THE REPUBLIC OF TÜRKİYE

SOCIAL SCIENCES UNIVERSITY OF ANKARA

THE GRADUATE SCHOOL OF SOCIAL SCIENCES

CONTINUITY AND CHANGE OF THE 'UMAR COVENANT IN AL-QUDS DURING THE OTTOMAN PERIOD 1517-1831

Master's Thesis

Firdan Fadlan SIDIK

MASTER OF ARTS IN QUDS STUDIES

JANUARY 2025

THE REPUBLIC OF TÜRKİYE

SOCIAL SCIENCES UNIVERSITY OF ANKARA

THE GRADUATE SCHOOL OF SOCIAL SCIENCES

CONTINUITY AND CHANGE OF THE 'UMAR COVENANT IN AL-QUDS DURING THE OTTOMAN PERIOD 1517-1831

Master's Thesis

Firdan Fadlan SIDIK

Thesis Advisor: Doç. Dr. Halid ÜVEYSİ

MASTER OF ARTS IN QUDS STUDIES

JANUARY 2025

DEDICATION

To my beloved mother Ela Nurlaela, this thesis is dedicated.
All pages are the footnotes of my dear mom invocation on a gloomy day with a dark future.

"If you're passionate on research, one day you'll get to do it on Baytul Maqdis."

She's not highly educated and can't even guide me to do so. I truly believe that Allah has granted me this ability (*fadhlan*) to complete the thesis through her prayers. May Allah bless me again in all my future steps.

Aamiin.

To those who have benefited from this thesis, please send *al-fatiha* or any good prayers for her. Thank you!

ACKOWLEDGEMENTS

Praise be to Allah that this thesis has finally been completed. Without His guidance, I did not know how to begin and complete it. With His guidance, all aspects and elements came together to help me complete my thesis. Secondly, I would like to thank all the people, from the humility and hospitality of the librarians in the libraries to the most attentive supervisors, who dedicated their time and thoughts to my thesis. Special mention deserves to be acknowledged: Dr. Halid Üveysi, an incredibly insightful and kind scholar who taught me since the first year and inspired me so much. I will never forget his his respect and kind words. Dr. Serife Memis, who always made her office hours available to chat and discuss ideas. Dr. Mehmet Rakipoğlu of Mardin Artuklu University for the valuable notes and feedback during my thesis defence. All the teachers at ASBU who taught me different disciplines that enriched my perspective: Dr. Ersun Kurtulus, Dr. Resul Yalcin, Prof. Muhittin Ataman. I would also like to thank the humble scholars who were willing to answer my email with full appreciation, even giving up their office hours for a meeting. I must acknowledge many scholars around the world: Dr. Hasan Çolak of Tobb University, Dr. Constantine A. Panchenko of Moscow State University, Dr. Fatma Sel Turhan of Istanbul Technical University, Dr Maher Y. Abu-Munshar of Qatar University, Ahmed El-Wakil, MA. of Oxford University, and Dr. Ihsan Satiş of Tunceli University. Last but not least, I should thank my colleagues for the interactive discussions and cheerful conversations in the class, coffee shops and cafeteria.

DECLARATION

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work. I declare that this thesis is written according to the writing rules of the Social Sciences University of Ankara, Institute of Social Sciences.

Firdan Fadlan SIDIK

Signature

TABLE OF CONTENTS

DEDICATION i

ACKOWLEDGEMENTS ii

TABLE OF CONTENTS iv

LIST OF APPENDICES vi

ABSTRACT vii

CHAPTER ONE: INTRODUCTION 1

1.1. Background 1

1.2. Problem Statement 7

1.3. Research Question 8

1.4. Research Scope 8

1.5. Methodology 9

1.6 Literature Review 11

1.7.1 Introduction to The Primary Sources 13

1.7.1.1 *Muhimme* Register (Imperial Edicts) 13

1.7.1.2 *Ahkam* Register (Imperial Order) 15

1.7.1.3 Fatwa (Legal Opinion) of Ebussuud Efendi 15

1.8 Structure of The Thesis 17

CHAPTER TWO: THE APPLICATION OF 'UMAR COVENANT IN OTTOMAN DECREES 18

2.1 Introduction 18

2.2 Linguistic Analysis of 'Umar Covenant 24

2.3 Recognition of 'Umar Covenant by Ottoman Sultans 32

CHAPTER THREE: 'UMAR COVENANT AS AN AUTHORITATIVE LEGAL DOCUMENT IN OTTOMAN ADMINISTRATION 47

3.1 Introduction 47

3.2 'Umar Covenant as the Highest Prove in Christian Affairs 51

3.3 The Use of ‘Umar Covenant for Tax Exemption..... 54
3.4 The Use of ‘Umar’ Covenant for Church Renovations..... 59
CHAPTER FOUR: ‘UMAR COVENANT WITHIN THE OTTOMAN ADMINISTRATION REGARDING HOLY SEPULCHRE..... 65
4.1. Introduction..... 65
4.2 The Ottoman Regulation of Christian pilgrimage to the Holy Sepulchre..... 68
4.3. ‘Umar Covenant as Proof for The Prohibition of Prolonged Stay in Al-Quds After Pilgrimage..... 72
CHAPTER FIVE: CONCLUSION..... 76
REFERENCE..... 79
LIST OF APPENDICES..... 91

LIST OF APPENDICES

Appendix I:	The Covenant of ‘Umar documented by the Prime Minister's Ottoman State Archives
Appendix II:	Ferman of Fatih Sultan Mehmed II to the Greek Orthodox Patriarch
Appendix III:	Ferman of Sultan Selim I to The Greek Orthodox Patriarch
Appendix IV:	Ferman of Sultan Selim I to The Armenians of al-Quds
Appendix V:	Ferman of Sultan Sulaiman al-Qanuni
Appendix VI:	Ferman of Sultan Murad IV
Appendix VII:	Ferman of Sultan Mehmed IV
Appendix VIII:	Ferman of Sultan Sulaiman II
Appendix IX:	Ferman of Sultan Osman III
Appendix X:	Ferman of Sultan Mustafa IV
Appendix XI:	Ferman of Sultan Mahmud II
Appendix XII:	Key Dates and Events Relating to The Ottoman Relation with Its Christian Subject

ABSTRACT

Continuity and Change of the ‘Umar Covenant
in al-Quds During the Ottoman 1517-1831

Advisor : Assoc. Prof. Dr. Halid ÜVEYSİ Firdan Fadlan SIDIK

Existing scholarship on Ottoman-Christian subject relations has primarily focused on two key areas: the financial benefits derived from taxes and the utility of rival Christian denominations in maintaining Ottoman sovereignty. These assumptions led to the notion that there was no long-term and stable policy in regulating Christian disputes, a notion that is obscured by the decline paradigm of the decentralization era. Primary sources in this thesis will challenge this assumption by examining the abundant mentions of the 'Umar Covenant (*Ömer Ahidnamesi*) in Ottoman documents. This thesis demonstrates that the Ottomans did not seek to dominate and monopolize the Eastern Churches, as it is argued in the prevailing revisionist scholarly discussion. The frequency with which the Covenant of Umar is referenced in the *Mühimme* (Imperial Edicts) and *Ahkam* (Imperial Orders) Registers in a variety of contexts - with the Holy Sepulchre being the most debated issue - literally demonstrates that the document was attributed to Caliph ‘Umar ibn al-Khaṭṭāb and presented as a model for upholding the Ottoman policy of justice and balance of power in resolving disputes among Christian denominations.

This thesis examines the extent of the authority embodied in the Covenant of 'Umar. The imperial edicts and orders, which included responses to petitions and complaints, illustrate the complex relationship between Orthodox Christians and the Ottoman Sultan and show their participation in the creation of Ottoman policy. A linguistic and historical analysis of these documents demonstrates the central authority of the 'Umar Covenant with a constant pattern. An examination of the Sultan's decrees allows the formulation of propositions regarding the continuity and change of the Umar Covenant. This thesis spans from 1517 to 1831, the first period of Ottoman regulation in al-Quds that marked the shifting turning point after 1831.

