanation provided by the Ottoman authorities for the expropriation of the Patriarchal Church in Istanbul provides a typical example of this kind of reasoning. The authorities claimed:

> At the time of the [Ottoman] conquest [of Constantinople] the Muslim community used the so-called Patriarchal Church for the performance of Muslim prayers. It was only right and proper, then, that this church would be turned into an exalted mosque. And an exalted mosque it did indeed become. As it stands now, this should not be regarded as an arbitrary act of [expropriating an existing church and] converting it illegally into a mosque.[47]

Read: what is illegal in this case from the point of view of the *şeriat* is the fact that this site continued to function as a Christian church. Therefore, the remedying of this illegal situation, viz. seizing the site and restoring it to its function as a mosque, is perfectly legal. Similar claims (with the appropriate circumstantial changes) were made in the course of the concurrent efforts to dispossess Christians of their sacred sites on Mount Zion and in the Valley of the Cross.[48]

[46] This claim was not totally baseless. It is well known that in the period of Muslim expansion, Muslims used to pray, as a temporary arrangement, at the houses of worship of the (usually Christian) populations subjected to their rule. This arrangement persisted until the Muslims became settled in the newly occupied territories and erected there mosques for the fulfillment of their ritual needs. See on this Tritton 1930: 39.

[47] *Firman* dated 2 Zilkade 995 (4 October 1587), Mühimme 62: 95.

[48] The Georgian Monastery of the Cross did serve as a mosque for 30–40 years

Unlike the Patriarchal Church in Istanbul and the Christian holy sites on Mount Zion and in the Valley of the Cross, the Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem were never officially threatened by such claims. As a matter of principle, an invisible line distinguished the status of the latter from that of the other non-Muslim sanctuaries under Ottoman rule.[49] The Ottoman government implicitly admitted the existence of such a line when it ordered the closing of the Ramban Synagogue in Jerusalem. The closing of the most important Jewish prayer house in Jerusalem and its subsequent annexation to the ʿUmarī Mosque apparently created the need for the Ottoman government to explain why it did not take a similar action with regard to the most important Christian prayer house in Jerusalem as well. Stressing the sanctity of Jerusalem and its importance to Islam, the Ottoman government asserted, in a *firman* of early 1589, that Jerusalem submitted to Muslim rule twice in history, and each time the Christian residents expressed their willingness to accept the authority of Muslims and to live by their rules. Therefore, the *firman* continues, their sanctuaries (i.e., the Church of the Holy Sepulchre and the Church of the Nativity) were left in their hands, and due guarantees were given to ensure their existence and functioning. As for the Jews, the *firman* maintains, their case is different: Since no Jewish sanctuaries were found in Jerusalem at the time of the conquest, no guarantees were given to them in this regard.[50] Thus, while trying hard to legitimize the elimination of some non-Muslim shrines, the Ottoman government tried even harder to eliminate any doubt as to the legitimacy and immunity of the most important Christian holy sites. Eliminating one *zimmi* shrine and securing the existence of another were considered as equally valid and legitimate actions according to the circumstances surrounding each individual case.

under the Mamluks, after being confiscated by Sultan Baybars (1260–1277). However, in 1305 Sultan Muḥammad b. Qalāʾūn agreed to return the building to its original owners and use. See, on that matter, Abu-Manneh 1984: 103. As for the Franciscans on Mount Zion, it appears that at least one of their buildings there had already been used as a mosque about a century before the Ottoman conquest. See Arce 1957: 49–72.

[49] One may add here a third category, that is non-Muslim shrines towards which Muslims remained indifferent—a fact which, in the nature of things, was quite propitious to the continuance of these sites.

[50] *Firman* dated 15 Safer 997 (3 January 1589), Mühimme 64: 210.

In the circumstances, the Ottoman government could have had an excellent excuse and solid "legal" grounds for confiscating the Church of the Nativity in Bethlehem, which, unlike the Church of the Holy Sepulchre, functioned as a place of pilgrimage not only for Christians but also for Muslims. "This place"—observed in 1660 the French traveler Gabriel Brémond—"is also venerated by the Muhammadans [*sic*] who come here often as pilgrims".[51] Brémond's observation is fully corroborated by Ottoman official documentation. In a *firman* of 1609, the Ottoman government acknowledged that it was common for Muslims from Jerusalem and its vicinity to go on pilgrimage to the Church of the Nativity and to say prayers at the Grotto.[52] In a litigation heard later at the *kadı*'s court in Jerusalem, it emerged that this practice was widespread, established and not necessarily restricted to popular or marginal segments of local Muslim society. Each year, the *kadı* learned, the *ulema* of Jerusalem and other Muslim dignitaries lead a mass pilgrimage to the Grotto of the Nativity and perform a ceremonial prayer there.[53] When asked why they were doing so, the Muslim leaders of Jerusalem responded that the place where Christ was born is holy in Islam because the Prophet himself prayed there during the course of his nocturnal journey (*al-isrāʾ*) which is mentioned in the Qurʾān.[54]

Although fewer grounds were usually needed for the Ottomans to expropriate a non-Muslim shrine and re-define its use, the Church of the Nativity (like the Church of the Holy Sepulchre) was not a usual case. Therefore, the Ottoman government proceeded with caution and zealously refrained from anything that might affect the status of that site as a Christian shrine. The Ottoman government not only refrained from doing such things itself, but also actively thwarted any initiative by local Muslims to seize the church and convert it

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[51] Brémond 1680: 400.

[52] *Firman* dated Cemaziyelâhir 1018 (September 1609), Mühimme 78: 4. Cf. Heyd 1960: 184.

[53] "Kuds-ü Şerifin taşrasında vaki hazret-i İsa selavat-ı Allah ala nebina ve aleyhi hazretlerinin mevlid-i şerifleri olup Beytüllahim demekle maruf olan mahal dahi ziyaret olunmak mutad olmağla", petition dated Evail-i Rebiyülevvel 1086 (26 May–4 June 1675), Sijill 177: 160.

[54] Court hearing dated 4 Rebiyülevvel 1086 (29 May 1675), Sijill 177: 139. It is interesting to note that those behind this statement referred to the works of Najm al-Dīn al-Ghīṭī (*Qiṣṣat al-Miʿrāj*) and Mujīr al-Dīn al-Ḥanbalī (*Kitāb al-Uns al-Jalīl bi-Taʾrīkh al-Quds wal-Khalīl*) to substantiate the sanctity of the Nativity site in Islam.

into a mosque. In 1614 the Venetian ambassador to Istanbul complained that several Muslim zealots were trying to wrest the keys to the Church of the Nativity from the Franciscan monks who held them at that time. The Ottoman government responded immediately, enjoining the *kadı* of Jerusalem to arrest those Muslims and to foil their schemes, since their acts contradicted the will of the sultan as well as the norms of the *şeriat*, the *kanun*, and the established custom.[55]

In 1675, the Ottoman government faced an even more brazen attempt by Muslims to encroach on the Church of the Nativity in Bethlehem. Muslim veneration of and pilgrimage to the Grotto were by then a well-known and established fact, which, in itself, did not trouble the parties concerned. Nor did the habit of Jerusalem's *ulema* and other Muslim dignitaries accommodating themselves at the aisles of the basilica during their pilgrimages to the Grotto cause any difficulty. Virtually derelict since the days of the Mamluks, that part of the church was not at the time in ritual use by the Christians.[56] But in the second half of the seventeenth century this situation changed dramatically. The Greek Orthodox monks, who had just won precedence within the church over the Franciscan monks, seized the opportunity to carry out extensive renovations. The basilica, which was a central part of the project, was restored, refurnished, and once again began to function as the church's main prayer hall. By the time the restoration was complete, Muslim pilgrims to Bethlehem faced a distressing reality: The place in which they used to retire for repose and refreshment was no longer available to them.

Bringing the matter before the *kadı*, the Muslim leaders of Jerusalem stated that previously, "in this site [i.e., the Basilica of the Nativity], each of the [Muslim] dignitaries had his own place where he would

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[55] *Firman* dated 17 Receb 1023 (23 August 1614), Ecnebiye 13: 115. Note, however, that Muslim possession of the keys to the church would not necessarily mean Muslim proprietorship of the church itself. As is well known, since Mamluk times the keys to the Church of the Holy Sepulchre were deposited with and guarded by one of the prominent Muslim families in Jerusalem. This honorific gesture had no implications for the existence and functioning of that church as an exclusively Christian shrine. See ʿĀrif 1986: 521–3. One might speculate that this was exactly what the Muslims had in mind for the Church of the Nativity. But the Ottoman government would have rejected this just the same, as it did with any violation of old and accepted usages.

[56] Stewart 1897: 603. Christian worship in the Church of the Nativity was confined at that time to the Grotto.

sit and make himself coffee and other things of this kind." However, this time-honored arrangement could not be pursued any more, since "the Christians, that is the Greek Orthodox, who had seized the place and turned it into a shrine for saying their worthless prayers, do not let the [Muslim] visitors in."[57] The *kadı* was asked to look into the matter, and what began as an ordinary claim to retrieve a lost privilege rapidly escalated into a Muslim-Christian struggle over the possession of a holy place. The entirety of the site of the Nativity is sacred in Islam, the Muslim litigants reiterated to the *kadı* who presided over the court. The Christian acquisition of the basilica and its operation as a church, they claimed, was accomplished without the permission of the sultan and against the laws of the Qurʾān. At that site, the claimants affirmed, no church had previously stood, and the Christians were not accustomed to holding their rituals there. Indeed, the opposite was true: "The site in question has until recently been used as a prayer house for Muslim pilgrims and as a retreat for visitors who believe in the oneness of God."[58]

Failing to persuade the *kadı*, the litigants brought the matter before the Ottoman central government. In an urgent appeal sent to Istanbul, the Muslim dignitaries in Jerusalem called on the Ottoman government to defend Islam and to order that the site of the Nativity be returned to the Muslims.[59]

The Ottoman government did in fact defend Islam, but in a sense completely different from what the Muslim dignitaries in Jerusalem expected. In an urgent *firman* issued in late 1675 the Ottoman government made it unequivocally clear that the Church of the Nativity in Bethlehem was an exclusively Christian shrine, and that true Muslims were to keep away from there, either for pilgrimage or for the purpose of disruption.[60] The *firman* was accompanied by a formal legal opinion (*fetva*) that questioned the authenticity and sanctity of the Nativity site and denounced those Muslims who adored it in vain:[61]

[57] Court hearing dated 4 Rebiyülevvel 1086 (29 May 1675), Sijill 177: 139.
[58] "Mahal-ı mezkur hücac-ı müslimin ve züvar-ı müvehhidinin yakın zamana değin ziyaretgâhları ve konacak mahalları olup", petition dated Evail-i Rebiyülevvel 1086 (26 May–4 June 1675), Sijill 177: 160.
[59] *Ibid.*
[60] *Firman* dated Evahir-i Şaban 1086 (9–18 November 1675), Patriarchate 69. Additional copy: Sijill 176: 43.
[61] Sijill 176: 44.

Oh Lord who crowns our efforts with success and protects us from making mistakes, guide us to the rightful path so that we shall know what ought to be said

In a certain village there is a site upon which the Christians say that Jesus, may he rest in peace, was born. They built upon it a church and placed within it images and statues. There is nothing to substantiate the claim that Jesus was actually born there. Is it permissible for a Muslim to enter that church for the purpose of pilgrimage or otherwise? Provide us with your answer and you shall be rewarded.

The answer, God knows best, is: Entry into the church is reprehensible.[62]
This was written by poor Ali, may his sins be forgiven.

Poor Ali was none other than the *şeyhülislâm* or grand *müfti* in Istanbul, who headed the religious hierarchy of the Ottoman Empire, and was therefore considered the highest authority for interpreting its laws. Reiterating his *fetva*, the *firman* stressed that the entry of Muslims into the Church of the Nativity was "not permissible" ("cayiz olmayıp") according to the Sacred Law.[63] The *firman* therefore explicitly prohibited the Muslims of Jerusalem from going to the Church of the Nativity in Bethlehem and from harassing its monks under the pretense that it was a Muslim sanctuary. In the name of Islam, and precisely at a time when Istanbul was overrun by a wave of Islamic puritanism,[64] the Ottoman state seemed to be going out of its way to ensure the continuance of the Holy Sites as Christian sanctuaries under Christian control.

What for? Why should the Ottoman state have cared that much about the Holy Sites? Adherence to Islamic law provides only part of the explanation, since the Ottoman government was less attentive to the letter and spirit of this law when it came to other non-Muslim

[62] *Makrūh*, in the original. As is well known (Schacht 1964: 120–3), Islamic law does not stop at dividing human actions between "obligatory" (*farḍ*) and "forbidden" (*ḥarām*), but sets three additional categories, namely: "recommended" (*mandūb*), "permitted" (*jā'iz*), and "reprehensible"—deeds not explicitly forbidden, but best avoided. One such reprehensible deed, according to the *fetva*, was Muslim pilgrimage to the Church of the Nativity.

[63] Obviously, the Ottoman government was trying to squeeze out of this *fetva* a "bit" more than it really said, for "reprehensible" is not "permitted" as much as it is not "forbidden", "recommended", or "obligatory". However, "reprehensible" was the most the authorities could obtain, since Islamic law does not restrict in principle the entry of Muslims into non-Muslim shrines, even for ritual purposes.

[64] Zilfi 1988: 129 ff. (esp. 146–57).

sanctuaries. So what special considerations and reasoning lay behind the unique status of the Church of the Holy Sepulchre and the Church of the Nativity in the Ottoman Empire? Several answers suggest themselves. First, it should be remembered that the Ottoman state was not the first Muslim state to adopt this policy. The history of Muslim tolerance towards the Church of the Holy Sepulchre and the Church of the Nativity is virtually coextensive with Islamic history. Tolerance, however, did not signify indifference, for Muslims could not ignore the imposing (and probably annoying) presence of the most significant and conspicuous symbols of Christianity within and near the third most sanctified city of Islam. The erection of the Dome of the Rock in Jerusalem in the Umayyad period as a monumental counterbalance to the Church of the Holy Sepulchre may be explained in part as a function of the uneasiness Muslims felt at the presence of this church. In any case, the erection of the Dome of the Rock points to another, and no less important fact: Muslims, from the outset, chose to respond to the religious challenge posed by the Christian holy sites with a competitive act rather than with violence and destruction, or expropriation and functional conversion. This Umayyad preference, as well as the traditional immunity of the most important Christian holy sites, were observed and respected by subsequent Muslim dynasties that controlled Jerusalem. The Ottoman dynasty which ended the line was sufficiently traditional and conservative so as not to effect any changes in this time-honored policy.

Second, the presence of the most important shrines of Christianity within the Abode of Islam did nothing to undermine the ruler's moral and political stature. On the contrary, this very circumstance pointed clearly to the victory of Islam over Christianity and to the standing of Islam as the only true religion. Thus, the assurance of the continuance of these sanctuaries under Muslim sovereignty served the theological and political need of Muslims to reiterate the legitimacy and superiority of their own belief-system. Maintaining the most venerated Christian shrines under Muslim domination was, in the nature of things, one of the best evidences of that. Al-Ḥākim's attempt to destroy such an evidence was not only unique, but a totally senseless act.

Third, the Islamic guarantee of the existence and functioning of the most important Christian holy sites was also motivated by more earthly and practical considerations. One of the most significant concerns was that any grave injury inflicted upon these sites would necessarily result in Christian resentment and even outright hostilities by numerous Christians within and without the Abode of Islam. Notwithstanding their initial military and political superiority, the Muslims were sensitive to the place and power of Christendom, and were careful to avoid aggravating their relations with the Christians as a whole. Issues relating to liturgy and holy places were among the most sensitive conjunctions of Muslim-Christian relations, and Muslim rulers were conscious of the invisible border-line whose crossing might unite the Christian world against Islamdom.[65] This border-line had been crossed once, in 1009, and indeed, the desecration of the Church of the Holy Sepulchre by the Caliph al-Ḥākim figured as a theme in the Christian propaganda which preceded the Crusades.[66] Whatever the actual impact of al-Ḥākim's misdeed, his case was the exception. The Muslim state would normally do everything in its power to guard the Christian claim to the Holy Sites. And, inasmuch as this was a claim of Christendom as a whole and not just of a certain church, the Muslim state seems to have guarded it even better than the Byzantine or the Crusader states, each of which is known to have promoted the interest of its own church in the Holy Sites, to the exclusion of the others.

Undoubtedly, these general considerations were relevant to the Ottoman case. Yet the Ottomans should be given credit for a unique contribution which further consolidated the rights of the Christians over their holiest sites. They did this through the diplomatic accords—Capitulations—which the sultans concluded with some of their Christian peers. As remembered, these accords included specific articles ensuring the rights of Western Christianity over the Holy Sites. The *dhimma* laws, which promised the same rights to the Christian subjects of the Ottoman Empire, were, despite their contractual language, one-sided proclamations whose implementation was the private business of the Muslim state. The Capitulations were exactly the opposite: These written contracts, despite their one-sided formulation, were bilateral treaties which, if breached, would have had serious implications for the Ottoman Empire's standing in the international scene.

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[65] The case of the Patriarchal Church in Istanbul, that is the manner in which the Ottoman state dealt with its consequences, is one example of successful identification of this line.

[66] Prawer 1972: 9–10. Some modern historians go as far as to present this event as a long-range cause of the first Crusade. See Cohen 1994: 164–5.

If the *dhimma* laws were not, after all, too difficult to break, the opposite was true of the Ottoman Capitulatory commitments. Under Ottoman rule, then, the most venerated Christian sanctuaries were protected by a double-layered legal shield that withstood all efforts by Muslims to infringe on the Holy Sites.

2. *Muslim Infringements on the Holy Sites*

Securing the continuance of the Holy Sites naturally had precedence, but this did not preclude other necessary steps to ensure the peaceful functioning of these shrines under Ottoman rule. Ottoman official policy disappointed Muslims who lived for the day when the most sacred Christian sites would be expropriated and converted into mosques.[67] However, secure as they were against any threat to their continuance, the Church of the Holy Sepulchre in Jerusalem and the Church of the Nativity in Bethlehem—or rather their custodians and users—were nonetheless subject to pressures and harassment from their Muslim neighbors, who might have been trying to retaliate for the otherwise inviolable presence of these sites in and near a city so holy to Islam. All the same, such behavior proved an excellent means of extorting money, gifts and other benefits from the owners and users of the Holy Sites. It seems that the custodians of the Holy Sites acquiesced to living with this reality, perceiving it as a God-enacted ordeal, as though these pressures and harassment, reminiscent as it were of Christ's own Passion, were an integral part of their unique life and pious mission in the Holy Land. However, when these pressures intensified and harassment became intolerable, these churchmen would forget about their self-sacrifice mentality, as well as the understandable fear of local Muslim reprisal, and would appeal to the Ottoman authorities for help. These authorities—usually the central government in Istanbul—responded by issuing *firman*s, which can inform us of both the Muslim infringements on the Holy Sites and the official policy of Istanbul regarding such matters.

[67] See e.g. Evliya Çelebi 1935, 9: 493, who concludes his tour of the Church of the Holy Sepulchre, saying: "After having strolled around, I retired to a hidden corner where I prostrated twice in worship and performed the duty of prayer. I ended with a supplication to God: would that this place be of the Muslims! Then I got out."

These *firman*s cite "greed and mere rapacity" ("mücerred ahz ve celb-i mal") as the commonest motive for Muslim harassment and other acts of provocation directed against the custodians of the Holy Sites. Moreover, these churchmen, whose petitions prompted these *firman*s, pointed to greed and rapacity as the actual, though ulterior, motive for the more serious efforts made by local Muslims to expropriate some of their sacred sites.[68] It is quite possible that such attempts were either primarily a provocation for its own sake or merely a transparent pretext for extorting money and other benefits from the beleaguered monks in the hope that the latter would respond to the intimidation and increase their gifts. At the same time, it is difficult to escape the impression that the church hierarchies in Jerusalem tried their very best to avoid prompting any Muslim-Christian debate on such sensitive and essential questions regarding ownership of the Holy Sites. Rather than being called to defend Christian *possession* of the Holy Sites, the custodians of these sanctuaries preferred to present themselves, in their appeals to Istanbul, as the constant victims of some banal and prosaic nuisance: the avarice of their Muslim neighbors.[69]

Either way, it seems that Jerusalem's Christians understood that protecting both themselves and their holy places from encroachment by their Muslim neighbors, depended not just on the official policy of the central government in distant Istanbul, but also on the good will—which could be bought—of local potentates and office holders in their immediate vicinity. The price of this "good will" is discussed in numerous *firman*s issued on the subject. One of them, issued in 1697, provides a detailed list of the various types of payments and the amounts regularly paid by the church hierarchies in Jerusalem to local Ottoman officials, in the hope that the latter would refrain themselves or prevent others from doing more serious harm to the Holy Sites and to their custodians and users:

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[68] See above, the *firman*s referred to in notes 43, 44, 55, 60.

[69] A good example of this, is the claim of Venice's ambassador to Istanbul that Muslim appeals against the legitimacy of the Christian holy sites, as well as the allegation that these sites had been snatched in the past from their Muslim owners, were nothing but an excuse for extorting money and other goods from their Christian legal holders: "Ellerinizde olan manastir ve kilise ve deyirler sizin değildir diye birer bahane edip Müslimanlarındır ve onlardan almışsız diye havalarına tabi kimseneler şehadetiyle guruşlerini ve mülklerini almak murad edinip ve alıp", *firman* dated Evahir-i Muharrem 1033 (14–23 November 1623), Sijill 114: 152.

> When a new governor takes his office in the District [of Jerusalem, the heads of each of the Christian sects in town] offer him an "Initiation Gift" of seventeen and a half *guruş*, plus three *guruş* for his henchmen. When his *paşa* comes [from Damascus to Jerusalem], he is paid seventy-five *guruş*, and his secretary—seven and a half. In addition to this, the *paşa* is entitled to get [from the Christians] silk and woolen cloths and sundry other gifts [or a sum of] five-hundred *guruş* against their price. His secretary receives additional fifty *guruş*, and his henchmen—fourteen. Each month, [the Christians pay] the *paşa* twenty-five *guruş*. His secretary receives six *guruş*, and his henchmen—three. In holidays, the *paşa* is offered [loads of] sugar, honey, wax, and linen. His secretary receives seven and a half *guruş*, and his henchmen—fourteen. When [the Christians] go on pilgrimage to the River [Jordan], they offer the *paşa* gifts worth two-hundred *guruş*. His secretary receives twenty *guruş*, and his henchmen—three. These payments are made each and every year, from beginning to end.[70]

Ostensibly, these contributions were made voluntarily. As the payers themselves more than once confirmed, they would make these contributions of their own free will ("hüsn-ü ihtiyarlariyle"), in order to live in peace with the local representatives of Ottoman rule ("hükkâm ile hoş geçinmek için").[71] However, reading between the lines of these solemn declarations quite obviously reveals that these "good will" payments were in fact protection money that the Christians in question were coerced into paying out of fear for their own safety and for the Holy Sites. The trouble is that submitting to one act of extortion sooner or later escalates and worsens. Thus the Christians of Jerusalem found themselves trapped within a vicious circle of ever increasing demands on the part of unwelcome beneficiaries whom it was impossible to satisfy.[72] Indeed, Ottoman officials in Jerusalem would directly threaten the heads of the Christian communities that failure to pay more would cost them the continuance of the Holy Sites.[73]

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[70] *Firman* dated Evail-i Rebiyülâhir 1109 (17–25 October 1697), Ecnebiye 28: 151.

[71] *Firman* dated Evahir-i Receb 1103 (8–17 April 1692), Mühimme 102: 201; *firman* dated Evail-i Safer 1115 (16–24 June 1703), Mühimme 114: 192–3.

[72] "Rizalarıyle vech-i meşruh üzere verdiklerine hâkim olanlar kenaet etmeyip ve yedlerinde olan temessükâtlarına daha amel etmeyip sene besene zulmları ziyade ve cebren şeyleri almağla", *firman* dated Evail-i Rebiyülâhir 1109 (17–25 October 1697), Ecnebiye 28: 151. Compare with the *firman*s referred to in the preceding note and with others issued in this regard between the years 1683–1684, Sijill 182: 130–3, 257–8; 187: 32–3.

[73] "Vermedikleri için mücerred taciz ve celb-i mal için kadimüleyamdan beri zabtlarında olan kilise ve manastirleriniz cami-i şerif kurbındadır hedm ederim", *firman* dated Evasit-i Receb 1093 (16–25 July 1682), Sijill 182: 130–3.

The central government in Istanbul denounced these practices in the strongest terms.[74] However, local Ottoman officials had other means of extorting money and gifts from the Christians in Jerusalem, without having to directly threaten the very continuance of the Holy Sites. One such means was related to the practice of Ottoman officials to conduct searches inside Christian churches throughout the Ottoman realm. Unlike the empty threats to destroy or expropriate the Holy Sites, routine inspection of non-Muslim shrines was a formal procedure sanctioned by Ottoman law. As is well known, the "Covenant of ʿUmar" forbids *dhimmī*s to make additions or effect changes to their legal places of worship, whether exterior or interior. *Dhimmī*s are also warned against using their places of worship to give sanctuary to anyone or anything detrimental to Muslims and Islam. Similar clauses were included in the Capitulation accords, so that foreign churchmen operating in the Ottoman Empire became subject to these regulations as well. Naturally, the authorities could enforce these regulations and ensure their due implementation only through regular visits and inspections of non-Muslim shrines throughout the Ottoman Empire.

The Ottoman government was not oblivious to this issue. For all its aversion to any harassment of its non-Muslim subjects and guests, the government could not just ignore the necessity of some procedure that would allow the monitoring of conditions inside non-Muslim shrines, in order to establish to what extent they conformed with Islamic law and the Capitulatory agreements. This might well be the motive to appoint, in 1624, a certain Hüseyin Ağa as the sultan's special emissary to investigate rumors that the Christians in Jerusalem were caching weapons in the Church of the Holy Sepulchre.[75] Likewise, in 1652, the *vali* in Damascus was ordered to come in person to Jerusalem and carry out a thorough inspection of the Christian churches, so as to determine whether the law forbidding structural changes was being adhered to. He was also to examine whether the number of Franciscan monks and the duration of their stay in those churches did not exceed what was legally permitted.[76]

[74] *Ibid.* See also a warning message addressed in this regard by the grand vizier Kara Mustafa Paşa to the *kadı* and governor in Jerusalem, 18 Rebiyülevvel 1094 (17 March 1683), Sijill 182: 135.

[75] *Firman* dated Evail-i Receb 1033 (19–28 April 1624), Sijill 108: 28.

[76] Missive (*mürâsele*) sent by the *vali* of Damascus to the *sancak beyi* (district governor) of Jerusalem, Muharrem 1063 (December 1652), Sijill 147: 14.

As was often the case, actions taken by the central authorities became a model for imitation in the districts and provinces, where local Ottoman officials would initiate searches of various Christian churches without waiting for the government's orders. In 1661, the *vali* of Damascus informed the *kadı* in Jerusalem of his intention to conduct a thorough search of churches and monasteries scattered in the various districts—including Jerusalem's—within his jurisdiction. The *vali* justified this private enterprise claiming that inspecting non-Muslim shrines was a duty incumbent on whoever served as the governor of the Province of Damascus.[77] Between 1661 and 1665, four different persons succeeded each other as governors of the Province of Damascus. Each man insisted on his right to act in this matter precisely as did his predecessor, emphasizing that the practice of searching and inspecting non-Muslim shrines was an accepted norm sanctioned by law.[78]

The practice of searching and inspecting non-Muslim shrines stemmed perhaps from a perfectly legal and legitimate need. Less legal, it appears, was the manner in which these inspections and searches were carried out. From the complaints of churchmen and monks, one learns that this ostensibly legal procedure involved a painful web of extortion, humiliation, persecution and considerable expenses. In the words of the French ambassador to Istanbul, the provincial governors of Damascus

> have the custom of sending [a regiment of] five or six hundred horsemen to Jerusalem, for the purpose of inspecting the [Christian] holy sites. Meeting the enormous expenses that this operation involves is illegally imposed on the monks. As if this were not enough, [the soldiers] arrest the Franciscan monks and cause them endless humiliation and pain. To free themselves, the latter are forced to borrow money at high rates of interest and to pay their captors. This is how they harass the monks and make their life a hell.[79]

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[77] "Eyalet-i Şamda vaki olan kadim Nasara ve Yahudi keniselerinin mutad üzere yoklanmaları Şam-ı Şerif valilerine hâsıl kayd olunmağın", undated *buyuruldu* (*vali*'s decree) registered 23 Rebiyülâhir 1072 (16 December 1661), Sijill 161: 39. See, on the other hand, *firman* criticizing the *vali* of Damascus for having taken the initiative without waiting for orders from the central government in Istanbul: "Zikrolunan ziyaretgâhlara minval-ı meşruh üzere Şam valisi tarafindan emr-i şerif varid olmadıkça yoklama bahanesiyle bölük gönderilip", Evasit-i Şaban 1064 (26 June–5 July 1654), Ecnebiye 26: 74.

[78] See *buyuruldu*s and *mürâsele*s sent between those years from the respective *vali*s in Damascus to the *kadı*s in Jerusalem, Sijill 159: 54; 161: 59; 164: 154.

[79] *Firman* dated Evasit-i Şaban 1064 (26 June–5 July 1654), Ecnebiye 26: 74.

Similar complaints were also voiced by the Greek Orthodox and Armenian patriarchs in Jerusalem who reported that

> an officer appointed by the *vali* of Damascus comes at regular intervals to Jerusalem for the purpose of inspecting the churches therein. He treats us with disrespect and takes whatever money he wishes by force.[80]

Another appeal presented jointly by the heads of the different churches in Jerusalem reflects the same predicament. It said that the *vali* of Damascus

> sends here clerks and contingents of thirty-forty troops several times a year. "We have come to inspect the church," they say and help themselves to the monks' food, take fodder for their animals, and leave with all the money they could lay their hands on.[81]

The legal procedure of monitoring what went on inside non-Muslim shrines became a flagrant means of harassing churchmen and making easy money at their expense.

And indeed, most of the Ottoman *firman*s dealing with this problem assert that inspections of churches carried out without the authorization of the sultan were but an excuse to enter those shrines, abuse their custodians, plunder their food, and pillage their money.[82] Moreover, the mere expression of threats about impending inspections proved an extraordinarily effective tool for exerting pressure on and extorting money from Christian custodians of churches. In 1678, the heads of the Greek Orthodox community in Jerusalem complained that the Ottoman official responsible for levying the entrance fee from pilgrims to the Church of the Holy Sepulchre would enter and bother the monks saying:

> You have put in more lamps [than permitted]; you have placed benches and prayer stalls [that were not there before], and you have changed the practices of your religion. Give me lots of money, otherwise I will carry out an inspection and report you [to the authorities].[83]

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[80] *Firman* dated Evail-i Şevval 1071 (30 May–7 June 1661), Sijill 159: 55.

[81] *Firman* dated Evasit-i Ramazan 1077 (7–16 March 1667), Patriarchate 23. Another copy: Sijill 167: 382.

[82] "Mücerred celb-i mal için kilise teftiş ve keşif namiyle taaddi ve rencide"—see in all the *firman*s referred to in the preceding three notes. See in other *firman*s of the same interest and years: Mühimme 114: 192–3; Ecnebiye 28: 151; Sijill 108: 30–1; 114: 121–2; 167: 449.

[83] *Firman* dated Evail-i Safer 1089 (25 March-2 April 1678), Sijill 176: 137.

The (local) authorities did not have to wait for such reports in order to do their part in abusing Christian clergymen. According to the monks in the Church of the Holy Sepulchre, these authorities—the district governor and the *kadı*—would fall upon them and say:

> You have added [illicit adjuncts] to your churches and monasteries. In these [places] or adjacent to them are mosques. Therefore pay us large sums of money, or else we and the city elders will carry out inspections and report you [to Damascus or Istanbul?].[84]

Under these circumstances, the original point and purpose of inspecting non-Muslim shrines was lost on the Ottoman government. Moreover, in the over-all context of Ottoman policy in the Question of the Holy Sites, the damage caused by that procedure seemed far more costly than its dubious usefulness. In 1665, the central government in Istanbul decided to totally ban the practice of inspecting non-Muslim shrines in the Ottoman Empire.[85]

The origins of another nuisance perpetrated against the custodians of the Holy Sites by their Muslim neighbors and masters were also ostensibly legal. According to the "Covenant of ʿUmar", *dhimmīs* are required to open their churches and monasteries to Muslim visitors, and to offer accommodation to Muslim travelers. Of all the Christian shrines in and near Jerusalem, this requirement affected the Church of the Nativity in particular. Much to the misfortune of this church, it lay on the main route of Muslim pilgrims from the Temple Mount in Jerusalem to the Cave of the Patriarchs in Hebron. Furthermore, as mentioned earlier, the Manger at the Grotto, on which the basilica stands, was revered as a holy site by Muslims. The unavoidable result was that the Church of the Nativity in Bethlehem became a popular place of pilgrimage for Muslim visitors and wayfarers, to whom the monks were to offer food, drink and lodging. Little wonder that in the eyes of the French traveler, Jean de Thévenot, who had visited the church in 1658, it was

[84] *Firman* dated Evail-i Cemaziyelâhir 1101 (12–20 March 1690), Sijill 192: 90.

[85] "Memalik-i mahrusemde kenise teftişi daha memnudur"—*firman* dated Evail-i Cemaziyelâhir 1076 (9–17 December 1665), Patriarchate 22. Another copy: Sijill 166: 481. On (unsuccessful) attempts by local Ottoman officials to ignore this ban, see records of lawsuits heard in 1668 and 1671 at Jerusalem's *kadı*'s court, Sijill 168: 410; 173: 45. See also *firman* dated Evail-i Safer 1115 (16–24 June 1703), Mühimme 114: 192–3.

> a very incommodious and unseemly thing that all the Turks who pass through Bethlehem, should lodge in the great church, with their whole families, there being no convenient lodging in Bethlehem, which is a great eye-sore to the Christians, who see their Church made an inn for the infidels. But it is above all troublesome to our Latin monks, whom they oblige to furnish them with all things necessary, both for diet and lodging.[86]

Indeed, the obligation to accommodate Muslim pilgrims and travelers was undoubtedly a vexing burden and unwelcome bother for the monks who lived in and ministered the Church of the Nativity in Bethlehem. But what seemed to the passing visitor from Europe as an infuriating and intolerable sight, was in fact an established routine, accepted (albeit as a necessary evil) by the monks themselves, who had made the necessary arrangements to do their part in it, without raising their voice in protest. The extent to which these monks acquiesced to this reality may be inferred from an agreement drawn up in 1653 between the Greek Orthodox, the Armenian and the Franciscan hierarchies in Jerusalem for sharing the burden of providing hospitality for Muslims at the Church of the Nativity. According to the agreement, the Greek Orthodox monks took it upon themselves to provide each Muslim visitor to the Grotto with a plate of food, an oil lamp for the night, fodder for his livestock and firewood for himself. This duty, all agreed, had customarily been the responsibility of whichever rite held the keys to the Grotto. However, it was decided that if the visitor happened to be an important personage—a *kadı*, governor, or one of the *ulema*—then the burden of hospitality would be equally shared by all of the rites concerned.[87] The agreement was formalized by the *kadı* of Jerusalem, who specifically freed the monks from liability to accommodate Ottoman officials visiting Bethlehem in an official capacity.[88]

This arrangement could have persisted indefinitely had not the Greek Orthodox decided, in 1671, to renovate the Basilica of the Nativity and restore its use as the church's main prayer hall. This caused a twofold problem: First, since the basilica had up until then

[86] Thévenot 1686: 201.

[87] Agreement deed dated 23 Rebiyülevvel 1063 (21 February 1653), Sijill 147: 169. Compare with the remark by Thévenot about the burden imposed on "our Latin monks" in the Church of the Nativity.

[88] Court decision dated 1 Receb 1063 (28 May 1653), Sijill 147: 322.

been the very place where Muslim visitors to the Grotto were accommodated, their continued use of it for that particular purpose would from then on involve disturbing, in fact impeding, Christian worship at the Church of the Nativity. Second, attempts to prevent Muslims from using the basilica the way they had been accustomed to in the past would inevitably be seen as an open breach of an established, time-honored norm. It was against this background that Muslim dignitaries in Jerusalem appealed to the central government in Istanbul to allow them to take over the site of contention. In counter-appeals sent to Istanbul, and for reasons alluded to above, the Christians for their part preferred to present the whole case as yet another instance of them falling victim to the avarice of their Muslim neighbors.

In an appeal of 1672, the Greek Orthodox monks complained that Ottoman officials and Muslim dignitaries from Jerusalem were deliberately avoiding ordinary *han*s while visiting Bethlehem or en route to Hebron. Instead, they would force themselves into the Church of the Nativity where they could win accommodation for free and an opportunity to extort money from the church's ministers. Furthermore, these unwelcome guests would treat the holy site with utter disrespect and violate its sanctity, including using the church courtyard as a playground to hold shooting matches from the backs of galloping horses.[89] Under these circumstances, the mere intention of Muslims to take lodgings in the Church of the Nativity would terrify its ministers to such degree as to become, in itself, a means of extorting money and other benefits from them.[90]

Whose version of events was closer to reality? Was the Muslim attempt to appropriate the Church of the Nativity a truly purposeful act, or just a machination—as the Christians claimed—for extorting their money? This question, with all its significance to the historian, in fact made no difference to the central government in Istanbul:

[89] "Ziyaretgâhlarına ve kiliselerine konup mücerred celb-i mal ve fukarayı taciz için civarında olan ve ayende ve revende nüzul eylediği hana konmayıp bunların üzerlerine konup müft ve meccanen yem ve yemek ve bunun emsalı cevir ve eziyyeten hali olmadıkları bildirip", *firman* dated Evasit-i Receb 1083 (2–11 November 1672), Şikayet 7: 166. Another copy: Sijill 190: 239–40. See also *firman* dated Evahir-i Şaban 1086 (9–18 November 1675), Patriarchate 69.

