

**Haim Gerber.** *Oppression and Salvation. Annotated Legal Documents from the Ottoman Book of Complaints of 1675.* Berlin: Klaus Schwarz Verlag. 2018. 188 pages. ISBN-13: 978-3879974726.

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Even though the Ottoman Empire left a plethora of documents in the archives, few of them have been translated to English or other European languages. Therefore, many scholars and readers outside Turkey have been deprived of the precious information embedded in these sources. The late Haim Gerber, known as a leading scholar on Ottoman law, attempted to fill this vacuum through partially translating and editing the documents of the Vienna Book of Complaints (*Şikayet Defteri*) from Ottoman Turkish into English in his last book. This book not only contains a selection of the 145 complaints translated but also provides significant insights into the mechanism of complaints in the Ottoman bureaucracy. The Book of Complaints was published in 1984 by Hans Georg Majer with a short introduction and a facsimile of 2800 complaints.<sup>1</sup> However, Majer's study did not reach a wider audience as it included only facsimiles of extremely difficult handwritings and was bereft of substantial analysis. Thanks to the meticulous efforts of Gerber, this fascinating source on Ottoman life and law in the 17<sup>th</sup> century came to life again.

Gerber's work is divided into two main parts and eleven chapters. In the first chapter, Gerber examines the role of the kadi (the Ottoman judge) in the Ottoman legal system through comparing his findings with Leslie Peirce's book on gender and the law in the town of Aintab in 1540-1541. Gerber considers Peirce's main premise that 'the kadi was basically interested in restoring peace and harmony between litigants, rather than in enforcing the law' (p. 28) an exaggeration. Based on his long-standing research on Bursa court registers, he argues that the city of Aintab, unlike the major cities such as Bursa and Aleppo, constitutes an exception and does not properly reflect the situation in the core regions of the Empire.

In the second chapter, Gerber delineates the position of the *ulema* after the demise of the Abbasid Empire in 1258. He points out that the position of the *ulema* under Ottoman rule greatly differed from their role during the period of classical Islam. While there was a growing tension between the scholars and state in classical Islam, in the Ottoman system the *ulema* became an important part of the state bureaucracy. In addition, the authority of the kadis was extended to include customary areas irrelevant to shari'a. Gerber also argues that the new chief mufti, called the *Şeyhülislam*, is a good example of the bureaucratisation of the *ulema* in the Ottoman Empire.

1 Majer, Hans Georg. 1984. *Das Osmanische Registerbuch der Beschwerden (Şikayet Defteri, vom Jahre 1675)*. Wien: Verlag der Österreichischen Akademie der Wissenschaften.

In the following chapter, Gerber introduces a general study of the Book of Complaints. He touches upon certain aspects of the book and analyses some cases. He mostly focuses on the citizens' complaints against officials, particularly the kadis. He remarks that the Book of Complaints is a very useful source on the subject because it contains many complaints against the kadis that are rarely seen in other sources. Gerber also provides invaluable information on cases of adjudication by provincial governors and the role of the imperial council in the mechanism of the complaints. As a result, it can be said that this chapter stands out among the others with its original approach and information.

The second part of the book includes 145 translated documents. They are gathered in separate sections with titles such as 'Oppression and Brigandage', 'the Kadi and the Common People' and 'Injustice by State Officials'. Each section starts with preliminary remarks that make it easier for the readers to follow the texts. This part is certainly very useful for the students of Ottoman history considering the scarcity of translated archival documents. However, if transliteration of the original documents into modern Turkish alphabet had been provided, it would have been easier to compare the translated texts with the original documents.

The main weakness of Gerber's study is that he seems to have been unaware of the growing Turkish literature on the Books of Complaints. There are only a few references to books and articles published in Turkey. Feridun Emecen's seminal article, the fascinating master thesis of Emel Soyer and Murat Tuğluca's recent monograph on the subject, which all provide invaluable information about the Books of Complaints, should have been included in the book.<sup>2</sup> In addition, there are several master's theses and doctoral dissertations that deal with the examination and transliteration of Books of Complaints into Modern Turkish alphabet. Gerber has thus overlooked some innovative approaches and questions that Turkish scholars have put forward.

Another problem is that Gerber does not elucidate the political world of the 17<sup>th</sup> century in which the Book of Complaints took shape. He only remarks: 'Despite the relative success of the Köprülü viziers, the documents of 1675 come on top of a political period of state crises.' (p. 22) However, this statement is not true. Firstly, the Ottoman state had not experienced political turmoil since the suppression of Abaza Hasan Pasha's rebellion in 1659. Within a period of twenty years (1656-1676), Köprülü Mehmed and his son Köprülü Fazıl Ahmed Pasha managed to suppress political unrest and bring an order to the realm that sharply contrasted with the state of affairs in

- 2 Emecen, Feridun. 2005. 'Osmanlı Divanının Ana Defter Serileri. Ahkam-ı Miri, Ahkam-ı Kuyud-ı Mühimme ve Ahkam-ı Şikayet [The Principal Series of Registers of Ottoman Divan. Ahkam-ı Miri, Ahkam-ı Kuyud-ı Mühimme ve Ahkam-ı Şikayet]'. *Türkiye Araştırmaları Literatür Dergisi*. 3.5. 107-39; Soyer, Emel. XVII. yy. *Osmanlı Divan Bürokrasisi'ndeki Değişimlerin Bir Örneği Olarak Mühimme Defterleri* [The Mühimme Defterleri as a Pattern of Changes in Ottoman Bureaucracy in the Seventeenth Century]. Unpublished M.A thesis. Istanbul University, Istanbul; Tuğluca, Murat. 2016. *Osmanlı Devlet-Toplum İlişkisinde Şikayet Mekanizması ve İşleyiş Biçimi* [Complaint Mechanism and its Functioning Form in the State-Society Relations in the Ottoman Empire]. Ankara: Türk Tarih Kurumu Yayınları.

the first part of the 17<sup>th</sup> century. Furthermore, in contrast to Gerber's remark, Linda Darling asserts that 'the absence of complaints about tax collectors' extortions in the complaint register of 1675 suggests that he [Köprülü Mehmed Paşa] and his successor did something to curb illegal taxation'.<sup>3</sup>

Despite these weaknesses, *Oppression and Salvation* will be useful for anyone studying Ottoman law and essential for Ottomanists interested in the momentous transformation of the application of justice in the 17<sup>th</sup> century. It also stands out as a notable example of translated archival sources from Ottoman Turkish to English.

3 Darling, Linda. 2013. *A History of Social Justice and Political Power in the Middle East*. London and New York: Routledge. 45.