Keywords: *‘Umar Covenant, al-Quds, Holy Sepulchre*

ÖZET

1517-1831 Osmanlı Döneminde Kudüs'teki

Ömer Ahidnamesinin Devamı ve Değişimi

Danışman : Doç. Dr. Halid Üveysi Firdan Fadlan Sidik

Osmanlı-Hıristiyan tebaa ilişkileri üzerine mevcut çalışmalar temel olarak iki kilit alana odaklanmıştır: vergilerden elde edilen mali faydalar ve rakip Hıristiyan mezheplerinin Osmanlı egemenliğini sürdürmedeki faydası. Bu varsayımlar, Hıristiyan ihtilaflarının düzenlenmesinde uzun vadeli ve istikrarlı bir politika olmadığı düşüncesine yol açmıştır ki bu düşünce adem-i merkeziyetçilik döneminin gerileme paradigması tarafından gizlenmiştir. Bu tezdeki birincil kaynaklar, Osmanlı belgelerinde Ömer Ahidnamesi'nden bolca bahsedilmesini inceleyerek bu varsayıma meydan okuyacaktır. Bu tez, Osmanlıların Doğu Kiliselerine hâkim olma ve onları tekellerine alma gibi bir amaç gütmedikleri yönündeki mevcut revizyonist akademik tartışmaya paralel olarak, bunu kanıtlamaktadır. Mühimme ve Ahkâm Defterleri'nde Ömer'in Ahidnâmesi'ne çeşitli bağlamlarda- en çok tartışılan konu Kamame Kilisesi olmak üzere- atıfta bulunulma sıklığı, belgenin Halife Ömer ibn Hattab'a atfedildiğini ve Hıristiyan mezhepleri arasındaki anlaşmazlıkların çözümünde Osmanlı'nın adalet ve güç dengesi politikasını sürdürmek için bir model olarak sunulduğunu tam anlamıyla göstermektedir.

Bu tez, Ömer'in Ahidnamesi'nde somutlaşan otoritenin kapsamını incelemektedir. Dilekçe ve şikâyetlere verilen cevapları içeren ferman ve emirler, Ortodoks Hristiyanlar ile Osmanlı Sultanı arasındaki karmaşık ilişkiyi göstermekte ve onların Osmanlı politikasının oluşturulmasına katılımlarını ortaya koymaktadır. Bu belgelerin dilbilimsel ve tarihsel analizi, Ömer Ahidnamesi'nin merkezi otoritesini sabit bir kalıpla ortaya koymaktadır. Sultan'ın fermanlarının incelenmesi, Ömer Ahidnamesi'nin sürekliliği ve değişimine ilişkin önermelerin formüle edilmesine olanak tanır. Bu tez, Kudüs'teki Osmanlı düzenlemesinin ilk dönemi olan ve 1831'den sonraki önemli dönüm noktasını işaret eden 1517'den 1831'e kadar olan dönemi kapsamaktadır.

Anahtar Kelimeler: *Ömer Ahidnamesi, Kudüs, Kamame Kilisesi*

Chapter 1

INTRODUCTION

1.1. Background

The city of Bayt al-Maqdis/ al-Quds[1] has been the focus of global interest for many centuries, attracting the attention of various civilizations (Armstrong, 1997). Prior to its liberation by ‘Umar ibn al-Khaṭṭāb in 637 CE, the region was characterised by violence, destruction, and displacement as a result of the rulers' expulsion policies (El-Awaisi, 2007). After two Jewish revolts against the Romans (70 and 135 CE), the Jewish population in Palestine decreased from two-thirds to one-third and in the holy city to zero, subsequently the Christian population grew significantly during the Byzantine period (Asali, 1990). After Crusaders captured Jerusalem in 1099 AD, most of the city's population was massacred or expelled (Asali, 1990), followed the previous template of exclusion policy. The issuance of Umar's Assurance of Safety[2] which guaranteed the safety of the church and property, enabled the transformation of the city's identity into peaceful coexistence and marked a pivotal moment (El-Awaisi, 2016).

As recorded in Umar’s Assurance of Safety, ‘Umar ibn al-Khaṭṭāb provided protection (*aman*) for the preservation of life, property, and churches (El-Awaisi, 2007). Abu-Munshar (2007) elaborated on how the initial Muslim conquest of Islamicjerusalem established a vision of inclusivity that was put into practice during this liberation. Several aspects of this Quranic vision of inclusion were implemented during the first Muslim conquest of Islamicjerusalem[3] and later adopted in the second liberation under Salah al-Din al-Ayyubi. Within this inclusive

---

1 In this research, the term "al-Quds" will be used consistently, as it most accurately reflects the original Ottoman Turkish term, "*Kudüs*," which has significant Ottoman contextual relevance. The region of al-Quds to which this thesis refers is the Sanjak of Kudüs, a region formed under the province of Damascus after the Ottoman conquest of the Mamluk Sultanate in 1517, which consisted of 184 villages (Rafeq, 2000). However, when the context was related to the Patriarchate, Greek Orthodox matters or general mention, we used the name Jerusalem.

2 The document of 'Umar Assurance of Safety is to refer to the text of al-Tabari (d. 923) (El-Awaisi, 2000). Madihah (2020) explained that this document is the mechanism of how the plurality of religions was organized. Another scholar used a different term to refer to the same document. El-Wakil (2021) called it the Capitulation Treaty. This version represents the oldest document that approaches the era of conquest. In the context of the Ottoman Empire, this document was not applied, although the values were mostly the same with 'Umar Covenant that this thesis will examine on.

3 Islamicjerusalem is a novel term in English corresponding to the Arabic term *Bayt al-Maqdis* promoted by El-Awaisi. For further reading, see El-Awaisi (2021).

framework, Salah al-Din opened Islamicjerusalem to all Christian denominations, allowing them to practice their rituals (Abu-Munshar, 2007). The system that facilitated such peaceful coexistence was based on the concept of *Tadafu*' (counteraction), which emphasises resolving differences through movement rather than conflict. This approach allowed Muslim liberator to promote religious diversity and foster constructive dialogue, addressing and preventing conflicts (El-Awaisi, 2007). The Quranic concept of *Tadafu'* also includes the principle of balance (Abu-Munshar, 2007), which became the framework for organizing religious plurality (Madihah, 2020).

Despite the recognition of Umar's Assurance of Safety[4], as a reliable document maintained by Muslim scholars and possessing a degree of authenticity (El-Awaisi, 2020), this document has not been identified as a legally binding document preserved by an institutional body. The methods by which it was implemented in practice are not documented. However, the historical legacy of the first Muslim liberation of Bayt al-Maqdis in the 'Umar Assurance of Safety was adopted and further developed by the Ottoman Empire as a template for the management of Christian disputes. As was the case with 'Umar's Assurance of Safety, which represents the first Muslim liberation of the holy city, the 'Umar Covenant —to which the Ottoman sultan also referred to— was similarly ascribed to 'Umar ibn al-Khaṭṭāb by direct mention within the document.

The liberation of 'Umar ibn al-Khaṭṭāb continues to serve as a model and point of reference for succeeding Muslim dynasties—from the Umayyads to the Ottomans[5]— in their governance of the Holy Land. Ottoman historiography has documented a plethora of studies that refer to the 'Umar Covenant under its *millet system* umbrella, especially in relation to the Orthodox Christian disputes in the Holy Sepulchre and Ottoman-Western foreign policy (Dipratu, 2024) during the Christian pilgrimage. In their extensive research on the subject, scholars have made notable references to the Umar Covenant as discussed in the works of Çolak (2022),[6] Avci &

[4] For a more extensive discussion on the Umar Assurance of Safety, please consult the references provided in each of the cited articles.

[5] In light of Christian documents, Panchenko (2021) provides a comprehensive account of the history of Muslim-Christian relations during the Umayyad and Ottoman periods in his book "*Orthodoxy and Islam in the Middle East: From the Seventh to the Sixteenth Century*".

[6] Hasan Çolak (2022) cites the Covenant in his study of Ottoman Central Administration and Primacy in the Orthodox Church, noting that it represents the evidence presented by the Christian Orthodox in Jerusalem in response to a petition, since there was no existing precedent document, but rather an established practice. The Ottoman Sultan thus validated their claim, granted them a ferman, and perpetuated the designation of these customs as *kanun kadime*, or "ancient law. His study sheds light on the position of the 'Umar Covenant within the Ottoman administration.

Özdemir (2019),[7] Yurdakul (2016)[8], Satiş (2011)[9], and Steih (2017)[10]. This historiography has made significant contributions to this thesis.

A comprehensive review of all pertinent literature regarding the 'Umar Covenant (*Ömer ahdnâmesi*) within the context of Ottoman historiography revealed that the Umar Covenant is the document that attributed to Caliph 'Umar ibn al-Khaṭṭāb which was acknowledged by the Sultans prior to the Ottoman era as an authoritative source (*Hazret-i 'Ömer radiyallahu 'anh hazretlerinden olan 'ahd-nâme-i hümâyûn ve selâtîn-i mâziyyeden olan evâmir-i şerîfeler*). The initial recognition by the Ottoman Empire commenced during the reign of Sultan Mehmed II in 1458, as evidenced by his edict addressed to the Greek Patriarch, which acknowledged the 'Umar Covenant (see Appendix II). Subsequently, the Sultan formally recognised the Umar Covenant as an existing legal text, referred to as the old law or *Kanun-ı Kadime*, which had not been established as a legal precedent during the period of Ottoman rule. According to Çolak (2022), the Umar Covenant subsequently emerged as the pivotal document that led to the integration of non-Muslim subjects of the Ottoman Empire without the need for external mediation or even Patriarch of Constantinople, asserting its influence over shaping Ottoman policies.