[90] "Kilise ve manastirlerinize konarız ziyafet hazır edin veyahut konmadığımız için ziyafet bedeli şu kadar akçe verin", *firman* dated Evasit-i Receb 1093 (16–25 July 1682), Sijill 182: 130–3. See also *firman* dated Evail-i Rebiyülâhir 1109 (17–25 October 1697), Ecnebiye 28: 151.

Either alternative was wrong and equally forbidden. Of more practical relevance was the question of whether, for any reason, it was possible to deprive Muslim travelers of their canonical right to take lodgings in Christian churches and monasteries. On this issue, the government's position was clear and unbending: if exercising this right proved detrimental to the continuance of the Holy Sites, or involved intolerable suffering for their custodians, then the practice of Muslim lodging in Christian shrines should be stripped of legality and prohibited. Thus, accepting Christian complaints regarding Muslim abuse of a privilege granted by Islamic law, the Ottoman government chose to rescind this right completely, and to ban Muslims from lodging for free in Christian churches and monasteries.[91]

Protecting the Holy Sites from Muslim infringements was a direct and logical derivative of the policy of securing their continuance as Christian sanctuaries. The Ottoman government of the second half of the seventeenth century was strong and determined enough to apply such a policy even at the price of seeming to deviate from certain implicit concepts upheld by Islamic law.

3. *The Practice of Religion in and Around the Holy Sites*

Islamic law is quite explicit regarding the limits which non-Muslims are allowed to practice their religions under the rule of Islam. The relative scarcity of Ottoman documents on the religious practices of non-Muslims in Jerusalem in early modern times may lead one to assume that the local Christians and Jews generally abided by the Islamic limitations imposed on their worship, or at least did not violate them to such extent as to exasperate their Muslim neighbors and rulers. It is likewise reasonable to assume that Ottoman officials and other Muslims in Jerusalem did not meddle too much in the religious affairs of the non-Muslims, as long as these affairs were attended to indoors, in the secrecy of their places of worship. A typical indication of this would indeed be a relative scarcity of complaints from both the Muslim and the non-Muslim sides. Moreover, the few complaints that one might nonetheless find in this regard in Ottoman official records refer solely to a single sector of Jerusalem's non-Muslim residents—the European monks of the Franciscan order.

[91] See the *firman*s cited in the preceding two notes.

Ottoman documents on this particular issue suggest that public processions, being an important and necessary element in some of the religious practices of the Franciscan monks, distinguished them from the rest of the Christian rites in Jerusalem and made their devotional acts a source of discord between them and the vigilant upholders of Islamic law. Particularly troublesome was the annual Palm Sunday ceremony whereby the Franciscans remembered the event of Christ's entry to Jerusalem.[92] Palm branches in hand, chanting psalms and hymns, with their abbot mounted on a donkey right in their midst, the Franciscan monks and a host of European pilgrims would reconstruct and stage this glorious evangelical act in a solemn procession that descended the Mount of Olives, crossed the Valley of Jehoshaphat, ascended towards the Temple Mount, circumvented the walls and entered Jerusalem through the Gate of Zion. This procession, with its ritual details and clamorous publicity, must have constituted a major offense to the feelings of all Muslims witnessing it. Moreover, the whole event was a major infraction of the restrictions imposed by Islamic law on the religious practices of non-Muslims in the domains of Islam. Which the Franciscan monks learned from the *kadı* in Jerusalem who summoned them in early 1651 to his court to hear the recurrent complaints lodged against them by their Muslim neighbors:

> The Franciscan monks who live in Jerusalem conduct their abbot mounted on a donkey from a nearby village named al-ʿAziriya to the city of Jerusalem. As they march before and behind him spreading their garments in the way, they display their rituals in public, and raise their voices in heresy. Doing this, they climb up the Mount of Olives; then they go down and up again to Jerusalem. Here they get into the city through the Gate of Zion bearing the crucifix in the open, where everybody can see it.[93]

The Muslim occupants of the one-time Franciscan site of the Coenaculum were particularly infuriated by the procession. These Sufi dervishes, who had managed to take possession of the site in the sixteenth century, considered the event a kind of Christian retaliation. The spiteful passage of the Franciscan procession near their

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[92] Matthew 21: 1–11.

[93] Record of a court hearing dated 7 Rebiyülâhir 1061 (30 March 1651), Sijill 145: 237. Cf. Mark 11: 7–9.

premises, they claimed, was a calculated provocation specifically designed to affront them.[94]

These accusations and claims put the religious policy of the Ottoman state to one of its toughest tests. On the one hand were Islamic law and complaints about the violation of this law, in a polity committed to and regarding the rule of this law its raison d'être. On the other hand were the Capitulatory commitments of the Ottoman Empire to permit its European guests—hence the Franciscan monks—to practice their religion on Ottoman soil without being molested for doing so. An apparent deadlock, but the Ottomans had an easy way out using the same trick they would often employ when subject, as in this case, to cross-pressures. The Ottomans tried to sidestep the impasse through an array of contradictory *firman*s designed to please, and maintain the balance between, each of the parties concerned. In this specific case, the Ottoman government issued different *firman*s that simultaneously sustained the protests of the ardent advocates of the *şeriat* as well as the acts of those who violated it outright. The inevitable (and probably intended) result was a no-win situation that left everything the way it was. Yet none of the parties involved—neither the Muslim zealots nor the Franciscan monks—could complain that the Ottoman government turned a deaf ear to their claims or had renounced its commitment to justice.

In late 1645, the Ottoman authorities instructed the *kadı* in Jerusalem to open an inquiry into the complaints lodged by the dervishes on Mount Zion against the Franciscan monks, and to prevent the latter, if such was the case, from displaying their heresy in public.[95] But the Franciscans had a counter-*firman*, of 1641, that allowed them to celebrate Palm Sunday in their antecedent manner and places.[96] Obeying a *firman* sent to him in early 1651, the *kadı* in Jerusalem warned the Franciscan monks "to abstain henceforth from mounting their abbot on a donkey, conducting their ceremonies in public, raising their voices in heresy and from displaying the crucifix in the

[94] Record of a court hearing dated 18 Zilkade 1055 (5 January 1646), Sijill 138: 68.

[95] *Firman* dated 8 Şaban 1055 (29 September 1645), quoted in the court record referred to in the last note.

[96] *Firman* dated Evail-i Cemaziyelevvel 1051 (8–17 August 1641), quoted in the court record referred to in the last note. For the full text of this *firman* (issued at the request of the Venetian ambassador to Istanbul) see Sijill 131: 131–2.

open, for these things stand in contradiction to the Sacred Law".[97] Yet only a month earlier, the Ottoman sultan, complying with the Austrian Kaiser's request, granted the Franciscan monks in Jerusalem a twelve-point *nişan* that secured, among other things, their right to celebrate Palm Sunday in their customary way.[98] To further obfuscate the issue, the Ottoman government took pains to qualify all permits granted in this regard with the condition that the Franciscan monks avoid anything that violated the *şeriat* or injured the feelings of Muslims.[99] A better case of contradiction in terms cannot be imagined.

The ambiguity of Ottoman policy on this matter enabled the Franciscan monks to celebrate Palm Sunday in the manner depicted above—in spite of the fact that doing so was in direct conflict with Islamic law. Yet the Franciscans still had reason to worry, for the status quo, which was set by the contradictory *firman*s of Istanbul, bound together, in one legitimate package, the Franciscan celebration of Palm Sunday and the Muslim attempts to interrupt it. Perhaps this was the reason for the tide of petitions submitted in this matter in the early 1650s to the central government in Istanbul. The petitioners—the French ambassadors to Istanbul—urged the Ottoman government to adopt a more positive policy that would allow the Franciscan monks to practice their religion in Jerusalem without being legally interrupted.[100]

These petitions yielded, in 1654, an explicit Ottoman commitment to guarantee that the Franciscan monks in Jerusalem would not be disturbed on the basis of their religious practices.[101] It is possible to claim that the political context in which these petitions were made must have affected the answer given to them by the sultan. At that moment, Istanbul was threatened by Venice's naval forces which had managed to block the Dardanelles. With this in mind, it is possible to assume that what prompted the Ottomans to comply with the

[97] Record of a court hearing dated 7 Rebiyülâhir 1061 (30 March 1651), Sijill 145: 237.

[98] *Nişan* dated Evahir-i Safer 1061 (12–21 February 1651), Sijill 146: 270–1.

[99] "Kızıl yumurtadan bir hafta olan yortularına din ve devletime zaraı olmadığı takdirce kimsene müdahale eylemeye" (Sijill 145: 237); "Hilâf-ı şer'-i şerif vazları ve kimseneye zararları olmayıp kendi hallarında gelip gidip âyinleri üzere ziyaretlerinde oldukça kimseneye rencide ve remide ettirmeyip" (Sijill 131: 131–2).

[100] See various *firman*s issued in this regard between the years 1652–1654, Ecnebiye 26: 57, 58, 66, 74; Sijill 146: 276–7; 148: 44.

[101] *Firman* dated Evail-i Şaban 1064 (17–25 June 1654), Ecnebiye 26: 74.

French solicitations for the Franciscan monks was nothing but the hope of winning French political support. This assumption would be further corroborated by the fact that the *firman* granting the French ambassadors' request, extols "the close relations of friendship that have always existed" between the French monarchs and the Ottoman sultans. However, a dozen years later, well into the second "golden age" enjoyed by the Ottoman Empire under the Köprülüler, the Ottomans furnished further clarification of their intentions and proof that their policy on the issue of Christian religious practices in Jerusalem was more than a temporary, opportunistic means to deal with the exigencies of an uncertain moment. In a *firman* of 1666, the Franciscan monks in Jerusalem were accorded a renewed and unreserved recognition of their right to celebrate Palm Sunday in their customary way, that is in public, in everybody's view.[102]

As with other issues addressed in this chapter, Ottoman adherence to the letter of the *şeriat* would abate a little when implementation of some of its precepts proved too damaging for or was maliciously exploited against Christians subjects and guests in Jerusalem.

4. *Preserving the Holy Sites: Repairs and Renovations*

Muslim sensitivity over outward expressions of other religions' rites was naturally provoked by the very sight of the places where non-Muslims were allowed to worship. Even though this worship was to be performed as quietly as possible indoors, the actual sites were probably seen by Muslims as permanent external and tangible expressions of heresy. It is no wonder, therefore, that one of the most important laws affecting the status of non-Muslims under the rule of Islam absolutely forbade the establishment of new places of worship. Preserving and repairing existing sites involved awkward and tedious procedures for securing official permits to start and complete any renovation job. In brief, any non-Muslim shrine in need of repair had first to be inspected, surveyed and measured by officially appointed experts. As noted, Islamic law forbids enlarging, adding to, or making any major alterations to such buildings. Prior examination of these buildings and close supervision of repair work were thus a

[102] "Françe rühbânı taifesi tarikleri üzere bundan akdem süvar edegeldikleri üzere süvar edip âyin tarikleri vücude gettirip", *firman* dated Evasit-i Ramazan 1076 (17–26 March 1666), Maliyeden Müdevver 2747: 6.

means of enforcing this law, and of preventing the sight of non-Muslim shrines from becoming more protuberant and offensive to Muslims.[103]

Naturally, and perhaps even primarily, these principles applied to the Christians' holiest sites in and near Jerusalem. This meant that whenever nature, time, or even human hand left their mark on these sites, their guardians needed to appeal to the authorities for permission to repair them. The authorities—in early Ottoman times, usually the *kadı* in Jerusalem—would respond by appointing a special committee comprising building experts, men of religion, local Ottoman officials, and court scribes. The committee would visit the site where repairs were needed, conduct a survey and compile a report (*keşif ve tahrir*) of the physical attributes and condition of the building(s) up for renovation. In essence, the committee would address two important questions: First, whether the renovation was indeed necessary; and second, whether it could be achieved without infringing on Islamic law. The detailed answers to these questions constituted the final report (*keşif defteri*) which the committee would deliver to the *kadı*. The *kadı* would then decide, on the basis of the report, whether to sanction the requested works immediately, or defer it to decision by the central government in Istanbul. Either way, only after obtaining a formal permit, could the applicants finally proceed with the restoration work. Sometimes, considerable time would elapse between the application and securing permission to repair a non-Muslim shrine. In 1691, the Franciscan monks asked permission to rebuild extensive parts of the Church of the Holy Sepulchre which at the time were in their possession. The approval process for this ambitious and extraordinary project dragged on for almost ten years (the work itself was only completed in 1720).[104] Furthermore, both during the work itself and after its completion, the authorities would check to ensure that everything had been carried out in full conformity with the *keşif defteri*.[105]

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[103] *Firman* dated Evahir-i Ramazan 1102 (18–27 June 1691), Ecnebiye 28: 48.

[104] See *firman*s, records of court hearings, and other Ottoman documents issued in this regard between 1691 and 1720, Sijill 198: 239–41; Mühimme 102: 103; Ecnebiye 28: 48, 61, 148; Cevdet-Adliye 1705.

[105] See the documents referred to in the preceding note and in the following eight.

These procedures applied equally to both extensive, unusual and complex restoration works, and relatively straightforward and simple regular maintenance jobs. If in the former case these procedures were ostensibly justifiable, in the latter it was difficult not to see them as an awkward, drawn out formality that could incorrigibly delay immediate solutions to periodic (though urgent) calls for repair. The necessity of going through this wearisome formality doubtless aggravated the Greek Orthodox monks in Jerusalem who had merely sought to install new iron bars to the windows of the Katholikon in the Church of the Holy Sepulchre.[106] A short time later, during the winter rainy season, it became necessary to cover the dome of the Katholikon with an impermeable resin, but even this simple and urgent work could not be undertaken without first appealing for permission, and waiting until the *keşif ve tahrir* committee completed its procedures.[107] The imposition of *keşif ve tahrir* went beyond absurdity when the repair at issue was merely filling a small breach carved by some burglars in the facade of the Church of the Nativity.[108] This absurdity called for solution, and the relative pragmatism and openness of the eventual solution corresponded with other displays of Ottoman policy on the Question of the Holy Sites in the Köprülüler era. In a *firman* issued during the viziership of Fazıl Mustafa, the Christians in Jerusalem were granted permission in principle to carry out immediate emergency repairs to their holy sites without having to go through the whole mechanism of *keşif ve tahrir*:

> If strong winds carried the lead covering off the roof of the Church of the Nativity or the Church of the Holy Sepulchre; if some parts of them were on the verge of collapse due to old age; if planks, paneling and wood plates came apart; and if everything was restored to what it had been before—in such cases, when the need arose to carry out urgent repairs to their churches, and if they restored them to what they had been before, without adding or omitting anything, then the *kadı*s and other men of authority are not allowed to obstruct or fine them under the pretext that [the restoration works] were done without their permission.[109]

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[106] Records of court hearings held on 16 Şevval 1065 (19 August 1655) and on 7 Receb 1071 (8 March 1661), Sijill 150: 367; 160: 19.

[107] Record of a court hearing held on 24 Safer 1073 (8 October 1662), Sijill 162: 76.

[108] Record of a court hearing held on 17 Ramazan 1064 (1 August 1654), Sijill 149: 259.

[109] *Firman* dated Evail-i Cemaziyelevvel 1101 (10–19 February 1690), Sijill 192: 89.

To appreciate the extent of this concession, one must take into account the fact that it was granted in the wake of, and despite the, complications which followed the comprehensive renovations made to the Church of the Nativity in the early 1670s. The roots of the crisis lay in the appeal by the Greek Orthodox patriarch in Jerusalem to allow him to restore the dilapidated roof of the church—a seemingly routine and normal request. In fact, however, this appeal caused consternation in Istanbul: For all the Ottomans knew, the Church of the Nativity in Bethlehem had always been in a shabby, derelict condition. Now, the authorities must have wondered whatever prompted the Christians to decide suddenly, after a century and a half of neglect, to seek permission to repair the church ceiling. Nevertheless, the grand vizier, Köprülüzade Fazıl Ahmed, chose to accede to this request and ordered the governor and the *kadı* in Jerusalem to open the *keşif ve tahrir* procedures. In light of the suspicion that this request prompted, the governor and the *kadı* were enjoined to take special care in following up the work and ensuring its compliance with the law. "Know", the two were cautioned in harsher than usual tones, "that if it transpires that [the church] has been renovated and repaired with additions to its previous build, then we will accept no explanation or excuse, and you will be held fully and personally responsible."[110]

Impressed by the harshness of this warning, the *kadı* hastened to convene an enlarged *keşif ve tahrir* committee and appointed himself its head. The committee arrived in Bethlehem and began to survey the church. In addition to the usual problems normally involved in this task, the committee found itself embroiled in the question of what was meant by the "previous build" to which the church was supposed to be restored. From the point of view of the Ottomans, who were not familiar with the better days of the Church of the Nativity, the "previous build" could not be distinguished from the "present condition", whose wretchedness was well expressed in the findings of the *keşif ve tahrir* committee:

> When the site referred to above was inspected and studied, it was found that its roof is made of wood with an exterior layer of lead. The roof rests on stone walls and is supported by pillars. The walls have openings for fifty windows. [The survey revealed that] parts of

[110] *Firman* dated Evail-i Muharrem 1082 (10–19 May 1671), Sijill 190: 155–6.

> the aforementioned roof, to the north, the south and the west, have fallen to the ground and the remaining parts are also about to crumble and fall off.[111]

It later transpired that repairing the roof alone would not solve the problem. "Restoring the roof to its previous condition", decided Ahmed Ağa, chief architect in Jerusalem and a member of the committee, "requires renovating and repairing the walls as well, which the windows are built into, since they provide support for the roof beams on top." The walls were found to be cracked and breached in many places. In addition, "the iron grilles of the window openings had fallen out so that birds enter through and dirty the place all over with their excrement."[112]

What then was the "previous build" of this semi-ruined, dilapidated church, that had already been in such a condition when the Ottomans first saw it? The *kadı* tried to ascertain the answer to this question from "expert witnesses" who purported to be knowledgeable in this and other insoluble problems.[113] And, indeed, what the *kadı* learned from them allowed him to reach the following reassuring conclusions: First, the roof of the Church of the Nativity had once been in place, magnificently and solidly built, and not damaged in any way. Secondly, its ruin had been caused by time and nature, and was not the consequence of any legal act by the central government. Now, on the basis of this information, the *kadı* sought to remove all doubt that had perhaps remained in his mind, and to ascertain for the last time whether any further impediment existed to authorizing the renovation. "Would it be right to permit the Christians of the Greek Orthodox rite to repair and renovate the aforementioned roof and walls with the said windows?" This question was addressed to a large body of *ulema* whom the *kadı* summoned to his court from among the people of Jerusalem. All replied in the affirmative.[114] Did not the place serve them as a *han*? What,

[111] *Keşif Defteri* dated 18 Cemaziyelevvel 1082 (22 September 1671), Sijill 173: 116–7.

[112] *Keşif Defteri* dated 18 Cemaziyelevvel 1082 (22 September 1671), Sijill 173: 227–8. See also *firman* dated Evail-i Receb 1082 (3–12 November 1671), Sijill 190: 173.

[113] On the institution of "expert witnesses" (*ehl-i vükuf*) of the Ottoman law system, and the importance accorded to their opinion in deciding matters of customary law, see Gerber 1981: 141–6.

[114] Court hearing registered on 18 Cemaziyelevvel 1082 (22 September 1671), Sijill 173: 228.

then, would be the point of objecting to the renovations if these were to raise the standard of accommodation?

With hindsight, the Christian response to these questions showed the *ulema* of Jerusalem just how misguided their judgment had been. Earlier misgivings proved justified. Repairs to the church roof were only a cover, a smoke screen as it were, for far-reaching, covert plans to restore the basilica over the Grotto of the Nativity to its original function and use. Beneath the roof, and between the basilica walls, whose repair alone was permitted, the Greek Orthodox rebuilt a more splendid prayer hall than had ever existed since the Ottoman conquest.[115]

Taken by surprise, the Muslim public leaders in Jerusalem tried, as described earlier, to recover their lost privileges with regard to that holy site. First, they insisted that their right to lodge in the Basilica of the Nativity was sanctioned by Islamic law. Second, they declared the Church of the Nativity a holy place for Muslims. But their claim that the Greek Orthodox hierarchy in Jerusalem had made substantial and illegal alterations to the church interior, which required official response, was more to the point and founded on solid grounds.[116]

Only, this time, official response was not forthcoming. No decision was easy in a situation which was all too embarrassing for the Ottoman government. The claim that the Church of the Nativity was a holy place for Muslims was rebuffed with the help of a *fetva* by the *şeyhülislâm* who had rejected this idea in principle and ruled that Muslim worship at the Grotto was reprehensible. In a similar way, canceling the legal right of Muslims to lodge in the Basilica of the Nativity was justified by the claim that the illegal application of this right caused uncalled-for suffering to the church's guardians. But what could the Ottoman government say to the undeniable fact that some of its protected subjects had broken the holy *zimmet* and blatantly effected unauthorized and illegal alterations to a non-Muslim shrine? How could it justify this obvious infringement on the *şeriat*? The Ottoman authorities deliberated long and hard over these difficult questions. It will be recalled that their Mamluk predecessors had no

[115] *Keşif Defteri* dated Evahir-i Zilkade 1082 (20–29 March 1672), Sijill 174: 21. Ottoman official records provide no explanations as to the apparent failure of the *keşif ve tahrir* system in this particular case.

[116] Petition dated 4 Rebiyülevvel 1086 (29 May 1675), Sijill 177: 139.

such quandaries when they had to deal with similar problems: In 1452, when al-Malik al-Ẓāhir Jaqmaq discovered that the Christians had erected a new structure inside the Church of the Nativity, he ordered its immediate destruction, which was actually carried out.[117] However, such a course of action was incompatible with the more prudent religious policy of the Ottoman state. In keeping with this policy was the decision eventually adopted to overlook the whole affair and take comfort in the fact that the outside appearance of the Church of the Nativity, which was more exposed to Muslim view, was essentially unaltered.[118]

Ottoman acquiescence to the Christian *faits accomplis* in the Church of the Nativity was perfectly congruous with the other displays of Ottoman response to the challenge of ruling over Christianity's holiest shrines in the name of Islam. As suggested earlier, this response was conditioned by law. This fact alone was enough to minimize the influence of subjective and fleeting factors such as the ruler's personality and his momentary whims on the legal status of the Holy Sites under Islamic rule. Moreover, the fact that this law was inspired by different and sometimes even contradictory legal sources contributed to a fairly moderate, relatively tolerant and balanced Ottoman policy in this area. Thus, the Ottoman state guaranteed the continuance of the Holy Sites and did its best to protect them from abuse by their Muslim vicinage. Moreover, the Ottoman state permitted Christian worship not only within but also without these non-Muslim shrines. And if this were not enough, the Ottoman state allowed the Christians to repair and renovate these sites, even when the results of these works were not appreciated, to say the least, by Muslim legal theorists. Indeed, the impression that one gets from the study of Ottoman policy is that the proponents of Islamic law largely succeeded in imposing its rules when these ensured the rights of non-Muslims, but had less success when the same rules restricted those rights or were employed in their detriment. This prudent and attentive policy allowed the Ottoman state to enforce Muslim sovereignty over the most sacred and important sites of Christianity as a whole, without causing a dangerous escalation of feelings of anger, frustration and bitterness—emotions that were felt by Christians in any

[117] Ḥanbalī (n.d.): 600–1.
[118] *Firman* dated Evasit-i Şaban 1086 (30 October–8 November 1675), Sijill 176: 57.

case—in the face of a rather distressing reality. Judged by this criterion, the Ottoman state seems to have dealt with this problematic aspect of the Question of the Holy Sites in a fairly successful manner. Another, far more problematic aspect of the same question was the eruption of an inter-church struggle over the Holy Sites.

CHAPTER THREE

THE OTTOMAN STATE AND THE INTER-CHURCH STRUGGLE OVER THE HOLY SITES

Muslim official policy with respect to the Christian rights over the Holy Sites was conspicuously even-handed. Apart from securing these rights, Muslim rulers on the whole avoided favoring or discriminating against the demands of one church over another. They thus made a significant contribution to maintaining and strengthening the status of the Church of the Holy Sepulchre and the Church of the Nativity as the places most sacred to all of Christianity. In this way, Muslim rule became a quite congenial framework within which the various denominations and sects of Christianity could all hope to gain and maintain rights to the Holy Sites. Evidently, such was not the case when these sites were under Christian political control. Unlike the Muslims', the Byzantine and Crusader states are known to have deprived certain Christian sects of their rights in the Holy Sites on the basis of ethnic origin or church affiliation. May one therefore say that from the standpoint of Christianity as a whole it might have been better if the Holy Sites remained under Muslim political control? No devout Christian, of course, would consider answering in the affirmative. But the question itself, and the historical facts that raise it, point up the basic paradox inherent in the Question of the Holy Sites. A neutral and uninterested party to the Christian church conflicts, Muslim rule has granted to Christians of whichever rite equal opportunity to express their shared affinity for the Holy Sites. Such an open and equitable policy could not be expected from a Christian government that was an active and concerned party to this perennial strife. However, the very policy of opening the Holy Sites to the ambitions of all the churches created a situation wherein the drawbacks outweighed the benefits. The same neutrality that characterized Muslim attitude to Christian religious disputes dictated also neutrality and non-interference with the question of how the Christians should divide among themselves their rights to the Holy Sites. As there was no Christian government to enforce a permanent—even if partisan—solution to that question, the issue remained open and fluid, a cause of constant discord and fierce competition among the various Christian sects, with might being right. During the Ottoman period the deplorable manifestations of this trial of strength rose to the surface and became the most serious, complex, and incendiary aspect of the Question of the Holy Sites.

A. The Eruption of the Struggle Over the Holy Sites Under Ottoman Rule

The basic factors of the Question of the Holy Sites were in existence long before the effects of their interaction became overt under Ottoman rule. From this standpoint, the Ottoman conquest of Jerusalem would seem to have made, in itself, little difference. The Holy Sites and the Christian factions therein remained under Muslim political control just as they had in the days of the Mamluks, the Ayyubids, and the Arabs. However, it seems that none of the previous Muslim dynasties had to deal as did the Ottomans with a problem so complex and charged as an open, all-out church conflict over the Holy Sites. What, then, caused the unprecedented escalation and open eruption of that struggle during the Ottoman period?

At the beginning of the sixteenth century the Muslim heartland of the Near East saw the advent of a new political order that created a whole new situation for the Christian churches vying for preeminence at the Holy Sites. The Ottoman conquest of Syria, Egypt, and Palestine marked the beginning of a new era in the history of the region as a whole. But more significant for the future evolvement of the Question of the Holy Sites was the fact that with the annexation of these countries to the Ottoman Empire, the ancient spheres of influence of the Byzantine church were once again included in one and the same polity.

The Ottoman conquest of Syria, Egypt, and Palestine restored the territorial unity lost to the ancient Byzantine church with the advent of Islamic expansion. After nine centuries of isolation, dispersed among diverse political entities, all four patriarchates of the ancient Byzantine church, namely Alexandria, Jerusalem, Antioch, and Constantinople, were once again together, within the framework of the same (albeit Muslim) polity.[1] As the direct inheritor to the early

[1] Note that territorially, as well as in other respects, the Ottoman Empire was

Byzantine church, the Greek Orthodox church could not ignore the possibilities proposed by this reality. Particularly for the Greek Orthodox patriarchate of Constantinople, which claimed to be the most authoritative repository of authentic Byzantine heritage, this was a golden opportunity to lead a major move towards the revitalization of the great Byzantine church and the restoration of its past glory. Renewing contact with the other patriarchates and bringing them back into its sphere of influence represented the first stage of realizing the patriarchate of Constantinople's plan. The next stage, naturally, was to rejuvenate and strengthen their Hellenic-Byzantine orientation that had apparently languished during the many years of isolation and decline.[2]

The program of the restoration of the Byzantine church through "Hellenization" of the Greek Orthodox church was abetted not only by Ottoman expansion, but by the Ottoman preference to see in the ecumenical patriarch of Constantinople the head of the Greek Orthodox church in the Ottoman Empire.[3] Thus, as the Ottoman Empire expanded southward, the distinctively Greek-Hellenic patriarchate of Constantinople was at the beginning of the sixteenth century able to establish its supremacy, increase its influence and reinforce its authority over the other Greek Orthodox patriarchates. Among other things, the patriarchate of Constantinople could exercise direct control over the appointment of patriarchs and other prelates to man the hierarchies of those patriarchates. Consequently, the hierarchies of the Greek Orthodox church in Alexandria, Antioch, and Jerusalem became increasingly predominated by clerics of Greek descent.[4] In

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indeed viewed at the time as an Islamic reproduction of the Byzantine Empire. For a discussion of this concept and its bearings on the religious and cultural awakening of the Greek-Hellenic element in the *zimmi* population of the Ottoman Empire, see Runciman 1968: 360–83.

[2] Runciman 1968: 6, 8, 182, 378–9; Gibb and Bowen 1957: 234, 238; Wardi 1975: 388; Arnakis 1952: 244; Collin 1948: 59; Collin 1956: 35.

[3] Runciman 1968: 176–7, 379; Gibb and Bowen 1957: 224, 234; Collin 1956: 35; Colbi 1988: 81; Clogg 1982: 185–8.

[4] Runciman 1968: 176–7, 381; Gibb and Bowen 1957: 224–5, 234, 238; Bertram and Young 1926: 64–8. Note, however, that according to the internal code of the Greek Orthodox church, the patriarchate of Constantinople was to have no authority, be it moral or practical, over the other patriarchates. As all four patriarchates were formally autocephalous, the status of the patriarch of Constantinople was nominally that of "first among equals" in relation to the other patriarchs. His seniority, implied by the title "ecumenical", was to have an honorific rather than an hierarchical meaning. However, under the Ottomans, and due to the political realities created by them in the early sixteenth century, the patriarch of Constantinople

Jerusalem, where the patriarchate enjoyed distinctive status due to its association with the Holy Sites, the Greek influence emanating from Istanbul was all the more pronounced. Beginning in the sixteenth century, only patriarchs of Greek origin officiated in Jerusalem. Moreover, the entire hierarchy of the Jerusalem patriarchate was reorganized as a closed monastic order called after its early Byzantine antecessor—"The Brotherhood of the Holy Sepulchre". Only those who had been inculcated with the Byzantine tradition, had absorbed the values of Hellenic culture, and were of Greek origin, could become members of this regenerated order.[5]

The reorganization of the Jerusalem patriarchate as the "Brotherhood of the Holy Sepulchre" was a major step forward in the Greek Orthodox program to restore the Byzantine church. Work on the project was still incomplete, however, for one crucial detail—the Greek Orthodox inferiority in the Holy Sites—was completely incongruous with the Byzantine past which the Greek Orthodox church remembered and wished to restore. As noted, at the time of the Ottoman conquest most of the important shares at the Holy Sites were held by the Franciscan monks. A thousand years previously, the status of Jerusalem had been raised from that of a bishopric to that of a patriarchate with the specific intention of underscoring the fact that those sites belonged to the Byzantine church. Was it possible to nurture on the one hand aspiration to revitalize the Byzantine church and restore its past glory, while acquiescing on the other hand to the fact that the places most sacred to Christianity were held by another, or, even worse—a competing church? The answer given to this question by the heads of the Greek Orthodox church was unequivocal. After having accomplished the "re-Byzantinization" of the Jerusalem patriarchate, the Greek Orthodox church embarked

found himself in a position where he could wield effective power over the other patriarchs. Samples of Ottoman documents (copies of *berat*s and *der kenar*s from the registers of the imperial treasury) attesting to the direct involvement and dominance of the patriarch of Constantinople in the positioning of patriarchs in seventeenth-century Jerusalem, see Kepeci 2539: 97; Sijill 159: 45.

[5] Bertram and Young 1926: 68–70; Gibb and Bowen 1957: 225; Colbi 1988: 81–2; Collin 1948: 59–60; Collin 1956: 34–5; Tritonj 1925: 138–43; Wardi 1975: 388. "The Brotherhood of the Holy Sepulchre" was originally a small order of monks, apparently of Greek descent, who were assigned by Emperor Constantine I the task of guarding and attending to the Holy Sites. Invoking the memory of that historic institution was clearly indicative of the Greek Orthodox church's aspiration to revive its Byzantine past.

on an all-out struggle to revive the Byzantine rights over the Holy Sites.[6]

As the Greek Orthodox church proceeded to restore Byzantine ascendancy at the Holy Sites, it was only natural for the Franciscan monks to stand up in defense of the prominent place they had already won there as the representatives of the Roman Catholic church. Be that as it may, the Catholic church's policy with respect to the Holy Sites was not based solely on the need to counteract the intentions of the Greek Orthodox church. The Roman Catholic church had a very good reason of its own to embark on an effort to strengthen its hold on the Holy Sites and restore the paramount status it had had there during the time of the Crusades: At the same time as the Greek Orthodox church was intent upon revitalizing itself, the Roman Catholic church was making a parallel effort at renewal, in the attempt to recover from the Protestant schism. In trying to revive its status and prestige, the Catholic church conceived the idea of compensating itself in the East for what it had lost to the Reformation in the West. Missionary work was considered one of the best ways of achieving this goal. Thus, in 1622, Pope Gregory XV established the "Congregatio de Propaganda Fide" designed to coordinate and enhance activities to convert adherents of the Eastern-rite churches to Roman Catholicism.[7] It may be assumed that like the Greek Orthodox, the Roman Catholic church was aided by the fact that most of the population targeted for its program of renewal was by then concentrated within the borders of a single political entity. Well aware of this advantage, the Congregatio commissioned two monastic orders with the propagation of Roman Catholicism in the East. These were: the Jesuit order, which from its very inception devoted itself zealously to performing such tasks for the Roman Catholic church; and the Capuchin order which branched off from the Franciscans.[8]

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[6] Moschopoulos 1956: 160; Colbi 1988: 82; Collin 1948: 11–12, 60; Collin 1956: 27; Wardi 1975: 388.

[7] Frazee 1983: 69–70, 88–92; Gibb and Bowen 1957: 244; Masters 1988: 94–5; Vaughan 1954: 189–90.

[8] Frazee 1983: 73–4, 81–7; Vaughan 1954: 189–90. See in this context Ottoman *firman*s permitting Jesuit and Capuchin monks to move about freely in the Ottoman Empire and do their missionary work (on condition that this activity would not be done in public): "Mezbur siyahet edip memalik-i mahrusemde istedikleri yere varıp geldiklerinde taht-i hükümetinizde vaki küssab ve kurada sakin olan kefere taifesine kendi âyinleri üzere hafiyeten keniselerinde talim-i tarik-i batile edip" (Ecnebiye 26:

The Franciscan order itself was put in charge of expanding and strengthening the hold of the Roman Catholic church on the Holy Sites, to the point of acquiring full and exclusive control over them.[9]

Acquiring full and exclusive control over the places most revered by Christians all over the world complemented with the efforts of the Roman Catholic church to recover from the Protestant schism. Restoring Latin custody of the Holy Sites could indeed bolster the prestige of the Roman Catholic church and make its religious propaganda much more effective, which was exactly what the church needed for its missionary work. The "only" problem was that another church, an adversarial one, was seeking to achieve exactly the same goal. Acquiring full and exclusive control over the Holy Sites was, as just mentioned, a major element in the Greek Orthodox plan to restore the Byzantine church. Thus, in the early Ottoman period the two main churches of the Christian world found themselves on a collision course whose consequences continue to resound to this very day.

Things got even worse as the Armenian church joined the struggle over the Holy Sites as an active party. As was the case with the Greek Orthodox and the Roman Catholic churches, the sixteenth century was a period of change for the Armenian church also. By the sixteenth century, in a way similar to that experienced by the Greek Orthodox church, most of the important centers of the Armenian church were brought together within the Ottoman orbit. But unlike the Greek Orthodox case, the supreme religious leadership of the Armenian church remained outside of the Ottoman Empire.[10] Moreover, seated at Etchmiadzin, this religious leadership was located

38, 51; 28: 32). Quite expectedly, this activity was met by strong opposition on the part of the Greek Orthodox church: "Firenk taifesi Kuds-ü Şerif'e geldikte mezburların oğullarını izlâl ve kendi âyinlerine döndürüp vilayetlerine ve âhar-ı yerlere götürüp" (Patriarchate 68, 157; Kilise 9: 16–17; 10: 29). The impact of the Catholic mission according to Ottoman statistics for the district of Jerusalem in the late seventeenth century is discussed above, Chapter One, section B.

[9] Frazee 1983: 145–8.