The recognition by Sultan Mehmed II of the Umar Covenant, presented by the Greek Orthodox Patriarch of Jerusalem in the recently conquered city of Constantinople, represented a significant historical moment. This was further compounded by the fact that al-Quds al-Sharif was at the time under the authority of the Mamluk Sultanate. The Patriarchate of Jerusalem was established in 451 and served as the custodian of the holy places in Palestine until its expulsion by the Crusaders in 1099 and became second-class citizens under Latin Christian rule although

---

[7] In a discussion on the Holy Sepulchre, Yasemin Avci & Ömur Özdemir (2019) highlighted the Umar Covenant as a key document that illustrates the initial Ottoman interest in the Jerusalem region. They elaborated on how the Ottoman policy regarding the Holy Sepulchre was influential in creating the status quo of the church. To some extent, he also figured out the nature of Ottoman policy in which corroborates my study in exploring 'Umar Covenant.

[8] Ilhami Yurdakul (2016) elaborated the conflict between Armenians and Greeks by studying the edict of the Sultan. The same way worked for the conflicts between Abbysians and Copts. His study is worth a significant contribution, in which each edict can be a huge case of how the ferman of the Sultan was sequential and had a significant political power. He also stressed that 'Umar Covenant in which Greek always referred to in the petition, was sequential to resolve the matter of the Holy Sepulchre.

[9] Ihsan Satis (2011) elaborated the power and privileges of the Greek Orthodox Patriarch under the Ottoman Sultan in the light of the Sultan's ferman. His study shed light on this thesis on how 'Umar Covenant articulated by the Greek Orthodox.

[10] Abdelqader Steih (2017) in his study of specific historical time of Jerusalem under Ottoman in 1700-57 elaborate many aspects that caused disturbances during Christian pilgrim and how Ottoman dealt with it. His study emphasized that the Ottoman not only dealt with Christian disputes but also bandits and foreigners. The instrumentalization of the ferman of Sultan during the complex disputes marked the significant political power of the Sultan.

they were still permitted to worship in the Latin kingdom of Jerusalem (Galadza, 2020). The Melkite regained its power during the reign of Salah al-Din al-Ayyubi [11] in 1187, with the support of the Byzantine Empire (Moukarzel, 2019).

During the period of Mamluk rule in Syria (1260-1516), Jerusalem experienced political and economic decline. The Latin Christians sought to regain power and gradually regain possession of particular Holy Churches, especially during the reign of Sultan Qaytbây, reaching a zenith in 1342 (Moukarzel, 2019). The deterioration of Byzantine relations with the Mamluk Sultanate in the 15th century resulted in financial difficulties for the Melkite Patriarchate due to declining Byzantine support. In response to these developments, the Mamluk authorities began to show greater support for the Frank, driven by economic interests (Moukarzel, 2021). Furthermore, a paradigm shift occurred in the twelfth-century European view of Jerusalem as a shared sacred site for Christians (Housley, 2000). This shift was characterised by the emergence of a perception that European lands were considered sacred and that the Frank were regarded as God's chosen people.[12] The notion of national holiness is attributed to the influence of certain historical and socio-political developments, as discussed by Housley (2000).

The conquest of Constantinople in 1453 represented the ultimate triumph of the Ottoman Empire, marking the ascension of Sultan Mehmed II as the new Greek Orthodox protector. This momentous event was met with celebrations by the Mamluk authorities in Cairo, as it was perceived as a significant victory for the Muslim world (Moukarzel, 2019). The Mamluk rejoicing can be traced back to the Ottoman-Mamluk diplomatic relations since the 1360s, which did not witness any major clashes between the two empires after 1453 (Hattox, 2000).The arrival of the Greek Orthodox Patriarch of Jerusalem, Athanasios, to Mehmed's court in 1458 was marked by both religious and political implications. The Umar Covenant, and the precedent set by Muslim rulers, was presented by the Greek Patriarch to secure protection against secular officials, due to the loss of Byzantine as their political umbrella, which led to an uncertain future (Hattox, 2000). Furthermore, Sultan Mehmed II asserted his supreme authority over his Orthodox subjects, and also assumed part of the role of Byzantine emperor (Hattox, 2000).

---

[11] Speros (1981) recorded the decrees of various Umayyad, Abbasid, Fatimid, Ayyubid, Mamluk and Ottoman Sultans, issued for the Orthodox Patriarchs of Jerusalem, confirming the *diatagma* (covenant) given by 'Umar Ibn Khattab to Patriarch Sophronius. These decrees were catalogued by Speros in the Codex Patriarchicus No. 428, which the researcher has not yet been able to access.

[12] France recognised itself as a hereditas dominica (heritage of God), which was equivalent to the status of the Holy Land. England, similar to France, began to see its own lands as sacred. Unlike France, England has emphasized its own religious identity, focusing less on the concept of the Holy Land, Anti-papal sentiment and the idea of a national church overshadowed England's attachment to the Holy Land (Housley, 2000).

Prior to undertaking an analysis of the ‘Umar Covenant that acknowledged by Mamluk and the Ottoman, it is essential to distinguish other key term pertinent to the 'Umar Covenant that have been previously articulated within the academic field. In the Orientalist narratives, the Pact of ‘Umar[13] or *Shurut ‘Umariyyah* has been popularised since Tritton (1930), Fattal (1955) and Cohen (1999) as an old reference, which has been re-used by later scholars such as Peri (2001), Rubin (2011) and Gradeva (2012)[14]. These scolars emphasized the existence of the so-called Pact of 'Umar and believed that it was intended to prevent non-Muslims from joining the Arab military elite and to assert Muslim dominance (Hathaway & Barbir, 2008), an effect flourished since the first Muslim conquest by 'Umar until the succeeding Muslim empires (Parry, 2007). Nevertheless, a thorough review of linguistic analysis in Chapter II of this thesis reveals an absence of any linguistic similarity between the Pact of 'Umar and the 'Umar Covenant.

Further examination of the historical context revealed no evidence of any reference to the so-called Pact of Umar, nor even a single instance of a restrictive policy underlying the Pact of Umar. This hypothesis is supported by a growing body of evidence from other scholars who challenge the authenticity of the so-called Pact of 'Umar. Abu-Munshar (2021) has examined the ahistoric Pact of Umar from the perspective of untrustworthy and unfamiliar vocabulary associated with ‘Umar ibn al-Khaṭṭāb. El-Wakil (2024) has demonstrated that the restrictive policy was only applied for a limited period of Muslim rule and for security purposes in a peculiar political condition. Dipratu (2021) stated that restrictive policies only applied in Galata in the *ahidname* of 1453 and during the era of Sultan Selim II, when the Sultan praises the Lutherans for removing *nakus* (church-bell)from their churches along with statues (idols) and icons (*suret*) to highlight the difference between the Protestant and Muslim faiths. Tellan (2015) demonstrated that the dress code policy was implemented exclusively in Crete in 1759 to differentiate between the Orthodox local population and foreigners, who were not subject to the same tax exemptions as the Orthodox. In other words, these works emphasized that peculiarity

[13] The term ‘Pact of ‘Umar’ was first popularised by A.S. Tritton (1930), who argued that it appears to have been implemented by 'Umar II. It was later formulated within the legal schools and finally attributed, like many other things, to 'Umar I (‘Umar Ibn Abd. Aziz). Mark Cohen (1999) argued that the document did not originate from the time of conquest but rather from the administrative practices of the established Muslim state. In instances where decrees were issued in response to petitions, and in accordance with the arguments put forth by Levy-Rubin (2012), who posited that the evolution of the Pact of 'Umar likely commenced in the eighth century, most probably during the tenure of 'Umar II b. 'Abd al-'Azīz, and reached its final form around the late eighth and early ninth centuries. Gradeva (2012) suggested that Ottoman policy followed Turtushi's version of the Pact of 'Umar as a reference in the Ottoman administration in the placement of the Christian dispute.

of socio-political condition inherited to specific region could not be generalized into the whole policy of the Ottoman Sultans towards its Christian.

The essence of the Umar Covenant, in the ottoman period, alternate around two major points: the guarantee of security (*al-Aman*)[15] of the church, Christian life, and possession -particularly the Holy Sepulchre (*Kamame kilisesi*) and the Church of the Nativity in Bethlehem-, and the tax exemption (*mu'af*) granted to Patriarch Sophronius.[16] These two main stipulations are regarded as the fundamental components of *dhimmi* rights, a practice in which the Ottoman Empire demonstrated a consistent preference for the Christian subject. An examination of the practical application of these two tenets will be conducted in Chapter III of this thesis.

The essence of the 'Umar Covenant naturally opposed Orientalist[17] historians, who exclusively viewed the Ottoman relationship with its Christian subjects through the lens of economic surplus, derived from *jizya* taxes and Christian pilgrims, as well as the strategic exploitation of competing Christian denominations in preserving Ottoman sovereignty.[18] These ahistoric

---

[15] The translation of the document of 'Umar covenant reads:
"If the dhimmī respects the decrees that he is obliged to observe (aḥkām al-dhimma), then it is binding upon us to uphold our protection and to be benevolent toward him. This is a duty that is binding upon us the believers, but also on the generations that will come after us. No harm shall be done to them and no pretext shall they have to rebel against obedience and submission to the rule of law. The Christians have been granted protection for their churches, monasteries, and pilgrimage sites inside and outside Jerusalem."

[16] The translation of the document of 'Umar covenant reads:
"*They have been exempted from the jizya and all taxes and obligations. They are to be protected from all mischief and injustice on land and at seas (fī al-barr wa-l-buḥūr)*."

[17] When this thesis stated "orientalist", it refers to Orientalism theory of Edward Said. Among the esxtensive in this thesis, the term "Orientalist" is employed to denote the theoretical framework of Orientalism as proposed by Edward Said. Among the numerous criteria of Orientalism, the author has chosen to emphasize the manner in which historical sources have been disseminated by scholars. It is observed that Orientalists frequently select sources that validate their preconceived notions, while disregarding local perspectives. Even in instances where they do utilize local sources, these sources are interpreted through a Western framework, thereby divesting them of their original meanings. The writings that fit into this framework are subsequently referred to by the author as Orientalist.

[18] See Faroqhi (2007) "*The Ottoman Empire Confronting the Christian World (1451-1774): A Discussion of The Secondary Literature Produced in Turkey"* that the Ottoman did not always act religiously, as their motive was to legitimise their power over territory and population. See also Peri (2001) "Christianity under Islam in Jerusalem" that to preserve sovereignty, the Ottoman response to the inter-church struggle over the Holy Sites was not wholly random, arbitrary, capricious and irrational. See Cohen (2008) "*Saving the Holy Sepulchre: How rival Christians came together to save their holiest shrine*." that the Ottoman interest in governing the Church of the Holy Sepulchre was driven not only by religious motives, but also by political, legal, and economic interests. They used sharia law, imperial edict, and the Status Quo system to maintain control, maintain stability, and exploit rivalries between religious communities in this vitally important region. See. W.F. Stripling, "The Ottoman Turks and the Arabs 1511-1574" that the whole economic conflict, involving Ottomans, Muslim merchants and the Portuguese was a cultural clash between Christians and Muslims. See also Baron de Tott that the Turks in Jerusalem were pleased that the Greek-Latin struggle was kept alive in the Holy Places. See Papademetriou, T. (2015). "*Render unto the Sultan…"* that the Church transformed from a religious and cultural institution sponsored by the Byzantine state into an institution exploited by the Ottoman state primarily for financial gain. The Patriarch and metropolitans were considered by the Ottoman state primarily for their cash, which thought of them more as tax farmers rather than leaders of the community.

assumptions were widely accepted as integral components of the so-called Pact of 'Umar within the Ottoman administration.[19]

This thesis will argue that the Umar Covenant functioned as an active instrument of tolerance[20] by examining Ottoman historical documents, including imperial edict (*muhimme registers),* imperial order (*ahkam registers)* and the Fatwa of *shaykh al-Islam* concerning the use of the Umar Covenant. These documents pertain to the use of the Umar Covenant and provide a comprehensive view of its role in the context of Ottoman political and social history. This analysis will contribute to the existing scholarship by offering a novel perspective on the role of the Umar Covenant in fostering tolerance within the Ottoman Empire. It is evident in this thesis that the Umar Covenant played a pivotal role as a tool to resolve the escalating conflict among Christians and qualify which denominations has the rights.

1.2. Problem Statement

The prevailing paradigm concerning the relationship between the Ottoman sultan and its Christian subjects was shaped by economic interests, leading to the assumption that the restrictive policy of the so-called Pact of Umar served as a legal framework for the governance of Christian affairs. However, subsequent evidence has demonstrated that these restrictions were not a coherent, overarching, and systematic policy, but rather isolated cases in specific regions with particular political conditions. By contrast, the 'Umar Covenant which has historically been discredited by Orientalists[21] as an imaginary document, remains an intriguing topic of discussion among historians. However, the extant literature has failed to provide an adequate account of the extent to which the covenant held legitimate authority and impeding the ability to attain a comprehensive understanding of the document's authority. This study builds upon the insights gained from the analysis of the *mühimme* and *ahkam* registers to conduct a comprehensive and holistic investigation of the Covenant of Umar in the following steps. The first step will be a linguistic analysis of the historical document and provide a

[19] For the exploration of such assumptions, see Hathaway, J., & Barbir, K. K. (2008). *The Arab Lands under Ottoman Rule, 1516-1800.* Levy-Rubin, Milka. (2018). "*The Pact of ʿUmar*". Parry, K. (Ed.). (2007). *The Blackwell companion to Eastern Christianity.*

[20] Barkey's (2012) analysis of Ottoman active tolerance "*as a way to qualify and maintain the diversity of the empire, to organize the different communities, to establish peace and order, and to ensure the loyalty of these communities*." Barkey also critiques contemporary explanations of tolerance, which are perceived as passive and ineffective in practice.

[21] Focusing in particular on Oded Peri, as her arguments are frequently mentioned in this thesis to be further examined.

comprehensive overview of the historical context in which the Umar Covenant is mentioned. The subsequent stage will entail investigating the authority of the Umar Covenant, drawing from the insights from the historical excavation.

1.3. Research Question

According to the previously established background, the research question may be formulated as follows:

1) Which version of the ‘Umar Covenant did the Ottoman administration adhere to?
2) How was the authority of the ‘Umar Covenant exercised in the context of managing Christian disputes?
3) Did the Ottoman policy in Al-Quds conform to or contradict the ‘Umar Covenant?

1.4. Research Scope

The scope of this thesis (1517-1831) encompasses the first period of Ottoman rule in Al-Quds based on periodisation established by historian.[22] The findings of this thesis indicate that the early enactment of the Umar Covenant in Al-Quds occurred in 1517. Although Sultan Selim I issued a ferman to the Greek Orthodox Patriarch of Jerusalem shortly after conquering Syria on the last day of 1516, scholars identify 1517 as the pivotal year in this historical moment, a designation that has gained more prominence in academic discourse[23]. This significant event was documented by the ferman of Sultan Selim I to the Greek Orthodox, which acknowledged the Umar Covenant presented to him by the Patriarch (see Appendix II).

From 1516 to 1831, the possession of the Holy Church in Al-Quds underwent transformations among the various Christian denominations characterised by a struggle for the rights to these properties through the presentation of the 'Umar Covenant (see Chapter III). This transformation reached its zenith in 1831, marking a period of transition in Al-Quds. During

[22] For a detailed analysis of the dynamics of the first period of Ottoman rule in Al-Quds, see Rafeq, A. Karim. (2000). “The Political History of Ottoman Jerusalem”. In *Ottoman Jerusalem: The Living City Book Subtitle: 1517-1917*. Ed. Sylvia Auld & Robert Hillenbrand. Council for British Research in the Levant (CBRL).

[23] For instance, Hillenbrand, R., & Auld, S. (2011). *Ottoman Jerusalem: The living city, 1517–1917*. Edinburgh University Press.

this time, the city underwent significant changes, evolving into a pivotal Ottoman political center.[24] This development precipitated by the escalating European influence, Jewish immigration, substantial administrative restructuring, and intense regional conflicts (Rafeq, 2000) that led to radical changes in the history of al-Quds (Bassat & Buessow, 2018). This thesis demonstrates that, within the context of these mass influx policies, the Umar Covenant remains a pertinent reference point for the governance of the Christian dispute, despite the substantial Western presence in Al-Quds.

1.5. Methodology

This research employs the historical research method, as defined by Kuntowijoyo (1955) as a form of implementation and technique regarding historical materials, criticism, and interpretation as well as in presentation in written form. The stages in the historical research method are heuristics (finding sources), verification (internal and external criticism of sources), interpretation (interpretation through analysis or parsing and synthesis or unification), and historiography (historical writing).

The heuristics stage, or data collection, involves the identification and collation of sources, information, and traces of the past (Kosim, 1984). The reconstruction of past events by historians is dependent upon the availability of historical sources (Hamid, 2011). In this case, the author's approach to data collection involved an examination of primary sources, including *Mühimme* Registers (Imperial Edict), *Ahkam* Registers (Imperial Order), and Fatwa Ebussuud Efendi. Additionally, secondary sources, such as previous studies, were consulted as references.