[10] This draws attention to another important difference between the two churches: Whereas the Greek Orthodox church rejects the idea of a single spiritual leadership and holds all patriarchates, including that of Constantinople, as equally autocephalous, the Armenian church, its clergy and sees, are hierarchically subordinate to a spiritual head called Catholicos. For the Armenians, the Catholicos is supposed to have the same status and authority as does the Pope for the followers of the Roman Catholic church. See Janin 1922: 337, 340–1, 347–54; Fortescue 1913: 414–19, 427–32.

since the beginning of the seventeenth century within the territory of Iran—the Ottoman Empire's sworn enemy from the East. This situation, in which a sizable part of the *zimmi* population of the Ottoman Empire would seek guidance from a supreme religious authority located in a foreign (and later even a hostile) country, undoubtedly caused the Ottoman authorities much discomfort and concern. Seeking solution to this thorny problem, they hoped to find it in the Armenian patriarchate of Constantinople, which was established with their active encouragement shortly after the city had been conquered and declared the new capital of the Ottoman Empire. The Armenian patriarchate of Constantinople took over and replaced the ancient sees of the Armenian church in the south and east of Anatolia. It may be assumed that this step too was taken with the blessing, if not at the instigation, of the Ottoman authorities who hoped that the Armenian patriarchate of Constantinople would make an alternative to Etchmiadzin for the Armenian population of the Ottoman Empire. They therefore also invested the Armenian patriarch of Constantinople with a status similar (from their own perspective) to that of his Greek Orthodox counterpart.[11] In the second half of the seventeenth century, this policy bore fruits which were hardly those expected by the Ottomans themselves. The competition which had naturally started between the Armenian hierarchies of Constantinople and Etchmiadzin developed into a major rift within the Armenian church. Swayed by the internal crisis that tore their church apart, the Armenian population inside the Ottoman Empire split into two opposing camps, one that sided with the hierarchy of Constantinople and the other with that of Etchmiadzin.[12] A major bone of contention between the warring camps was the status and affiliation of the Armenian patriarchate of Jerusalem.

The Armenian patriarchate of Jerusalem enjoyed a unique and prominent position within the Armenian church. One obvious reason for this was the very fact of its emergence as a patriarchate secluded for centuries from the main body of the Armenian church. The second reason was, of course, its close association with the Holy

[11] Sanjian 1965: 100–1. Note that according to the internal code of the Armenian church, the patriarch of Constantinople was still nominally inferior to the Catholicos of Etchmiadzin.

[12] Sanjian 1965: 100–6.

Sites.[13] It is therefore not surprising that the Armenian patriarchate of Jerusalem played a significant role in the power struggles that took place in the second half of the seventeenth century within the Armenian church. Gaining control of the Jerusalem patriarchate would secure for one of the hierarchies, be it Constantinople or Etchmiadzin, a substantial edge over its adversary. The Jerusalem patriarchate, however, was not just a passive bone of contention between Constantinople and Etchmiadzin, but often took an active part in the struggle for preeminence within the Armenian church. Particularly outstanding in this respect was Bishop Eghiazar, who, as patriarch in Jerusalem (1666–1682 intermittently), managed to win the patriarchate of Constantinople as well. He then challenged the supremacy of the Armenian hierarchy of Etchmiadzin and declared himself the spiritual head (Catholicos) of all Armenians inside and outside of the Ottoman Empire.[14]

These developments undoubtedly disrupted the internal stability and unity of the Armenian church.[15] At the same time, however, they greatly contributed to increasing Jerusalem's importance to the Armenian church. Since this importance was about the Holy Sites, it was only natural that each of the parties to the conflict within the Armenian church would do its utmost to enhance the Armenian rights in these particular sites. It may be assumed that this trend reached its peak when Eghiazar tried to shift the Armenian Catholicosate from Etchmiadzin to Jerusalem. However, the Armenian church

[13] Sanjian 1965: 95–9, 103–7, 168–73.

[14] Sanjian 1965: 104–8; Ercan 1988: 27–8. This eventful chapter in the Armenian church history, during which the patriarchate of Jerusalem changed hands at least seven times between Eghiazar, on behalf of Constantinople, and Martiros and Astuatsatur for Etchmiadzin, is well represented in Ottoman documentation, due to the practice of Ottoman bureaucracy to monitor appointments of *zimmi*s to high-level church positions in the Ottoman Empire, and to issue official certificates (*nişan*) to the appointees. For copies of the relevant *nişan*s, see Kepeci 2539: 3, 3–4; Sijill 159: 138, 139, 140; 166: 431; 167: 198, 199; 176: 102; 182: 66–7, 188–9; 190: 166–8.

[15] Sanjian 1965: 103–9; Ercan 1988: 27–8. This instability persisted even after Eghiazar had left Jerusalem (in 1682) to be elected—ironically—as the Catholicos of Etchmiadzin. Between then and the end of the century, at least three patriarchs were replaced and removed from Jerusalem, due to intrigues originating in the Armenian hierarchy of Istanbul. For the petitions submitted to the Ottoman authorities to approve of these displacements, see Emiri-II. Mustafa 753, 15427. It is interesting to note that as much as the Ottoman context was propitious for the reunification and consolidation of the Greek Orthodox church, it was the opposite for the Armenian.

did not act in a vacuum. At the very same time as the Armenian church was trying to acquire a dominant place at the Holy Sites, two other—larger and stronger—churches were getting in the way, each striving to secure the same place for itself. A tripartite collision involving the Armenian, the Roman Catholic, and the Greek Orthodox churches was the inevitable result of this unusual set of circumstances.

The eruption of the inter-church struggle over the Holy Sites was the immediate result of a unique set of events that occurred at the beginning of the Ottoman period. It is highly doubtful whether the Ottomans themselves considered the possibility of such a crisis or even intended it to happen. At the same time, one must not forget that it was Ottoman expansion which set in motion the chain of events leading to that crisis. Inadvertent as the process may have been, the political realities created by the Ottomans at the beginning of the sixteenth century turned out to be the most congenial setting for the emergence of the Question of the Holy Sites as an open and violent conflict over the Holy Sites.

B. The Conflict: Main Issues and Progress in the Early Ottoman Period

1. *The Struggle for Possession of the Holy Sites*

The first move triggering the inter-church struggle over the Holy Sites was made in 1630, when Theophanes, the Greek Orthodox patriarch in Jerusalem (1608–1644), submitted documents to Sultan Murad IV allegedly proving that the privileged position claimed by the Greek Orthodox church with respect to the Holy Sites had been acknowledged and reaffirmed by the greatest leaders of Islam.[16] This event marks the initial formulation of the Holy Sites Question as it has come to be known in modern times. This is not to say that previously peace, harmony and close cooperation had marked the relations between the Christian churches at the Holy Sites. On the contrary, relations were strained and fraught with friction and discord. However, this unsettled situation did not go far beyond what

[16] Wardi 1975: 388–9; Collin 1948: 73–6. For a detailed treatment of these documents, see section C of this chapter.

could be generally seen and summarized as routine arguments among neighbors. The conflict then focused on problems typical of common holdings, such as arguable demarcation lines defining the proper shares held by the different churches; unauthorized trespassing by members of one church on areas belonging to another; attempts by some churches to acquire exclusive control over public areas; disagreement on repairs and renovations to the common property, and so forth.[17]

Common to all these controversies was the absence of any categorical call against the basic balance of rights held since Mamluk times by the different churches at the Holy Sites. Regardless of all the disputes on boundaries, shares and the like, from the point of view of principle the Christian churches at that stage seemed to have been reconciled to the actual division of rights over the Holy Sites in general, and to the Franciscan preeminence therein in particular. In 1583, for example, representatives of the Greek Orthodox patriarchate in Jerusalem complained that the Franciscan monks were taking advantage of their dominant place at the Holy Sites to obstruct Greek Orthodox worship at the Church of the Holy Sepulchre. At no point, however, did the complainants take exception to the fact that most of the important parts of the church, including the site of the Sepulchre itself, were under control of the Franciscans.[18] Moreover, from a *firman* issued in 1611, one learns that the Greek Orthodox and the Armenians had been arguing with the Franciscan monks for a long time over the Church of the Nativity. The issue had been discussed on numerous occasions at the *kadi*'s courts in Jerusalem and Damascus, where debate had centered on the opening and closing times of the doors to the Grotto; the number of candles members of the Armenian and the Greek Orthodox rites could place at the Manger; and the renovations the Franciscans intended to carry out in those parts of the church. Again, no objections were raised with respect to the fact that the Franciscans were the prime shareholders at the Church of the Nativity; the issue was never on the agenda at all.[19] It was only toward the mid-seventeenth century that

[17] Collin 1948: 51–2, 62–5, 69; Baldi 1954: 18–20, 137–8, 140–2, 150–1; Sanjian 1965: 176–7; Moschopoulos 1956: 171; Colbi 1988: 83–4; Castellani 1922: entries 93, 102, 123, 127, 133, 146, 164, 168, 174, 185, 232, 235, 252, 253, 256, 258, 259, 266, 267, 277, 278, 279, 284, 290.

[18] *Firman* dated Evail-i Receb 991 (21–30 July 1583), Patriarchate 11.

[19] *Firman* dated 3 Cemaziyelâhir 1020 (13 August 1611), Ecnebiye 13: 83.

one party—the Greek Orthodox church—challenged the status quo ante governing the division of rights to the Holy Sites, and proceeded to decisively tip the balance in its own favor.[20]

The Greek Orthodox attack on the status quo that had existed at the Holy Sites up to the early seventeenth century was therefore directed in the main against the Franciscan monks who enjoyed there a clear advantage over the other communities. At the Church of the Holy Sepulchre, in addition to those parts marked in Chart 3 as their undisputed holdings, the Franciscans also controlled most of what later became a contested area. Thus, by the early seventeenth century the Franciscan monks appear to have had exclusive control over the site of the Sepulchre itself, most of the Rotunda around it, the southern half of Golgotha (Chapel of Nailing to the Cross), the South Transept with the Stone of Unction, and the North Transept with the Virgin's Seven Arches. In the Church of the Nativity the Franciscans held the Grotto including the Altar of the Nativity and the Manger. They also had possession of the keys to the Grotto doors.[21] In short, the Franciscans controlled the sanctum sanctorum in both the Church of the Holy Sepulchre and the Church of the Nativity, which was exactly what ensured their preeminence at the Holy Sites. To gain possession of these very sites was therefore the major objective of the campaign the Greek Orthodox church embarked upon in 1630 in both Jerusalem and Bethlehem.

The first target marked by the Greek Orthodox church was the Grotto of the Nativity. At that early stage the Greek Orthodox must have felt it would be too presumptuous and hard to attempt wresting the site from the Franciscans in one decisive stroke. They therefore proceeded toward their goal cautiously and gradually.

[20] The change in the attitude of the Greek Orthodox church regarding its status in the Holy Sites is well reflected in the formal certificates the Ottoman authorities issued to those named as patriarchs on its behalf in Jerusalem. The certificate granted to Theophanes at the beginning of Murad IV's sultanate (1623–1640) is notably void of any reference at all to the issue of the Holy Sites. However, renewed on the occasion of Sultan İbrahim's accession (1640–1648), this certificate now included the claims the Greek Orthodox church had in the meantime defined in that matter. See the copies of these two *nişan*s, Sijill 114: 149–50; 131: 99–100. See also the *nişan* granted in 1645 to Theophanes' successor, Patriarch Paisios (1644–1660), in which the same claims are repeated even in more detail, Sijill 136: 30. Identical *nişan*s were also granted to Paisios' successors in the seventeenth century: Nectarinos (1661–1668) and Dositheos (1669–1707), Sijill 159: 45; 190: 19–21.

[21] Collin 1948: 69, 74, 77, 79; Baldi 1954: 19–20, 140–2; Moschopoulos 1956: 171; Castellani 1922: entries 302, 303, 306, 307, 308, 309, 310, 311, 322. Cf. Mühimme 78: 4; Ecnebiye 13: 83; Patriarchate 11.

In early 1632 the Greek Orthodox succeeded in cleaving the first substantial fissure in the wall of Franciscan exclusivity in the control of the Grotto of the Nativity. A *firman* of Sultan Murad ordered the Franciscans give the Greek Orthodox the key to one of the Grotto doors, arguing that this sacred site was meant to be under the joint custody of all the Christian churches represented in Jerusalem.[22] The Franciscans, however, stoutly defended their rights, and, backed by title deeds in hand as well as eye-witnesses in court, won a *firman* from the very same sultan reiterating their exclusive custody of the Grotto.[23] As Ottoman *firman*s were basically revocable, the blatant conflict between this *firman* and that just granted to the Greek Orthodox was legally irrelevant.

Over the next few years, the Greek Orthodox and the Franciscan monks continued to wrangle between themselves and to win conflicting *firman*s in response to conflicting demands. Meanwhile, the Greek Orthodox escalated their claims from joint custody to exclusive control, and rights to the Grotto with its keys passed from hand to hand at least four more times.[24] This process of course had a cumulative effect: Although the Franciscans managed time and again to recover their rights shortly after losing them to the Greek Orthodox, exclusive Franciscan control of the Grotto eventually ceased to be perceived as a sound and incontrovertible fact. On the contrary, the actual basis of this control eroded steadily due to the frequent transposition of rights between the contending parties. This trial of strength was finally decided in 1637 with the Greek Orthodox winning a

[22] *Firman* dated Evail-i Ramazan 1041 (22–31 March 1632), Sijill 114: 59–60.

[23] *Firman* dated Evahir-i Şevval 1041 (10–19 May 1632), the full text of which is reproduced in the minutes of a court hearing held in Jerusalem on 15 Receb 1042 (26 January 1633), Sijill 120: 247–55.

[24] This curious and telling affair in the history of the Holy Sites is echoed by the following documents:

a) *Firman* dated 18 Rebiyülevvel 1042 (2 October 1632), Sijill 120: 247–55, confirming the rights of the Greek Orthodox church not only to one but to all keys to the Grotto doors, thereby elevating the position of this church from joint to exclusive possession of the site.
b) Judicial ruling dated 15 Receb 1042 (26 January 1633), *ibid.*, reaffirming the Franciscan monks in full and exclusive control of the Grotto with its keys.
c) *Firman* dated Evasit-i Zilkade 1043 (9–18 May 1634), Kepeci 178: 21, restoring Greek Orthodox rights to the Grotto as defined in 2 October 1632.
d) *Firman* dated Evahir-i Şevval 1045 (28 March–6 April 1636), Castellani 1922: entry 322, restoring Franciscan rights to the Grotto as defined in 26 January 1633.

firman which was not immediately countermanded (as was the case in the past), and which gave them formal recognition as sole, full and unquestioned holders of the Grotto in Bethlehem.[25]

Taking over the most important part of the Church of the Nativity was but one objective in the Greek Orthodox program to secure their preeminence at the Holy Sites. Other, even more important targets were in the Church of the Holy Sepulchre. Therefore, a short while after embarking on their struggle for the Church of the Nativity, the Greek Orthodox did the same for the Church of the Holy Sepulchre; and, employing the same tactics as described above, they came very close to their aspired goal: In the same *firman* of 1637, the Greek Orthodox were recognized as having exclusive control over the Stone of Unction, the Chapel of Nailing to the Cross (in other words, the whole of Golgotha), and the Seven Arches of the Virgin.[26]

It is hard to overstate the achievements of the Greek Orthodox church. In a relatively brief period of seven to eight years they managed to overturn and direct in their favor a status quo that had been to their detriment for two hundred years. But their work could not be considered done as long as the jewel of the crown, the site of the Sepulchre itself and the Rotunda, remained in Franciscan hands. This time the Greek Orthodox had to conduct a long and relentless struggle, fraught with bloody incidents and endless legal debates, before they could gain control of these sacred sites. In late 1675, the Greek Orthodox accomplished this goal, receiving official confirmation in a *firman* by Sultan Mehmed IV (1648–1687), who ordered the removal of the Franciscan monks from the site of the Sepulchre and the Rotunda.[27] The Greek Orthodox victory was now complete. Parenthetically, three or four years previously the Greek Orthodox patriarchate of Jerusalem was also successful in restoring the practically derelict basilica of the Church of the Nativity, thereby

[25] *Firman* dated Evasit-i Cemaziyelevvel 1047 (1–10 October 1637), Kilise 10: 29.

[26] *Ibid*. This *firman* was endorsed by Murad's successor, Sultan İbrahim, who later granted a similar *firman* of his own to Theophanes' successor, Patriarch Paisios: *Firman* dated Evasit-i Şevval 1054 (10–19 December 1644), Kilise 10: 30–1. On 4 Muharrem 1056 (20 February 1646) this Paisios addressed the *Kadı* in Jerusalem asking him to register that *firman* in the *sijill*, Sijill 136: 32–3.

[27] *Firman* dated Evasit-i Receb 1086 (1–10 October 1675), Kilise 9: 16–7. Another copy, Sijill 176: 38–41. An account of the registration and implementation of that *firman*, dated 9 Zilkade 1086 (25 January 1676), see Sijill 178: 156–7.

adding another important asset to the sacred domains of the Greek Orthodox church, which further enhanced its prestige and newly-acquired seniority at the Holy Sites. The upheaval effected by the Greek Orthodox in the balance of rights pertaining to those sites is well reflected in the accounts of travelers who visited Palestine in the course of the seventeenth century. Having visited the Holy Sites in 1616, Pietro della Valle could tell his readers that the Franciscan monks "sono padroni principali del tutto."[28] Sixty years later Evliya Çelebi visited the same places but reached an entirely different conclusion: "Amma hüküm Rumlarındır."[29]

Thus, at the beginning of the last quarter of the seventeenth century the Greek Orthodox church succeeded in creating a perfect equivalence between its status at the Holy Sites and its standing as the oldest, biggest and most important church, not only in Jerusalem but in the Ottoman Empire at large. The Greek Orthodox could rely on this fact and preserve their primacy at the Holy Sites until nearly the end of the seventeenth century. The Franciscan monks, of course, made every possible effort to reverse the situation and retrieve whatever had been taken from them by the Greek Orthodox church. Between 1675 and 1690 the Franciscans moved repeatedly to present their case to the Imperial *divan* in Istanbul, but were summarily rejected each time.[30] In Jerusalem, the Franciscans strove, using various machinations, to establish facts favorable to themselves—even bribing local Ottoman functionaries to acquire their support—but their efforts were in vain.[31] As long as the rules of the struggle were determined by the power relations between the rival churches, the Greek Orthodox preeminence at the Holy Sites was to last.

It was only toward the end of the seventeenth century that the fortunes of the Greek Orthodox church took a turn for the worse. Fundamental changes then occurring in the balance of power between the Ottoman Empire and its European peers created a whole new situation for both the Empire and the churches vying for preeminence in the Holy Sites. Those changes and the way they affected

[28] Baldi 1954: 19.
[29] Evliya Çelebi 1935, 9: 491.
[30] *Firman* dated Evail-i Cemaziyelâhir 1099 (3–11 April 1688), Kilise 8: 28–30. The Franciscan appeals to the *divan* were made in 1682, 1684, and 1686.
[31] *Ibid.*

Ottoman policies on the Question of the Holy Sites are discussed at length in the fourth section of this chapter. At this point, it is sufficient to summarize their effect on the actual balance of rights over the Holy Sites. Taking advantage of the uneasy position the Ottoman Empire found itself in following the ill-fated siege of Vienna (1683), the Franciscan monks in Jerusalem made yet another attempt to reverse the status quo that had prevailed in the Holy Sites since 1675. This move, conveniently melded with the need the Ottomans felt by then to ingratiate themselves with France, caused the Ottoman government, in 1686, to appoint an official commission of inquiry into the causes of the dispute over the Holy Sites.[32] For the first time since 1675, the Franciscans were given a solid opportunity to assert their case before the Ottoman authorities. When the commission visited the Church of the Holy Sepulchre, the Franciscan monks could show its members to the actual places from which, they claimed, the Greek Orthodox had forced them out but a few decades previously. In the Church of the Nativity the Franciscans pointed to the recently-restored basilica, claiming that this site had previously been in their possession and use. Moreover, they complained, not only had the Greek Orthodox taken control of this edifice by force, but they had exploited the renovation works in order to block off all approaches that had previously led from the Franciscan monastery to the Grotto of the Nativity. As for the Grotto, the Franciscans noted that the Greek Orthodox had wrested it from Franciscan control even earlier. The commission put everything it heard in writing and had no difficulty in finding witnesses to swear to the truth of the Franciscan claims.[33] At that point the Greek Orthodox must have felt their fate was sealed, but for some reason the final report the commission sent back to Istanbul did not include any unequivocal conclusions nor recommendations to the case.[34]

The Greek Orthodox were able to enjoy an unexpected period of four more years of grace. When Süleyman II (1687–1691) rose

[32] *Firman* dated Evasit-i Cemaziyelevvel 1097 (5–14 April 1686), Sijill 182: 228. The commission was headed by Ali Ağa, a senior official at the service of the sultan palace in Istanbul. Its other members were the district governor of Jerusalem, the local *kadı*, his deputy and the court's chief scribe.

[33] For a detailed account of the commission's hearings, dated 18 Receb 1097 (10 June 1686), see Sijill 187: 417–8.

[34] Sijill 187: 419–20. The report sent to Istanbul was a concise version in Turkish of the Arabic text referred to in the previous note.

to the sultanate in Istanbul, they were able to acquire a *firman* from him in which he reaffirmed, as had his predecessors since Murad IV, all the facts the Greek Orthodox had established since 1637 in the Holy Sites.[35] But in Istanbul, a decision was finally reached concerning the 1686 commission of inquiry report, and the Greek Orthodox stood to forfeit all their recently-acquired possessions in the Holy Sites. Intervening for the first time in the system of inter-church possessions and shared religious rights, the Ottoman government ordered, in a *firman* of mid-April 1690, the restoration of the pre-1637 status quo in the Holy Sites.[36]

The Greek Orthodox church was forced by the Ottomans back to square one. Another seventy years would elapse before it would be able to retrieve (this time for good) its pre-1690 standing in the Holy Sites. But by that time the inter-church struggle over the Holy Sites became increasingly governed by new and different rules, determined for the most part outside of the Ottoman Empire.

In the second half of the seventeenth century, the Greek Orthodox drive for preeminence in the Holy Sites was challenged not only by the Franciscan order, but by the Armenian church. Specifically, while the Greek Orthodox were busy striving to upset the Franciscan primacy at the Church of the Holy Sepulchre, the Armenians of Jerusalem exploited the ensuing commotion to try and force their way into the Grotto of the Nativity. In a *firman* acquired from Sultan İbrahim (1640–1648), the Armenian church was acknowledged to have what might seem as possessionary rights over the disputed site. Among other things, the Armenians secured the right to place ritual lanterns, burn incense and hold public masses at the site of the Manger.[37] Unsurprisingly, the Greek Orthodox were not long in procuring a *firman* from the very same sultan confirming their exclusive control over the Grotto of the Nativity and nullifying whatever the Armenian attempt to establish a foothold there had actually yielded.[38]

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[35] *Firman* dated Evail-i Cemaziyelâhir 1099 (3–11 April 1688), Kilise 8: 28–30.

[36] *Firman* dated Evasit-i Receb 1101 (10–19 April 1690), Ecnebiye 27: 22–3. See also an account of putting this *firman* into effect, viz. the ejection of the Greek Orthodox from and the return of the Franciscan monks to the disputed sites, 20 Ramazan 1101 (27 June 1690), Sijill 192: 190–2.

[37] *Firman* dated Evail-i Şevval 1054 (1–9 December 1644) quoted in an Armenian appeal to the *Kadı* in Jerusalem to see to the enforcement of that *firman* and its registration in the *sijill*, 29 Safer 1055 (26 April 1645), Sijill 135: 397–8.

[38] *Firman* dated 1 Muharrem 1055 (27 February 1645) quoted in a Greek Orthodox

Ten years elapsed, and the Armenians resumed their struggle for the Grotto of the Nativity. The beginning seemed promising enough: *Firman*s coming from Istanbul recognized an Armenian takeover of one of the entrances to the Grotto.[39] But for the Armenians this was insufficient. Aspiring for more conquests of this kind, they managed to obtain the support of the Ottoman governor of Gaza and Ramle, who, as the father of the governor of Jerusalem, must have had a say in his son's affairs.[40] Buttressed by this support, the Armenians succeeded in forcing the Greek Orthodox to relinquish one third of the Grotto, including the site of the Manger, to the Armenian church.[41] Nevertheless, impressive as this achievement was, it did not last for long. The Greek Orthodox church had, after all, solid and objective advantages, such as decisive numerical superiority over its Christian rivals, an attribute that by its very nature was more durable and reliable than the fleeting support of any local member of the Ottoman administrative corps.

Thus, a few days after the Armenians of Jerusalem had managed to establish themselves in the Grotto of the Nativity, the Greek Orthodox were given a *firman* canceling everything and restoring the status quo ante.[42] The Armenians were vanquished twice in one decade, and each time for the very same reason. From then on, and until the end of the century, the Armenians made no attempt to undertake similar action. Apparently the local balance of power between them and the Greek Orthodox left them no room for illusions. As will be shown later, concurrent with its defeat for possession

appeal to the *Kadı* in Jerusalem to see to the enforcement of that *firman* and its registration in the *sijill*, 3 Cemaziyelevvel 1055 (27 June 1645), Sijill 135: 502–4.

[39] *Firman*s dated Evahir-i Zilkade 1066 (10–19 September 1656) and 3 Zilhicce 1066 (22 September 1656) quoted in an account of their implementation, 20 Rebiyülevvel 1067 (6 January 1657), Sijill 152: 71–2.

[40] On the family ties linking at that time the governors of the Ottoman administrative units in southern and central Palestine, or—in general terms—the formation of local interrelated dynasties in the governments of these parts, see Ze'evi 1996: 39 ff.

[41] *Firman* dated Evail-i Muharrem 1068 (9–18 October 1657), Kilise 10: 13–14. The *firman* was preceded by an agreement between the Armenian and the Greek Orthodox churches defining the new situation created at the Grotto. For the text of this agreement, dated 5 Rebiyülâhir 1067 (21 January 1657), see Sijill 152: 77. See also an account of the actual implementation of this agreement at the Grotto, 21 Rebiyülâhir 1067 (6 February 1657), Sijill 152: 89–90.

[42] *Firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3. See also the protocol of reading, authenticating, and registering that *firman* in the *sijill*, 29 Receb 1067 (13 May 1657), Sijill 152: 273.

of the Grotto, the Armenian church also lost to the Greek Orthodox the struggle for patronage over the lesser Christian churches.[43] The Armenians, however, were left with another field in which to maneuver, a field which seems to have been less affected by the power relations between the different churches: the rights of worship at the Holy Sites.

2. *The Struggle for Worship at the Holy Sites*

Worship, after all, was and is the main use of the Christian Holy Sites. Ottoman rulers had made a point of this as early as the sixteenth century, being repeatedly called in to pacify what could still be perceived as "disputes among neighbors" at the Holy Sites. "The Church of the Holy Sepulchre is supposed to be used as a place of prayer!"—it is stated in a *firman* issued on one of those occasions, as if to emphasize the message that the right of worship at the Holy Sites should supersede all differences among the Christian factions.[44] Less than a century later, what should have been the unquestioned right of every Christian to worship freely at the Holy Sites became a matter of controversy, a bone of contention between the various churches, each struggling to secure the rights of its own followers, to the exclusion of all others. The struggle for worship at the Holy Sites, like the struggle for their possession, became a major issue in the inter-church struggle for preeminence.

Indeed, in the context of the inter-church conflict over the Holy Sites, there seems to have been a close relationship between rights of possession and rights of worship. As the Christian factions themselves understood it, one of these rights led to the other—or necessarily derived from it. In other words, a denomination acquiring possession of a certain site tended to assume exclusive rights of worship there, and vice versa: a denomination acquiring rights to worship at a certain site was perceived as having rights of possession to it, or at least as intending to claim such rights in the near future. Therefore, the struggle for worship at the Holy Sites also involved a struggle for possession thereof, and a direct connection has always existed between the two. Thus, in the early seventeenth century,

[43] See below, subsection 3.

[44] "Bilfiil müstamel lis-salât Kumame nam kilise", *firman* dated Evail-i Receb 991 (21–30 July 1583), Patriarchate 11.

when the Greek Orthodox embarked on an active campaign against Franciscan control of the Grotto in Bethlehem, and even succeeded in acquiring the key to one of its doors, the Franciscans hastened to block their way through the second door, disrupting the rituals the Greek Orthodox used to hold there on important holidays. At Christmas-time, for example, the Greek Orthodox would ceremoniously circumambulate the Nativity site, entering the Grotto through one door and leaving through the other. Now, they complained, the Franciscan act of reprisal prevented them from doing so.[45] Some ten years later, as sole holders of the Grotto, the Greek Orthodox found themselves with the shoe on the other foot, making every effort to thwart an Armenian move which was ironically reminiscent of what they themselves earlier had done to the Franciscans. As noted, the Armenians tried, and for a time even succeeded, to establish a foothold at the Grotto. The claim (sustained by the Ottoman government) that the Armenian church had an ancient right to hold religious ceremonies at the Manger provided the basis for an Armenian attempt to gain possession of the site.[46]

As could be expected, these manipulations only succeeded in curtailing the freedom of worship at the Holy Sites: Any Christian church that permitted members of rival churches to perform their rituals in a place in its possession risked encroachment and eventual eviction. It is therefore not surprising that the escalation of the inter-church struggle for possession of the Holy Sites resulted in a proliferation of complaints about the difficulty of performing religious rites in them. In the summer of 1664, for example, in the midst of the Greek Orthodox endeavor to take the site of the Sepulchre away from the Franciscan monks, vociferous protests were heard from the Armenian patriarch in Jerusalem whose flock's access to worship at that hallowed place was abruptly barred by its beleaguered Franciscan attendants.[47] The price the Greek Orthodox had to pay understandably was higher: In a lawsuit brought before the *kadı* in Jerusalem

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[45] *Firman* dated Evail-i Ramazan 1041 (22–31 March 1632), Sijill 114: 60.

[46] *Firman* dated Evail-i Şevval 1054 (1–9 December 1644) quoted in an Armenian appeal to the *Kadı* in Jerusalem to see to the enforcement of that *firman* and its registration in the *sijill*, 29 Safer 1055 (26 April 1645), Sijill 135: 397–8.

[47] *Firman* dated Evahir-i Muharrem 1075 (14–23 August 1664), Sijill 159: 146. See also a similar lawsuit filed some years later by the Armenians of Jerusalem against the Franciscan monks, Evahir-i Şevval 1084 (29 January–6 February 1674), Sijill 174: 517.

and debated for three consecutive days, a group of Greek Orthodox monks testified that while standing quietly in prayer at the site of the Sepulchre, they fell victim to a ferocious Franciscan attack and were chased away beaten, bruised, and bleeding.[48]

A few years later, the site of the Sepulchre passed into Greek Orthodox hands, but that did nothing to improve the situation. To be sure, upon assuming the guardianship of the Holy Sepulchre, the Greek Orthodox patriarch had pledged in public and before the *kadı* and the governor of Jerusalem that no one, no matter what his denominational affiliation, would be barred from praying inside or near that sacred site.[49] Reality, of course, was different.[50] The situation deteriorated further when the Greek Orthodox began to feel insecure, having learned that the Ottoman government had established a commission of inquiry into the disputed control of certain holy sites. From a petition the Franciscans of Jerusalem sent to Istanbul in 1686, it emerges—not surprisingly—that the Greek Orthodox were violating all the promises they had made only a decade before, and were preventing adherents of the Roman Catholic church from holding their mass at the Sepulchre.[51] In Bethlehem things had reached such a pass that the Greek Orthodox obstructed even the reception the Franciscan monks would give every third year on the parvis of the Church of the Nativity when a new Father Custodian arrived from Europe.[52]

Such attempts to obstruct rival worship at the Holy Sites represented only one problem. Determining the followers of which church had the right of precedence in worship at these holy sites was another, for precedence in worship was construed by the various denominations as a clear manifestation of preeminence. Not surprisingly, debate

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[48] Court hearing recorded on 5–7 Safer 1082 (13–15 June 1671), Sijill 172: 71–2.

[49] *Firman* dated Evasit-i Receb 1086 (1–10 October 1675), Kilise 9: 16–7. Another copy, Sijill 176: 38–41. See, in particular, an account of the implementation and registration of that *firman* in the Sijill, 9 Zilkade 1086 (25 January 1676), Sijill 178: 156–7.

[50] See, for example, a lawsuit filed by the Armenians of Jerusalem against the Greek Orthodox monks, complaining that the latter no longer let the former circumambulate the Sepulchre and read the Holy Scriptures nearby during Armenian holidays, 21 Rebiyülâhir 1094 (19 April 1683), Sijill 185: 412–3.

[51] *Firman* dated 15 Cemaziyelâhir 1097 (9 May 1686), Sijill 182: 279. As remembered, the commission of inquiry into the question of the Holy Sites was announced in early April of the same year.

[52] *Firman* dated Evail-i Zilhicce 1100 (16–24 September 1689), Mühimme 98: 255.

on this issue arose mainly around the Sepulchre at Easter. Easter has always been the most important Christian holiday since it encapsulates the most fundamental of Christian traditions: the Crucifixion and the Resurrection. Hence, the Church of the Holy Sepulchre, which according to Christian tradition stands on the very site where those events took place, would be considered the most appropriate and inspiring place to celebrate Easter. Could any other place be more appropriate and inspiring for Easter worship than the Sepulchre itself where the greatest miracle of all had happened? In the second half of the seventeenth century, the question which church had the right of precedence in celebrating Easter at the site of the Sepulchre became one of the gravest points of discord between the Greek Orthodox and the Franciscan monks in Jerusalem.

Ostensibly, there was no reason for such a problem to have arisen at all. The Roman Catholic church celebrates Easter in accordance with the Gregorian calendar, while the Greek Orthodox uses the Julian. From 1582 to 1700 the Julian calendar lagged behind the Gregorian by ten days, which should have meant that the Roman Catholic and Greek Orthodox Easter celebrations fell on separate dates. In many cases, that was indeed so. But since this particular holiday is a "mobile" one—the exact date of which is determined anew each year after complex astronomical calculations—the Roman Catholic and the Greek Orthodox Easters did occasionally fall on the same day. To further complicate matters, if the difference was a full week, it also created a problem because then the Roman Catholic Easter fell precisely on the Greek Orthodox Palm Sunday. Therefore, the two churches were repeatedly confronted by the same baffling question: Which of them had the right, on such occasions, to be the first to perform its rituals at the site of the Sepulchre?

This was the question that busied the Muslim court in Jerusalem when it was summoned to adjudicate a dispute which had erupted in the spring of 1654 between the Greek Orthodox and the Franciscan monks. That year, the Latin Easter coincided with Palm Sunday of the Greek Orthodox rite. Unlike the Franciscans, who ordinarily commemorated Christ's entry into Jerusalem with outdoors processions, the Greek Orthodox would celebrate the event indoors, by circumambulating and praying at the site of the Sepulchre. But as just mentioned, in that particular year the Greek Palm Sunday coincided with the Latin Easter, which the Franciscans of Jerusalem would also commemorate by an indoors procession and prayers at the site of the Sepulchre. Each faction claimed the right to be the first to conduct its ceremonies there. The *kadı*, relying on Latin documents as well as on knowledgeable witnesses to the custom long prevailing in the Church of the Holy Sepulchre, ruled in favor of the Franciscans.[53] It may be assumed that the dispute over the right of precedence in worship at the site of the Sepulchre was conceived by the Greek Orthodox as part of their plan to wrest control of the place from the Franciscan monks. The Greek Orthodox continued to appeal to the court whenever their Palm Sunday and the Latin Easter celebrations overlapped, each time with the same results.[54] Unlike the struggle for possession of the Holy Sites, in the matter of ritual arrangements the Greek Orthodox found it hard to reverse a situation which had been hallowed by custom and acquired Ottoman support.

The coincidence of the Greek Orthodox and the Latin Easters was a different matter. For the former, the celebration of the Holy Fire was the most important and climactic component of the Easter ritual. In the course of this impressive ceremony the Greek Orthodox patriarch of Jerusalem would enter the Edicule of the Sepulchre and close the door behind himself. There he would cause flames to descend as if it were from on high and ignite the candles he held. Emerging quickly from the Edicule, each hand holding a bunch of glowing candles like a pair of torches, he would then light the candles held by the throngs of pilgrims who crowded into and around the Church of the Holy Sepulchre. The entire area would be instantly illuminated by countless flickering lights, this constituting the high point of the ritual that symbolized the miracle of the Resurrection and the triumph of Christianity. Ostensibly, there was nothing in this ceremony to start an inter-denominational controversy. For obvious reasons, the Holy Fire ceremony was held only after darkness had fallen. So if the Greek Orthodox had in any case to wait until after sundown, why should they have minded if the Franciscan monks conducted their Easter rituals first, as long as the latter finished before nightfall?

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[53] Court hearing registered on 9 Cemaziyelevvel 1064 (28 March 1654), Sijill 149: 113–4.

[54] See in this regard court hearings registered on 26 Şevval 1077 (21 April 1667), Sijill 167: 194; 12 Rebiyülâhir 1078 (1 October 1667), Sijill 168: 102; Evasit-i Cemaziyelâhir 1086 (1–10 September 1675), Sijill 178: 50–2.

This question was answered in the course of a stormy debate over this issue in the Muslim court of Jerusalem.[55] From the debate it emerges that the heads of the Greek Orthodox patriarchate were concerned over the possibility that the ceremony of the Holy Fire, particularly its miraculous aspect, would be stigmatized as a deceitful show. Therefore, to remove any doubt and endow the ceremony with the needed credibility, the Greek Orthodox patriarch in Jerusalem would invite on the morning of Easter eve a high-level Ottoman official to inspect the interior of the Sepulchre site and ascertain that everything inside was straightforward and proper. When the inspection was over, the door to the Edicule of the Sepulchre was locked, sealed and put under guard until it was time to open the ceremony. Thus, when the patriarch, equipped with unlit candles, entered the Edicule to await the miraculous fire, the audience would be assured that no flammable material had been placed inside surreptitiously, and that the Holy Fire was not a fraud. Under these circumstances it was quite clear why the Greek Orthodox were so adamantly opposed to the idea that the Franciscan monks should enter the site of the Sepulchre to conduct their Easter ritual first. For this would have rendered ineffective the above-described precautions, and definitely impaired the credibility and sanctity of the most important part of the Greek Orthodox Easter ceremonies.[56]

Ottoman documents regarding this problem suggest that the Greek Orthodox found a satisfactory solution, or at least won the sympathy of the Ottoman authorities who were willing to act in their favor.[57] But in the meantime, the Greek Orthodox faced another pressing problem concerning their Easter rituals, namely an Armenian demand to take an active and equal part in the Holy Fire ceremony. It appears that at the same time as the Armenian churchmen in Jerusalem were trying to gain possession of the Grotto of the Nativity, they were making a parallel effort to win the right to precede all the other Eastern-rite denominations in worship at the site of the Sepulchre. While unsuccessful with regard to the Church of the Nativity, they did much better at the Church of the Holy Sepulchre. Ottoman documents suggest that by the 1630s the Armenians had

[55] Court hearing registered on 18 Şaban 1106 (3 April 1695), Sijill 196: 405–6.