The researcher's approach to exploring the primary sources entails two main methods. Firstly, the researcher explored the document from the published collection of *mühimme* registers. Secondly, the researcher has obtained direct access to the office of the Prime Ministry of the Turkish Ottoman Archive in Istanbul and Ankara. Keywords of particular pertinence are being explored to facilitate the identification of more precise and thematic documents. The process of

[24] The development of infrastructure such as roads and railways connecting al-Quds with Jaffa, the Egyptian occupation of Syria opened the door for greater European influence through the establishment of consulates by European countries, European missionaries and churches, infrastructure development of telegraph line, railways and roads between Jaffa and Jerusalem, administrative changes moved from the jurisdiction of Damascus and placed under the governor of Sidon and became an independent *Mutasarrifate* (1872) directly connected to Istanbul (Rafeq, 2000).

exploring primary sources is a parallel activity. For instance, the initial browsing focused on the term "*Ömer Ahdname*" (along with all misspelled variations, such as "*ahidname*," "*ahduname*," "*Umar*," and "*Ömar*," among others), and the same goes for exploring these terms separately by setting the time scope of the research area. As documents related to the Umar Covenant emerged, the researcher briefly reviewed them to get what was the frequent discourse discussed. The term which is the most prominent will be the next keyword to be the subject of research. The subsequent exploration after "*Ömer Ahdname*" focused on the term "*Rum Ortodoks*" or Greek Orthodox as it was frequently attributed to the Greek Orthodox in the discussion of the Umar Covenant. This way of exploring the source continued in parallel until relevant documents were accumulated.

The second step in the historical research method is verification or source criticism. Verification is the process of ensuring the authenticity and validity of sources (Abdurrahman, 2011). In the pursuit of historical truth, historians are compelled to discern between veracity, falsity, plausibility, and implausibility (Sjamsudin, 2012). At this juncture, it is imperative for the author to ascertain the veracity and academic reliability of the sources utilized. To this end, both internal and external source criticism must be conducted in a comprehensive manner. Internal criticism entails ensuring that the documents in question do not contain any information that is inconsistent with other documented sources. External criticism, on the other hand, necessitates a meticulous examination of the found documents to ascertain their veracity and factual accuracy, taking into account their physical form and any potential replicas or prototypes.

The present thesis conducted a verification process on the *mühimme* and *ahkam* registers, rather than on the Umar Covenant itself. The registers under discussion have been subject to rigorous internal and external scrutiny, with the result that they have been found to withstand such criticism. From the perspective of internal critics, these documents align with the findings of related literature. For example, documents d.102, s.141, and h.564 on the renovation of churches must be the same as the previous ones, which are in accordance with the abundant literature on Ottoman policy on church renovations, although they do not refer to the documents in this thesis. From the perspective of external critics, as the document has been digitized and published in book form, the researcher is limited to relying on the credible institution that stored the documents, namely the Prime Ministry of Ottoman Archives and the IRCICA of the Organisation of Islamic Cooperation.

The subsequent step is interpretation, which involves the determination of the meaning and interrelationship between the facts obtained. Interpretation represents an effort to comprehend and establish coherence between disparate historical facts, thereby creating a unified and logical whole. In the field of historical study, interpretation and explanation are contingent upon a comprehensive understanding of the subject matter and the ability to interpret historical sources (Lahonda, 2011). In this step, the researcher connected the dots of historical facts into a concise discussion on chapters.

The final stage of the historical research method is historiography. This is the process of disseminating historical data in a solid writing. The objective of this research process is to consolidate disparate facts into a coherent and systematic whole, presented in the form of a chronological narrative. In composing a historical account, it is imperative to adhere to the established norms and conventions of the discipline. The historian must provide a comprehensive account of the historical evidence and explanations that inform their reconstruction of past events. The author endeavored to present this research in a systematic and holistic format.

1.6 Literature Review

An analysis of the Ottoman administration's policies towards the Orthodox Church is imperative to comprehending the existence of the 'Umar Covenant within the Ottoman Empire. Çolak's works, *Relation Between the Ottoman Central Administration and the Greek Orthodox Patriarchates of Antioch, Jerusalem, and Alexandria: 16th-18th Centuries*, drawing insights from a comprehensive set of Ottoman documents, refutes Runciman's perspective and provides novel insights. Specifically, it demonstrates that the Patriarchate of Jerusalem was the most active among other Patriarchates, thereby challenging the assertion that the Istanbul Patriarchate attempted to monopolize and dominate the Eastern Church. Çolak's revisionist theory is addressed in this thesis as the findings of this thesis aligned with the extant arguments advanced by Çolak. Most imperial edicts referencing the ʿUmar Covenant emerged in response to petitions from Christian subjects, indicating that the Ottomans did not exercise exclusive authority over Christian affairs and suggests a negotiated relationship rather than unilateral Ottoman control. Furthermore, the fact that Western pilgrims were welcomed and provided protection during periods of significant Christian pilgrimage (see Chapter IV) further

demonstrates that the Ottomans did not impose hegemonic authority over Eastern Churches. Instead, their governance reflected a dynamic interaction with diverse Christian communities, accommodating their presence and concerns rather than enforcing absolute dominance.

Panchenko's work, *Arab Orthodox Christians under the Ottomans 1516-1831*, explores the dynamics of Ottoman-Orthodox relations and their interaction with Western countries from the perspective of Arab Orthodox sources. Drawing on sources such as Michael Breik's Damascus Chronicle and the monastic manuscript of the monk Balamand, Panchenko underscored the intricacies of Ottoman governance, highlighting the role of the judge as the sultan's mediator during the decentralization era in resolving Christian disputes. Panchenko challenged Orientalist perspective which simplistically asserts that the Ottomans supported Frank Christianity over Orthodox. Although the evidence in this thesis comes from Ottoman documentation, the findings were consistent with Panchenko's analysis that the Ottomans tended to align themselves more closely with the Greek Orthodox tradition than with other Christian denominations and did not maintain a neutral position. While concurring with Panchenko's conclusions, this study offers additional insights, particularly regarding the portrayal of Frankish Christians as foreigners.

The Umar Covenant has been thoroughly documented by the Greeks, as evidenced by the extensive index of historical documents compiled by Speros Vryonis Jr. titled *The History of the Greek Patriarchate of Jerusalem as Reflected in Codex Patriarchicus No. 428, 1517-1805*. This index highlights the significant presence of the 'Umar Covenant within Greek historical records. The index, which encompasses documents dating back to the Prophet Muhammad's grant of protection to monks in 623 AH, provides a comprehensive overview of the Umar Covenant. Notably, the Greek document is referred to as the *Orismos of Omar-Khattap*, reflecting the adaptation of the Covenant's name to align with local traditions. The index serves as a significant corroboration of the evidence presented in this thesis, affirming the existence and content of the Covenant of 'Umar.

The present study contributes to the field of Ottoman historiography by offering a comprehensive examination of covenants. Zein and El-Wakil's work, entitled *The Covenant of the Prophet Muḥammad: From Shared Historical Memory to Peaceful Coexistence*, offers an illuminating perspective on the concept of "*ahd*" (covenant) by exploring it through the lens of shared memory. The book compiles covenant documents, including the Covenant of 'Umar, and asserts that the Ottoman rulers documented the existence of the Covenant of 'Umar in the

collection of Feridun Bey in *Munshaʾāt al-Salāṭīn*. The concept of the covenant from this book was integrated into the Ottoman historiographical concept of the *ahidname*, which will be discussed in the linguistic analysis in chapter II.

1.6.1 Introduction to The Primary Sources

1.6.1.1 *Muhimme* Register (Imperial Edicts)

Imperial Edict considered authoritative document as it was issued by the Imperial Council or *Divan-ı Hümayun* which served as the highest decision-making of the Ottoman administration (Çolak, 2012) which most Western scholars failed to analyse. In addition to performing important judicial functions, the Imperial Council also served elite political functions, as it was open to all individuals --regardless of gender or nationality, social class, or position-- to lodge complaints and seek justice (Kanat, 2013).

The *Mühimme* registers issued by the imperial council played a crucial role in illustrating the interactions between the central authority and the people. The assessment of these actions in the council and the issuance of formal directives to rural governors such as the *beylerbey, sandjakbey, and* kadi, which were then recorded in the *Mühimme* Registers, facilitated the gathering of highly valuable information about Ottoman cities (IRCICA, 2017).

The judicial rulings made during the Imperial Council meetings were documented in various records based on their thematic content such as *mühimme*, *ahkâm*, *tahvil*, *rüûs*, *nâme*, and *ahidnâme* including the ferman (edicts) of the Sultan which was issued through this institution. The edicts usually called as "*hüküm*" and usually mention the name and title of the authority or person to whom the decree is addressed followed by the words "...*hüküm ki*", indicating the subject matter and the decision made (Çakmak, 2019).