[56] *Ibid*. See also a concise version of the minutes of that court hearing rendered in Turkish prior to being sent to Istanbul, Sijill 196: 412.

[57] *Firman* dated Evail-i Şaban 1107 (6–14 March 1696), Sijill 197: 84–5.

won the right to precede, in fact to supplant the Greek Orthodox as leaders of the Holy Fire ceremony.[58] The Armenians turned out to be tough adversaries, the more so since they were able to produce local court decisions confirming their right of precedence, which the central government in Istanbul seemed willing to endorse. After years of fierce but indecisive conflict, the Greek Orthodox reached the conclusion that they had no choice but to seek a compromise. On the 5th of April, 1657, in the presence of the *kadı* of Jerusalem, representatives of both denominations came to an agreement which the Ottoman central authorities adopted with apparent satisfaction. According to the agreement, the Holy Fire ceremony was to be held on an equal basis by both communities in concert. The most important stipulation provided that on Easter eve the Armenian patriarch would accompany his Greek Orthodox peer into the Edicule of the Sepulchre and together with him work the miracle of the Holy Fire.[59]

An untrained observer might misconstrue this compromise voluntarily reached between two different and irreparably hostile churches as a model holding out hope that an overall solution to the Question of the Holy Sites was feasible. In actual fact, however, the Greek Orthodox had never renounced their claim to precedence in worship at the site of the Sepulchre, and would at times try to revoke their agreement with the Armenians.[60] While their efforts were unsuccessful and the agreement with the Armenians remained in existence, this fact should not be misinterpreted. In no way did this agreement mitigate the enmity between the two denominations. The same year in which this agreement was reached, the Greek Orthodox patriarch in Jerusalem managed to inflict a decisive defeat on his Armenian peer in the struggle waged between them on the issue of patronage over the lesser Eastern-rite churches. In that matter, the Greek Orthodox refused to negotiate or compromise.

[58] *Firman* dated Evail-i Safer 1044 (27 July–4 August 1634), Kepeci 178: 28. See also *firman* dated Evasit-i Safer 1044 (5–14 August 1634), Kilise 10: 9–11.

[59] Agreement deed dated 20 Cemaziyelâhir 1067 (5 April 1657), Sijill 152: 223.

[60] See, in this regard, *firman*s and protocols of court hearings registered between the years 1661–1697, Sijill 159: 39–40, 106; 162: 70; 197: 84–5, 297–9, 431. See in particular *firman* dated Evasit-i Receb 1131 (30 May–8 June 1719), *der kenar* of an undated petition by the Greek Orthodox patriarch in Jerusalem demanding to suspend Armenian participation in the Holy Fire ceremony, Cevdet-Adliye 1620.

3. *The Struggle for Patronage Over the Lesser Churches*

The struggle for possession of, and worship at, the Holy Sites was mainly the concern of those churches which could afford it, namely the Greek Orthodox, the Roman Catholic, and the Armenian. As to the other churches that possessed representation in these sacred sites, namely the Coptic, the Ethiopian and the Jacobite Syrian, they were too weak numerically and economically to actively participate in the struggle. What is more, these smaller churches became themselves an issue of contest and dispute between the larger ones in their struggle for preeminence in the Holy Sites. The adherents of the lesser Eastern-rite churches were a primary target for the Roman Catholic church's missionary activity. However, the main conflict over patronage of the Copts, Ethiopians and the Jacobite Syrians was waged between the Greek Orthodox and the Armenian churches. Both were sharply divided over the question of who had the right to patronize the lesser Eastern-rites churches and their possessions in Jerusalem.

Whether those smaller rites really needed the patronage of the greater churches of course was quite irrelevant to the dispute. More to the point was the fact that the church winning patronage over Copts, Ethiopians or Jacobite Syrians acquired extra prestige, buttressing its own standing in the Holy Sites. Indeed, a major church that bestowed (in fact, imposed) its patronage on a particular minor rite could expect to inherit the latter's possessions at the Holy Sites. Such was the case in 1654 when the Jacobite Syrian community in Jerusalem became inextricably entangled in debts and saw no alternative but to sell its rights in the Church of the Holy Sepulchre to its greater Monophysite sister, the Armenian church.[61] At about the same time, the Greek Orthodox church inherited all the rights abandoned by its lesser Orthodox offshoots, the Serbian and the Georgian communities, after both had fallen destitute and disappeared from Jerusalem.[62] Subsequently, both the Greek Orthodox and the Armenian hierarchies coveted the legacy of the plague-stricken Ethiopian community, and equally the assets of the Copts who seemed about to withdraw from Jerusalem.

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[61] Sale deed dated 27 Muharrem 1065 (7 December 1654), Sijill 149: 415–6.

[62] See, in this regard, protocols of court hearings registered between 1642–1645, Sijill 133: 115, 417; 134: 162–3, 270; 135: 506–7. See also *firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3.

The Ethiopian community owned quite an attractive estate at the Church of the Holy Sepulchre. It included St. Abraham Monastery, the Chapel of Derision and the Chapel of Christ's Prison.[63] Both the Armenian and the Greek Orthodox churches were eager to secure a hold on these particular sites. By virtue of its Monophysitic communion with the Ethiopian church, the Armenian church hierarchy in Jerusalem claimed to be the natural heir to this legacy.[64] Invoking their glorious Byzantine past, the Greek Orthodox adduced the counterclaim that the small Monophysite denominations, including the Ethiopians of Jerusalem, had, centuries before, been subordinate to the Byzantine, viz., the Greek Orthodox church. Therefore, the latter supposedly was entitled to inherit the Ethiopians' abandoned possessions.[65] Thus, from the practical question of who was to possess the Ethiopian legacy at the Holy Sites, an argument of principle arose between the Armenian and the Greek Orthodox church hierarchies concerning the right to patronize the lesser Eastern rites.

The Greek Orthodox patriarchate of Jerusalem initiated efforts to secure this right long before the withdrawal of the Ethiopians from the Holy Sites. Already in 1645, Patriarch Paisios, freshly installed, took pains to ensure that in his formal certificate of appointment the Ottoman government would place under his jurisdiction the Copts as well as the Orthodox (Greek, Serbian, and Georgian) communities in Jerusalem.[66] Four years later, when a new sultan in Istanbul extended the validity of that particular certificate, it added Jerusalem's Ethiopians to the list of Christian communities under the tutelage of the Greek Orthodox patriarchate.[67] Thus, by the summer of 1653, with all the Ethiopians of Jerusalem gone, Patriarch Paisios could avail himself of these certificates to win a local court decision allowing him to take possession of the Ethiopian legacy at the Holy Sites.[68] Implementation of the decision, however, was delayed pending judi-

[63] Court hearing registered on 17 Zilhicce 1065 (18 October 1655), Sijill 151: 9–10.

[64] *Firman* dated 23 Rebiyülâhir 1076 (2 November 1665), Kepeci 2539: 2.

[65] *Firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3.

[66] *Berat* dated 24 Cemaziyelevvel 1055 (18 July 1645), copied into the registers of Jerusalem's court on 4 Muharrem 1056 (20 February 1646), Sijill 136: 30.

[67] "Inna ṭā'ifat al-Ḥabash min tawābiʿ ṭā'ifat al-Rūm wa-innahum ya'tamirūn bi-amrihi wa-yanhūn bi-nahyihi wa-lahu wilāyat al-naẓar wal-taṣarruf ʿalayhim", *berat* dated 20 Şevval 1059 (27 October 1649), presented before the *kadı* in Jerusalem on 10 Cemaziyelâhir 1063 (8 May 1653), Sijill 147: 270.

[68] Court decision dated Receb 1063 (May–June 1653), Sijill 147: 323.

cial examination of the counterclaims advanced in this matter by Jerusalem's Armenian patriarchate.[69]

The Armenians, it transpired, were not sitting idle. Keeping abreast of their Greek Orthodox adversaries, they had made similar efforts to obtain the necessary documents, so as to ensure that when the time came, the Armenian church would be the one to inherit the Ethiopian property in Jerusalem. In 1653, Patriarch Astuatsatur appealed to the central government in Istanbul to formally affirm his tutelage over all the Monophysite communities and the places of religious importance held by the latter in and around the Holy Sites.[70] To corroborate his claim, the patriarch produced what appeared to be an old excerpt from the registers of the Ottoman treasury (*suret-i defter-i hazine*) recording taxes purportedly paid in 1518 by the Armenian patriarch in Jerusalem. The document (very likely a forgery) identified the taxpayer as a monk named Sarkis and titled Patriarch of all Armenians, Ethiopians, Copts and Jacobite Syrians in Jerusalem, Nablus and Bethlehem.[71] But that was not all. Again in 1653, Patriarch Astuatsatur, similar to his Greek Orthodox rival four years previously, found it necessary to introduce amendments to the formal certificate of appointment he had received from the Ottomans, so that its contents would meet the requirements of the struggle for the Ethiopian legacy in the Church of the Holy Sepulchre. Having missed the opportunity to do so in 1648, when a new sultan acceded to the throne in Istanbul, Astuatsatur pretended to have lost his old certificate and then applied for a new one. Unsurprisingly, the new certificate contained a fresh stipulation placing Jerusalem's Ethiopian, Coptic and Jacobite Syrian communities under the exclusive tutelage of the Armenian patriarch and giving him the right to inherit the abandoned properties of their deceased members.[72] Armed with these acknowledgments, Astuatsatur found little difficulty in procuring a *firman* confirming his right to take possession of the assets abandoned by the Ethiopian community in Jerusalem.[73] Implementation

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[69] *Firman* dated 6 Zilhicce 1064 (18 October 1654), Sijill 148: 21.

[70] "Bilfiil patrikliğime mütaallık kaza-ı mezbureye tabi Habeş ve Kübtü ve Süryan keferesinin kiliseleri ve sair-i keniseye mütaallık olan eşyaları ve Kumame içindeki kanadiller ve kenise ve taşrada olan deyr ve manastir hâlâ tarafımızdan zabt ve tasarruf oluna", *firman* dated 15 Ramazan 1063 (9 August 1653), Sijill 148: 83.

[71] *Suret-i defter-i hazine* dated 17 Şaban 1063 (13 July 1653), Kepeci 2539: 98. Another copy, Sijill 148: 52.

[72] *Berat* dated 18 Muharrem 1064 (9 December 1653), Sijill 148: 83.

[73] *Firman* dated Evasit-i Şevval 1064 (24 August–2 September 1654), Sijill 148: 52.

of the *firman*, however, was delayed due to the fact that, as noted above, the Greek Orthodox were simultaneously given exactly the same right.

What followed was an impasse; a no-win situation whose results did not differ substantially from the similar stalemate devised earlier by the Ottoman government during the initial stages of the struggle between the Franciscan and the Greek Orthodox monks over possession of the Holy Sites. As if governed by a fixed (and now already familiar) pattern, patronage over the lesser Christian rites, together with the ensuing prerogatives, changed hands several times before the matter was decided in favor of the stronger Greek Orthodox side. The Ottomans, it seems, left this conflict to be fought out and decided by the rival churches themselves. From relevant Ottoman documents it appears that the Armenians were the first to win, some time during 1655, the Ethiopian legacy. By the end of that year, however, the Greek Orthodox managed to wrest it from them.[74] A year later, the Armenians again tried to take possession of the former Ethiopian assets in Jerusalem. As noted earlier, at that time the governor of Gaza and Ramle aided them, so it is not surprising that the Armenians managed to repossess both the Ethiopian legacy at the Church of the Holy Sepulchre and the Manger in the Church of the Nativity.[75] But this victory was of short duration: At about the same time as the Armenians were evicted from the Grotto of the Nativity, they were also permanently dispossessed of the Ethiopian holdings in the Church of the Holy Sepulchre. In 1657 these holdings were transferred (this time permanently) to the possession of the Greek Orthodox church.[76]

Thus ended another dispute over one of the three main issues of the struggle for preeminence in the Holy Sites. The Greek Orthodox established permanent facts, but the Armenian church in Jerusalem never rescinded its claim to wielding exclusive patronage over the

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[74] Court ruling passed on 10 Zilhicce 1065 (11 October 1655), Sijill 151: 7–8. See also an account of the new facts established here by the Greek Orthodox, 17 Zilhicce 1065 (18 October 1655), Sijill 151: 9–10.

[75] *Firman*s dated Evahir-i Zilkade 1066 (10–19 September 1656) and 3 Zilhicce 1066 (22 September 1656) quoted in an account of their implementation, 20 Rebiyülevvel 1067 (6 January 1657), Sijill 152: 71–2.

[76] *Firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3. See also the protocol of reading, authenticating, and registering that *firman* in the *sijill*, 29 Receb 1067 (13 May 1657), Sijill 152: 273.

lesser Monophysite rites.[77] Dissension over this issue remained unabated, as did the perennial contention over the issues of possession and worship at the Holy Sites. The continuous escalation of these disputes forced the Ottoman government to give serious thought to the problems and consider the best possible response to what would be the most challenging aspect of the Question of the Holy Sites.

C. The Ottoman Response: General Considerations

To Western observers, Ottoman policy in the Question of the Holy Sites made little if any sense at all. It has already been noted here that in the eyes of many, the legal status of the Holy Sites was an erratic, haphazard matter subject largely to, and no more predictable than, the whims and moods of the reigning sultan. According to this concept, an attempt to analyze Ottoman policy on the inter-church struggle over the Holy Sites would seem even more futile and pointless. This conclusion is inferred from the following comment made by a European writer which typically precludes any probability for such a study to yield telling and meaningful results. "Getting amid those disputant and litigant [churches]", this writer cynically notes, the

> Sublime Porta aveva l'ària di burlarsi di tutti e d'incassare da tutti: ora dava ragione agli uni ora agli altri secondo chi pagasse di più; emanava firmani o berat contradittori, li annullava, li riproduceva con la màssima disinvoltura. Quando intervenivano gli ambasciatori sembrava persuadersi della legittimità dei latini, poi tornava a preferire i greci sia perchè propri sudditi sia perchè il Fanar era in miglior condizione per corròmpere i dignitari turchi. In conclusione questi ultimi ricevevano da tutti e accontentavano sempre il migliore offerente.[78]

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[77] See, for instance, *firman* dated 23 Rebiyülâhir 1076 (2 November 1665), Kepeci 2539: 2, reaffirming the Armenian patriarchate of Jerusalem in custody over the lesser Monophysite rites. This *firman*, however, had little practical significance, for it could not change the reality created in this matter by the Greek Orthodox church. In any case, this reality was eventually acknowledged by Istanbul, as suggested by a *firman* dated Evasit-i Cemaziyelevvel 1109 (25 November–3 December 1697), *der kenar* of an undated petition [1733], Cevdet-Adliye 5282. Moreover, in Evail-i Ramazan 1146 (5–14 February 1734) the Ottoman government deleted the *firman* of 1665 from the registers of the imperial *divan* (Hatt-ı Hümayun 88).

[78] Tritonj 1925: 157. For discussion of specific factors such as bribery and foreign pressures and their alluded to influence on Ottoman dealing with the Question of the Holy Sites, see the following section.

Such impression may admittedly be gained in view of the many and puzzling inconsistencies so glaringly evident in Ottoman handling of the inter-church crisis over the Holy Sites. Ostensibly confused policies, such as repeatedly granting, retracting, and then again restoring the rights of this or that church, or issuing contradictory *firman*s recognizing at once their all conflicting demands, indeed typified Ottoman policy in the Question of the Holy Sites. This might lead a scholar to drop the whole case and give up serious research, as it appears impossible to trace here any coherent patterns, or logical and distinctive trends on which conclusions could have been drawn. In other and more blatant words, Ottoman policy with respect to the inter-church struggle over the Holy Sites might look irrational and inconsistent to such extent that it could hardly be called a policy. And if it was not a policy, quite obviously, there is no point in trying to research it as such.

Historical facts can be adduced to corroborate this view, but that would miss the point. For in dealing with Ottoman response to the Question of the Holy Sites, it is necessary to take into account the broader Islamic context in which the Ottomans operated, and the decisive weight and formative power of the centuries-old heritage of Muslim domination over Christianity's holiest shrines. In other words, the Ottoman state's behavior on the issue could certainly have been a result of adherence to rooted Islamic notions conceived and established over centuries, long before the emergence of the Ottoman Empire. Hence, to better understand the Ottoman response to the inter-church struggle over the Holy Sites, it is necessary to consider the historical and the doctrinal grounds on which it probably rested. Only then can it be possible to answer the critical question: Was Ottoman conduct in the matter actually what it initially appeared to have been, an incoherent series of random, arbitrary, capricious and contradictory decisions, or was it quite the opposite, a carefully designed and calculated policy, which in view of its deeper premises would seem fairly rational, systematic, consistent and aiming at clearly defined goals? The answer to this question may provide one of the major keys to decoding Ottoman policy in the Question of the Holy Sites. The starting point to this answer would be trying to categorize the principles of Ottoman response to the three main issues of the inter-church conflict over the Holy Sites: The struggle for possession of the Holy Sites; the struggle for worship at the Holy Sites; and the struggle for patronage over the lesser churches.

1. *Deliberate Ambiguity in Matters of Possession and Patronage*

One of the most striking manifestations of Ottoman ambivalence regarding the inter-church struggle over the Holy Sites is the fact that none of the parties involved could actually use the Ottoman documents on hand as legally binding warrants of entitlement to the rights claimed. The obvious reason for this was that every such document "suffered" from one or both of the following flaws:

(a) Failure to provide a concrete, unequivocal and applicable definition of the specific rights it granted;
(b) The existence of a contradictory document conferring exactly the same rights on a rival party.

European statesmen and legal experts were puzzled by the very same problem when they later tried to define the "status quo" in the Holy Sites and soon discovered that drawing on old Ottoman documents possessed by the different churches would get them nowhere. In the words of two experienced observers:

> The Orthodox and Franciscan archives contain many firmans and *hojjets* (*i.e.*, decisions of the Sharia Court at Jerusalem) and other documents of this period which are quoted in support of their claims; they cannot, however, be considered of much value except as an indication of the nature of the struggle and of the profit that must have flowed into the coffers of the Turk.[79]

For:

> Not only Orthodox and Latins, but Armenians, Copts, Jacobites and Abyssinians have still their shares in the Holy Places; and, owing to the complexity of the shares, to the frequent absence of authoritative rulings, and to contradictory decisions given in the past, the *status quo* is often difficult to define.[80]

The Ottoman documents quoted by the different churches in support of their conflicting claims may indeed prove entirely worthless for statesmen or legal experts, but this does not apply to the historian who wishes to explore the hidden premises of the Ottoman position on the conflicts among these churches over the Holy Sites.

[79] Cust 1930: 8.
[80] *Op. cit.*, Introductory Note by H.C. Luke.

Perhaps one of the best examples illustrating this point is the way the Ottoman government treated the "old" patents of privileges forged and brandished by some of the rival churches as part of their struggle for preeminence in the Holy Sites. Striving to catch up with each other and drawing on the presumed commitment of Ottoman rule to Islamic and Ottoman heritage, to substantiate their claims some of the churches, particularly the Greek Orthodox and the Armenian hierarchies in Jerusalem, found it expedient to forge ancient deeds purportedly bestowed on them by some of the most illustrious figures in Muslim and Ottoman histories. These fictitious documents, generally attributed to Jerusalem's most renowned Islamic conquerors, "granted" their holders full recognition of their specific demands. When the struggle for the Holy Sites erupted, each party presented their respective "documents" before the Ottoman government in the hope that the latter would take them seriously, give them current validity, and endow the bearer with the rights they listed. The Ottoman government of the seventeenth century was expected to follow the example of Islam's past heroes and reaffirm the privileges they had purportedly granted; in other words—to confirm as authentic these contemporary Christian forgeries.

Thus, when the Greek Orthodox embarked on the struggle for preeminence in the Holy Sites, they could already produce three such inspiring documents in support of their claims. The first document was a charter of promises (*ahidname*) ostensibly granted to the Greek Orthodox church by the Caliph ʿUmar, the first Muslim conqueror of Jerusalem, and one of the most revered paragons in Islamic tradition.[81] The second document was an imperial decree (*firman*) attributed to Sultan Selim I, also a Muslim conqueror of Jerusalem, and one of the first and best regarded sultans in Ottoman history.[82] The third document, also a *firman*, was ascribed to Sultan Süleyman, an epitome of Ottoman past glory, who set the paradigm for subsequent sultans.[83] These three documents promised the Greek Orthodox church pride of place in the Holy Sites, including recognition of

[81] "ʿAhd ʿUmar" dated "20 Rabīʿ al-Awwal 15" ("2 May 636"), Kilise 8: 5. One should not confuse this "document" with another fiction sharing the same title but constituting, as noted in the previous chapter, a kind of codex defining the status of non-Muslims under Islamic law.

[82] "*Firman*" dated "923" ("1517"), Kilise 8: 7. Another copy, made in the early 1650s, Sijill 148: 60.

[83] "*Firman*" dated "Evasit-i Rebiyülevvel 933" ("16–25 December 1526"), Kilise 8: 8–9.

Greek Orthodox rights to the Sepulchre, Rotunda, Golgotha, Stone of Unction and the Virgin's Seven Arches in the Church of the Holy Sepulchre, as well as to the Grotto with its doors and keys in the Church of the Nativity. In addition, these documents acknowledged the custody of the Greek Orthodox patriarchate in Jerusalem over the lesser Eastern churches, including their religious properties and the legacies of their deceased adherents. Not surprisingly, the same documents also confirmed the right of the Greek Orthodox to precede the other churches in worship at the Holy Sites.

To confront this the Armenians, who never lagged behind the Greek Orthodox in concocting such devices, produced warrants of privileges (*nişan*) purportedly bestowed on them by these very same sultans.[84] These *nişan*s, which essentially contradicted the analogous documents held by the Greek Orthodox church, recognized Armenian rights to the Holy Sepulchre in Jerusalem, as well as to the Grotto of the Nativity in Bethlehem with the key to its northern door. In addition, these *nişan*s acknowledged the custody of the Armenian patriarchate in Jerusalem over the lesser Eastern churches, including their religious properties and the legacies of their deceased adherents. Not surprisingly, the same *nişan*s also confirmed the right of the Armenian patriarch to enter the Edicule of the Sepulchre on the occasion of celebrating the Holy Fire at Easter.

All the documents referred to above, whether Greek Orthodox or Armenian, are replete with so many factual inaccuracies, as well as historical, stylistic and textual anachronisms, that there can be no doubt as to their being fake.[85] In a word, the context reflected by these documents is unmistakably the seventeenth-century struggle among the Christian churches over the Holy Sites, and there is no conceivable way of associating them with the much earlier periods in which they were purportedly issued. These facts must have been noticed by the Ottoman authorities when they examined these unconvincing and incompetent creations of the forgers' art. In any event, when these documents were shown to the Ottoman government, it

[84] "*Nişan*"s dated "24 Şevval 923" ("9 November 1517") and "Evasit-i Rebiyülevvel 927" ("19–28 February 1521"), Kepeci 2539: 2, 102. Unlike the Greek Orthodox the Armenians did not produce their own version of "'Ahd 'Umar", but the "Nişans of Selim and Süleyman" refer to such "document" as the basis for their promulgation.

[85] For a thorough and quite convincing point-by-point analysis of all details betraying the inauthenticity and historical impossibility of these documents, see Collin 1948: 73–6.

appeared as if the latter had to choose one of the following three possible options:

(a) To declare the documents false and reject them all;
(b) To accept the documents of one party as authentic and reject the contradictory ones held by the other as false;
(c) To declare the documents of all valid regardless of the fact that they conflicted with each other.

It is not known how much, if at all, the Ottoman government wavered between these options; in the end, it seems, they chose to adopt them all.

The Ottoman government treated as valid the "ancient" documents produced by the Greek Orthodox church at the beginning of the struggle over the Holy Sites. In fact, these documents were specifically referred to as the main basis for the *firman*s the Ottoman government issued between 1637 and 1690 in confirmation of the facts the Greek Orthodox had established in these sites at the expense of the Franciscan monks.[86] This, however, did not prevent the same government from simultaneously recognizing the contradictory documents held by the Armenian church whenever the latter managed to appropriate some of the Greek Orthodox possessions.[87] Moreover, in the summer of 1653, at the height of the struggle between the Armenian and the Greek Orthodox churches over the Grotto of the Nativity and the patronage of the lesser Monophysite rites, the Ottoman government accepted as valid the dubious excerpts from the registers of the imperial treasury (*suret-i defter-i hazine*) produced separately by both sides to substantiate their respective claims. These excerpts which contained the main essence of "Sultan Selim's *firman*"—one in the Armenian version and the other in the Greek Orthodox—were recorded "anew", side by side, on the very same day (17 Şaban 1063/13 July 1653), in one of the ledgers of the Ottoman treasury, without any comment being made as to the blatant contradiction between the two.[88] However, some three and a half years later, when

[86] See above, notes 25, 26, 27, 35.
[87] See above, notes 37, 39, 70.
[88] Kepeci 2539: 97–8. These excerpts were copied into the ledgers of the *Piskopos Mukataası Kalemi*, the department specifically responsible for accounting the revenues accruing to the Ottoman treasury from the dues paid by senior *zimmi* churchmen against the *berat*s confirming them in office.

the conflict was finally decided in favor of the Greek Orthodox, the Ottoman government adjusted to the new state of affairs by declaring the Armenian documents false.[89] Eventually, the documents of the Greek Orthodox church were not spared a similar fate. In 1690, the Ottoman government's intervention in the inter-church struggle over the Holy Sites, and the restoration of Franciscan preeminence therein, necessarily entailed an official declaration that the Greek Orthodox documents were inauthentic after all. The "Ahidname of ʿUmar", as well as the "Firmans of Selim and Süleyman", which some fifty years earlier had been inspected, authenticated and approved by the *şeyhülislâm* and members of the imperial *divan*,[90] were now denounced as a counterfeit invention having no basis in reality.[91] Thus, the "old" documents of both the Greek Orthodox and the Armenian churches wound up being officially rejected as frauds. But not for long: In the mid-eighteenth century, the Greek Orthodox managed to restore their preeminence in the Holy Sites, which resulted in Ottoman re-acceptance of their discredited documents as genuine and valid.[92]

In view of the fact that the different versions of the "Firmans of Selim and Süleyman" were adopted by the Ottoman authorities and provided the basis for most of the *firman*s granted during the mid-seventeenth century confirming the rights of both the Greek Orthodox and the Armenian churches in the Holy Sites, it is not surprising that the consequences would indeed be frustrating from a legal point of view.[93] Quite so, for the Ottoman authorities appeared to make every effort to minimize the capacity of these documents to serve as legally binding precedents. This reduced the seventeenth-century *firman*s to some kind of formal statements merely describing and temporarily validating the changeable balance of rights prevailing in the

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[89] *Firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3.

[90] *Firman* dated Evasit-i Cemaziyelevvel 1047 (1–10 October 1637), Kilise 10: 29.

[91] "Amirülmüminin Hazret-i Ömer Binülhattab raziyallah anhu'ya nisbet eyledikleri ahdın aslı ve sıhhatı olmayıp muhtera ve mekzub olmağla", *firman* dated Evasit-i Receb 1101 (10–19 April 1690), Ecnebiye 27: 22–3.

[92] See, e.g., Hatt-ı Hümayun 88; Cevdet-Adliye 4375.

[93] See, e.g., the *berat*s issued during the seventeenth century to the patriarchs of both churches in Jerusalem, Kepeci 2539: 3–4; Sijill 131: 99–100; 136: 30; 148: 83; 159: 45, 139–140; 190: 19–21 and passim. These documents, echoing the substantial contradictions between the different versions of the "Firmans of Selim and Süleyman", are eloquent reflections of the dispute going at that time between the Armenian and the Greek Orthodox churches over the Holy Sites. They cannot, however, be taken for legal proofs of entitlement to any of the rights claimed.

Holy Sites at the moment the documents were issued. Thus, in 1675, when the Greek Orthodox managed to oust the Franciscan monks from the Holy Sepulchre, the latter's complaints and allegations to possess old Ottoman documents attesting to their rights to that particular site went unheeded by the imperial *divan*. The Franciscans were given on that occasion to understand that the only thing they could do to help advance their cause was to acquire a *new* document specifically nullifying the new state of affairs created by the Greek Orthodox in the Holy Sites.[94] But the likelihood of the Franciscans acquiring such a document was then practically nil, for until 1690 the Ottomans had no intention of intervening in the way the different churches would divide among themselves their rights to the Holy Sites. As long as the Ottomans could keep it, the status quo that prevailed at any given moment in the Holy Sites determined the substance of their relevant documents—not the other way round.[95] When the status quo changed, the documents describing and validating it changed as well, and the Ottoman government, while retaining full freedom of action, could always be in harmony with an ever changing reality. Moreover, in cases when this reality was overly ambiguous and equivocal, the Ottoman government would issue contradictory *firman*s simultaneously granting the same rights to each of the conflicting parties. The Ottoman government had no problem here: Every decision, as well as its negation, could always be solidly corroborated, ironically enough, by the same impressive deeds attributed to the past heroes of Islam, which the rival churches themselves were kind enough to furnish.

True, not all of the churches took part in this game. Unlike the *zimmi* churches, the Franciscan monks had no need of tricks such as forging old Muslim or Ottoman deeds to support claims to preeminence at the Holy Sites. Though not as good as preeminence, the

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[94] "İfrenc taifesine bu firman-ı Hümayunumu fesh eder muahhar tarihle elinizde bir temessüğünüz var ise ibraz eyleyin deyip", *firman* dated Evasit-i Receb 1086 (1–10 October 1675), Kilise 9: 16–7.

[95] See, for example, *firman* dated Evail-i Ramazan 1041 (22–31 March 1632), Sijill 114: 59. Prompting this *firman* was a Greek Orthodox appeal to have the key to one of the Grotto doors. In actual fact, however, the appeal was submitted to the Ottoman government *after* the Greek Orthodox had managed to wrest that key from the Franciscan monks. See on this case the minutes of a retrospective court hearing dated 15 Receb 1042 (26 January 1633), Sijill 120: 247–55. The requested *firman* meant to endorse, after the event, the facts already established by the Greek Orthodox church.

Franciscan presence in the Holy Sites was formally regulated and vouched for in writing as part of the Capitulations which, starting in the seventeenth century, the Ottomans granted to Venice and, even more readily, to France. Nevertheless, these diplomatic agreements, particularly the sections dealing with Franciscan rights with respect to the Holy Sites, could be numbered among the most glaring examples of deliberate Ottoman ambiguity regarding the controversial possessions of the various Christian denominations at these disputed shrines. In sharp contrast to other paragraphs in these diplomatic deeds, which set forth in great and precise detail the relations between the Ottoman Empire and a particular Catholic power, the sections dealing with the Franciscan holdings at the Holy Sites are shrouded in thick obscurity. Evidently, the only thing clear about these sections is their author's intention to make them as ambiguous as possible. These specific sections vouch for the Franciscans' presence in the Church of the Holy Sepulchre, but fail to particularize which of its parts would be theirs. As if to provide further explanation on that point, Ottoman Capitulations state in markedly vague terms that the Franciscan monks in Jerusalem have the right to "retain, as in the past, the same sites of pilgrimage that have been theirs until the present time."[96] Exactly what were those "sites of pilgrimage"? The Ottomans took care never to specify them. This very question was, after all, the subject of an open conflict raging between several Christian churches. Would it be judicious of a Muslim polity, which preferred to stay out of this fracas, to take sides and forfeit its freedom of action by dint of formal promissory deeds too unequivocally worded?

The Ottoman polity indeed seemed determined to avoid the implications of taking sides and to leave the matter up to the conflicting churches to decide which was to possess which parts of Christianity's holiest shrines. This, at any rate, seems to be the conclusion to be drawn from the manner in which the Ottoman authorities dealt with the forged warrants of privileges produced by the Greek Orthodox and the Armenian churches, as well as from the intentionally vague terms in which the Ottoman Capitulations refer to the religious rights of the Roman Catholic church in Jerusalem. Both cases secured the Ottoman government maximum maneuverability in dealing with the

[96] See the subsection titled "Diplomatic Accords with Christian Polities" in the previous chapter.

inter-church struggle over the Holy Sites. Which means that the Ottoman government could always justify changing its decisions as conditions at the Holy Sites changed. In this particular context, maneuverability was tantamount to neutrality, which to the Ottomans meant maintaining a constant harmony with a rather inconstant reality. Outwardly, the result might indeed look like an incoherent series of random, arbitrary, capricious and contradictory decisions. But for the Ottoman government, forced as it was "amid those disputant and litigant [churches]", deliberate ambiguity—the conscious avoidance of taking any stand in a highly sensitive but totally irrelevant conflict—was an elegant way out of a complex and quite unnecessary entanglement.

2. *Unequivocal Commitment to Matters of Worship*

As an Islamic polity making up part of the European state system, the Ottoman Empire was bound by both Islamic law and certain diplomatic contracts to safeguard the continuance and functioning of the Holy Sites as Christian places of worship. Since the ability to meet this obligation was not necessarily affected by the inter-church struggle over the possession of the Holy Sites, the Ottoman government saw no need to actively meddle in it. Nevertheless, the struggle over the possession of the Holy Sites was but one aspect of the inter-church vying for preeminence at these disputed shrines. Another aspect was the struggle for worship therein, and this issue would naturally have direct implications for the functioning of the Holy Sites as places of pilgrimage for all Christians regardless of their church. The Ottoman state's position with respect to the issue of worship at the Holy Sites was therefore less equivocal than its stand with regard to the issue of their possession. From the Ottoman point of view, the question as to which church possessed which site was altogether irrelevant. But if a certain church exploited its possession of a certain site so as to prevent adherents of another church from practicing their customary rituals there, the Ottoman government saw no alternative but to respond actively when asked to intervene. At stake was freedom of worship at the Holy Sites, a principle the Ottoman state took upon itself to preserve in the most explicit terms. The Church of the Holy Sepulchre and the Church of the Nativity were to be available for ritual use by all Christian denominations, the Ottoman government declared more than once, as if to account for the different ways it handled the different aspects of the inter-church struggle over the Holy Sites.[97]

The Armenian church at Jerusalem was probably best acquainted with the fact that the Ottoman government dealt differently with different aspects of the inter-church struggle over the Holy Sites. This impression is gained from the sharp contrast between the Armenians' success in acquiring equal status with the Greek Orthodox in celebrating Easter at the site of the Sepulchre, and their concurrent failure to take possession of the Grotto or wield patronage over the lesser Monophysite rites. As if to corroborate that impression, the Armenian church had an old *fetva* by the *şeyhülislâm* expressing in unreserved terms the depth of the Ottoman commitment to safeguarding the right of any Christian denomination to worship at the Holy Sites:

Illustrious *fetva* by Şeyhülislâm Esad Effendi
Former *müfti* at the Abode of the Sublime Sultandom

> The Armenian, Coptic, Syrian, and Ethiopian communities had been accustomed for many years to visit the Birthplace of our Lord Jesus, may he rest in peace, as well as St. Mary's Sepulchre, the Mount of Olives, and the Church of the Holy Sepulchre. Now, whilst conducting their rituals at the Church of the Holy Sepulchre in accordance with their superstitious practices, the Franciscan foreigners confront them saying: "You have no rights in these places; whereas hitherto we did not mind and care to drive you away, we do mind now and refuse to let you in." Nevertheless, the aforementioned communities had already established their right to visit and pray at those places by virtue of an Islamic court ruling and exalted sultanic decrees. What, then, would be done to the Franciscans if they acted in opposition to these and violated the established custom?
>
> The answer of the referred to *şeyhülislâm*: They are to be severely beaten until they change their mind.
>
> Written by poor Esad may his sins be forgiven.[98]

[97] See above, note 44. See also the preamble of a balance sheet auditing taxes paid by pilgrims to the Church of the Holy Sepulchre: "al-kanīsa al-kabīra al-musammāa bil-Qumāma al-muʿadda li-ʿibādat jamīʿ ṭawāʾif al-naṣārā", 19 Cemaziyelevvel 1067 (5 March 1657), Sijill 152: 626.

[98] The *fetva* of Şeyhülislâm Esad Effendi (1570–1625) is quoted in a lawsuit filed by Jerusalem's Armenians against the Greek Orthodox who like their Franciscan predecessors had allegedly obstructed Armenian worship at the Grotto of the Nativity, 29 Safer 1055 (26 April 1645), Sijill 135: 397–8.

This kind of backing by the highest echelon of Ottoman law makes it eminently clear why throughout the seventeenth century the Greek Orthodox patriarch in Jerusalem failed to free himself of the need to share the Holy Fire with his Armenian peer. But this formal support by the Ottoman authorities disappeared when the Armenian or any other church tried to exploit it as a leverage in the struggle for possession of the Holy Sites or for any purpose other than securing the right to worship in them. For, unlike the conflicting churches, the Ottomans differentiated the issue of worship from the issue of possession as they pertained to the Question of the Holy Sites. While the Ottoman government took it to be its duty to safeguard the right of every Christian to worship at the Holy Sites, the conflicting claims to their possession were not regarded worthy of the same consideration. It is therefore understandable why the Armenians of Jerusalem fell short of establishing a hold on the Grotto of the Nativity after they had succeeded in gaining access to it for ritual purposes. Their claim of the right to worship at the Grotto won Ottoman support. But when the Armenians tried, on the basis of this support, to take possession of the site, they were suddenly abandoned, and the Greek Orthodox, by far more numerous and stronger, managed to drive them out rather easily and quickly.