However, the collection of Imperial Edicts in the seventeenth century was significantly scarce compared to the eighteenth century. Scholar identified the gap of chronological *muhimme* register, attributing it to the emergence of a separate classification called *Şikâyet* defteri, and it was common in Ottoman documents as this classification of documents did not always follow a strict chronological order (Emecen, 2005). Çolak (2019) further emphasized the scarcity of this gap, especially in documents related to the administration of the Orthodox Church. During the first three quarters of the seventeenth century, European attempts at Christian unification

flourished, which led the Ottoman Empire to emphasize its focus on Greek Orthodox affairs. To illustrate, there were 31 patriarchs in Constantinople who occupied the throne and then were deposed between 1595 and 1695, with each serving for an average of less than 12 months. Furthermore, from 1638 to 1657, three patriarchs and one ex-patriarch of Constantinople were executed (Çolak & Tellan, 2019).

However, the scarcity of the document in this missing period led Peri to believe that:

> *"No Ottoman official record available for the sixteenth and sevententh centuries approximates or even approaches this rather extra ordinary 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."* (Peri, 2001).

From the state of historical documents explained above, the primary sources used in this thesis mostly began from the last seventeenth century documents.

One of the key topics within the Imperial Edict that will be explored in greater depth in this thesis is the power struggle between different religious groups over sacred places. There are records indicating the claims made by Muslims residing in Al Quds regarding certain sacred places, such as *Kamame* or Holy Sepulchre and *Dair al Musallaba*, which were previously utilized as churches and monasteries by Christians. There was rivalry between Catholic and Orthodox Christians, as well as conflicts among Armenians, Greeks, and Georgians. Likewise, there were instances of certain religious groups attempting to prevent others from visiting specific sacred sites. In response to claims of obstructive behaviour, the Ottoman government promptly initiated investigations, sought opinions from local authorities, reassessed privileges previously granted to certain groups, and endeavoured to address emerging issues through a fair and principled approach within the framework of applicable laws and regulations (IRCICA, 2017).

This thesis thoroughly examines ten documents comprising the Sulan ferman, which are included in the appendices as a core reference. In addition to these ten documents, the thesis also examines sixty-eight other documents of *mühimme*. By emphasizing the Umar Covenant, this thesis reveals a new categorization of the content of *mühimme* registers, which is the instrumentalization of the Umar Covenant for achieving rights.

1.6.1.2 *Ahkam* Register (Imperial Order)

The term *ahkâm* is the plural form of 'judgment' and refers to the decrees issued by the Sultan. The *Ahkâm* book is the general term for the notebooks used to document the judgments issued by the *Dîvân-ı Hümâyûn* of Imperial Council. Separate notebooks were initiated to document matters unrelated to military affairs, focusing instead on people's interactions with the state. These notebooks, where petitions and grievances were recorded, were known as complaint books or *ahkâm-ı şikâyet defterleri* (Kanat, 2013). The complaint ledgers were employed to document the rulings written to settle disputes between individuals and complaints lodged by administrative officials based on the submissions of individuals and officials.

The foundation of the Ottoman Empire rested on the principle of justice. This principle of justice was predicated on people's ability to present their wishes and grievances to the Sultan when necessary, and to have their wishes fulfilled and injustices remedied at his command. The grievances of the people played a crucial role in ensuring the proper functioning of justice and state mechanisms, with the primary aim of promoting accountability. Complaints served as a means to assess whether directives from the central authority were being effectively implemented by officials (Kanat, 2013).

This thesis analyses five documents from the Ahkam Register, which primarily address the detailed administrative issues pertaining to the Holy Sepulchre. In comparison to the *mühimme* register, the *ahkam* registers are considerably more practical and consistent. The *ahkam* registers reveal how annual pilgrims were regulated by the Ottoman authority. While the *mühimme* registers primarily addressed petitions, the *ahkam* registers were primarily official regulations, which tended to be constant rather than dynamic. These registers were primarily utilized by the researcher in Chapter IV, which focuses on the Ottoman regulation of Christian pilgrims and the Sultan's communications with local rulers.

1.6.1.3 Fatwa (Legal Opinion) of Ebussuud Efendi

One of the success point of the Ottoman Empire lay in its ability to integrate Islamic law (*sharia*) with traditional legal principles (*kanun*). Rather than constituting a distortion of legal principles, this synthesis aligned with Islamic jurisprudential traditions, which recognize the role of custom (*ʿurf*) as a valid source of law. Islam has proposed the utilization of tradition as a source for establishing legal principles. This approach is grounded in the maxim that fatwas are subject to change in accordance with the evolving context (*taghayyur al-fatwa bi-taghayyur al-zaman*) (Hallaq, 2004). For this respect, the role of Jurist was sequestial in the Muslim history

since the eight-century represented by *kadi* (judges) and mufti which recognized in Islamic legal culture (Hallaq, 2004).

The rule of Ebussuud Efendi as the *shaykh al-Islam* in the Ottoman Empire served as harmonising the sharia and kanun law. In addition to sharia law which the Ottoman persistently adhered to, the traditional law or kanun law comprised of customary law and regulations issued by the Sultan through commands (*ferman, hükm*) and lawbooks (*kanunname*). The role of Kanun law was to complement sharia law, especially providing the regulations that was not covered by the sharia, including the tax (*jizya*) that the Christian subject must be paid. Here the *kanunname* make a list to divide taxes into categories.

The researcher's consideration of the fatwa in the matter of the Umar Covenant is based on the understanding that the fatwa, in conjunction with the ferman of the Sultan, constitutes a decisive document that specifically regulates the details concerning Christian churches that are not included in the capitulation (Dipratu, 2021). In the context of the ferman, the fatwa of Shaykh al-Islam serves to verify and ensure adherence to the Hanafi school of Islamic law, particularly in cases of church renovation, where Hanafi doctrine[25] permits church renovation only to its original state (Dipratu, 2021).

The fatwa of Ebussuud, which the researcher has emphasized in this work, is only concerning Christian affairs. The researcher has meticulously reviewed numerous fatwas, narrowing the focus to the salient aspects in the chapters. The rationale behind the exclusion of exhaustive fatwa presentations is rooted in the nature of the fatwa document itself, which is designed to provide a binary response from the *shaykh al-Islam*, lacking the comprehensive information typically found in *mühimme* and *ahkam* registers. Notwithstanding, the researcher has substantiated that the fatwa concerning Ebussuud aligns coherently with other primary sources.

[25] Abu Hanifa suggested that Christians should not be allowed to build new churches within a one-mile radius of Muslim settlements. In addition, the church that could be renovated had to be in territory that had been under treaty before the conquest, meaning that only churches in regions that had willingly come under Islamic rule could be repaired. His followers further stipulated that any repairs must use the original materials, without expanding the building or adding new features. In addition, churches and monasteries were to be carefully inspected for unauthorized alterations. Furthermore, the reconstruction of a building could only be permitted if it had not been demolished by official decree (Dipratu, 2021).

1.7 Structure of The Thesis

The initial chapter will address the background of the study and the existing literature in the academic field, thereby enabling the researcher to identify and address a gap in the existing literature. The researcher will establish boundaries to clarify the research and define the research question. Given that the thesis focuses on historical works, the researcher will introduce the primary sources to familiarize the reader with the subject matter.

The second chapter of this study examines the application of the Umar Covenant in Ottoman decrees. This chapter will trace the document that marked the recognition of the Umar Covenant by the Sultan through a linguistic-historical analysis, identification of the decrees that invoked the Umar Covenant, and exploration of the socio-historical surrounding the content of the document.

The following chapter the authority wielded by the Umar Covenant and the manner in which it was applied in Christian affairs will be examined, especially the practical application of the 'Umar Covenant. The role of the Umar Covenant will be examined in separate sections: the Umar Covenant as the highest proof, the use of the Umar Covenant for tax exemption, and for church renovations.

The subsequent chapters discussed the question of the Holy Sepulchre as the most sacred site for Christians. The scope of this study is not constrained by temporal limitations or specific Christian denominations; rather, it is anchored by the Umar Covenant. This chapter examine the extent to which the Umar Covenant is employed in the Holy Sepulchre dispute, addressing the Ottoman authority's regulation of pilgrimage rules and how the Umar Covenant is employed to prevent prolonged stays by Western pilgrims after the Christian pilgrim season ended.

The final chapter places the insights gleaned from the historical document discussed in the previous chapters in the context of the research question posited in the introductory chapter.