The Ottomans kept this distinction between worship and possession when they sided with the Franciscan claim to precedence in celebrating Easter at the Church of the Holy Sepulchre, even when it coincided with the Greek Orthodox Palm Sunday. The Greek Orthodox' repeated attempts to reverse that decision all ended in failure. But when the Franciscan monks tried on one occasion to combine defense of their recognized rights to worship at the Church of the Holy Sepulchre with a demand to repossess the Stone of Unction, the Ottoman authorities simply refused to consider the latter issue which to them was totally irrelevant.[99] Later, the Greek Orthodox capture of the site of the Sepulchre provided the Ottoman authorities with another opportunity to state their commitment to matters of worship at the Holy Sites. As mentioned earlier, the Greek Orthodox patriarch in Jerusalem was then enjoined to solemnly vouch for the accessibility of the Sepulchre site to the worship of all other

[99] Court ruling dated Evasit-i Cemaziyelâhir 1086 (1–10 September 1675), Sijill 178: 50–2.

denominations. When the patriarch tried to renege on his pledge, he referred to the fact that the *firman* affirming his custody of the Sepulchre site clearly stipulated that the other denominations might worship at that place "with the consent and permission of the Greek Orthodox patriarch."[100] The Ottoman government replied with another *firman* explaining in clear and unequivocal terms that the above-mentioned formality was no more than a ceremonial token in recognition of Greek Orthodox custody of the Sepulchre site, and that granting or withholding permission to anyone wishing to worship there was in no way left to the discretion of the Greek Orthodox patriarch. In other words: Should anyone approach the patriarch and "seek permission" to pray at the Sepulchre site, there was nothing he could do but respond favorably.[101]

For the Ottoman government did not really care which denomination, "whether Roman or Greek, should be in possession of the sites which they consider holy."[102] That, of course, as long as everybody's rights to worship there were vouched for and honored.

D. The Ottoman Response: Specific Motivations

The systematic distinction between matters of worship and matters of possession is by itself prima facie evidence that Ottoman response to the inter-church struggle over the Holy Sites was not wholly random, arbitrary, capricious and irrational, as many observers, including some serious scholars, contend. Moreover, focusing on the Ottoman position on the issue of worship at the Holy Sites reveals a policy that would readily be judged as coherent, systematic, balanced and having a clearly defined (if not actually laudable) objective. A definite policy points to definite motivations, and it seems unquestionable that the Ottoman state considered it an integral part of its Islamic and diplomatic duties to safeguard the continuance and functioning of the Holy Sites as centers for Christian worship and pilgrimage. The Ottoman government was therefore determined to prevent any

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[100] "Sair-i Nasara taifesi dahi Rum patriği izni ve marifetiyle girip âyinleri icra", *firman* dated Evasit-i Receb 1086 (1–10 October 1675), Kilise 9: 16–7.

[101] *Firman* dated 15 Cemaziyelâhir 1097 (9 May 1686), Sijill 182: 279.

[102] "Ziyaretgâh add eyledikleri mahalların tasarrufu gerek İfrenc ve gerek Rum taifesinde iken", *firman* dated Şaban 1107 (March-April 1696) quoted in a Turkish abstract of a court hearing dated 21 Zilkade 1107 (22 June 1696), Sijill 197: 84–5.

disruption of the ritual activities regularly practiced at these particular sites. In contrast, the Ottoman government renounced all responsibility for and commitment to solving the inter-church controversy over the possession of the Holy Sites. Nevertheless, it would seem that Ottoman policy on that issue was also guided by fairly rational and intelligible principles. Chief among them was the basic reluctance of the Ottoman state, being an Islamic polity, to take sides in an intra-Christian controversy. This may account for the deliberate Ottoman ambiguity regarding the inter-church struggle over the possession of the Holy Sites. But more often than not, ambiguity is just a cover for ulterior motives which are difficult to assess. On the surface, the Christian hierarchies in Jerusalem would themselves determine their respective possessions at the Holy Sites, with the Ottoman government in Istanbul satisfied with simply issuing *firman*s describing and tentatively affirming the situation prevailing at these sites at any particular time. But did the Ottomans really stay out and refrain from covertly influencing the changing situation at the Holy Sites? Or, to put it differently, did their very avoidance of taking an explicit stand in the conflict render their handling of it susceptible of extraneous influences? Following is an attempt to answer these questions by examining some specific factors that might (or not) have affected the Ottoman response to the inter-church struggle over the possession of the Holy Sites.

1. *Bribes and Payoffs*

The prevalent notion that bribery was the fuel that kept the Ottoman state machinery going stands at the core of the Western approach in explaining the apparent inconsistency of the Ottoman stance in the conflict between the Christian churches over the possession of the Holy Sites. This approach is based on simple logic: The Ottoman sultan, who assumed for himself the ultimate ownership of the Holy Sites, would bestow their possession to whichever church bid him the highest bribe. But since a higher bidder would always appear, possession of the Holy Sites was repeatedly transferred.[103] Western literature also proposes psychological diagnoses to interpret Ottoman

[103] See, e.g., Parkes 1949: 164–5; Baldi 1954: 26–7; Moschopoulos 1956: 158; Collin 1948: 57–8, 68; Wardi 1975: 389. See also quotations from Tritonj's and Cust's works at the beginning of the previous section.

behavior on the Question of the Holy Sites as an innate function of the Turks' avaricious nature. "Sono i Turchi avidissimi del denaro, in tanto che con quello sono pronti a far ogni sorta di tristizia, e con quello si può sperare d'ottener da loro ogni cosa", the Venetian ambassador to Istanbul communicated home in 1585.[104] Based on such prejudices, it is only natural for some European writers to contend that insatiable Turkish greed and Ottoman readiness to auction off everything, including historical rights, were the primal cause for the emergence of the Question of the Holy Sites:

> Alors que sous la domination arabe et mamelouke regnait habituellement une certaine paix pour les Lieux-Saints, avec la domination turque il y a cette aggravation que le pouvoir est devenu discrétionnaire au mépris de tout droit, influencé par la ruse et l'argent. On saisit combien cette solution ottomane ne fait qu'empirer la situation des Lieux-Saints. Toute l'histoire de cette période, avec ses complications inévitables, le démontre jusqu'à l'évidence.[105]

In keeping with this line of reasoning, European authors hold that Ottoman rule not only ignited the inter-church struggle over the Holy Sites, but proceeded to fan the flames and further incite the rival denominations against each other, because keeping the conflict alive ensured a steady flow of bribes and payoffs from the rival parties to the sultan's purse in Istanbul.[106]

This explanation of Ottoman position in the inter-church struggle over the Holy Sites seems so simplistic, untenable and prejudiced, that one would deem it pointless to reason with it at all. Nevertheless, it is impossible to evade the real and yet unsolved questions that the above allegations raise: Did the competing churches routinely try to bribe the Ottoman authorities in the hope of winning rights to the Holy Sites? To what extent did bribery slant the decisions of the Ottoman government regarding the rights of the different churches at the Holy Sites? Did the Ottoman authorities intentionally act to perpetuate the inter-church conflict over the Holy Sites in anticipation of bribes from the quarreling sides? In short, can it be said that bribery was indeed a major and decisive factor motivating Ottoman policy in the Question of the Holy Sites?

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[104] Quoted in Baldi 1954: 26.
[105] Collin 1956: 38.
[106] Parkes 1949: 164; Frazee 1983: 215; Sanjian 1965: 178, 202; Collin 1948: 58.

The answer to the first question would seem to be in the affirmative. The Christian church hierarchies not only accused each other of bribing Ottoman officials, but each confessed to having made extensive use of bribery to its own advantage.[107] Indeed, in most of the Ottoman documents quoted in the second part of this chapter, each faction claims that its rights were purloined through graft ("*akçe küvvetiyle*") or similar machinations by the other contenders for preeminence at the Holy Sites. There is no reason to dismiss these allegations as altogether false. Bribery has always been a common aspect of the relationship between rulers and ruled, and not unique to the inter-church struggle over the Holy Sites, nor to the Ottoman Empire.[108]

The question as to how this phenomenon affected the discretion of the Ottoman authorities is another and far more complex matter. The trouble begins with the fact that most of the incidents of bribe-taking registered by the Ottoman documents on hand refer to the local representatives of Ottoman rule, which might give the impression that bribe-taking by Ottoman officials was essentially a local problem. Implausible as this impression may seem, it is still hard to tell how these incidents of bribe-taking affected the decisions of the central government in Istanbul. Evidence clearly shows that each of the Christian hierarchies fighting for preeminence at the Holy Sites would bribe local Ottoman officials—mainly governors and *kadı*s stationed in Jerusalem—in the hope of gaining their support.[109] Such support would undoubtedly have lent extra leverage to the claims that each church placed on the possession of the Holy Sites. But if this had any effect at all on the *firman*s issued with respect to the Christian possessions at the Holy Sites, it was probably marginal, because the beneficiaries from the bribes were apparently not the central government in Istanbul but its local representatives in Jerusalem.

Nevertheless, Christian sources record three specific cases in which a bribe was ostensibly paid directly to the central government in Istanbul:[110]

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[107] Collin 1948: 75–9; Moschopoulos 1956: 158; Sanjian 1965: 207, 210.
[108] Mumcu 1985: 83–181.
[109] See, for example, a typical complaint by the Greek Orthodox against the Franciscan monks: "İfrenc taifesi sonrada hile edip hâkimülvilayet olanlar ile yekdil olup bu tarikiyle zikrolunan mevazii cümle-i tevabii ve levahığı ile tegellüben zabt edip", *firman* dated Evasit-i Zilkade 1043 (9–18 May 1634), Kepeci 178: 21. Cf. Sanjian 1965: 210; Moschopoulos 1956: 158.
[110] Collin 1948: 75–9; Wardi 1975: 389.

(a) In 1634, when the Greek Orthodox managed to divest the Franciscan monks of their rights to the Grotto for the second time, they paid 40,000 gold coins for the *firman* confirming Greek Orthodox possession of the site;
(b) In 1636, when the Franciscan monks succeeded in reassuming control of the Grotto, they paid 26,000 *guruş* for the *firman* recognizing this change of circumstances;
(c) In 1637, when the Grotto was repossessed by the Greek Orthodox church, its leadership undertook to pay 1,000 *guruş riyal* per annum towards the upkeep of the famous Sultanahmet Mosque in Istanbul.[111]

Are not these cases enough proof that the Ottoman government would indeed change its rulings erratically, "secondo chi pagasse di più"?

The first two of these cases cannot be discussed on the basis of Ottoman official records since the available Ottoman documents are totally silent about them. There is ample reference to the third case, however, and the information available makes it possible to investigate the matter and weigh its significance. Ottoman documents confirm that in 1637 the Greek Orthodox church had indeed accepted to pay an annual sum of 1,000 *guruş riyal* to the imperial endowment of the Sultanahmet Mosque in Istanbul. Before jumping into any conclusions, it would be only fair to ask: Was this payment really a bribe? And, whatever the case, was *that* what motivated the Ottoman government to confirm the Greek Orthodox church in possession of a highly disputed shrine?

From relevant Ottoman documents (and the fact that such documents do exist at all) it emerges that neither the Greek Orthodox church which made the proposal nor the Ottoman authorities who accepted it viewed this annual payment for the benefit of the Sultanahmet Mosque as bribery in the accepted (and immoral) sense of the term. Unlike ordinary bribes, destined by definition for the

[111] Collin (1948: 83) erroneously associates this undertaking with the Greek Orthodox capture of the Sepulchre site in 1675. Ottoman documents suggest, however, that the Greek Orthodox started the yearly payments to the Sultanahmet Mosque in Istanbul as early as 1634, upon assuming possession of the Grotto. See, in this regard, *firman* dated Evasit-i Zilkade 1043 (9–18 May 1634), Kepeci 178: 21. Thus, in 1637 the Greek Orthodox were simply resuming what they had started some three years before.

private pockets of office-holders and paid in utmost secrecy, the Greek Orthodox church channeled the money to the upkeep of a very famous mosque, and made every effort to advertise this fact and take full credit for it. After all, the whole point of this annual payment was for it to become a part of the Ottoman official record. Ottoman records of the special contribution to the Sultanahmet Mosque in Istanbul could thence be added to the other documents which the Greek Orthodox would use to support their claims to the Holy Sites: the "Ahidname of 'Umar", the "Firmans of Selim and Süleyman", and all subsequent *firman*s issued on the basis thereof by seventeenth-century sultans, from Murad to Süleyman. A *firman* issued in 1637 by Sultan Murad IV confirming the Greek Orthodox possession of the Grotto furnishes a good example of this point:

> It is hereby confirmed, on the basis of the valid documents [they have], that the sites referred to and their keys belong to the Greek Orthodox infidels, and an order to that effect has been granted to them. This is in addition to the fact that they pay one thousand *guruş riyal* yearly for the benefit of the illustrious mosque of my late father, Sultan Ahmed Han, may his lot be peace and compassion.[112]

So, as opposed to a bribe, the yearly payment for the Sultanahmet Mosque in Istanbul was a kind of annually renewed attestation to the payer's right of possession of the Nativity site in Bethlehem. Moreover, by associating the payment with a pious foundation which, according to Islamic law, should last forever, the Greek Orthodox church must have meant to make the Ottoman authorities committed to securing this right until the end of time. That being the case, could one conceive of a more becoming and auspicious choice than the imperial endowment of a mosque so important, lofty, admirable and close, mentally as physically, to the hearts of the Ottoman sultans in the palace just across the square?

To call this bribery would be oversimplifying a complex matter, if not missing the whole point. But, clever as it may have been, this Greek Orthodox maneuver was doomed to failure because it conflicted with one of the most guarded principles of Ottoman policy in the Question of the Holy Sites, viz., the avoidance of any commitment

[112] *Firman* dated Evasit-i Cemaziyelevvel 1047 (1–10 October 1637), Kilise 10: 29. See also *firman* dated Evahir-i Rebiyülâhir 1067 (6–15 February 1657), Kilise 10: 11–3.

to safeguarding the possessions of one church at the expense of another. The Greek Orthodox would insistently claim that their financial undertaking towards the Sultanahmet Mosque derived from, and was an integral part of, their possession of the Grotto.[113] The Ottoman government, though, viewed the matter differently. Rather than falling into the Greek Orthodox trap, the Ottoman government pointed to taxable land possessed by the Greek Orthodox church in Bethlehem as being the actual source of the sum paid annually to the imperial endowment of the Sultanahmet Mosque in Istanbul. In other words, the 1,000 *guruş riyal* were merely part of the tithes the Greek Orthodox church had in any case to pay yearly to the Ottoman state treasury. That being the case, the mere allocation of that part of the public revenue to the upkeep of an imperial mosque did not obligate the Ottoman state to anything beyond fulfilling its normal responsibilities to its loyal tax-paying subjects. The same message could be conveyed in negative terms: Had the Greek Orthodox church been recalcitrant with respect to paying taxes, its status might well have been adversely affected, and, among other things, its rights to the Holy Sites might have been compromised.[114] The Ottoman government thus managed simultaneously to maneuver the Greek Orthodox into their own pitfall and to make off with the bait. From 1637 onward, the imperial endowment of the Sultanahmet Mosque was assured an extra income of 1,000 *guruş riyal* per year, which the Ottoman government was under no obligation to repay. Therefore, even if the money was a bribe in the broadest sense of the word, it is hard to see how the Greek Orthodox could have used it to influence Ottoman policy on the Question of the Holy Sites.

Nevertheless, the Greek Orthodox managed to maintain their hold on the Grotto for more than 50 years, and they might have kept it

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[113] Court hearing registered on 3 Cemaziyelevvel 1055 (27 June 1645), Sijill 135: 502–4.

[114] See, for example, *firman* dated Evasit-i Şevval 1054 (10–19 December 1644), Kilise 10: 30–1: "Rum keferesi taifesinin patriği olanlara mahsus tasarruf ettikleri bağçe ve zeytin ve sair-i eşcar-ı müsmire ve arazinin âşar-ı şeriye mükâbelesinde babam-ı merhum müşarileyhin zikrolunan imaret-i amireleri masrafiçin her sene canib-i vakfa bin guruş verip ziyade ve noksan olmamak şartıyle kadimden olageldiği üzere zabt ve tasarruf ettirilip." See also *firman* dated Evasit-i Receb 1083 (2–11 November 1672), Şikayet 7: 166: "Kuds-ü Şerifte vaki Hazret-i İsa aleyhissalât vesselamın Beytüllahım demekle maruf doğduğu mahallın kurbında olan kilise mahsulundan senede merhum ve mağfurlehi ceddim Sultan Ahmed-i Han tabasarahu vakfina bin guruş tayin olunub."

even longer, had the Ottoman government not forced them to relinquish it in 1690 in favor of the Franciscan monks. Does this not prove that at least for the period of those 50 years the Greek Orthodox church indeed succeeded in influencing Ottoman policy by dint of the special contribution to the Sultanahmet Mosque in Istanbul? Is it not possible to conclude that the Ottoman government confirmed the Greek Orthodox in possession of the Grotto because, and as long as, they enriched the Ottoman treasury with an extra income of 1,000 *guruş riyal* per year? These questions have a simple answer which can also be phrased in the interrogative: Was the Franciscans' failure to reassume possession of the Grotto before 1690 a result of fifty years-long inability to outbid the Greek Orthodox with a higher offering to the Ottoman treasury? If answering this question in the affirmative seems hard, it is perhaps because bribes and payoffs were after all not as crucial and decisive as have been hitherto assumed in shaping Ottoman policy in the Question of the Holy Sites.

There remains the question (which would seem superfluous by now) as to whether the Ottoman government was interested in encouraging the dispute over the Holy Sites in anticipation of bribes from the quarreling sides. Here again, Ottoman documents dealing with this problem suggest that it was concentrated at the local levels of Ottoman government. The same documents show, however, that the central government in Istanbul was quite unhappy with such initiatives on the part of its local representatives in Jerusalem. In a petition sent to Istanbul in 1631, the Franciscan monks in Jerusalem complained that Ottoman officials were inciting the Christian factions to impinge on each other's possessions at the Holy Sites, with the intention of making profits out of the ensuing conflicts.[115] In another petition of 1689, the Greek Orthodox complained that the governor and *kadı* in Jerusalem were encouraging the Armenian and Franciscan monks to come to court and file petitions against the Greek Orthodox possessions at the Holy Sites. According to the Greek Orthodox, these officials had even assisted the other side with documents and legal advice. Thus, the governor and the *kadı* of Jerusalem would sow discord and foment unrest among the different Christian denominations. The motive, the petitioners claimed, was blatant and boundless greed ("tama-ı ham sebebi ile").[116] The response

[115] *Firman* dated Evail-i Ramazan 1040 (3–12 April 1631), Sijill 114: 151.
[116] *Firman* dated Evahir-i Rebiyülevvel 1100 (13–22 January 1689), Mühimme 98: 86.

from Istanbul was forthright and clear: "If it reaches my imperial ear", the governor and the *kadı* in Jerusalem were severely warned, "that such oppressive acts are really perpetrated against my miserable subjects, all responsibility will fall upon you, and you will be answerable for the results."[117]

This suggests that bribery was not very important in shaping Ottoman policy on the inter-church struggle over the Holy Sites. This is not to say that bribery was not a widespread phenomenon, or that money and other favors offered as bribes were for the most part refused. But if the above discussion is anything to go by, then Ottoman policy in the Question of the Holy Sites seems to have been less motivated by bribery than is usually thought.

2. *Local Pressures*

Another factor that could have influenced the Ottoman stand in the inter-church conflict over the Holy Sites is what we call today public opinion. In Jerusalem, as in other Muslim cities throughout the Ottoman Empire, public life of the civil society was led by a locally based elite of notables distinguished by their high social standing, economic affluence and relation to prominent, influential and prestigious families. Although informal in character and lacking any official status, this local notability maintained close relations with the Ottoman authorities, and occasionally performed certain functions for them. Many of the people in this category were part of the Muslim religious establishment; in fact they had earned elite status through incorporation into the Islamic religious corps. Hence, the local notability in typically Muslim cities throughout the Ottoman Empire consisted mainly of learned men in Islamic law and theology (*ulema*), individuals recognized as descendants of the Prophet (*eşraf*), heads of Sufi brotherhoods (*meşaih*), and sundry religious ministrants (*imam*s, *müezzin*s, *hatib*s etc.). The Ottoman authorities were quite respectful of this class of people whose profession was associated with the highest values of the Ottoman state. Moreover, as upholders of the *şeriat*, the opinion of these religious dignitaries was important to the Ottoman government in the daily management of the empire as a whole. If such was the case with the Ottoman

[117] *Firman* dated Evail-i Ramazan 1040 (3–12 April 1631), Sijill 114: 151.

Empire in general, the more so with a city as sacred to Islam as Jerusalem in particular.[118]

As a local leadership deeply rooted in all aspects of life in the city, the Muslim notables of Jerusalem inevitably became involved in the struggle among the Christian factions over the Holy Sites. It is not unreasonable to assume that they, like the local representatives of Ottoman administration, were targeted by each of the quarreling groups who attempted any and every means to win their support. Support by the local elite might have been of even greater value than that of the transient officials, who never stayed long enough to be of enduring help. Although the various Christian prelates in Jerusalem could not point to any event or precedent to prove that the city elders were indeed able to intervene directly in the situation prevailing at the Holy Sites and effect changes advantageous to whichever side won their support, they could surely assume that the opinion of the Muslim notables in Jerusalem had some weight in Istanbul and that by manipulating that opinion it might be possible to influence decision making at the highest echelons of the Ottoman state. This could be particularly true in those cases where the Ottoman government in Istanbul specifically sought the advice of Jerusalem's notables in questions emanating from the complex situation at the Holy Sites.

The opinion of Jerusalem's notables was usually requested for the adjudication of the conflicting claims which the Christian factions brought before the *kadı* with regard to the Holy Sites. Here, as in many other questions where the *şeriat* or the *kanun* were silent or ambiguous, the court had to rely on the local usage or, failing that, on the public's judgment. In both cases, the leading figures of the Muslim public in Jerusalem played an essential role: In the first case they were the source of dependable information about the prevailing usage; in the second case, they were looked upon as the leaders and most authoritative spokesmen of local public opinion.[119] It is very likely that when the views of the notables were solicited, the very thin line between testifying about common practices and express-

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[118] On the local elites of notables (usually referred to as *ayan*) in the Ottoman Empire in general, and in Jerusalem in particular, see: Hourani 1961: 37–50; *idem* 1974: 65–71; *idem* 1981: 40 ff.; İnalcık 1977: 37–9; Barbir 1980: 68–73; Abu-Manneh 1986: 93–108; Ze'evi 1996: 63–85.

[119] Cf. Gerber 1981: 146.

ing personal preferences became thinner or may even have vanished altogether. The question is whether and to what extent their opinions or wishes influenced Ottoman policy in the Question of the Holy Sites.

Asked their opinion in 1632, the Muslim notables of Jerusalem justified the Greek Orthodox appropriation of the key to one of the Grotto doors, testifying that the site had been held in common by all of the Christian churches.[120] Less than a year later, these very same people—*ulema, eşraf, hatib*s, *imam*s and other "illustrious dwellers of the city of Jerusalem"—recanted and testified that the Franciscan monks had exclusive rights to the Grotto.[121] The same scenario repeated itself several times in the course of the seventeenth century. In 1676, the *müfti* and the *nakibüleşraf* of Jerusalem, accompanied by a host of *meşaih* and religious ministrants from the Temple Mount mosques, participated in the implementation of the *firman* that confirmed the Greek Orthodox church's exclusive custody of the Sepulchre site. Moreover, at the end of this procedure, these notables testified to its propriety and put their signatures on the report which the *kadı* drafted and sent back to Istanbul.[122] Some ten years later, the same people testified before an Ottoman commission of inquiry that the Franciscan rights to the Sepulchre site and the Grotto had been usurped by the Greek Orthodox church. Needless to say, these depositions served as the main basis for the commission's findings.[123] On each of these occasions, a *firman* was eventually issued approving changes that had occurred in the possession of the Holy Sites. The alternating depositions of Jerusalem's notables are explicitly referred to in most of these *firman*s. Does this not prove that the Muslim public and its leaders in Jerusalem could influence policies conceived in Istanbul? Would that explain the repeated inconsistencies and sharp reversals apparent in the Ottoman handling of the inter-church struggle over the Holy Sites?

Not necessarily, for a true test of the capacity of Jerusalem's notables to influence the Ottoman center would be their ability to divert its policy from the course it was already pursuing in any case. In

[120] *Firman* dated Evail-i Ramazan 1041 (22–31 March 1632), Sijill 114: 60.

[121] Court hearing registered on 15 Receb 1042 (26 January 1633), Sijill 120: 247–55.

[122] Report dated 9 Zilkade 1086 (25 January 1676), Sijill 178: 156–7.

[123] Report dated 18 Receb 1097 (10 June 1686), Sijill 187: 417–8.

fact, the local notability in Jerusalem were challenged by such a test in the early 1670s, and the results speak for themselves. At that time, members of this Muslim elite reached the conclusion that the Greek Orthodox preeminence in the Holy Sites was proving to be injurious to their special privileges and self-respect. This was an immediate consequence of the Greek Orthodox extensive restoration of the Nativity Church in Bethlehem, a project which the Muslim notables of Jerusalem had initially (and rather naively) acceded to. As explained earlier, the completion of that project caused the Muslim notables of Jerusalem to be disparagingly disrobed of their time-honored privilege of complimentary lodging at that particular church. Having failed in the attempt to expropriate the church as a Muslim sanctuary, the alternative prescribed by the indignant notables of Jerusalem was to restore the site to the custody of the Franciscan monks. The next logical step was to bring pressure to bear on the central government in Istanbul to act accordingly, that is, to order repossession of the Nativity site by the Franciscan monks who seemed (or promised) to be more mindful than the Greek Orthodox were of the Muslims' dignity. An urgent appeal sent to Istanbul by twenty of Jerusalem's leading *ulema*, harshly criticized the Greek Orthodox deeds and alluded to the specific course of action the government was expected to take:

> The site [i.e. the Church of the Nativity] had previously been in the possession of the Franciscan monks; and all the time that it was in their hands, [Muslim] pilgrims and visitors could come over and stay the night. The Franciscan monks would offer them food and drink, provide whatever else they needed, and attend in general to their well-being.[124]

No further comment seems necessary here. This is a clear case in which the Muslim notables of Jerusalem exerted all their political leverage, social prestige and religious authority in an effort to prevail on the Ottoman government to intervene directly in the struggle over the Holy Sites and decide it in favor of the party they chose to support.

The Ottoman government rejected the appeal outright. With all their respect for the Muslim notables of Jerusalem, and despite the importance attached to their views, the Ottoman government would not let them influence its policy and deflect it from its most basic

[124] Petition filed in Evail-i Rebiyülevvel 1086 (26 May–4 June 1675), Sijill 177: 160.

principles. And what the Muslim notables of Jerusalem wished in 1675 totally contradicted the principle of formal noninvolvement in the active struggle over the possession of the Holy Sites. Furthermore, if there occurred any policy difference regarding the Holy Sites between the Ottoman government and Jerusalem's notables, it was the former who imposed its view on the latter, rather than the opposite. Otherwise, how can one explain the fact that in 1676, only eight months after their attempt to get even with the Greek Orthodox, the Muslim notables of Jerusalem acquiesced to a sultanic *firman* recognizing the preeminent place the Greek Orthodox had just acquired not only in the Church of the Nativity, but in the Church of the Holy Sepulchre as well?

It may be said, in conclusion, that the Ottoman government would seek the advice of Jerusalem's notables and rely on their learned opinion about circumstances in and around the Holy Sites, but the assumed capacity of these notables to influence predetermined governmental policies is not convincingly corroborated. Even in 1690, when the Muslim notables of Jerusalem saw the Ottoman government bring their lengthy reckoning with the Greek Orthodox to a conclusion, this exceptional step was not taken to assuage anybody's desire for revenge, but was the result of foreign pressures to which the Ottoman Empire was then beginning to succumb.

3. *Foreign Pressures*

The precedent the Ottoman government set in 1690 was, therefore, twofold. They not only intervened in and unilaterally changed a status quo that had been established in the Holy Sites by the Christian factions themselves, but they did so in response to political pressures exerted from abroad. This implies that until late in the seventeenth century the Christian powers in Europe could exert little influence on Ottoman policy in the Question of the Holy Sites. The Ottoman Empire was then strong enough to resist such influences. Indeed, the diplomatic agreements the Ottomans concluded with some of their European peers precluded any possibility of foreign interference in Ottoman internal affairs, including all matters pertaining to the Holy Sites.[125] The fact that until 1690 no Catholic ambassador to Istanbul

[125] See the subsection titled "Diplomatic Accords with Christian Polities" in the previous chapter.

was able to intervene and prevent the Greek Orthodox campaign for preeminence at the Holy Sites indicates that the barriers the Ottomans set up against outside interventions of this kind were effective. Until nearly the end of the seventeenth century the Question of the Holy Sites remained an internal problem of the Ottoman Empire.

European, and above all, French sources present a totally different picture. A perusal of these sources yields the conclusion that from the very beginning Ottoman policy in the Holy Sites Question was a mirror-image of the empire's relationship with the European powers: Whenever war broke out with inimical Catholic powers such as Venice or Austria, the Ottoman government would deprive the Franciscan monks in Jerusalem of their rights to the Holy Sites, to which they were permitted to return once peace was restored. The Ottoman relationship with France bore the same effect: The Ottoman state would alternately grant or retract Franciscan rights to these holy sites according to the ups and downs of its relations with that normally amicable Catholic power.[126]

This could well explain the fluctuations observed in the Ottoman handling of the inter-church struggle over the Holy Sites. Unfortunately, this interpretation does not tally with certain historical facts. A state of war prevailed between the Ottoman Empire and Venice and/or Austria for much of the sixteenth century, but that had no bearing at all on the dominant place the Franciscan monks in Jerusalem concurrently maintained at the Holy Sites. Later on, in the mid-seventeenth century, with Istanbul hard-pressed by a Venetian naval siege, and with the Ottoman Empire badly in need of its friendship with France, nothing changed with regard to the Franciscan monks who some twenty years before had been dislodged by the Greek Orthodox from several important sites in both the Church of the Nativity and the Church of the Holy Sepulchre. Moreover, in 1673 the Ottoman Empire favored France with new Capitulations which European and especially French authors go out of their way to describe as the zenith of Ottoman-French relations in early modern times. Among other things, this event is hailed as the best opportunity France could ever have hoped for to promote the Catholic church's standing in the Ottoman Empire in general and in the Holy Sites in particular.[127]

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[126] Asali 1989: 206–7, 209–10.
[127] Homsy 1956: 238–58; Vaughan 1954: 121–2.

In actual fact, however, the Capitulations of 1673 did nothing to restore to the Franciscans anything they had already lost to the Greek Orthodox in the Holy Sites, nor did it prevent the latter from securing, about two years later, the site of the Sepulchre itself. These facts notwithstanding, many still hold that "international developments had a direct bearing on Jerusalem."[128] Did they really?

Ottoman documents suggest that until the end of the seventeenth century the opposite was true. The Ottoman state appears in these documents to be assiduously careful to keep the inter-church struggle over the Holy Sites away from the context of Ottoman relations with the outer world. This can be deduced from the fact that the Ottoman Capitulations are invariably void of any unequivocal and binding definition of Franciscan possessions at the Holy Sites. Indeed, the texts of these accords reveal that the Ottoman Empire, for all is generally believed, did try to minimize whatever bearing international developments could have on the Holy Sites, deep inside Ottoman territory. This, at any rate, can be inferred from statements such as: "Citizens of the Venetian Republic and of all its allies among the Christian states may visit Jerusalem and the Holy Sites in absolute safety."[129] Or: "At the request of the King of France, those foreigners who come to visit Jerusalem as pilgrims may continue to do so even at times when their entry as traders is prohibited."[130] Are not these phrases positive assurances by the Ottoman state that pilgrimage from Christendom to the Holy Sites would not be interrupted or otherwise affected even in times of war?

The Ottoman state did not wait for these articles to be formally included in the Capitulation accords in order to act in accordance with this principle. In a *firman* of 1565, the governor of Basra was ordered to ensure the safe passage through his jurisdiction of the admiral of the Portuguese fleet in the Persian Gulf, who had expressed his wish to go on pilgrimage to Jerusalem and visit the Holy Sites. The Portuguese admiral's request to worship at the Holy Sepulchre was granted despite the fact that at the very moment the Ottoman and the Portuguese navies were engaged in war for control of the

[128] Asali 1989: 210.

[129] *Firman* dated 15 Ramazan 1013 (4 February 1605), Ecnebiye 13: 14; *firman* dated 2 Cemaziyelevvel 1014 (15 September 1605), Ecnebiye 13: 25.

[130] *Firman* dated Evail-i Rebiyülâhir 1061 (24 March–1 April 1651), Ecnebiye 26: 50; *firman* dated Evasit-i Ramazan 1076 (17–26 March 1666), Maliyeden Müdevver 2747: 6; *nişan* dated 10 Safer 1084 (27 May 1673), Ecnebiye 27: 4–10.

southern sea routes of the Ottoman Empire. Ensuring conditions that would allow the Holy Sites to function as universal centers of pilgrimage accessible at all times to all Christians on earth superseded, it seems, all other considerations the Ottomans might have weighed against the background of their relations with the outer world. An enemy of the Ottoman Empire, the Portuguese admiral was nonetheless welcome as pilgrim, though the Ottomans, understandably enough, insisted on reducing his retinue from one hundred soldiers to ten.[131]

Against this background it is easy to understand how extraordinary was the step the Ottoman government took in 1690, which was in total breach of a fundamental principle it had previously zealously observed. It may be said that in 1690 the Ottoman state established the first significant link between its foreign relations and the Question of the Holy Sites. What is more, it let these relations directly influence an issue which until then had been considered and dealt with as a strictly internal matter. In retrospect, this was a portentous mistake which can be explained (although not justified) against the background of the military and political misfortunes the Ottoman Empire was suffering in the wake of the defeat at the walls of Vienna.

The failure of the siege to Vienna in 1683 exposed the Ottoman Empire to an Austrian counter-attack which was quickly joined by Poland and Venice, and, at a later stage, by Russia as well. The Ottoman army had difficulty repelling the attack, particularly after the elimination of Kara Mustafa Paşa—the price of failure—deprived the empire of a competent statesman and great military leader just when he was needed most. The outcome was immediately felt on the battlefield where the Ottomans suffered a string of defeats. As on similar occasions in the past, this time too, the Ottomans remembered their old friendship with France. Only this time, unlike in the past, the Ottomans were ready to pay a price: In return for French political support, the Ottomans were ready to relinquish the basic principles that until then had guided their policy in the Question of the Holy Sites. In more specific terms, the Ottoman government indicated its readiness to intervene in the inter-church conflict over the Holy Sites and impose an arrangement congenial to France-cum-Catholic church.

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[131] *Firman* dated 18 Receb 972 (19 February 1565), Mühimme 6: 354.

It was against this background that for the first time in Ottoman history an official commission of inquiry was set up to investigate the disputed possessions of rival churches in the Holy Sites. In 1686, the commission established that the sites in dispute had for the most part been in the possession of the Franciscan monks, and that the Greek Orthodox had later forcibly appropriated them from them. This finding hardly came as a surprise. The facts of the struggle over the Holy Sites were generally known, but until late in the seventeenth century the Ottoman authorities did not consider the issue to be their concern. Now, in view of the new pressures from abroad, the Ottomans began to take active interest in the matter, on the chance that it might be a useful political lever that could help extricate the empire from a dire situation.

The 1686 commission's report lay untouched in the premises of the Sublime Porte for four years. It is possible that initially the whole thing was intended only to be a staged production designed to buy the Ottoman government some maneuvering room and time. Otherwise, Istanbul must have understood, even feared, the implications of actually implementing the commission's report, and therefore tried to defer action as long as possible. Eventually, Köprülüzade Fazıl Mustafa Paşa paid the French their due. Appointed grand vizier in 1689, he believed that everything came second to the need to restore offensive capability to the Ottoman army. In 1690, preparing to retake Belgrade, and wishing to secure stronger backing from France, he issued the notorious *firman* restoring the Franciscan monks in Jerusalem to preeminence in the Holy Sites.

Evaluating the effectiveness or ineffectiveness of this move in changing the course that Ottoman history took in the aftermath of Vienna is not the issue here. What matters is the message it sent to the European powers, friends and enemies alike: The Question of the Holy Sites was no longer an exclusively internal problem of the Ottoman Empire. Moreover, it invited every interested power to intervene directly in the Question and bring pressure to bear on the Ottoman Empire on this specific issue.[132] In the Treaty of Karlowitz, 1699, the Ottoman Empire was forced for the first time in its history to accept a foreign dictate concerning the Holy Sites. The Question of the Holy Sites took its first step onto the international scene.

[132] Wardi 1975: 390; Baldi 1954: 59–60; Collin 1948: 84–5.

4. *Islamic Heritage*

Foreign pressures could in part explain Ottoman policy in the Question of the Holy Sites only from the last decade of the seventeenth century onward. Until then such pressures were either ineffective or effectively resisted by the Ottoman state. Other factors considered above, such as local pressures or bribery, prove even less significant in affecting the Ottoman response to the inter-church conflict over the Holy Sites. The key to understanding Ottoman behavior on this issue must be sought elsewhere. The most promising source would be the broad context of Islamic heritage and its inspiration for Ottoman perspectives and modes of operation.