Chapter 2

THE APPLICATION OF ‘UMAR COVENANT IN OTTOMAN DECREES

2.1 Introduction

The application of the Umar Covenant in the context of Ottoman studies has generated significant interest and debate among scholars, who have expressed a range of responses, from enthusiastic endorsement to sceptical scrutiny. The covenant is frequently attributed to the seventh-century Muslim liberation of Bayt al-Maqdis, issued by the caliph ‘Umar ibn al-Khaṭṭāb. However, this attribution has been met with scepticism, particularly among Orientalist scholars.[1] In order to obtain an extensive account of the ‘Umar Covenant application, it is necessary to begin by providing an explanation of the general study of the covenant or *ahdname* in the Ottoman Empire. Once the covenants have been delineated, the identification of distinctive features of the Umar Covenant can be pursued to gain insight into what distinguishes it from other covenants. The exploration of the nature of *ahdname* in Ottoman documentation is a preliminary step in understanding the Sultan Mehmed II's recognition of the Umar Covenant presented by the Greek Orthodox Patriarch in 1458. The followed examination is investigating the reasons behind the renewal of the *ferman* by subsequent sultans.

From the above topic of discussion, this introductory section addresses the following inquiries: what was the concept of the ‘*ahidname* or covenant in Ottoman Studies, what kinds of covenants issued by the Ottoman, what distincted the Umar Covenant from Capitulation Treaty, which version of the ‘Umar Covenant document implemented by the Ottoman Empire, what factors influenced the Ottoman Sultan and Orthodox Christian relationship in recognising

[1] The Orientalist scholars rejected the Umar Covenant documents, attributing them to 'Umar ibn al-Khaṭṭāb. They regarded it as mere fiction, deeming it unfeasible that it could have originated from Caliph ‘Umar ibn al-Khaṭṭāb (Peri, 2001). Moreover, the existence of the Umar Covenant was concealed by Orientalist scholars during the disputes among Christian affairs by saying that when Frank endeavoured on multiple occasions to present their case to the Imperial council in Istanbul between 1675 and 1690, their efforts were consistently rebuffed without any explicit reason for the rejection (Peri, 2001). Another scholar has asserted that each community possesses distinct evidence of ownership (Cohen, 2008), yet the nature of this evidence remains undisclosed. In fact, the 'Umar Covenant posit as the most compelling evidence (see the specific case in chapter III).

the Umar Covenant, and which primary Sultan decree established as the highest reference for subsequent Sultans.

The covenant in the Ottoman historical document is referred to as an *'ahdname'*. This term is derived from the Arabic *'ahd'* and the Persian word *'name'*, which translates to 'to will, to entrust, to swear, to promise, to pledge, and to take into one's possession' (Encyclopaedia of TDV). As the covenant was the matter of the Sultan, it was issued by *humayun* or imperial council than became known as *ahidname humayun* and became generalised into every treaties issued by the Sultan. The *ahidname* term also called as ‘capitulation’ when it comes to the treaties of Ottoman and European countries (Dipratu, 2021). In general term, *ahidname* refers to documents that grant trade privileges to foreign states or peace treaties made with them and also refers to certain privileges, including *aman* (safe conduct), granted to *harbîs* (foreigners with potential for conflict) in Islamic *ahidname* term (Tekin, 2024). The *muste'men* (recipients of safe-conduct), received a certain level of protection that ensured both their personal safety and property within Ottoman territories.

The tradition of *ahidnâme* in the Ottoman Empire traces its origins to the pre-Ottoman principalities of Anatolia and the Seljuk period. An examination of a particular covenant, titled "*The Oath of Muslims for Christians*", commences with the *Basmala/ besmele (In the name of Allah)*, followed by Hızır Bey's self-introduction and his affirmation to protect the castle and its inhabitants. The document also delineates the terms of the treaty, which include the assurance of personal safety and property rights, the facilitation of free trade within his domain and ports, the provision of protection against piracy, and the enforcement of criminal penalties (Kütükçü, 2023). This approach aligns with the provisions outlined in the Sultan Mehmed II covenant with the Genoise of Galata, which stipulated the protection of religious institutions and the provision of tax exemptions (Inalcik, 2017). In this context, it can be posited that the Ottoman tradition of ensuring foreigner security (*aman*) through issuing ‘secular’ covenant was established on a similar principle to that of the guarantee bestowed by ‘Umar ibn al-Khaṭṭāb to the people of Aelia in many extents.

The Ottoman capitulation treaties with foreign states are consistent with the framework established in other covenants in terms of fostering peaceful relations with non-Muslim states, as evidenced by the establishment of the Sublime Porte in treaties with Venice, Poland, and Hungary (Dipratu, 2021). Beginning in the 16th century, the Ottoman Empire initiated the issuance of *ahdname* to France and England with the objective of regulating trade activities

among European nations on the principle of peace with non-Muslim territories (*dar al-harb*), a prerequisite that primarily furnished general safe conduct (*aman*) for the subjects of the respective recipient countries (Dipratu, 2021). The distinguishing characteristic of the 'Umar Covenant is that it was not issued by the Sultan; rather, it was acknowledged through the Sultan's decree. Dipratu (2021) contended that the 'Umar Covenant was the most authoritative document concerning Christian affairs, as the Capitulation did not provide sufficient detail regarding the management of Christian affairs or the church. The analysis of Imperial Edicts (*mühimme* register) further substantiates this claim, demonstrating that the privileges granted by the Sultan to European countries were exclusively on economic matters, excluding religious aspects.[2] The limitation on religious affairs is exemplified by the Sultan's prohibition of France's attempt to settle in al-Quds in the eighteenth century.[3] This prohibition can be attributed to the Sultan's keen awareness of the escalating incidence of bribery, a practice that has enabled foreign entities to act in a manner that aligns with their own agendas,[4] particularly in the context of the Church in al-Quds being possessed by Roman Catholics. To delve more profoundly into this subject, Chapter IV offers discussion on the Holy Sepulchre and Christian pilgrimage, elucidating the manner in which the Umar Covenant was implemented.

It is interesting to note that the concept of the Ottoman Sultan issuing a treaty also existed during the Mamluk period. The Mamluk sultans granted treaties to European merchants but remained socially and culturally separate from the indigenous non-Muslim population. The privileges granted to Europeans were temporary treaties not based on Islamic law (Moukarzel, 2019b).

Having distinguished between the economic and religious significations of the term "*ahidname*," we may proceed to an exhaustive analysis of the contents of the "Umar Covenant," which is preserved in the Turkish Ministry of the Ottoman Archive Directorate (see appendix I) from *Osmanlı Arşivi, Kilise Defteri, No: 8*.[5] The researcher identified additional

---

2 E-12321, vr.157b, h.391 (March 15, 1545) that Venice was granted trade rights. KK.d.71, s.403, h.2 (August 5, 1613) that French was granted trade rights. D.85, s.124, h.280 (July 26, 1631) that French was granted trade rights.

3 d.191, s.22, h.88 (August 12-21, 1790) that The French Ambassador had trouble with the Sultan when he asked for permission to stay in Jerusalem.

4 d.193, s.73, h..377 (November 28-December 7, 1790) that Catholics were giving more bribes to the Governor of Damascus.

5 For further reading on the Umar Covenant recorded by the Ottoman sultan, see Çolak, H. (2012). "*Relations Between the Ottoman Central Administration and the Greek Orthodox Patriarchates of Antioch, Jerusalem and Alexandria: 16th-18th Centuries*". or a more extensive analysis of the records of the Umar Covenants in various documents, see Zein, I.M., & El-Wakil, A. (2022). *"The Covenants of the Prophet Muḥammad: From Shared Historical Memory to Peaceful Co-existence."*

documentation by Greeks, specifically Orismos of Omar-Khattap in Codex Patriarchius No. 428, which was documented by Speros Vryonis (1981) and was proved to be the same version as preserved by the Ottoman archival document. Despite differing in transliteration in certain phrases, the document's core content and substance remained consistent.

The fall of Constantinople in 1453 was a momentous occasion that led to the convergence of kings and prominent figures in the role of emissaries, offering their felicitations to the sultan (Satış 2015). Shortly after the conquest, Sultan Mehmed II proceeded to reorganise the Orthodox Church and bestow the title of Gennadios upon Georgios Scholarios in 1454, thereby establishing the Greek community's leadership under his authority (Satiş, 2015). Sultan Mehmet II hosted a formal dinner in honour of Gennadios, during which he presented him with a silver scepter, symbolising his spiritual authority, along with a thousand gold coins, a horse, and a ceremonial robe. This act was conditional upon Gennadios taking an oath of allegiance, after which he was ceremonially escorted from the palace (Satiş, 2015).