By the early sixteenth century the Ottomans succeeded a millennium of almost uninterrupted Muslim reign over the Holy Sites. Surely, this was a sufficiently long and continuous period to allow for the consolidation of certain basic rules which would in time evolve as accepted, if not actually binding norms that conditioned the approach of most Muslim rulers to these Christian shrines. The process was long and gradual, but it seems that from the beginning, upon the passage of Jerusalem from Christian to Muslim control, the new regime established its attitude to the most holy Christian sites on the following principles:

(a) Leaving the Holy Sites accessible at all times to the worship, pilgrimage and adoration of all Christians regardless of origin and church affiliation;
(b) Non-interference with the Christians' use of the above concession, as long as the Islamic faith and Muslim sovereignty were not violated.

These principles were enshrined in Islamic law which permits non-Muslims to practice their religions in relative freedom, and prescribes non-interference in their internal affairs. Hallowed as divinely ordained, the *sharīʿa* shuns any reference to infidels and their profanities, excepting their relations with Muslims and status in Islam. Otherwise, the relations of non-Muslims with each other should not concern any Muslim. From the standpoint of the *sharīʿa*, there is no difference at all between one non-Muslim and another, the Prophet having taught that all infidels were one and united by their heresy.

Consequently, after 638, the inter-sectarianization process of the holiest Christian shrines was interrupted only once—during the Crusades. At all other times, Muslim rule, based on the above principles, was the best guarantee that those sites would retain their status as religious assets common to all Christians. Unlike the Christian state, the Muslim state had no intention whatsoever of reckoning with the differences that set the Christian denominations apart. Under Islam, therefore, all received equal opportunity to express their shared affinity for the Holy Sites. Hence, the reluctance of Muslim rulers to interfere with, and influence in any way, the way in which the different Christian churches allocated their rights to the Holy Sites among themselves. This matter of "profanity" was left to the Christian churches to deal with by themselves, regardless of the implications that that might, and did, have for their relations with each other and for the emergence of what came to be known as the Question of the Holy Sites. Was *that* what the Muslim state wanted? It is hard to tell. But it would have been far harder to expect a Muslim ruler to act differently, which might have put him in total disagreement with the way a truly Islamic polity would conceive itself and the "right" approach to non-Muslim affairs.

By the dawning of early modern times the Ottoman state had matured in an Islamic polity that did not fall short of former Muslim polities in its religious zeal and commitment to Islamic heritage. Therefore, when the Ottomans took Jerusalem, they inherited from previous Muslim dynasties not only political control of the holiest Christian shrines, but also the "manual" for ruling over them according to Islamic norms. Consequently, in the early seventeenth century, when some Christian factions began to quarrel over the possession of the Holy Sites, it was propitious for the Ottomans to remember the old Prophetic maxim that "all infidels are one", and to behave accordingly. The phrase itself, "*kefere taifesi millet-i vahide*", is literally quoted in an Ottoman *firman* dealing (quite forbearingly) with the activities of Latin missionaries among the followers of the Greek Orthodox church in the town of Bethlehem.[133] The inter-church struggle over the souls of Christ's followers, like the inter-church struggle over the Holy Sites, fell clearly into the category of internal non-Muslim affairs—exactly the type of issues where Islamic tradition prescribes noninvolvement. It is therefore not surprising that the Ottoman state, an Islamic entity committed to the accumulated legacy of former Muslim dynasties, refrained from taking sides in

[133] *Firman* dated 17 Receb 1023 (23 August 1614), Ecnebiye 13: 115.

both cases. In the first case, the official Ottoman approach was expressed in an array of conflicting *firman*s that on the one hand permitted Latin missionaries to go about disseminating the Pope's message in the traditional purviews of the Eastern-rite churches, and on the other hand responded favorably to urgent appeals by the heads of the Greek Orthodox church to declare such activities forbidden.[134] It has already been suggested here that conflicting *firman*s on a particular issue were sometimes an indication of the fact that the Ottoman government lacked any real interest therein. And indeed, if from the standpoint of Islam one infidel is no different from another, why should the ruler of an Islamic polity be concerned over the fact that some of his Christian subjects preferred Roman Catholicism to Greek Orthodoxy? Why should he care? In his study of seventeenth-century Aleppo, Professor Bruce Masters came across this very same issue and got the impression that the Ottoman government really did not care:

> The older established churches viewed the growth of the Uniate movement (as this change in religious identity has come to be called by the Vatican) among their communicants with alarm and they petitioned the Ottoman authorities to help them stem its tide. The Ottoman government responded to their petitions by issuing orders forbidding the Christian *reaya* from changing their sect. In spite of the belief that all infidels were united by their unbelief the Ottoman authorities chose to support the established traditional church hierarchies in the interest of preserving order. Despite this dramatic retribution for the practice of freedom of conscience there seems to have been more than a bit of benign neglect coloring the government's response, however, as the growth of the number of Catholics under its nose attests. This was partly a result of the counter-pressure exerted by the French on behalf of their protégés. But it was also due, in no small part, to a genuine lack of concern on the authorities' part for the internal divisions of the Christian communities as long as those communities continued to pay the taxes assessed on them.[135]

Here exactly is the key to decoding Ottoman behavior in the second case—the inter-church struggle over the Holy Sites. When the

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[134] See e.g. the *firman*s in Ecnebiye 26: 38, 51; 28: 32 (in favor of the Latin missionaries), and in Patriarchate 68, 157 (against their activities).

[135] Masters 1988: 95–6. Had Masters been aware that representatives for the Roman Catholic church received *firman*s totally contradicting those given on this issue to the Eastern-rite churches, he might probably have qualified his assertion that "the Ottoman authorities chose to support the established traditional church hierarchies in the interest of preserving order".

guiding principle is that the Muslim state does not intervene, take sides, or become involved in the internal divisions of its non-Muslim subjects, the matter in dispute becomes immaterial: It mattered little to the Ottoman government if the dispute was between the Greek Orthodox and the Roman Catholic churches over the activities of the Latin mission; or between the Etchmiadzin and the Istanbul parties over the leadership of the Armenian church; or between all three of these churches over the possession of the Holy Sites. In all these cases the Ottoman authorities maintained a neutral, disinterested approach and acted in a very similar way: Issuing conflicting *firman*s that promised exactly the same thing, sometimes even simultaneously, to the conflicting parties. The conflicting *firman*s created a no-win situation, a deliberate impasse among the conflicting parties, which eventually forced them to decide their differences themselves. Hence, it may not have been a coincidence that between the years 1637 and 1690 a close correlation evolved between the power of each church in Jerusalem and its standing at the Holy Sites. Charles H. Luke was only partially correct in observing that that standing "tended to depend upon the numbers, wealth, and even strong right arm, of the parties concerned and upon the favour of the Sultan". Until 1690 the "favour of the Sultan" never concerned itself over a matter which the Ottoman authorities (as Romolo Tritonj himself would have it) could not have cared less. The basic tenets of Islam and the accumulated legacy of centuries-long Muslim domination over Christianity's holiest shrines overruled, until 1690, any other approach that would inevitably have involved an Islamic polity in an internal Christian dispute, and if this were not enough—in a dispute over a religious matter.

Viewing the historical legacy and basic tenets of Islam as the main factor affecting Ottoman policy in the Question of the Holy Sites provides several advantages to the scholar. First, it is the only explanation that takes into account and duly appreciates the inveterate theocratic nature of the Ottoman state, hence the formative influence of tradition on its policy-making in almost every field, above all, in matters of religion. Odd as it may sound, this influence was present and still very much affected Ottoman behavior even in those cases where the authorities deviated from the letter and spirit of the *şeriat*.[136]

[136] Many examples to this effect are given in the previous chapter.

Second, other explanations such as those examined above either failed logically or did not concur with well-known historical facts. In contrast, the relationship between Islamic heritage and Ottoman policy in the Question of the Holy Sites seems as close and logical as the relationship between cause and effect could be. Third, viewed in light of Islamic tradition, Ottoman policy in the Question of the Holy Sites becomes coherent, consistent, and focused on definite ends—qualities that this policy at first sight seemed to lack. If the Ottoman state, considered to be a traditional Islamic state, was to remain aloof from the inter-church struggle over the possession of the Holy Sites, then the adoption of an ambivalent and deliberately ambiguous official stance regarding this struggle would be one conceivable way of achieving that end. Finally, traditional Islamic norms suggest the common denominator (and explanation) for the different ways in which the Ottoman state handled the different manifestations of the inter-church conflict over the Holy Sites: The struggle for possession of the Holy Sites and the struggle for worship in them. While time-honored Islamic norms, particularly the *dhimma* laws, vouch for the continuance of the Holy Sites and, consequently, for the right of every Christian to *worship* in them, the same norms and laws prescribe Islamic noninvolvement in the issue of who among these Christians should *possess* these sites. In any event, the fact that the Ottoman state distinguished between the question of worship and that of possession, and reacted differently in each case, reinforces the assumption that its policy on the Question of the Holy Sites had its main source in Islamic heritage. Had this policy been highly influenced by other factors such as bribery and local or foreign pressures, the Ottoman state would probably have reacted similarly to both questions, which was not the case. When Islamic traditional norms are taken as the main source of inspiration for the Ottoman official stand, the different ways in which the Ottoman state handled the respective manifestations of the conflict over the Holy Sites are seen as two sides of the same coin, as different but closely related derivatives of a coherent, sensible and systematic policy.

This interpretation of the Ottoman stand on the inter-church conflict over the Holy Sites is not insusceptible to challenging questions. First is: If the Ottoman state had every intention of avoiding any involvement in the struggle over the Holy Sites, why should it have taken the trouble of demonstrating this intention by issuing *firman*s contradicting each other or merely confirming post factum circumstances established at those sites by the Christian rites themselves? Would it not have been simpler and far more expedient to remain completely silent eschewing any reaction at all to such an uncalled-for, non-Islamic affair? Trying to answer this question it should be remembered that the Ottomans, or their ancestors, did not embrace Islam and absorb Islamic culture empty-handed. In fact, they enriched Islam and Islamic culture with influences absorbed from other Near-Eastern cultures or derived from their own pre-Islamic past. One of the deeply rooted cultural motifs in Ottoman political thought involved the concept of justice as the main function of the ruling institution. In this context, the main criterion with which to judge a just ruler was the ability of any of his subjects, regardless of origin or status, to appeal directly to the ruler himself about any injustice in the expectation that the problem raised would be dealt with appropriately. As might have been expected, the Christian factions in Jerusalem exploited this to the full, thus forcing Ottoman rule into a position where it found itself torn between traditional Islamic norms prescribing noninvolvement in internal non-Muslim disputes, and the time-honored moral-political concept of "just rule" urging Ottoman rulers to do the opposite, that is, to step in and decide the matter one way or the other. Under these circumstances, the tactic of deliberate ambiguity—the formulation of *firman*s ostensibly responding to the appeals of the rival factions, but in actual fact changing nothing—was probably the best way the Ottomans could think of to solve their own dilemma. For, in this way they could at once pay tribute to both their Islamic heritage and their self-conception as just rulers.

In 1690 the rules of the game were violated by the Ottomans themselves thereby making the first significant move that turned the Question of the Holy Sites into a major issue in world politics. Until then, the Question was, so to speak, the private business of the Ottoman state. And as long as that was the case, the Ottoman state would deal with this question in the traditional Islamic way. Aside from its intrinsic compatibility with the moral foundation and basic ideology of the Ottoman state, the Islamic way of handling the inter-church struggle over the Holy Sites also involved a good deal of political acumen. Indeed, as history later proves, the solution found in Islam for this complex yet unnecessary problem was, from the

Ottoman standpoint, the best if not the only solution compatible with both religion and common sense. It is therefore not a coincidence that when it deviated from the Islamic principles of handling the problem, the Ottoman Empire lost exclusive control over the Question of the Holy Sites. From the eighteenth century on, the Question gradually became a political pawn in the hands of the Christian powers, with the role of the Ottoman Empire being relegated to that of effecting solutions dictated from abroad. A momentary departure from the Islamic principles of handling the Holy Sites Question was to cost the Ottoman Empire an important feature of its independence and sovereignty.

CHAPTER FOUR

THE HOLY SITES AS A SOURCE OF INCOME TO THE OTTOMAN STATE

The active intervention of the Christian powers in the inter-church struggle over the Holy Sites would in the long run force the Ottomans to renounce ambiguity in favor of a more positive approach to this particular aspect of the Question of the Holy Sites. There was, however, another aspect of this question for which the Ottomans needed no external pressure to develop such an approach: Christian pilgrimage to the Holy Sites and the income it yielded to the Ottoman state.

A. Revenue: Imposts on Christian Pilgrims to Jerusalem

In 1190, soon after the Muslim re-capture of Jerusalem, the conqueror Ṣalāḥ al-Dīn (Saladin) introduced a new tax that was to be levied on every Christian pilgrim to the Church of the Holy Sepulchre.[1] This innovation, which remained in force until the second quarter of the nineteenth century, transformed the most important centers of Christian pilgrimage into a source of income for the Islamic state. It thereby contributed an additional dimension to an already multifaceted complexity that later came to be known as the Question of the Holy Sites. One set of problems comprising the Question concerned the legal status of such holy-to-all-Christians sites under the rule of Islam. Another was the result of the inter-church struggle over possession and use of these universal shrines. Now, in addition to having to deal with these problems, the Ottoman state sought to ensure the functioning of the Holy Sites as a profit-yielding enterprise. As with every other source of income to the Ottoman state, this entailed standard fiscal operations such as assessment of taxes and rates, revenue collection and calculation of expected proceeds.

[1] Fattal 1958: 209.

1. *Assessment*

The Ottomans inherited the code regulating assessment of Christian pilgrims to Jerusalem from their Mamluk predecessors. This conclusion is inferred from the fact that the said code was included in the Ottoman *kanunname* for the district of Jerusalem, which by and large reflected and reaffirmed fiscal and administrative practices that had been in force before the Ottoman conquest. The statute affecting the Church of the Holy Sepulchre is quoted below, verbatim:[2]

The Law of the Church of the Holy Sepulchre (*Kanunname-i Kumame*) in Jerusalem

> From every pilgrim coming from the Latin [countries] (*İfrencden*),[3] seven Frankish florins[4] will be collected. At the entrance to the Church of the Holy Sepulchre [sic!] a "fortress fee" (*resm-i kale*) of 50 *akçe* will be collected from him. At the door to the Church of the Holy Sepulchre he will be charged an additional fee (*resim*) of 45 *akçe*. The said tolls will be levied on infidels who come by sea as pilgrims from the Latin countries. Those coming from the Greek [lands] (*Rumdan*) will pay three gold pieces of Kayitbay each, plus a "fortress fee" of 50 *akçe* and a "stable fee" (*resm-i ahır*) of 45 *akçe*. The same will also be levied on those coming from the East (*Şarktan*). From those coming from the districts of Aleppo and Damascus, two gold pieces of Kayitbay will be collected, as well as a "fortress fee" of 50 *akçe*, and a "stable fee" of 45 *akçe* per person. From each of those coming from Egypt, one gold piece of Kayitbay will be collected, as well as the fees mentioned above. From infidels coming from the districts of Ṣalt, ʿAjlūn, Gaza and Ramle, 25 *akçe* will be collected per person, but the other fees will not be levied on them. Infidels coming from Hebron and Jerusalem will pay 4 *akçe* each. [. . .] Frankish merchants coming from Damascus will pay 2.5 gold pieces each, as well as the other fees referred to above. As for the infidels who come from Georgia and Ethiopia, nothing will be levied on them.[5]

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[2] *Kanun* (undated) [1525], Sijill 9: 57. Cf. Barkan 1943: 219.

[3] On the meaning of the geographic terms referred to in the text of this *kanun*, see below, Table 11.

[4] On the meaning of the monetary terms referred to in the text of this *kanun*, see below, Table 12.

[5] The general exemption granted to pilgrims from Georgia and Ethiopia is another evidence of that the Ottoman *Kanunname-i Kumame* drew heavily on Mamluk practices and political concepts. Indeed, the Ottomans had no real need to grant, out of political and strategic considerations, such concession to pilgrims from these particular countries. In contrast, the Mamluks could not ignore the fact that Ethiopia commanded the fountainheads of the Nile—the artery of life for their sultanate, as well as the fact that Georgia commanded access to the Caucasus—the main pool

It is obvious, then, that the Ottomans adopted both the idea of levying taxes on Christian pilgrims to Jerusalem and the concept of differential assessment depending on the pilgrim's place of origin. They merely refined and elaborated the system by adding new categories, as can be seen in Table 11.

Table 11: Fees Levied on Pilgrims to the Church of the Holy Sepulchre in the mid-Sixteenth Century (amounts in Egyptian *para*)[6]

Origin	Class	Charge	Basic Fee	Fortress Fee	Stable Fee	Total
Bilad-ı İfrenc: central and western Europe	Commoner	Full	280.00	25.00	22.50	327.50
	Merchant	45%	100.00	25.00	22.50	147.50
	Monk	50%	116.50	25.00	22.50	164.00
Bilad-ı Rum: eastern Europe, the Balkans, western and central Anatolia	Irrelevant	Full	106.50	25.00	22.50	154.00
Bilad-ı Şark: eastern Anatolia, Armenia, Iraq, Iran	Irrelevant	Full	106.50	25.00	22.50	154.00
Vilayet-i Haleb ve Şam: the provinces of Aleppo and Tripoli, the northern districts of the province of Damascus (Damascus, Tudmūr, Beirut, Sidon)	Irrelevant	Full	71.50	25.00	22.50	119.00
Vilayet-i Mısır: Egypt	Irrelevant	Full	36.50	25.00	22.50	84.00

of manpower for the military and administrative institutions of the Mamluk state. See Colbi 1988: 73; Abu-Manneh 1984: 102–12. Compare with the observation of the Ethiopian community by the celebrated chronicler of Jerusalem in the late Mamluk period, Mujīr al-Dīn al-Ḥanbalī: "Inna hādhihi al-ṭā'ifa lil-dawla bihā iʿtinā'" (n.d.: 601). See also the remark by the seventeenth-century Polish-Armenian traveler, Polonyalı Simeon: "Habeşler, Nil'in sayesinde, kafar ve kilise duhuliyesi olan dört altın vermekten muafdırlar." (Andreasyan 1964: 138). Indeed, after 1517 these privileges were no longer justified, but it is a well known fact that the Ottomans tried as a rule to preserve pre-Ottoman fiscal and administrative practices in the newly acquired lands.

[6] Most of the financial reports on the assessment of these tolls in the early Ottoman period (see below, note 9) state amounts in Egyptian *para*. On the value of this currency against others in Ottoman use during the sixteenth and seventeenth centuries, see below, Tables 12, 13.

Table 11 (*cont.*)

Origin	Class	Charge	Basic Fee	Fortress Fee	Stable Fee	Total
Vilayet-i Safed ve Leccün: the northern Palestinian districts in the province of Damascus	Irrelevant	Full	20.00	0.00	0.00	20.00
Vilayet-i Gazze ve Ramle ve Aclun ve Nablus ve Salt: the southern Palestinian districts in the province of Damascus (excluding Jerusalem)	Irrelevant	Full	14.00	0.00	0.00	14.00
Nevahi-yi Kuds-ü Şerif: the rural sub-districts of Jerusalem and Hebron	Irrelevant	Full	2.00	0.00	0.00	2.00

Table 12: Currencies in Ottoman Use in the mid-Sixteenth Century[7]

Currency	Description	Rate (1 = *para*)
Akçe	Ottoman silver piece of negligible value. Its full name: *Akçe-i Osmani*. Sometimes simply called *Osmani*.	0.5
Para	Egyptian silver piece which by the mid-sixteenth century became the major bookkeeping currency in Syria and Palestine.	1
Filori	Florin. European gold piece, usually the Venetian Ducat.	40
Sultani	Ottoman gold piece, an imitation of the Venetian Ducat, though of a slightly lower value. Also known as *Şahi, Şerifi, Altın*.	36±
Kayitbay Altını	Egyptian gold piece minted by Sultan Kayitbay (1468–1495), an imitation of the Venetian Ducat, though of a slightly lower value.	36±
Guruş Esedi	European silver piece, distinguished by a figure of a lion impressed upon it.	18
Guruş Riyal	European silver piece, minted in Austria and Spain.	20

[7] Gibb and Bowen 1957: 49–59; Heyd 1973: 47, 51; Cohen and Lewis 1978: 43 ff.; Pamuk 2000: 59–66, 94–105.

It emerges from both Table 11 and the *Kanunname-i Kumame* that the greater the distance the pilgrim had to traverse, or, in other words, the more he made use of the guarded roads of the Islamic state, the higher the fee he was obliged to pay upon arriving in Jerusalem.[8] Egypt deviates somewhat from this pattern, but in view of the fact that the *Kanunname-i Kumame* owed its inspiration to the fiscal practices of the Cairo-centered Mamluk sultanate, it is quite understandable why Christian pilgrims of Egyptian origin should have been favored with discounted fees.

The Ottoman government conscientiously applied the *Kanunname-i Kumame* and meticulously fulfilled its provisions. This impression is obtained from the meticulous reports drawn up by Ottoman officials, which describe in detail the various fees collected from Christian pilgrims to the Church of the Holy Sepulchre, and the amounts of income accruing to the state treasury from this particular source. The records of the *kadi*'s court in Jerusalem include 29 such reports (*defter-i muhasebe* or *defter-i müfridât*) recording revenues collected between 1565 and 1665 as pilgrim fees for visits to the Church of the Holy Sepulchre (*resm-i Kumame*).[9] The report for the year 1581–82 represents a typical example of such financial documents:[10]

> Report on the revenues [received from the collection] of the fees paid by the infidels who visit the Church of the Holy Sepulchre in Jerusalem [on behalf] of the foundation [endowed] by the late and forgiven Sultan Süleyman Han, may God's mercy and favor be upon him, for the benefit of the Qur'ān reciters in the blessed Dome of the Rock[11] [This report has been] drawn up by Seyyidi Mehmed Effendi, the *kadı* in Jerusalem [. . .] and [. . .] Hidayet Bey [. . .] representative for Mehmed Çelebi, administrator of the imperial *imaret* [It has been] put on record

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[8] "Kuds-ü Şerife varinceye değin hifz ve hirâseti için zikrolunan Kumameye dahil olduklarında her birinin kanun üzere miriye veregeldikleri meblag", *buyuruldu* from the *vali* of Damascus, Evahir-i Cemaziyelâhir 1002 (13–22 March 1594), Sijill 11: 89.

[9] Sijill 11: 95–102; 47: 85–6, 114–5, 128–31, 193; 60: 62, 121–2, 189–91; 63: 18–21, 44–5; 65: 1–5, 30–3, 40–1, 66–7, 89–91, 102–5; 68: 82–3; 71: 9–11; 74: 38–44, 118–22; 108: 160–3; 146: 669–70; 152: 619–22; 159: 82–7, 112–5; 160: 458–60; 161: 460–1; 162: 422–5; 165: 60–3, 84.

[10] *Defter-i muhasebe* dated Evahir-i Rebiyülevvel 990 (15–24 April 1582), Sijill 60: 121–2. Amounts in this report are given in *akçe*. To convert them to *para*, the figures must be divided by 2. It is worth noting that such reports were drawn up only until the end of the sixteenth century. Beginning in the seventeenth century these reports became less detailed and more synoptic, stating in most cases only the total sum received in a certain year as *resm-i Kumame*.

[11] More details are in the second section of this chapter.

by the poor Şemseddin, scribe of the said [foundation] for [the period] between 14 Şaban 989 [14 September 1581] and 20 Rebiyülevvel 990 [14 April 1582]

Total revenue

akçe
214,967

[Received]

From the infidels of *Vilayet-i Şam ve Haleb* as calculated 377 persons 238 each 89,726	From the infidels of *Rum ve Şark* as calculated 231 persons 308 each 71,148	From the infidels of *Vilayet-i Mısır* as calculated by the scribe 169 persons 168 each 28,392
From the *İfrenc* infidels by half merchant and monk[12] 6 persons 292.5 each 1,755	From the *İfrenc* infidels full 10 persons 655 each 6,550	From the infidels of *Vilayet-i Gazze ve Aclun ve Nablus ve Salt* 284 persons 28 each 7,952
From the infidels of *Nevahi-yi Kuds-ü Şerif* 226 persons 4 each 904	From the Maronite infidels according to the old usage not in the register[13] 4 persons 40 each 160	From the poor of the said groups whose fees were paid by their rich according to the old usage 52 persons 8,380

The conclusion is that as far as financial matters were concerned, the Ottomans apparently had a definite, positive policy, based on established procedures and systematic rules which were generally scrupulously applied. The pilgrim fees and their differential rates were settled and accepted by both the Ottoman state which assessed them and Christian believers from various parts of the world who were ready to pay for a life-time opportunity to visit the Holy Sites.

[12] Due to the small difference between the fees payable by Latin merchants and monks, they sometimes were assessed according to the same 50% charge.

[13] Maronite pilgrims did not constitute a tax-category by themselves. Since 40 *akçe* (20 *para*) was the fee charged on pilgrims from northern Palestine, it is probable that these Maronites came to Jerusalem from the environs of Safed. See, in this regard, *defter-i muhasebe* dated Evail-i Rebiyülâhir 991 (24 April–3 May 1583), Sijill 60: 189–91. The phrases "not in the register" and "according to the old usage" imply that no mention is made of such category as the *Vilayet-i Safed ve Leccün* in the original *Kanunname-i Kumame*.

Nevertheless, things did not always go smoothly. During the early years, to mention one problem, Ottoman tax-collectors found it hard to assimilate all the particulars of the *resm-i Kumame*, its different categories, varying rates, and the diverse currencies paid by the pilgrims. An Ottoman official even expressed his concern that since the tax-collectors were not familiar with all the details, "it follows that [the pilgrim fees] are not collected in full, which reduces the revenues accruing to the state."[14] In this climate of uncertainty it was only natural for pilgrims to voice conflicting claims alleging that the fees imposed on them were higher than the law permitted. The Ottoman government responded in ordering the *kadı* in Jerusalem to reproduce the *Kanunname-i Kumame*, record it in the *sijill*, send copies of it to the tax-collectors, confirm that its provisions were fulfilled, and resolve whatever disputes might arise over the pilgrim fees according to the regulations.[15]

Further difficulties were incurred by the sharp fluctuations in the value of the Ottoman currencies in the second half of the sixteenth century. By the mid-sixteenth century, the *kayitbay altını*, the currency

Table 13: Changes in the Value of *Para* Against Other Currencies in Ottoman Use During the Sixteenth and Seventeenth Centuries[16]

Year / Currency	1525	1583	1585	1625	1670	1680	1700
Kayitbay Altını	36	–	–	–	–	–	–
Sultani	36	5	5	–	–	–	–
Filori	40	50	75	60	?	?	90
Guruş Riyal	20	35	45	40	40	60	60
Guruş Esedi	18	?	23	30	30	40	45
Guruş Adedi	–	–	–	–	30	30	25

[14] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands (*Arab ve Acem defterdarı*), 22 Receb 946 (3 December 1539), Sijill 9: 11. See also *firman* dated 2 Receb 945 (24 November 1538), Sijill 9: 12, 36.

[15] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 7 Receb 948 (27 October 1541), Sijill 9: 58.

[16] Sijill 47: 128–31; 60: 121–2, 189–91; 63: 18–21; 65: 1–5, 102–5; 146: 669–70; 166: 337–41; 171: 351; 180: 357–8; 181: 225–6; 182: 14, 17; 186: 37; 199: 311, 395. Cf. Pamuk 2000: 131–148.

most of the pilgrim fees were calculated in, went out of circulation. At the same time, its Ottoman equivalent—the *sultani*—lost a significant percentage of its value. Most of the Christian pilgrims to Jerusalem were then paying their fees in *para*, which at the time was replacing the *akçe* as the major bookkeeping currency in the Arab lands of the Ottoman Empire. However, the *para* too was being constantly devalued. Table 13 reveals that by the last quarter of the seventeenth century the real value of the income from pilgrim fees collected in *para* decreased by more than half. The fact that Latin pilgrims were supposed to pay their fees in florins compensated for some of the loss, but understandably enough they preferred, like the rest of the pilgrims, to take advantage of the old unchanging rates, and to pay their dues in debased *para*s.[17] In the mid-seventeenth century, the Ottomans introduced a new currency—the *guruş adedi*—an imitation of the *guruş esedi*, which was supposed to replace the *para*. However, this currency too gradually eroded, and those responsible for collecting the pilgrim fees were left with no option but to take the unprecedented step of updating them in relation to the current rate of the (European!) *guruş esedi*.

Those responsible for collecting the pilgrim fees in Jerusalem already alluded to their intention to re-evaluate the fees in 1628, when they warned Istanbul of the heavy loss incurred by the fact that these tolls were being paid in Ottoman silver coins that had lost so much of their value over the course of time. They therefore advocated returning to the "old routine" (*üslub-u sabık*) according to which the pilgrim fees were supposed to be collected in a "good [i.e. genuine or strong] currency" (*sikke-i hasene*).[18] Later on in the course of the seventeenth century a decision was reached and the pilgrim fees were

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[17] By 1583, Latin pilgrims paid their dues in florins. The report on the collection of the *resm-i Kumame* for that particular year records this fact as follows:

Received according to the old rate (*resm-i kadim*):	19,175 *para*
Rate differences (*Tafavüt-ü mal*):	5,030 *para*
Total:	24,205 *para*

That is a compensation of some 25% for the devaluation of the *para: defter-i muhasebe* dated Evahir-i Ramazan 991 (8–17 October 1583), Sijill 63: 18–21. As of 1588, Latin pilgrims began paying their dues in *para*s, that is 328 per person (full charge). Had each paid his legal charge in florins, the equivalent amount in *para*s would have been 615: *defter-i muhasebe* dated 1 Şaban 997 (15 June 1589), Sijill 71: 9–11; *defter-i muhasebe* dated 24 Receb 1000 (6 May 1592), sijill 74: 38–44.

[18] *Firman* dated 10 Zilkade 1037 (12 July 1628), Sijill 108: 171.

increased by 80–100 percent as compared with the nominal rates of the mid-sixteenth century. From then on, the tax imposed, for example, on pilgrims from *Bilad-ı Rum* or *Bilad-ı Şark* was 7 *guruş esedi* (280 *para* instead of 154) per person; those coming from *Vilayet-i Haleb ve Şam* were to pay 5.25 *guruş esedi* (210 *para* instead of 119) each, and so on.[19] This step of course elicited strong protest on the part of the pilgrims, but it was officially approved by the Ottoman government.[20]

Adjusted or nominal, the sums paid as entrance fees by visitors to the Church of the Holy Sepulchre were not the only charge imposed on Christian pilgrims to the Holy Land. While still en route to Jerusalem, they had to dispense significant sums of money charged as passage and protection tolls (*bac-ı tarik ve gafar*) at various checkpoints scattered along the road. For pilgrims from overseas, Jaffa was the port of entry and the main checkpoint on the way to and from Jerusalem. This obviously had important economic significance: The regular tolls imposed upon those entering and leaving through the Jaffa port represented "the single largest income" accruing to the Ottoman treasury from the district of Gaza and Ramle.[21] In the late seventeenth century, the state's income from the Jaffa port amounted to 8,052 *guruş esedi* annually. In 1698, of this total sum, 5,000 *guruş esedi* came from pilgrim tolls alone.[22] Ottoman official records state that by the end of the seventeenth century, the port fee imposed on every pilgrim arriving in Jaffa by sea was 7 *guruş esedi* (and another 7 upon his departure).[23] If one accepts these figures at face value, it emerges that in 1698 some 350 pilgrims passed through the port of Jaffa. In the absence of additional data it is hard to tell whether this number was representative of the situation in other years of the seventeenth century. Richer documentation is available with respect to the sixteenth century, and it is apparent that between 1580 and

[19] Court hearing registered on 20 Ramazan 1090 (25 October 1679), Sijill 181: 225–6. Although not specifically mentioned, the levy on pilgrims from *Bilad-ı Ifrenc* was probably (re-)assessed in florins, as stipulated in the *Kanunname-i Kumame.*

[20] *Firmans* of 1630 and 1679, Sijill 114: 41; 182: 14, 17.

[21] "Mukataa-ı mezburenin baş kalemi olan iskele-i markumeden Kuds-ü Şerif ziyareti için gelip giden züvvâr-ı kefere taifesinden ve tercümenlerinden kadimden beri alınagelen rüsum-u âdiyeleri", *firman* dated 20 Receb 1110 (22 January 1699), Maliyeden Müdevver 3466: 244–5.

[22] *Firman* dated 25 Şaban 1110 (26 February 1699), Maliyeden Müdevver 139: 11.

[23] Court hearing registered on Evasit-i Şevval 1094 (3–12 October 1683), Sijill 186: 45–6.

1594, an average of some 40 Christian pilgrims from Europe passed through Jaffa port annually.[24] Even if these data are inadequate, and although there may be some doubt as to whether the pilgrims of 1698 were all Christians, comparing the figures of the late sixteenth century with those of the late seventeenth show a marked increase in the number of Christian pilgrims passing through Jaffa port en route to Jerusalem. Such an impression is corroborated by the fact that during the first half of the eighteenth century the Ottoman state's income from the Jaffa port rose sharply by over 500 percent.[25]

At the Ramle checkpoint, pilgrims traveling from Jaffa to Jerusalem would meet others who had come overland, along the Via Maris from Egypt. There, a road-tax of 2.5 *guruş* was levied on every individual pilgrim. In the late sixteenth century, an average of 100 Christian pilgrims came from Egypt to Jerusalem annually.[26]

Pilgrims from other countries would usually follow the Via Maris from north, traveling south from Damascus and crossing into Palestine at Jacob's Bridge over the River Jordan, where they would proceed to Khān Minya on the Sea of Galilee, to the crossroads at ʿUyūn al-Tujjār, and finally traverse the Samarian mountains to Jerusalem.[27] For those who followed this route, the principal checkpoint was stationed at Fandaqumiyya, on the main road from Jenin to Nablus. In the sixteenth century, every pilgrim who passed there paid 48 *akçe*, 40 at Fandaqumiyya itself, and another 8 in Nablus.[28] *Tahrir* records dealing with the district of Nablus show that the Ottoman treasury anticipated an annual income of some 20,000 *akçe* from this source alone.[29] In other words, some 200 pilgrims were expected to pass each year through the checkpoint at Fandaqumiyya en route to Jerusalem and back. Apparently, these expectations were more or less fulfilled: Reports on the collection of the *resm-i Kumame* indicate that in the late sixteenth century an average of some 250 Christian pilgrims passed through the checkpoint at Fandaqumiyya annually.[30]

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[24] See above, note 9.
[25] Cohen 1973: 152–7.
[26] See above, note 9.
[27] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 5 Rebiyülevvel 958 (13 March 1551), Sijill 32: 179.
[28] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 6 Ramazan 947 (4 January 1541), Sijill 9: 41.
[29] Cohen and Lewis 1978: 72, 151.
[30] See above, note 9.

This checkpoint continued to function during the following century as well, and, in real terms, the toll collected there also remained the same. In the late seventeenth century, the toll was fixed at 1.25 *guruş esedi* (48 *akçe*, according to the rate of exchange that had been in force at the beginning of the sixteenth century).[31]

For the ordinary pilgrim this accumulated myriad of payments was a heavy burden. In addition to the major checkpoints, there were minor, secondary ones, as well as non-official, piratical road-blocks set up by bedouin or rural *şeyh*s who sought to share the state in the revenues accruing from the pilgrim traffic.[32] Attempts by pilgrims to by-pass official checkpoints in order to avoid payment proved to be both ineffective and harmful: Ineffective because Ottoman officials in Jerusalem—where all eventually met—were on alert and ready to collect retroactively all legal road-tolls the pilgrims had failed to pay.[33] It was harmful because pilgrims who were tempted to take unguarded, isolated detours greatly increased their chances of falling prey to brigands who might attack them physically, and would quite surely leave them stripped of everything, including garments.[34]

It is therefore not surprising that many pilgrims arrived in Jerusalem completely broke and penniless. Even worse, if they were unable to pay the *resm-i Kumame*—the fee charged for gaining entrance to the Church of the Holy Sepulchre—their whole journey, including the hardships suffered along the way, would become pointless. The result is vividly described by an eye-witness named Polonyalı Simeon:

> The poor who remain outside weep bitter tears as they beg to be permitted inside. The guards standing at the door are ready to compromise [and let them in] for three gold pieces, and if they do not have that much, even for two. The paupers turn their pockets inside out, as if to say that even this they are unable to pay. When nothing is

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[31] *Firman* dated Evahir-i Ramazan 1090 (26 October–4 November 1679), Sijill 182: 46.

[32] *Firman* dated Evahir-i Rebiyülâhir 1108 (16–25 November 1696), Zeyl-i Mühimme 11: 98. See other documents of the same matter and time: Sijill 181: 372; 182: 46; 183: 133–4; 192: 349. Cf. Cohen and Lewis 1978: 165–7; Thévenot 1686: 207, 215, 217; Andreasyan 1964: 120, 121, 146, 147, 148.

[33] See memos and decrees issued in that matter between 1540 and 1560, Sijill 9: 41; 32: 179; 34: 106.

[34] Minutes of a court hearing, 6 Rebiyülevvel 1062 (16 February 1652), Sijill 146: 162; minutes of a court hearing, Evasit-i Şevval 1094 (2–11 October 1683), Sijill 186: 45–6.

> found, an interpreter is called in and asked what can be given for these unfortunates so that they will not be deprived of the blessed Fire. The interpreter explains the situation to the patriarch who approaches some "notables" and in the name of the love of Jesus asks for their charitable help of the poor people. The compassionate notables each pay the entrance fee for one, two, three or four people, and take them with them into the church. Another fifteen or so remain behind, and the interpreter continues to intercede in their behalf. "These are blind, lame and ill; for love of God and the sultan, please fix them another fee, taking their condition into consideration", he says imploringly. Thus, assuming that a smaller sum is better than nothing at all, the gatekeepers permit these people too to enter, by dint of contributions collected for them from the other pilgrims.[35]

The Ottoman reports on the collection of the *resm-i Kumame* tell the same story. Many of these reports included a special category of toll-paying pilgrims—the category of impecunious paupers. Those belonging to this informal category are generally not identified by country of origin since, unlike the rest of the pilgrims, their country of origin had no bearing on the rate of their entrance fees which were eventually paid on their behalf by affluent pilgrims as charity. The entrance fees of these impoverished pilgrims were determined ad-hoc each time through negotiations between the Ottoman officials in charge of collecting the *resm-i Kumame* and the affluent pilgrims of the particular rite to which the poor belonged. As a result, the toll rate was always different and considerably less than the regular charge.[36] In the reports on the collection of the *resm-i Kumame* this procedure is summarized as follows:

> [Received] from a group of poor Christians [coming from] various [places] as charity [paid] by the rich for their various fees
> [number of pilgrims]
> [amount of money][37]

[35] Andreasyan 1964: 139.

[36] The fees paid for the poor pilgrims (*küdreti olmayan ziyaretçiler*) varied between 10 and 20 *para* per person, that is to say 3%–6% of the full charge assessed on pilgrims from *Bilad-ı İfrenc*; 7%–12% of that assessed on pilgrims from *Bilad-ı Rum* or *Şark*, and so on. See, e.g. *defter-i muhasebe* dated 24 Receb 1000 (6 May 1592), Sijill 74: 38–44.

[37] *Defter-i muhasebe* (undated) [1592–93], Sijill 74: 118–22.

And:

> [Received] by way of compromise (*ber vech-i musalaha*), in pursuance of the old custom, from a group of poor pilgrims who came to the Church of the Holy Sepulchre from various places
> [number of pilgrims]
> [amount of money][38]

or some combination of both.

Did not Polonyalı Simeon witness the same events as depicted by these brief statements? The answer to this is clear and so is the fact that, in the end, no pilgrim who had finally made it to the Church of the Holy Sepulchre wound up being barred at the door and left outside.

2. *Collection*

The description by Polonyalı Simeon of the poor pilgrims in Jerusalem provides a general idea of the manner in which the *resm-i Kumame* was collected.

He adds:

> From each individual, men and women, three gold pieces are collected as a fee for entrance to the church. From each priest two gold pieces are collected; but from bishops and monks they take nothing at all. From each of the Latins, to the extent that they are not [Ottoman] subjects, nine gold pieces are collected; for which each person receives a ticket. Once the door is opened each individual presents his ticket and goes inside. Those without a ticket remain outside.[39]

Basically, the *resm-i Kumame* was collected at the door to the Church of the Holy Sepulchre as a progressive entrance fee paid by every individual pilgrim who wished to go inside. The direct taxation per head is reflected by the detailed reports on the collection of this tax. Indeed, until the mid-sixteenth century, these reports recorded not only the number of pilgrims who visited the Church of the Holy Sepulchre, their countries of origin and the amounts they paid to go inside, but even their names.[40] By the seventeenth century, little

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[38] *Defter-i muhasebe* dated 24 Receb 1000 (6 May 1592), Sijill 74: 38–44.

[39] Andreasyan 1964: 126. The figures given in the text are not necessarily correct.

[40] *Defter-i muhasebe* dated Evail-i Zilkade 974 (10–19 May 1567), Sijill 47: 85–6, 128–31; *defter-i muhasebe* dated 2 Receb 975 (2 January 1568), Sijill 47: 114–5.

of this remained, and contemporary reports list only the overall amounts received on specific occasions from this particular source. No further details are furnished regarding the number of pilgrims from whom this money had been collected, nor was a word stated regarding their country of origin.[41]

This turn might have reflected a change in the old patterns of collection. Indeed, Ottoman documents of the time reveal that those in charge of collecting the *resm-i Kumame* had long since abandoned the direct taxation per head in favor of a more indirect and less punctilious system. A *firman* of 1699 confirms that the old practice by which each pilgrim paid his own fee at the door to the Church of the Holy Sepulchre had not been observed for a long time. Instead, the pilgrim fees were being collected by the heads of the monasteries where the pilgrims lodged, and then were handed as a lump sum to the officials in charge of the *resm-i Kumame*.[42] Indeed, a quarter of a century earlier, when the Armenian patriarch in Jerusalem applied for the authorities' permission to establish a new hostel for pilgrims, he could already claim this right by virtue of his being the authority responsible for the collection of the Armenian pilgrims' fees on behalf of the Ottoman tax-men.[43] According to the *firman* of 1699, this was an innovation that invited counterfeiting and deception, which inevitably reduced the state's income. Nevertheless, this practice took root and acquired the force of a law. A *firman* of the mid-eighteenth century explicitly states that in accordance with the "observed regulations" the heads of the respective churches in Jerusalem were each responsible for gathering the fees of pilgrims of their own affiliation, and for transferring them in toto to the responsible officials.[44]

In retrospect, the practice of farming out the *resm-i Kumame* by the system known as *iltizam* would seem to have been quite in line with the above-described phenomena. As with many sources of income that could be anticipated in advance, the Ottoman treasury would farm it to private entrepreneurs who pledged to forward the expected revenue immediately in return for the right to collect the actual pro-

[41] Sijill 108: 160–3; 146: 669–70; 152: 619–22; 159: 82–7, 112–5; 160: 458–60; 161: 460–1; 162: 422–5; 165: 60–3, 84.

[42] *Firman* dated 8 Muharrem 1111 (6 July 1699), Sijill 199: 266.

[43] *Firman* dated Evail-i Zilhicce 1084 (9–17 March 1674), Sijill 190: 267–8.

[44] "Kaide-i kadime-i mezbureye riayet olunarak varan züvvârın cins ve milletine itibaren lâzim gelen avaid-i mutedeleri kendi cinsleri rüesasından mütâlebe olunup", *firman* dated Evasit-i Muharrem 1175 (12–21 August 1761), Ecnebiye 34/2: 192.

ceeds by themselves and to their own benefit. This usually one-year contract was purported to have been advantageous to both parties: The state was ensured the anticipated income without having to bother with the process of collection, while the tax farmer would pocket whatever proceeds he managed to collect over and above the amount pledged. The fees collected from pilgrims to the Church of the Holy Sepulchre were no exception, and evidence that the Ottoman state was farming them out is found in an official document as early as 1540. The same document reveals that the private entrepreneurs who won that year's contract of farming the *resm-i Kumame* were two Armenian businessmen.[45]

However, this remarkable affair did not last long. A decision taken about that time by Sultan Süleyman to endow the state's income from the *resm-i Kumame* as a pious foundation (*vakıf*) for the benefit of Muslim ministrants at the Temple Mount mosques[46] brought the tax-farming contract of these two Armenians to an early end. Probably the association of the *resm-i Kumame* with a religious Islamic cause made it improper for non-Muslims to be farmers of this tax, and the Ottoman government hurriedly devised a technical excuse to revoke the contract long before its expiration date.[47] At the same time, the Ottoman authorities endeavored to increase their supervision over the revenues accruing from the *resm-i Kumame*. An appointed official (*emin*) of the Ottoman treasury was made responsible for collecting this tax, and, according to a memo issued in late 1541, he was to report directly to the chief inspector (*nazır-ı nüzzâr*) of all the imperial endowments in and near Jerusalem. As is evident in the Jerusalem *sijill* registers, an important duty of this *emin* and his successors was to prepare in cooperation with the *kadı* periodical reports of the revenues collected from pilgrim fees in Jerusalem, and of the expenses disbursed from the proceeds for purposes determined by the central government.[48]

[45] *Firman* dated 7 Safer 947 (13 June 1540), Sijill 9: 32.

[46] See below, in the following section.

[47] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 13 Şevval 947 (10 February 1541), Sijill 9: 39. See another dated 7 Zilhicce 947 (4 April 1541), Sijill 9: 40. The state alleged that the collaterals provided by these tax farmers were insufficient, and that in any case, errors found in the text of their contract deed rendered it null and void.

[48] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 6 Receb 948 (26 October 1541), Sijill 9: 56–7.

This did not rule out *iltizam* as an alternative system of revenue collection (and proceeds disbursement). After a respite of some twenty-five years, farming the *resm-i Kumame* was once again on offer to the highest bidder. This time ʿAbd al-Karīm b. ʿAbd al-Razzāq, a Muslim notable of Damascus, won the contract of farming the *resm-i Kumame* for the period of three years. Of special note is the fact that among the conditions attached to his contract was one explicitly forbidding employment of non-Muslims to collect this tax whose pledged revenue was allotted to a Muslim pious foundation.[49]

This attempt to utilize the *iltizam* system did not work out well. A *firman* of 1567 describes the *mültezim*, ʿAbd al-Karīm, as bankrupt who had dealt a heavy blow to the state treasury.[50] True, the income from the *resm-i Kumame* had sharply decreased that year due to a drastic, unexpected drop that occurred in the number of Christian pilgrims to Jerusalem.[51] But this exactly was the sort of risk a tax farmer was supposed to take upon himself, which was the whole point of the *iltizam* system. In any event, ʿAbd al-Karīm not only failed to do his part as tax farmer, but also embezzled proceeds. The damage, the *firman* concludes, was more than double.

ʿAbd al-Karīm's contract was immediately suspended;[52] but the Ottoman government went further. Apparently the income from the *resm-i Kumame* had special importance, for the government seems to have been reluctant to venture re-farming its collection through *iltizam*. All the same, the government was not enthusiastic about collecting this tax directly, through *emanet*. Therefore, since the revenues from the *resm-i Kumame* were endowed as *vakıf*, the logical solution was to make collection and disbursement the responsibility of the self-sustained administration of one of the already existing imperial *evkaf*. Not surprisingly, the choice fell on the *vakıf* of Hasseki Sultan—the most important and wealthiest foundation the Ottoman state had established some fifteen years earlier in Jerusalem, in the name of

[49] *Berat* dated 26 Şaban 973 (17 March 1566), Sijill 47: 39; *firman* dated 19 Ramazan 973 (9 April 1566), Sijill 47: 64.

[50] *Firman* dated 19 Rebiyülâhir 975 (23 October 1567), Sijill 47: 117–8.

[51] The report on the collection of the *resm-i Kumame* for 1567 confirms that only 35 pilgrims had visited during that year the Church of the Holy Sepulchre, which yielded an insignificant income of 5,320 *para: defter-i muhasebe* dated 2 Receb 975 (2 January 1568), Sijill 47: 114–5. No further explanation is given.

[52] *Firman* dated 19 Rebiyülâhir 975 (23 October 1567), Sijill 47: 117–8.

Sultan Süleyman's wife.[53] After 1567, the official in charge (*mütevelli*) of administering the *vakıf* of Hasseki Sultan was also in charge of collecting and disbursing the tolls levied on pilgrims to the Church of the Holy Sepulchre in Jerusalem.[54]

3. *Proceeds*

Entrusting collection of the *resm-i Kumame* to the expert administrators of a primarily financial institution such as the *vakıf* of Hasseki Sultan was meant to ensure that the income accruing from this source would be obtained in full, without losing "even the smallest crumb."[55] However, the method of collection was not the only or even the major factor affecting the amount received. By the very nature of things it was the Christian pilgrims themselves who more than anything else determined the size of the proceeds from the *resm-i Kumame*, or rather its fluctuations: The greater the number of pilgrims who arrived in Jerusalem, the higher the income received in fees, and vice versa. Data concerning the traffic of Christian pilgrims to Jerusalem are therefore necessary for any attempt to assess their economic or monetary affects.

An idea of the volume of this traffic and the income it yielded during the first two centuries of Ottoman rule in Jerusalem can be derived from the above mentioned reports on the collection of the *resm-i Kumame*. Unfortunately, they are of limited value, for the reports available cover only 23 years of this extended period.[56] The statistics concerning Christian pilgrimage to Jerusalem in those years appear in Table 14. Here too, it should be borne in mind that in a number of cases, primarily those pertaining to the seventeenth century, there is no data regarding the number of pilgrims arriving in

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[53] The *vakıf* of Hasseki Sultan was a poor-relief foundation designed to daily provide soup and bread for the needy, as well as small stipends for men of religion among the Muslim inhabitants of Jerusalem. This foundation was financed mainly by the tax returns of some 25 villages scattered around Jerusalem, which were endowed in perpetuity for this particular end. See Stephan 1944: 170–94; Peri 1992: 167–86.

[54] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the province of Damascus, Evahir-i Receb 975 (21–30 January 1568), Sijill 47: 116. See another dated Evasit-i Şevval 976 (28 March–6 April 1569), Sijill 47: 175.

[55] *Firman* dated 19 Rebiyülâhir 975 (23 October 1567), Sijill 47: 117–8.

[56] See above, note 9.

Jerusalem but only the overall income received from their fees. The figures given in Table 14 within square brackets are therefore estimations of pilgrim numbers calculated by linear transformation of the amounts collected as *resm-i Kumame*.[57]

From Table 14 it emerges that in the years for which statistics are available, an average of 585 Christian pilgrims visited Jerusalem per year, which netted the Ottoman treasury an average of 55,000 *para* annually. The significant standard deviation from this average as well as the data themselves indicate that this source of state income suffered chronic instability. Income fluctuated by tens if not hundreds of percent annually, a fact that highly complicated utilization of the revenue. Years that had significant surplus after expenses were often followed (or preceded) by years in which the income did not even cover the collectors' pay,[58] which is precisely why the option of farming out collection of this income as *iltizam* failed and was declared inappropriate. The system of *iltizam* was based on the ability to assess anticipated revenues in advance, but when it came to the *resm-i Kumame*, the whole venture became a dubious financial gamble, with risks too high for the reasonable tax farmer. Unlike land and population, which accrued relatively regular revenues, the income from pilgrim fees depended wholly on the human factor: Fortuitous individual decisions about whether and when to go on pilgrimage were beyond the power of the Ottoman government to predict and control. The Ottoman authorities could offer the pilgrims the best conceivable conditions: They could guarantee their physical safety and the safety of their accompanying property; they could protect them from harassment and extortion by local officials; they could even permit the heads of the Christian churches in Jerusalem to enlarge their monasteries to provide more space for pilgrim accommodation.[59] But in the end it was the pilgrim himself who decided, for his own personal reasons, if he should set out on the journey or not, and this fact, or rather its impact, is clearly visible in Graphs 7 and 8.

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[57] The linear transformation is a useful statistical tool that allows one to predict missing data on the basis of given data to which they linearly relate. Such relationship must have existed between the number of pilgrims coming each year to Jerusalem and the annual amounts received from their fees.

[58] See on this records of court hearings held in 1649, 1660, and 1668, Sijill 141: 260; 157: 159; 168: 71.

[59] More details in the fourth section of this chapter.

Table 14: Christian Pilgrims to Jerusalem and Income Received as their Fees (amounts in *para*)

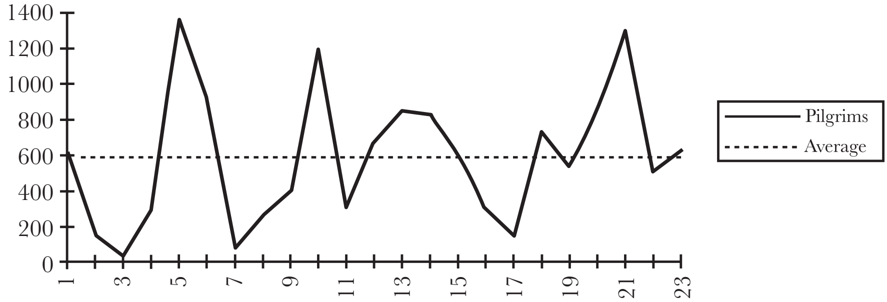
No.	Year	Pilgrims	Proceeds	Past Surplus	Rate Difference	Total Income
1	1565–66	[632]	60,204.00	12,543.50	0.00	72,747.50
2	1566–67	152	22,533.00	0.00	0.00	22,533.00
3	1567–68	35	5,320.00	0.00	0.00	5,320.00
4	1580–81	294	28,465.00	0.00	0.00	28,465.00
5	1581–82	1359	107,483.50	0.00	0.00	107,483.50
6	1582–83	908	88,950.50	16,215.50	14,704.00	119,870.00
7	1583–84	76	20,645.00	25,105.00	5,030.00	50,780.00
8	1584–85	260	38,898.00	2,470.00	0.00	41,368.00
9	1585–86	398	78,189.00	0.00	0.00	78,189.00
10	1586–87	[1194]	109,334.00	0.00	0.00	109,334.00
11	1587–88	298	31,982.00	0.00	0.00	31,982.00
12	1588–89	672	62,596.50	8,327.00	0.00	70,923.50
13	1591–92	841	55,653.50	0.00	616.50	56,270.00
14	1592–93	820	46,576.00	1,324.00	3,310.00	51,210.00
15	1593–94	600	63,186.00	0.00	0.00	63,186.00
16	1626–27	[285]	29,797.50	0.00	0.00	29,797.50
17	1650–51	[135]	16,695.00	0.00	0.00	16,695.00
18	1656–57	[726]	68,415.00	0.00	0.00	68,415.00
19	1660–61	[522]	50,568.00	0.00	0.00	50,568.00
20	1662–63	[852]	79,410.00	0.00	0.00	79,410.00
21	1663–64	[1286]	117,405.00	0.00	0.00	117,405.00
22	1664–65	[497]	48,382.50	0.00	0.00	48,382.50
23	1672–73	[614]	58,590.00	0.00	0.00	58,590.00
Average		[585]	56,055.60	2,868.91	1,028.72	59,953.24
Standard Deviation		[370]	29,955.95	6,387.60	3,152.00	31,171.70

Under these circumstances, it is quite understandable why the Ottoman treasury preferred not to deal with this source of income directly. As noted above, the solution was found in annexing the *resm-i Kumame* to the *vakıf* of Hasseki Sultan—a richly endowed foundation which earned a steady income derived primarily from land.

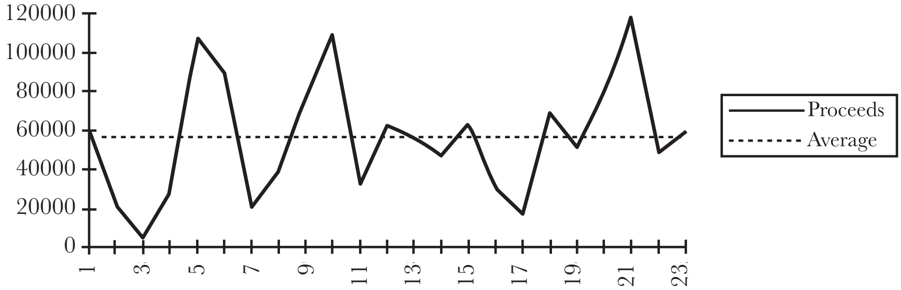
B. Expenditure: Supporting Islam and Muslims in Jerusalem

Endowing state income as *vakıf* for Muslim religious purposes in Jerusalem was a quite common act. As a matter of fact, most of the revenues accruing to the Ottoman treasury from the district of Jerusalem were returned, spent on Muslim religious objectives in Jerusalem itself. Devoid of political and/or economic importance, Jerusalem

Graph 7: Christian Pilgrims to Jerusalem, the Sixteenth and Seventeenth Centuries



Graph 8: Income from Pilgrim Fees, Jerusalem in the Sixteenth and Seventeenth Centuries



(has) nonetheless had exceptional religious standing as the third holiest city in Islam. In fiscal terms, this meant that this city was brimming with Muslim religious institutions and personnel whose potential contribution to the state treasury—if at all existent—was quite limited. As a matter of fact, it was the Ottoman state—an embodiment of the political doctrine of the Islamic faith—which felt obliged to contribute munificent sums from its own treasury to enhance Islam in Jerusalem and to support anyone or anything that might invest the city with a semblance of a Muslim sanctuary. Thus Jerusalem became—in fact from the time of the Mamluks—a city of Muslim religious scholars, ministrants and buildings supported by public funds and pious foundations whose primary source of financing was state income from taxes. One of these tax resources was the *resm-i Kumame*.

1. *Endowment*

Endowing the state income from the *resm-i Kumame* as a pious foundation to financially support Muslim religious life in Jerusalem was part of an everyday reality. Indeed, in the absence of anything resembling municipal authorities in pre-modern Ottoman cities, the *vakıf* institution became the most important (if not the only) means by which sultans and senior state officials could provide city dwellers with the most basic and essential services.[60] Religion, education and poor-relief were the principal domains in which the Ottoman state offered urban services by establishing *evkaf*. Thus mosques, religious monuments, Sufi convents, centers of Islamic learning, pilgrim lodges, soup kitchens etc. were usually financed by irrevocable allocations of state income set aside and made *evkaf* for these specific purposes. The main point of such endowments was to provide each of these public-service institutions with ample, independent sources of income, so as to enable them to function properly as well as autonomously, without the state having to be directly involved in their day to day administration. To the extent that such was the case in the Muslim world in general, it was even more so in Jerusalem, whose daily semblance was supposed to mirror the idea of "Thālith al-Ḥaramayn." It is therefore not surprising that founding *evkaf* became the most accepted channel for investment of state funds to preserve and enhance the Muslim character of Jerusalem.

The Ottomans were not the first Muslim rulers of Jerusalem to make use of the *vakıf* institution to invest state funds in the Islamic appearance of the city. However, endowing a pious foundation from the income from the fees paid by Christian pilgrims to Jerusalem was nevertheless an Ottoman innovation. A study of Jerusalem during the Mamluk period reveals that the pilgrim fees were then accruing to the state treasury and were called "*Jibāyat al-Sulṭān*."[61] The

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[60] For brief surveys on the waqf in general, its origins, history and significance, see Heffening 1932: 1096–103; Gibb and Bowen 1957: 165–78; Baer 1962: 154–63; McChesny 1981: 165–90; Barnes 1986: 5–20; Peri 1992: 167–86. The Muslim waqf institution was not an Ottoman invention, nor were its public-service applications. However, it was especially under the Ottomans that the waqf (as well as other semi-formal institutions) was strengthened, elaborated and made suitable to compensate for the "contradiction that existed between the apparent underadministration of the towns and the necessity of fulfilling the fundamental needs of their inhabitants" (Raymond 1984: 19).

[61] Lutfi 1985: 135–6.

situation changed shortly after the city had come under Ottoman rule: At some point during his reign, Sultan Süleyman decided to endow the income from the *resm-i Kumame* as *vakıf* to financially support some one hundred Muslim men of religion who promised to recite verses from the Qurʾān daily at the Dome of the Rock on the Temple Mount. It is hard to establish the exact date of this act, as the original endowment deed (*vakfiyye*), presumably containing such details, is not available. From Ottoman documents rejecting non-Muslims as tax farmers of the *resm-i Kumame* it may be inferred that the income from this tax was made *vakıf* not before 1541.[62] In any event, the earliest Ottoman document available to confirm that this income had been made *vakıf* for the benefit of Qur'ān reciters at the Dome of the Rock is from 1560.[63] From then on, this fact is repeated in all the reports on the collection and disbursement of the proceeds from the *resm-i Kumame*.

The stipulations of the original endowment deed are seemingly reliably quoted in a *firman* issued by Süleyman's son, Sultan Selim II (1566–1574), as follows:[64]

> My late and forgiven father, Sultan Süleyman Han, may he rest in peace, placed 97 people at the exalted Dome of the Rock in Jerusalem to recite [Qurʾān] portions (*ecza haanan*) for a daily reward of 2 *akçe* each, a total daily sum of 194 *akçe*—69,840 per year. He also appointed a head reader (*şeyh-i kurra*) for a daily wage of 13 *akçe*, as well as a scribe (*kâtib*) for 15 *akçe* a day, and a money-changer (*sarraf*) for one *akçe* daily. Their wages will total 29 *akçe* a day—10,440 per year. He also assigned a daily pension of 8 *akçe* to a retired dervish, as well as a wage of 2 *akçe* for each the keeper of the [Qurʾān] portions (*hafiz-i ecza*) and a professional reciter of prayers (*duacı*). Their annual wage will total 3,600 *akçe*. Altogether, an annual sum of 83,880 *akçe* will be disbursed [for the above-listed posts]. For this purpose he endowed as *vakıf* the fees paid by the infidels who come to visit the church called Kumame in the aforementioned city. From anything left over he assigned 2 *akçe* for each of the 19 Sufi disciples of Shaykh Aḥmad Dajjānī, who will be reciting the Qur'ān at the exalted Tomb (*makam*)

[62] Memo by the official in charge of the revenues accruing to the Ottoman treasury from the Arab lands, 13 Şevval 947 (10 February 1541), Sijill 9: 39. See another dated 7 Zilhicce 947 (4 April 1541), Sijill 9: 40. For hints to the fact that income from the *resm-i Kumame* constituted part of the funds raised to finance the erection of Jerusalem's city walls by Süleyman, see *firman* dated 29 Şaban 945 (20 January 1539), Sijill 9: 36.

[63] *Firman* dated 19 Cemaziyelâhir 967 (18 March 1560), Sijill 34: 106.

[64] *Firman* dated 19 Rebiyülâhir 975 (23 October 1567), Sijill 47: 117–8.

> of the Prophet Dāʾūd, upon whom be prayer and peace. Their daily wages will total 38 *akçe*—13,680 per year. He also appointed [over them] a *şeyh* and an *imam* to be paid 11 *akçe* a day, and allocated another 5 *akçe* for straw [prayer] mats and olive oil [for illumination]: together 16 *akçe* a day, 5,760 *akçe* a year. From among the *ulema* and the righteous, 7 people were designated as beneficiaries of the surplus [income] (*zevaid haaran*). [Together] they will receive 51 *akçe* a day, 18,360 *akçe* a year. Altogether—37,800 *akçe* per year, and the overall expenditure will amount to 121,680 *akçe* annually.

Putting these stipulations into effect—collecting the *resm-i Kumame* and disbursing the income in the manner defined in the endowment deed—was initially the responsibility of Ottoman officials drawn for that purpose from the state machinery. After the abortive attempt to farm out operation of this *vakıf* as *iltizam*, Sultan Selim II decided that from then on, "whoever be the *mütevelli* of the imperial soup kitchen of my dear mother, the late [Hasseki] Sultan, will [also] serve, by virtue of this function, as the *mütevelli* [in charge] of [the income from] the Church of the Holy Sepulchre."[65] This represented the main point in endowing imperial *evkaf*: Providing for social, religious, welfare and other necessary public-service institutions without burdening the state machinery with their daily operation.

2. *Beneficiaries*

Endowing the state income from the *resm-i Kumame* as a pious foundation was specifically directed to support Muslim men of religion residing in Jerusalem. Indeed, their very presence and performance of their daily routine would give practical expression to the special status of Jerusalem as a Muslim sanctuary, a status the Ottoman state greatly wished to enhance. Supporting these men of religion so as to encourage them to devote more of their time and energy to pious activity would undoubtedly have enhanced both the Muslim

[65] *Ibid.* This administrative merger between the *vakıf* of Hasseki Sultan in Jerusalem and the *vakıf* of the *resm-i Kumame* is frequently cited in the registers of the Ottoman treasury. See, for example, İbnülemin-Evkaf 1487, 3567; Emiri-II. Mustafa 2412; Emiri-IV. Mehmed 10304. See also *firman* dated 12 Cemaziyelâhir 1079 (17 November 1668), Sijill 190: 14–5: "Hazine-i amiremde mahfuz olan Anadolu muhasebesi defterlerine nazar olundukta Sahratüllâh-ı Müşerrefede merhum ve mağfur lahu Sultan Süleyman Han tabasarahu ruhuçün tayin olunan ecza haanların vazifeleri Kuds-ü Şerifte Kumame mahsulundan tayin ve vakıf ve şart olunup tevliyeti merhum Hasseki Sultan evkafi mütevellisi olanlar zabt edegeldikleri mestur ve mükeyyed bulunmağın".

appearance of Jerusalem and the prestige of the state which allocated funds for this particular purpose. This idea was most clearly expressed in the allocation of special allowances to some one hundred Muslim ministrants in Jerusalem, on condition that they recited the Qurʾān daily on the Temple Mount—Islam's sanctum sanctorum in the city. Hence the importance attributed to selecting the right men for the job: Only qualified *ulema* could benefit from the pious foundation that financed those allocations. In a *firman* of 1564, the *kadı* in Jerusalem was ordered to personally test the religious qualifications of each potential beneficiary with the intention of disqualifying in advance anyone unable to recite the Qurʾān properly.[66]

Those who passed the exam represented all professions of the *ulema*—*kadı*s (retired), *müfti*s, professors of Islamic law, Sufi mystics, attendants of holy vaults, ministrants of mosques, etc. The significant increase in their number (from 130 beneficiaries, according to the original conditions of the endowment, to 370 in the mid-seventeenth century) implies that aside from attending to the Muslim appearance of Jerusalem, the Ottomans used the income from the Church of the Holy Sepulchre (as well as other foundations with similar goals) as a means of patronage and control over the local Muslim notability, which at the time (as elsewhere in the Ottoman Empire) was transforming itself into a strong urban leadership.[67]

Not surprisingly, the local Muslim notability in Jerusalem consisted mainly of *ulema*. As elsewhere in the Ottoman Empire, the *ulema* formed an informal (and rather heterogeneous) social and cultural elite. Apart from controlling all aspects of Islamic religious practice, the *ulema* dominated the fields of law, education, and intellectual life in general. As such, senior *ulema* maintained a highly prestigious standing and might consequently be able to influence matters of state. Moreover, by virtue of their religious authority, *ulema* held, so to speak, the keys legitimizing the claim of Al-ı Osman to rule in the name of Islam over the Abode of Islam. In addition, *ulema* fulfilled the traditional function of local notability in Muslim cities throughout the Ottoman Empire, intermediating between the authorities and the local population. Granting the *ulema* rights to special allowances from funds of imperial *evkaf* may therefore be interpreted as part of

[66] *Firman* dated 25 Safer 972 (2 October 1564), Mühimme 6: 93.
[67] Hourani 1968: 41–68.

the payment (or enticement) offered by the central government to secure their cooperation in the above matters. Furthermore, the government seemed to be trying to make local *ulema* socially and economically dependent on Istanbul, in the hope of fostering their loyalty and commitment to Ottoman rule and policies. In the long run, however, pinning such political hopes on Ottoman imperial *evkaf* proved detrimental to the economic resources of these institutions and to their ability to function and fulfill the objectives for which they had been originally founded.

3. *Disbursement*

Exploiting the income from the *resm-i Kumame* as an instrument to muster public support for Ottoman rule and policies naturally led to a significant increase in the number of the beneficiaries, viz. the Muslim men of religion from whom the authorities expected reciprocation. This trend is shown in Table 15,[68] which clearly indicates that the situation described refers primarily to the seventeenth century. During the second half of the sixteenth century, the number of beneficiaries from the *resm-i Kumame* remained more or less stable and essentially as stated in the endowment deed. However, during the first half of the seventeenth century, their number rose, indeed jumped manifold. It may well be that in the first half of the seventeenth century the Ottoman authorities felt vulnerable and in greater need of public support than they had at the late sixteenth century. If that was the case, the growth in the number of beneficiaries could be a logical outcome of Ottoman use of *evkaf* to mobilize moral and political support from local *ulema*.

This use of the *vakıf* institution had long buttressed Ottoman public policy. This policy was naturally contingent on a constant broadening of its target population by allocating benefits to as many individuals as possible.[69] Problems arose when the political use of *evkaf* overshadowed or hampered their economic functioning, which seems to have been the case of the *vakıf* financed by the income from the *resm-i Kumame*. Although the unpredictability of this income called for extra budgetary prudence, the financial obligations of the

[68] See above, note 9.
[69] Peri 1992: 171–86.

Table 15: Beneficiaries and Allowances from the Income Derived from the *Resm-i Kumame*
(amounts in *para*)

Year	Income	Beneficiaries	Allowances Pledged		Allowances Paid	
			Amount	Index*	Amount	% of Pledged
1580–81	28,465	108	49,680	81.7	33,180	66.8
1582–83	119,870	135	63,000	103.5	59,970	95.2
1585–86	78,189	138	76,320	125.4	72,855	95.5
1587–88	31,982	137	86,940	142.9	29,904	34.4
1591–92	56,270	117	62,100	102.1	56,270	90.6
1592–93	51,210	122	67,176	110.4	58,637	87.3
1593–94	63,186	117	58,860	96.7	63,481	107.8
1626–27	29,797	207	141,840	233.1	29,437	20.7
1650–51	16,695	122	66,780	109.8	16,695	25.0
1656–57	68,415	250	259,020	425.7	69,525	26.8
1660–61	50,568	279	234,900	386.1	50,568	21.5
1662–63	79,410	290	260,730	428.5	79,410	30.5
1663–64	117,405	317	315,540	518.6	117,405	37.2
1664–65	48,382	368	464,940	764.2	48,382	10.4

* Base: 60,840 (endowment deed) = 100

vakıf increased steadily and uncontrollably, with lavish allocations being pledged, evidently irrespective of the *vakıf*'s ability to pay. The inevitable result is clearly shown in the column "% of Pledged" in Table 15: Whereas in the sixteenth century the income from the *resm-i Kumame* would cover an average of 82.5% of the allowances pledged, in the seventeenth century this average declined to 24.5%. Attempts to close the deficit with funds drawn from the *vakıf* of Hasseki Sultan were unavailing because this foundation was concurrently suffering the very same predicament.[70]

The significance of these statistics is clear: In the seventeenth century not all the registered beneficiaries actually received their allowances, and those who did usually received less than what had been pledged. Indeed, the least surprising contemporary documents recorded in the *sijill* are those in which the *mütevelli* declares that in a certain year

[70] *Firman* dated 19 Şevval 1034 (25 July 1625), Sijill 108: 51–2. Cf. Peri 1992: 171–86. For evidence of that the allowances of some beneficiaries were sometimes indeed defrayed by the *vakıf* of Hasseki Sultan, see *firman* dated 19 Rebiyülâhir 975 (23 October 1567), Sijill 47: 117–8.

the income from the *resm-i Kumame* was insufficient to pay the beneficiaries their pledged allowances.[71] What *is* surprising is the absence of any complaints on the part of the unpaid beneficiaries. Indeed, in late 1686, representatives for these beneficiaries came to the *kadi*'s court and declared under oath that they had no complaints at all against the *mütevelli*.[72] Such behavior may indicate that the beneficiaries from the *resm-i Kumame* were very likely aware of the actuarial problem inherent in this foundation, and therefore accepted the consequences with understanding and forbearance. Of course, the claim might be made that individually the allowances were nonetheless small and therefore easy to relinquish.[73] But that is hardly the point: Had the allowances really been judged only by their economic value, the beneficiaries would most unlikely have given them up without the slightest protest. It must therefore be that the allowances, or rather the *entitlement* to an allowance, had a distinct social value that compensated for the significant decrease in their economic worth. The right to receive an allowance from the state treasury, whether directly or through an imperial foundation, was in itself evidence of belonging to the social elite—a status symbol the *ulema* and the like could use to demonstrate their membership in the local notability.[74] As such, allowances from the state income from the *resm-i Kumame* became an appreciated and desirable commodity by the *ulema*, and the Ottoman state could still offer it to them for a (political) price, regardless whether the beneficiaries were actually paid or not.

Ultimately however, collecting and disbursing the income from the *resm-i Kumame* was a financial matter. Although allocated as *vakıf*, the fees paid by pilgrims to the Church of the Holy Sepulchre were an inseparable part of the Ottoman state budget, and the important question to be asked in this context is how and to what extent this fact influenced Ottoman policy in the Question of the Holy Sites.

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[71] See e.g. 22 Rebiyülevvel 1059 (6 April 1649), Sijill 141: 260; Evahir-i Şaban 1070 (1–10 May 1660), Sijill 157: 159; 19 Şevval 1078 (2 April 1668), Sijill 168: 71; 12 Cemaziyelâhir 1079 (17 November 1668), Sijill 190: 14–5.

[72] Affidavit dated Evail-i Safer 1098 (17–25 December 1686), Sijill 187: 564.

[73] Bakhit 1982: 160–1.

[74] Peri 1992: 171–8.

C. Significance: The Holy Sites and the Budget of Ottoman Jerusalem

The first logical step in answering the last question would be to try to establish the relative significance of the Holy Sites as a source of income to the Ottoman state. This could be achieved by comparing the *resm-i Kumame* to other items of the Ottoman state's revenues and expenditures in Jerusalem. The results of this examination might facilitate an understanding of the financial aspects of Ottoman policy regarding the Question of the Holy Sites.

1. *Pilgrim Fees and Other Sources of Income*

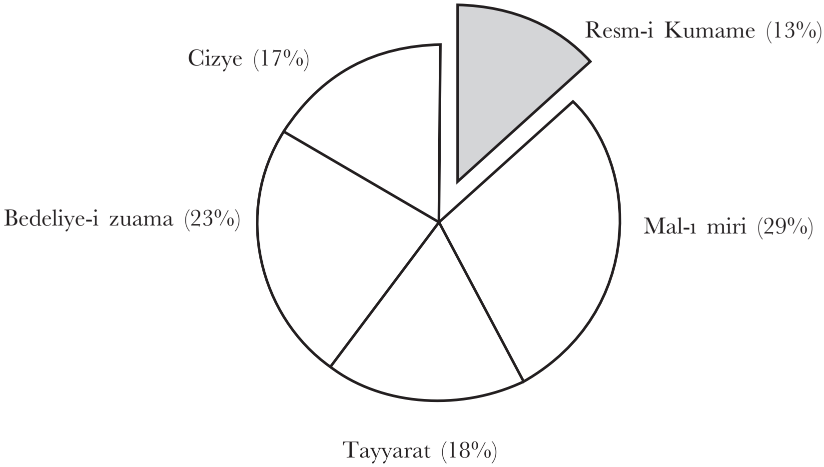
The Ottoman documents stored at the Başbakanlık Arşivi in Istanbul include random balance sheets pertaining to the Ottoman state's revenue from the district of Jerusalem in the late seventeenth century.[75] The data compiled from these reports appear in Table 16, together with the average total income received from the *resm-i Kumame* in the second half of the seventeenth century.[76] In addition, Graph 9 indicates the relative contribution of each source of income to the total revenue.

Table 16: Sources of Income to the Ottoman State, Jerusalem in the Late 17th Century
(Amounts in *guruş esedi*)

Year	Source	Income
1690–1691	Poll-tax (*cizye*) from Christians and Jews	2,666
1696–1697	*Bedeliye-i zuama ve erbab-ı timar*[77]	3,762
1702–1703	Fines and other sporadic returns (*tayyarat*)	2,932
1702–1703	Land tax and tithes on agricultural produce (*mal-ı miri*)	4,718
1650–1673	*Resm-i Kumame* (average per year)	2,093

[75] Maliyeden Müdevver 3643 [1690–1]; Maliyeden Müdevver 10144 [1696–7]; Cevdet-Maliye 14379 [1701–4]; Cevdet-Maliye 15894 [1702–3].
[76] See above, note 9.
[77] The tax paid by holders of military fiefs (*timar, ziamet*) in exchange for exemption from active service in the Ottoman cavalry. See Cohen 1973: 306–7.

Graph 9: Breakdown of the Ottoman State's Income by Source, Jerusalem in the Late 17th Century



The results of this altogether random sampling are rather surprising: Among the main items of the Ottoman state's income from the district of Jerusalem, the fees paid by Christian pilgrims to the Church of the Holy Sepulchre were the least significant. This finding totally conflicts with the *tahrir* registers of the sixteenth century according to which the *resm-i Kumame* represented the most profitable and important source of income to the Ottoman state in the district of Jerusalem: 120,000 *akçe* (some 30% of the total income) were anticipated by the treasury from this source annually—more than twice as much as received from the *cizye* (the second largest source), and much more than the revenue accruing from other branches of Jerusalem's economy.[78] Not coincidentally, 120,000 *akçe* a year was about the same amount allocated in the mid-sixteenth century by Sultan Süleyman to pay the allowances of the beneficiaries of his foundation in Jerusalem. However, 120,000 *akçe* was still the average annual sum accruing to this foundation from the *resm-i Kumame* in the mid-seventeenth century.

Some of the reasons that might have been responsible for the actual reduction of the income from the *resm-i Kumame* have been

[78] Cohen and Lewis 1978: 95–104.

discussed earlier in this chapter. In any case, it should be borne in mind that the sample offered above is more fortuitous than representative, and that the income from the *resm-i Kumame* had a tremendous growth potential, which apparently was realized in the early eighteenth century. The remarkable increase of the state revenue from Jaffa—the major port of entry to the Holy Land from Europe—that occurred during the first half of that century represents one of the clearest signs of this change. Indeed, in 1785–86 the *mütevelli* of the *vakıf* of Hasseki Sultan could boast an income of 14,777.5 *guruş* collected as *resm-i Kumame*—an increase of approximately 650% compared to the receipts of 1672–73 (the last year of the seventeenth century for which data concerning the collection of this tax are available).[79] In addition, it should be remembered that not only Jerusalem but other districts pilgrims had to pass through on their way to the Holy Sites enjoyed a fairly significant income engendered by the pilgrim traffic. Thus, despite the sharp fluctuations, Christian pilgrimage to Jerusalem had and retained economic significance that the Ottoman state could not possibly ignore.

2. *Pilgrim Fees and Ottoman Support of Muslim Life in Jerusalem*

Just the same, the Ottoman state could not ignore the public-political significance of its income from the *resm-i Kumame*, which was disbursed to support Muslim men of religion in Jerusalem. Hence, discussion of the economic significance of the *resm-i Kumame* must be supplemented by an attempt to assess the relative political importance of the income from this source. Given the sanctity of Jerusalem in Islam, it would be safe to assume that other foundations also operated in this field, supporting Muslim men of religion residing and ministering in this Muslim holy city. Indeed, the foundation endowed by Sultan Süleyman from the income accruing as *resm-i Kumame* was but one arm of a state-initiated aid structure that systematically bestowed charitable and complimentary allowances on the living symbols of Islam in Jerusalem. Other arms of this structure were:

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[79] Sijill 267: 78–80. At the end of the century, however, during Napoleon's invasion of Palestine, the income from the *resm-i Kumame* dropped again to no more than 1,028.5 *guruş* (Sijill 281: 98–101).

(a) The *Vakıf* of Hasseki Sultan. A foundation devoted mainly to operating an *imaret* (soup-kitchen) which distributed daily free meals to the needy among the Muslim inhabitants of Jerusalem. In addition, it functioned as a public welfare fund that supplemented the regular (and usually small) wages of Muslim religious personnel, and also paid allowances to Muslim students of religious learning, Sufi mystics and senior *ulema*.[80]

(b) *Mal-ı Cevali* (alias *cizye*). A significant part of the state's revenue collected as poll-tax from non-Muslims in and around Jerusalem remained in the city and was distributed among several dozen *ulema*.[81]

(c) *Qurrā᾿ al-Rabaʿāt al-Jadīda* ("the New Groups of Readers"). A relatively recent foundation established by Sultan Murad IV (1623–1640) to disburse an annual grant to some 80 Muslim men of religion in return for their reciting verses of the Qur᾿ān daily at the Temple Mount mosques in memory of this sultan and members of his family.[82]

(d) *Surre-i Rumiyye* ("the Istanbul Bundle"). A regular sum of money disbursed annually directly from the Ottoman state treasury as grants paid to hundreds of Muslim ministrants and *ulema* in different parts of the empire, particularly in Mecca, Medina and Jerusalem.[83]

(e) *Surre-i Misriyye* ("the Cairo Bundle"). A regular sum of money disbursed annually from the Egyptian provincial treasury as grants paid to dozens of Muslim ministrants and *ulema* in Mecca, Medina and Jerusalem.[84]

(f) *Evkaf-ı Haremeyn-i Şerifeyn*. A small part of the income produced by the imperial endowments for Mecca and Medina was regularly divided among the *ulema* in Jerusalem.[85]

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[80] Balance sheets pertaining to the *vakıf* of Hasseki Sultan for the years 1660–61, 1661–62, 1665–66, Sijill 159: 21–39, 69–81, 148–64.

[81] *Defter-i tevzi-i mal-ı cevali* dated 20 Cemaziyelevvel 1067 (6 March 1657), Sijill 152: 593; *Defter-i vezaif-i mezkurin an cevali haaran sakinan-ı Kuds-ü Şerif*, 1111 (1699–1700), Emiri-II. Mustafa 2320.

[82] *Daftar tawzīʿ ʿulūfāt al-qurrā᾿ bil-rabaʿāt al-jadīda* for the years 1658–59, 1659–60, 1661–62, 1665–66, Sijill 157: 528; 161: 428–9, 448–9; 163: 469–70; 166: 450–1.

[83] *Defter-i taksimat-ı surre-i şerife-i hakaniyye-i Rumiyye-i cedide ki bera-yı ahali-yi Kuds-ü Şerif firistâde şüde*, 1076 (1665–66), Surre 109.

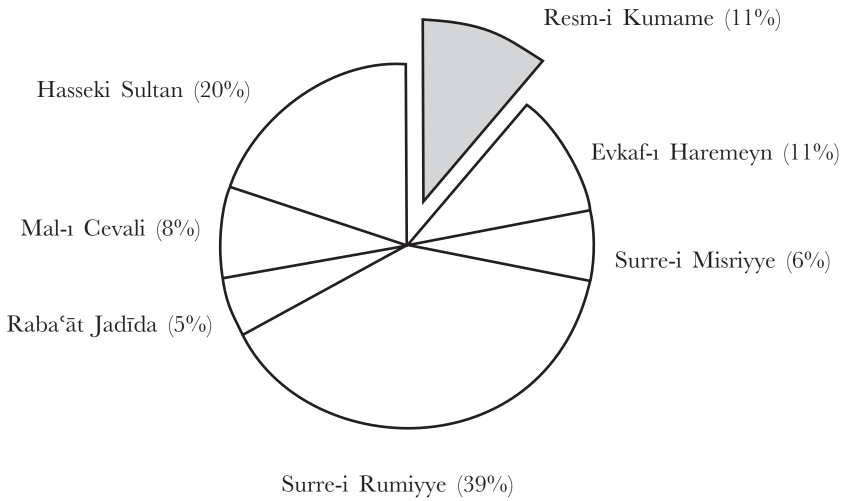
[84] *Daftar al-ṣurra al-Miṣriyya al-wārida min jānib Miṣr* for the years 1645–46, 1659–60, 1662–63, Sijill 140: 476; 156: 647; 163: 429–31.

[85] *Muhasebe-i varidat ve masarif-i evkafi haremeyn-i şerifeyn*, 1073 (1662–63), Surre 86.

Table 17: The Ottoman State's Expenses on Muslim Men of Religion, Jerusalem in the mid-17th Century
(Amounts in *guruş esedi*)

Year	Source	Beneficiaries	Expenditure
1660–1666	*Vakıf* of Hasseki Sultan (average per year)	240	3,700
1657–1700	*Mal-ı Cevali* (regular per year)	58	1,458
1658–1666	*Al-Rabaʿāt al-Jadīda* (average per year)	87	985
1665–1666	*Surre-i Rumiyye* (regular per year)	1476	7,261
1645–1663	*Surre-i Misriyye* (regular per year)	152	1,177
1662–1663	*Evkafi Haremeyn* (regular per year)	?	1,974
1650–1673	*Resm-i Kumame* (average per year)	270	2,093

Graph 10: Breakdown of the Ottoman State's Expenses on Muslim Men of Religion by Source, Jerusalem in the mid-17th Century



To the extent that these arrangements were made in expectation of political returns, it would be interesting to gauge the relative significance of the foundation financed by the *resm-i Kumame* for Ottoman public policy in Jerusalem. This is expressed quantitatively in Table 17 and Graph 10.

Comparing the data included in Table 17 with those of Table 16, it emerges, not surprisingly, that about two-thirds of the Ottoman state's revenue from the district of Jerusalem remained in the city and were spent among Muslim religious personnel and *ulema*. About 11 percent of the amount spent was contributed by the *resm-i Kumame*.

This contribution was much smaller than that of the *surre-i Rumiyye*. Still, the income derived from the Church of the Holy Sepulchre was significant enough to firmly prop up the public policy of the Ottoman state.

D. Ottoman Response to the Holy Sites Question: The Financial Factor

To the extent that the income derived from the Church of the Holy Sepulchre was significant to the Ottoman state from both the fiscal and public-political standpoints, the question arises whether and how this influenced Ottoman policy with respect to the Holy Sites. Quite naturally, the immediate sphere in which this question was put to the test was the treatment of those who supplied the revenue—the Christian pilgrims to Jerusalem. As explicitly noted, ensuring the accessibility of the Holy Sites to all Christians regardless of origin or church, and irrespective of friend or foe, was one of the most important tenets of Ottoman policy in the Question of the Holy Sites. Quite simply, and preceding any deeper explanation, this policy was economically expedient: Any disruption of the pilgrim traffic would damage both the state's revenue from the pilgrim fees and the public-political goals they supported financially. Besides, the very presence of pilgrims in Jerusalem and their consumption of various goods and services was of tremendous importance to the economy of the city. It is therefore not surprising that the central government in Istanbul deemed it necessary to remove all obstacles that might conceivably deter pilgrims from visiting Jerusalem and the Holy Sites.

While on their way to Jerusalem, pilgrims were exposed to countless difficulties designed by local Ottoman officials who wanted to grab a share of whatever profit could be gained from the pilgrim traffic. In this context, a particularly common complaint by pilgrims referred to exorbitant taxation—greatly in excess of what they owed legally. A *firman* of 1552 echoes a complaint testifying that the doorkeepers at the Church of the Holy Sepulchre were demanding illegal higher admission fees, only to pocket the surplus.[86] In another

[86] Heyd 1960: 182–3. See also *firman* dated Evahir-i Rebiyülevvel 1002 (15–24 December 1593), Sijill 11: 140.

case, a group of Armenian pilgrims complained that upon their arrival in Jerusalem, the governor forced them to pay "road taxes" despite the fact that they had already paid them at the official checkpoints en route.[87] The official justification for collecting such fees was the need to cover the expenses of protecting the main highways of the state, so as to ensure the safety of passengers, including pilgrims to the Holy Sites. Nevertheless, Ottoman military personnel would try to force themselves on groups of pilgrims as paid escorts, while spreading false rumors about the ostensibly unsettled conditions prevailing on the roads. A *firman* of 1616 reveals that Janissaries of the Ottoman garrison in Damascus were forcing Christian pilgrims to hire their escort services, unnecessary as they may have been. The pilgrims were thus burdened with the additional outlay of paying their unwelcome escorts as well as providing for their food and animals' fodder during the entire journey.[88] Armed escort, however, was needed to protect the pilgrims who at Easter would descend from Jerusalem through the Judean Desert to the Jordan river. This escort was provided by the governor of Jerusalem in return for a fixed sum determined by custom and sanctioned by law. Complaints submitted by pilgrims reveal that Jerusalem's governors were not satisfied with the customary amount—3.25 *guruş* per person—and demanded more.[89] Moreover, the governors would obligate all pilgrims to pay for the journey, including those who chose to remain behind.[90] *Zimmi* pilgrims had an additional complaint—the attempt to collect the *cizye* from them regardless of whether they had paid it at their places of origin or not. Ottoman documents reveal that even if they avoided being dunned twice and could prove that they had paid the tax during the six months prior to their visit to Jerusalem, the investigation itself caused them damage, sorrow and pain.[91]

[87] Court hearing registered in Evail-i Cemaziyelâhir 1102 (2–10 March 1691), Sijill 192: 349.

[88] *Firman* dated 14 Safer 1025 (3 March 1616), Mühimme 81: 42. Five additional *firman*s issued in this regard between 1634–1644 are quoted in a record of a court hearing registered in Evasit-i Rebiyülâhir 1061 (2–11 April 1651), Sijill 145: 251.

[89] *Firman* dated Evail-i Şevval 1035 (26 June-4 July 1626), Patriarchate 266. See another dated Evail-i Zilhicce 1070 (8–16 August 1660), Patriarchate 267. This *firman* was given in response to a petition submitted jointly by the heads of the Christian churches in Jerusalem, 13 Şaban 1070 (24 April 1660), Sijill 157: 159.

[90] *Firman* dated 10 Safer 1052 (10 May 1642), Ecnebiye 26: 28. Cf. Andreasyan 1964: 130; Verniero 1930: 357; Maundrell 1732: 78.

[91] *Firman* dated Evail-i Cemaziyelâhir 975 (3–11 December 1567), Sijill 47: 233;

As might be expected, the Ottoman government expressed strong objection to all these nuisances and ordered its representatives in Jerusalem and on the roads leading to the city not only to desist, but even, when necessary, to pay damages to harassed pilgrims.[92] Such actions, after all, not only contradicted the religious policy of the Ottoman state, but eroded one of its sources of revenue as well. The fact that a significant part of the revenue from this source was allocated as *vakıf* to support Muslim religious personnel in Jerusalem increased rather than decreased the sense of injury and the urgent need of redress. Moreover, the *vakıf*'s beneficiaries—the Muslim men of religion themselves—would on their own accord urge the central government in Istanbul to use all possible means to protect the Christian pilgrims on their way to Jerusalem. After all, the pilgrims brought in the money to be collected and dispensed among these beneficiaries.

In late 1593, the Qurʾān readers at the Dome of the Rock came to the *kadi*'s court in Jerusalem and lodged a complaint to be sent to Istanbul. It read:

> The allowances [we receive in return] for [reciting] the glorious portions of the Qurʾān [are paid] from the income obtained from the Church of the Holy Sepulchre in Jerusalem. The income from the Church of the Holy Sepulchre is collected, with the help of the *kadı*, by the *mütevelli*, who pays our allocations. But then [in the course of so doing], some unauthorized people come and force each one of the infidels coming to the church to pay them money, against the law and prevailing custom. To this end, and from motives of pure greed, they give the district governor false information on the basis of which [they obtain] an order with which they come and harass the Christians. As a result the Christians refrain from coming [to visit Jerusalem and the Holy Sites], and by not coming they cause the *vakıf* damage and loss.[93]

It was not long before the Christian pilgrims themselves became aware of the great importance Ottoman rule ascribed to the income from the Church of the Holy Sepulchre, or rather to the objectives

firman dated 7 Cemaziyelevvel 1116 (7 September 1704), Maliyeden Müdevver 7618: 17. See also the complaint by Christian pilgrims in Jerusalem against the official in charge of collecting the *cizye* (*harac emini*) in the province of Damascus, 10 Şevval 1062 (14 September 1652), Sijill 146: 512–3.

[92] See above, notes 86–91.

[93] *Firman* dated Evahir-i Rebiyülevvel 1002 (15–24 December 1593), Sijill 11: 140.

on which this money was spent. Thus, at the height of the debate with the governor of Jerusalem over the fee to be charged for secure passage to the Jordan river, some of the pilgrims turned to the *kadı* and claimed:

> The former governor of Jerusalem collected from each of the Christians half a *guruş* more than was customary, which was detrimental to them. And this year, if they continued to demand half a *guruş* more from each of them than had been customary in the past, they would cease to go to the place known as the Jordan river because of the loss they suffered from the collection of this addition to the customary rate. And if the Christian pilgrims did not go there every year, fewer of them would come to Jerusalem and they would cease to visit the Church of the Holy Sepulchre. This would hurt the Qur'ān reciters by causing them to lose their allocations which are based on the fees paid by pilgrims to the Holy Sites.[94]

The *kadı* ruled in favor of the Christian pilgrims, arguing that "if they are required to pay more than the customary fee, they will stop coming to visit Jerusalem, which will be the end of the charitable works that had been established by Sultan Süleyman."[95]

The need to ensure and encourage Christian pilgrimage to the Holy Sites was an integral part of Ottoman response to the question of their legal status under the rule of Islam. Obviously, the immediate condition for ensuring that Christian pilgrims would come to visit the Holy Sites was their continuance and functioning as venues of Christian pilgrimage. Nevertheless, the Ottomans did not stop at this but took another significant step that strongly reinforced the connection between Christian pilgrimage to the Holy Sites and their continuance: Endowing the pilgrim fees as a pious foundation. This had important implications for the status of the Holy Sites both in practice and in principle. In practice, Muslim zealots in Jerusalem might have posed the most serious threat to the continuance of the Christian holiest shrines. Endowing the pilgrim fees as a pious foundation for the benefit of Muslim men of religion in Jerusalem was supposed to imbue these people with a direct personal interest in the continuance of the sites that were, after all, the most attractive destination for Christian pilgrims everywhere. From the standpoint

[94] Court hearing registered on 8 Cemaziyelâhir 1065 (15 April 1655), Sijill 150: 192.
[95] *Ibid.*

of principle, endowing the pilgrim fees as a pious foundation invested the Holy Sites with the status of profit-yielding *vakıf* assets which, according to Islamic law, were supposed to exist for eternity. The *zimmet* laws and the Capitulations that guarded the continuance of the holiest Christian shrines were thus bolstered by the Islamic rules concerning pious foundations.

Endowing the pilgrim fees as a pious foundation also reinforced Ottoman policy of protecting the Holy Sites against infringements by their Muslim vicinage. Possessing the status of *vakıf* assets, these places and their holders were supposed to be immune by Islamic law from any offense against their well-being.[96] Moreover, given the objective of this endowment, anything damaging to these Christian sites would paradoxically be detrimental to the Muslim appearance of Jerusalem, or rather to the efforts being made to enhance it. In a petition lodged in 1653, the chief supervisor of the imperial *evkaf*—*Babüsseadet Ağası*—complained that Ottoman officials were constantly harassing the monks ministering the Church of the Holy Sepulchre in Jerusalem, and that contrary to *firman*s that had been issued in the past,

> cavalrymen sent by the governor of Damascus keep coming to Jerusalem. Making use of a variety of excuses and claims, they illegally apprehend the tenants of the *vakıf*,[97] and drag them to Damascus where they are held in custody. While doing so, they force them to pay large sums of money, severely molest and injure them, and interfere with their religious affairs irrespective of the Sacred Law. Consequently, most of the *vakıf*'s tenants no longer had the strength to continue, and they escaped scattering to the four winds. As a result, the *vakıf* has been damaged, and the glorious portions of the Qur'ān are no longer recited.[98]

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[96] "Mezburlar ve zikrolunan kiliseleri ve ziyarete gelen Firenklerden aid olan resimler Kuds-ü Şerifte ecdadım Sultan Süleyman Han tabsarahunun ruhü için okunan ecza-ı şerifenin vakfi olmağla selatin-i maziye zamanlarından ehl-i örften masun ve mahfuz olup", *firman* dated Evasit-i Cemaziyelâhir 1033 (30 March–7 April 1624), Sijill 108: 30–1.

[97] *Vakıf reayası* in the original, meaning, in this context, the monks at the Church of the Holy Sepulchre. Usually, this term was applied to peasants cultivating state lands whose revenues were endowed as *vakıf*. Applying this term to the custodians of the Holy Sites is noteworthy as it connoted special immunity from infringements by any kind of official authority.

[98] *Firman* dated Evasit-i Cemaziyelevvel 1063 (9–18 April 1653), Şikayet 2: 182.

"You are bound to protect and defend the tenants of the aforesaid *vakıf* from all harm and injustice," the governor and the *kadı* in Jerusalem were ordered in a *firman* issued in response to the supervisor's complaint.[99]

In light of this, it is not surprising that requests submitted to the authorities to permit renovation of the Holy Sites resorted to the very same reasoning. In 1668, the Austrian ambassador to Istanbul submitted a request to the Sublime Porte to permit the Franciscan monks in Jerusalem to initiate essential renovations in the Church of the Holy Sepulchre. Explaining his request the ambassador stressed:

> The Church of the Holy Sepulchre is visited by Latin, Greek and Armenian pilgrims. Upon their arrival they pay fees endowed as a pious foundation by my late and forgiven grandfather, Sultan Süleyman Han, may he rest in peace, for the benefit of the ministrants and *ulema* who recite the glorious portions [of the Qurʾān] at the holy Dome of the Rock. But now one of the walls of the aforementioned church is about to collapse as a result of its old age. Thereupon representatives of the *kadı* along with the city notables came, and when it was examined it became clear that it indeed is about to fall down and if not repaired, will be entirely ruined, causing the foundation damage and loss.[100]

Renovation of the Holy Sites (without exceeding their original contour) was the legal right of their Christian holders, and it would be hard to say that the Sublime Porte approved the above request and others like it, only—or primarily—for financial reasons. But what about requests submitted and approved in blatant violation of Islamic law? Examples were requests by heads of the Christian churches in Jerusalem to be permitted to enlarge their monasteries to provide more space to accommodate pilgrims. In the course of the seventeenth century, the Ottoman authorities approved additions to the Armenian St. James monastery in Jerusalem; to the Greek Orthodox St. Elijah monastery on the Jerusalem-Bethlehem road; to the Franciscan St. Katherine monastery near the Church of the Nativity; and to the Coptic Dayr al-Sulṭān monastery near the Church of the Holy

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[99] *Ibid*. See also a missive by the governor in Damascus to the governor and the *kadı* in Jerusalem, 6 Şaban 1063 (2 July 1653), Sijill 148: 10.

[100] *Firman* dated Evahir-i Zilkade 1078 (3–12 May 1668), Sijill 190: 32–3. Cf. *firman* dated 16 Zilkade 993 (19 November 1584), Mühimme 55: 43: "Üslub-u sabik üzere tamirine icazet verilirse miriye daha olageldiği üzere aide hasil olur."

Sepulchre.[101] All those cases were rationalized by the need to upgrade the conditions of accommodation for the Christian pilgrims to Jerusalem and Bethlehem, in the hope of increasing their number. The fact that the *şeriat* explicitly forbids enlargement of non-Muslim religious edifices in the neighborhood of Muslim congregations was overshadowed by other considerations, which the Armenian patriarch in Jerusalem so pointedly and succinctly explained: The patriarch claimed that enlarging the St. James monastery was necessary

> because the pilgrims of the aforesaid Armenian rite in coming to visit Jerusalem are of great benefit to the *vakıf* of the late and forgiven, sultan of the fighters and conquerors, Sultan Süleyman Han, may the Lord endow him with mercy and good will, that was dedicated in his name to the readers of the ninety glorious portions [of the Qurʾān] every day at the Dome of the Rock, where those who benefit from it are the illustrious *ulema* and the prestigious men of religion. But the pilgrims referred to who belong to the Armenian rite and come every year have no place to leave their animals, and many of their animals will die from the rain and cold because there is no place to stable them. The above-mentioned pilgrims too suffer from this, and each year are caused unnecessary hardship. But now, by virtue of the building of a stable and seven rooms on its roof, the charitable works of the sultan referred to will prosper, and, as a result, many will pray for the well-being and in honor of the [present] sultan of Muslims and Islam, so that the Lord will save him and preserve his kingdom and elevate it and him who makes it flourish.[102]

Were the makers of Ottoman public policy to present their entire doctrine in a nutshell, it is doubtful if they could have phrased it better than the patriarch quoted above.

Economic considerations might also be traced in Ottoman policy regarding the inter-church conflict over the Holy Sites. The Ottoman documents available do not explicitly state this, but there is little doubt that the policy which intentionally preserved and bolstered the status of the Holy Sites as religious asset shared by all Christians conformed with the desire to bring as large a number of pilgrims to them as possible. The Ottoman state carefully refrained (at least

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[101] See *firman*s and legal documents of the years 1642–1689, Sijill 132: 291, 341; 133: 448; 135: 442; 139: 243; 176: 26; 177: 107–8, 120; 178: 164–5; 191: 371–2.

[102] Court hearing of a lawsuit by the Ottoman *vali* in Damascus against the Armenian patriarch in Jerusalem regarding illegal additions to the St. James monastery, 28 Muharrem 1052 (28 April 1642), Sijill 132: 341.

until 1690) from taking sides in the inter-church struggle over the Holy Sites. In its view, there was no difference between one rite and another, and thus the Ottomans provided equal opportunity to all, free of discrimination or bias, to express their shared affinity for the Holy Sites. This policy which exposed the Holy Sites to all splits and schisms of Christianity was inspired primarily by Islamic heritage. But to the same extent that Ottoman policy was the result of political sagacity and logic, it might also have resulted from practical considerations of economic expediency. For indeed, involvement in the inter-church struggle over the Holy Sites and outright support of the demands of any one church might have compromised the access of others to these sanctuaries, which would have had an adverse effect on the universality of the Holy Sites, hence—on the pilgrim traffic to them. Apparently it was more expedient economically to keep the Holy Sites open and accessible at all times to all Christians regardless of origin or church.

Ottoman policy in the Question of the Holy Sites seems to have been a working combination between a religious world view, political sagacity and practical considerations of economic profitability.

CONCLUSION

In 1699, at the height of negotiating the Peace of Karlowitz, the Russian delegation confronted the Ottoman with the demand to restore the Greek Orthodox church to its pre-1690 preeminence in the Holy Sites.[1] In retrospect, this demand marked the beginning of the end of Ottoman exclusivity in solving the Question of the Holy Sites. Beaten on the battlefield, the Ottoman Empire for the first time in its history was exposed to pressures by a victorious Christian power wishing to interfere with and alter the actual division of rights between the different churches at the Holy Sites. In 1690, the Ottoman state had already interfered with and changed the system of inter-Christian rights in these particular sites; but it did so at its will, acting on its own (no matter how erroneous) discretion. At Karlowitz, the Ottoman Empire was urged to act in submission to a foreign dictation. But this is not all. The very emergence of Russia as a power actively interested in the Question of the Holy Sites added a new and crucial factor to this problem in particular, and to the system of global power relations and international diplomacy in general. Critically, whereas the Catholic powers intervened in the Question of the Holy Sites on behalf of their own subjects, the Russian opposition to the Catholic church and support for the Greek Orthodox interest in these sanctuaries concerned a *zimmi* church, the vast majority of whose adherents were still Ottoman subjects. The Russian activity in this regard could only be seen as foreign interference in the internal affairs of the Ottoman Empire, hence—as a serious breach of Ottoman sovereignty.

In 1699 the Ottoman Empire was still able to resist these pressures, and the Russian demands concerning the Holy Sites were not included in the final draft of the peace agreement, as were similar demands aimed at making the Ottoman sultan bound by Russia to securing the religious liberties of his Greek Orthodox subjects.[2] But the precedent set by the very presentation of such demands at such

[1] Sumner 1965: 28–32.
[2] *Ibid.*

hard times for the Ottoman Empire triggered an irreversible dynamic. Terms omitted from the Karlowitz Treaty were included in subsequent treaties forced in the eighteenth and the nineteenth centuries on the Ottoman Empire, whose continuous military and political weakening made it the "Eastern Question" in the eyes of the other powers. What is more, active Russian support for the Greek Orthodox claim to preeminence in the Holy Sites eventually led to the internationalization of the Holy Sites Question and to its assimilation into the "Eastern Question": The western European powers who defended Roman Catholic rights in the Holy Sites endeavored at the same time to contain Russian expansion and aggrandizement at the expense of the Ottoman Empire. This process culminated in the Crimean War of 1854–56. By then, nobody could claim that the Question of the Holy Sites, having led to a general war in Europe, was an exclusively internal problem of the Ottoman Empire. On the contrary, by the mid-nineteenth century the Question of the Holy Sites became an international diplomatic problem, whose responsibility for solving was no longer solely in Ottoman hands, but shared with other powers in Europe. About twenty years later this fact was legally formalized as a binding statute of international law: In the Treaty of Berlin (1878) the Ottoman Empire pledged to avoid taking any action regarding the Holy Sites without the consent of the other powers.[3]

The Treaty of Berlin, having ended the Ottoman freedom of action in dealing with the Question of the Holy Sites, merely formalized a reality that had been created and going for quite some time before this diplomatic event. In 1757, the Greek Orthodox church regained preeminence in the Holy Sites. As it had frequently done previously, the Ottoman government approved and extended formal recognition to this *fait accompli*. Only this time this fact was accomplished, in no small part, due to active Russian backing of the Greek Orthodox cause, leaving the Ottoman government with the formerly unfamiliar need to apologize and offer explanations to France. Moreover, the contents and tone of the Ottoman explanation betray the fact that by then—the mid-eighteenth century—the Ottoman Empire had already lost exclusive control of the Holy Sites Question. "True,"—the sultan then argued—the Franciscan monks possess *firman*s regarding their rights in the Holy Sites,

[3] Hurewitz 1975: 413–4.

> but the city of Jerusalem and its vicinity were conquered by and submitted to the sword of *jihād* carried by my glorious fathers. Therefore, these [places] must be seen as a property inherited by my sublime sultandom. As for the disputed sanctuaries, we have not given them as a gift nor have we endowed them as *vakıf* for the benefit of any of the conflicting parties. All we did is to permit the protected peoples (*ehl-i zimmet*), who took upon themselves to pay the *cizye*, to visit these places and hold their rituals thereat. And after a while, in the days of my glorious fathers, we granted the monks of foreign polities (*müstemin rühbânlar*) certificates permitting them, as a favor, to visit some of the holy sites and to hold their rituals in others, and to place there candles and ornaments and other things of this kind.[4]

No Ottoman official record available for the sixteenth and seventeenth centuries approximates or even approaches this rather extraordinary assertion. It may well be that as long as the Ottomans were indeed the sole authority to decide matters regarding the Holy Sites, they did not feel the need to come up with such a strange and apologetic statement asserting that these sanctuaries were the property of the Ottoman state, who could therefore do with them whatever it liked.[5] Moreover, this groundless statement was in conflict with every single tenet of traditional Ottoman policy in the Question of the Holy Sites, policy that was in force at least until the end of the seventeenth century. Until then, the Holy Sites Question was a domestic problem of the Ottoman Empire, whose responsibility for solving was in Ottoman hands alone.

How did the Ottoman authorities handle the Holy Sites Question during the first two centuries of Ottoman rule in Jerusalem? This study offers a detailed answer to this complex and multifaceted question. What followed from the mid-eighteenth century onward cannot be seen but as a substantial change in the basic constituents of the Holy Sites Question. The old, familiar constituents—the Holy Sites themselves; the Christian communities sharing or serving those sites; and the Islamic rule under whose tutelage the Holy Sites were being shared or served by the various Christian rites—were now joined by another: the active involvement of foreign powers. The

[4] *Firman* dated Evahir-i Zilkade 1170 (7–16 August 1757), Kilise 9: 21–5.

[5] Cf. Collin (1956: 38) who quotes the answer given by the grand vezir in Istanbul to the protest by the French ambassador against the Greek Orthodox coup of 1757: "Ces lieux appartiennent au Sultan, mon seigneur, il les donne à qui il veut. Il se peut qu'ils aient toujours été entre les mains des Francs mais aujourd'hui son altesse veut qu'ils appartiennent aux Grecs."

addition of this new factor to the complex issue brought about fundamental changes in the Holy Sites Question and in the role the Ottoman state played in this regard. This may be observed in each of the main themes of Ottoman policy in the Question of the Holy Sites.

The legal status of Christianity's most revered shrines was a major issue for Ottoman policy in the Question of the Holy Sites. By the mid-nineteenth century the intervention of the European powers in this issue changed the legal basis for the status of these sites under Ottoman rule. The practical manifestations of this status remained unchanged. The Ottoman state continued to vouch for the continuance of the Holy Sites as Christian sanctuaries and to do everything in its power to defend them against infringements by their Muslim vicinage. The Ottoman state simultaneously continued to ensure the rights of Christians to worship at these sites and to repair them whenever necessary. Yet the legal basis for this policy was no longer the law of Islam nor the will of the sultan, but international law and the will of other powers. In the Treaty of Küçük Kaynarca (1774) the Sublime Porte pledged "to protect constantly the Christian religion and its churches."[6] With this pledge, an international pact substituted for the "Covenant of 'Umar" and the *zimmet* laws. Eighty years later, the Ottoman state formally and utterly forsook the "Covenant of 'Umar" and the *zimmet* laws, and the announcement of this legal act was included in the Treaty of Paris that ended the Crimean War in 1856.[7] The "Edict of Reforms" (İslahat Firmanı) alluded to in the Treaty of Paris substituted the "Covenant of 'Umar" with a modern civil law that granted the non-Muslim subjects of the Ottoman Empire religious liberties and rights equal to those of their Muslim counterparts.[8] This *firman*, cited in a peace treaty signed by the Ottoman Empire with six other powers, placed the religious policy of the Ottoman state under international control. Twenty years later, the European powers would not be satisfied with just announcing the enactment of new Ottoman laws: Terms specifying exactly how the sultan should treat his non-Muslim subjects were included in the Treaty of Berlin.[9] It goes without saying that the Ottoman

[6] Hurewitz 1975: 92–9.
[7] Hurewitz 1975: 319–22.
[8] Hurewitz 1975: 315–8.
[9] Hurewitz 1975: 413–4.

part in deciding the legal status of the Holy Sites was by then very small indeed.

Things were no different with regard to the inter-church conflict over the Holy Sites. Outwardly, not much had changed: Between the mid-eighteenth and the mid-nineteenth centuries the Sublime Porte continued to grant conflicting *firman*s in response to conflicting demands by the different sides to the conflict over the Holy Sites. Only this time, the conflicting *firman*s were not so much the result of the old Islamic aversion to any involvement in non-Muslims' affairs, as a consequence of the cross-pressures put to bear on the Ottoman Empire by Russia and France.[10] The Porte's vacillating between these rival powers led to the Ottoman Empire's involvement in the Crimean War. With the war over, the European powers drew their lessons and worked out their own solution to the Question of the Holy Sites. The Ottoman-Islamic solution, which left the solution of this question to the rival churches themselves, was inappropriate for the new political setting whereby a local inter-Christian row in Jerusalem could develop into a major war in Europe. The European solution therefore sought a definitive conclusion to the system of inter-Christian rights in the Holy Sites, so that no party could thereafter hope, less so work, to change anything to its own advantage. This solution which came to be known as the "Status Quo in the Holy Places" was formalized in the Treaty of Berlin thereby becoming part of international law.[11] In 1878, the Ottoman state had to renounce officially the traditional Islamic method of handling the inter-church conflict over the Holy Sites.

Likewise, the Ottoman state had to renounce the financial aspects of its traditional policy towards the Holy Sites. Already in the Treaty of Küçük Kaynarca, the Ottoman Empire agreed to exempt Russian pilgrims from all taxes and fees collected in and en route to Jerusalem.[12] In the mid-nineteenth century this exemption was extended to include all pilgrims of whatever origin who came to visit Jerusalem and the Holy Sites.[13] As these places were no longer a source of income to the Ottoman state the curtains fell on one of the central themes of Ottoman policy in the Question of the Holy Sites.

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[10] Baykal 1959: 241–66.
[11] Hurewitz 1975: 413–4.
[12] Hurewitz 1975: 92–9.
[13] Spyridon 1938: 86–8.

Ottoman policy in the Question of the Holy Sites has been depicted in this study as a working combination between a religious world view, political sagacity and practical considerations of economic profitability. Between the end of the seventeenth century and the end of the nineteenth, the Ottoman state was forced to gradually abandon these principles for the sake of policies conceived of, for the most part, in the major capitals of Europe.

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