The appointment of Gennadious by Sultan Mehmed II in the Western view always considers as a political relation through personal interest. Greene (2015) adopted Tom Papademetriou's perspective, arguing that the Patriarch and the Sultan relationship was merely personal privilege rather than institutional recognition. However, there are literatures documented by the Greek Orthodox illustrating the Ottoman inclusivity to incorporate different traditions and religions. Kritovoulos of Imbros (1410–1470), a former Byzantine governor and official historian of Sultan Mehmed II, stated that his primary purpose in writing about Sultan Mehmed II was to incorporate information from Arabic and Persian historians while documenting Mehmed II's accomplishments in Greek—something Mehmed reportedly valued. Similarly, George of Trebizond (1395-1486), a former Byzantine intellectual, often incorporated Orthodox Christian elements when discussing Mehmed's divinity. Additionally, the earliest known Greek Orthodox synodal register, compiled two decades after the Ottoman conquest of Constantinople in 1453, preserves the term basileus—used to refer to the universal Christian emperor—and applies it to the Ottoman sultan (Çolak, 2007). The extant historical records demonstrate that the relationship between Sultan Mehmed II and Genandious was not solely of a political nature, but was also of a religious nature.

The Greek Patriarchate of Jerusalem in the time of Constantinople conquest had remained unoccupied for a span of years due to contentious debates surrounding the potential unification of the Eastern and Western churches that prompted Patriarch Greguvar to flee to Italy (Satiş,

2015). Additionally, Ercan (2011) observes that the governance of Orthodox Christians in Egypt, Syria, Palestine, Cyprus, and Russia was also entrusted to the Greek Patriarchate of Istanbul, although no historical evidence has been found to support this claim. The vacancy of the Jerusalem Patriarchal throne and the submission of all Patriarchs to Istanbul constituted significant events in the history of Orthodoxy. The official visit of Atanasyus, the Greek Orthodox Patriarch of Jerusalem, in 1458, five years after the conquest, is particularly noteworthy. The Patriarch proposed to the Sultan that the existing rights of worship in the holy places in al-Quds, which had been granted by ʿUmar ibn al-Khaṭṭāb and recognized by subsequent Muslim rulers, should be upheld. The Patriarch presented the Umar Covenant -- meticulously documented in Appendix I-- to Sultan Fatih Mehmed II, who subsequently bestowed upon him a ferman formally recognising the Umar Covenant.

> *"The Patriarch of the Greeks in Kudüs-i Sharîf, Atanasyus, came with his clergymen, and he came to my Âsitâne-i Saâdet. He presented the calligraphy signed with the blessed hand and paw of the Messenger of Allah, may Allah bless him and grant him peace, and the calligraphy of Hadrat 'Umar bin Khattâb, may Allah bless him and grant him peace, with the calligraphy of the Prophet 'Umar bin Khattâb, may Allah bless him and grant him peace, and the calligraphy of the salâtîn from the past*:"[6]

In the ferman, it is stated that the Patriarch proposed that some particular places be exempted from additional taxes.[7] The patriarch was exempted from the taxes called *jizya*[8], *ğafr, baj*, and other *mevâcib*[9]. The exemption did not apply to all the clergy in the holy places, but only to those who were dressed in their religious garb and who were completely devoted to worship and not engaged in any other work. As Ercan noted, those working clerics who earned money were still subject to taxation (Satis, 2011). In return for the exemption from jizya, the patriarch

---

[6] Original Text says:
Hazret-i Resûl hürmetiyle makâm-ı Kostantiniyye feth u fütûh oldukda etrâf u eknaf olan şâhlar ve krallardan Âsitâne-i Saâdetime elçiler gelip feth u fütûhu arz edip bu defa Kudüs-i Şerîf'de olan Rumların Patriği Atanasyus" nâm Râhib ruhbânlarıyla gelip Âsitâne-i Saâdetime yüz sürüp ve Hazret-i Resûl-i Ekrem hazretlerinin -salla'llâhü aleyhi ve sellem- hazretlerinin mübarek eliyle ve pençesiyle imzâlu olan hatt-ı hümâyûnları ve Hazret-i Ömer bin Hattâb hazretlerinin –radıya'llâhü anh¹º- hatt-ı kûfî ile ve selâtîn-ı mâzıyeden hatt-ı hümâyûnları ibraz edip ve recâ eyledi. (See Appendix II)

[7] The patriarch was exempted from the taxes called *jizya, ğafr, baj, and other mevâcib*. The exemption did not apply to all the clergy in the holy places, but only to those who were dressed in their religious garb and who were completely devoted to worship and not engaged in any other work. As Ercan noted, those working clerics who earned money were still subject to taxation (Satis, 2011). In return for the exemption from jizya, the patriarch paid *pişkeş* (literally, gift or gratuity) to the state, which Inalcik did not consider a bribe. In fact, the money paid by the Patriarch when receiving the certificate from the Porte is also called berat pişkeşi, the amount of which was determined by canons by spiritual heads of all ranks in the sicteenth century (Satis, 2011). For example, Chrysanthos (1707-1731), the successor of Patriarch Dositheos, paid 9900 akçe pişkeş for his patriarchal license (Çolak, 2012).

[8] Jizya is a tax levied on non-Muslims living in an Islamic state based on Quranic verse (9:29) (Ahmed, 1975).

[9] *Mevacib* was literally means "*what needs to be done, given*". This tax used as a term for the salary given to civil servants and soldiers. Mevâcib was paid at the end of every three months according to the Hijri year and these payments were called "kıst" (TDV Islam Ansiklopedisi)

paid *pişkeş* (literally, gift or gratuity) to the state. The money paid by the Patriarch when receiving the certificate from the Porte is also called *berat pişkeşi* with the determined amount by canons of spiritual heads in the sicteenth century (Satiş, 2011). Inalcik believed that *pişkeş* was not considered as bribery. For example, Chrysanthos (1707-1731), the successor of Patriarch Dositheos, paid 9900 *akçe pişkeş* for his patriarchal license (Çolak, 2012).

Ottoman historical records concerning al-Quds from 1458 to 1517 have received scant attention, given that the city was not under Ottoman authority during that period. Despite the fact that the Mamluk Empire was still in control of al-Quds at the time, Sultan Mehmed II demonstrated his interest in the city. Tursun Beg, an Ottoman bureaucrat and chronicler of Sultan Mehmed II, recorded that Sultan Fatih Mehmed II initiated a campaign to al-Quds in 1481, which was ultimately unsuccessful due to the Sultan's serious illness (Inalcik & Murphey, 1978). Furthermore, the subjugation of the Greek Orthodox population to Ottoman dominion preceded the Fall of Constantinople by half a century, a development driven by the recognition that the Athenians subscribed to a secular belief and Orthodox Christian belief system was infiltrated by political considerations (Gerolymatou, 2016). The divergent political climates experienced by the Ottoman sultan and the Greek Orthodox population provided compelling evidence that their acknowledgment of the 'Umar Covenant, which was extended by the Greek Orthodox to the Sultan, was not driven by political motivations.

Prior to the formal acknowledgement of the Umar Covenant by Sultan Selim I in 1516, it is noteworthy that the Mamluk ruler, Sultan Qansuh al-Ghuri, issued a decree in 1505 confirming the rights of the Greek Orthodox Church over the Holy Sepulchre (Mokarzel, 2019). The Mamluk rulers previously celebrated the conquest of Constantinople itself, considering it to be the establishment of a Muslim dynasty's reign over the world (Mokarzel, 2019). This evidence suggests a sense of continuity in terms of both Mamluk and Ottoman support for Greek Orthodox Patriarch.

The Umar Covenant was later issued by Sultan Selim I. Upon his arrival in Al-Quds on December 31, 1516, Sultan Selim I was welcomed by The Armenian Patriarch Serkis III and the Greek Patriarch Attalia of Jerusalem (Koyuncu, 2017). Thereafter, Sultan Selim I promulgated an edict that marked the renewal of acknowledging the 'Umar Covenant. This edict reaffirmed the rights of Greek Orthodox Christians as stipulated in the 'Umar Covenant. A notable distinction emerges between the ferman of 1458 and 1516 concerning the former's conferral of prioritized status upon the Greek Orthodox community, in conjunction with that of

other ethno-religious groups (See Appendix III). Concurrently, Sultan Selim I bestowed a ferman upon the Armenians of al-Quds, thereby mirroring the precedent set with the Greeks (See Appendix IV). A notable distinction emerges between the covenants granted to the Greeks and Armenians, with the Armenians making an additional reference to Salah al-Din al-Ayyubi (see Appendix IV). This distinction can be attributed to the fact that the Greek Orthodox at the time of Salah al-Din al-Ayyubi did not wield significant influence (Satiş, 2011).

The ferman of Sultan Selim I was the most frequently cited document, providing a basis for the policies of the subsequent sultans. All Ottoman decrees concerning Christian affairs make direct reference, either literally or indirectly, to 'Umar ibn al-Khaṭṭāb or Sultan Selim I. The following section conducts a linguistic analysis to explore fundamental principles inherited to the ferman concerning the Umar Covenant and analyses characteristics of the Sultan's ferman.

2.2 Linguistic Analysis of ‘Umar Covenant

This section will demonstrate the significance of linguistic analysis and subsequently map the extant pattern of the Umar Covenant as posited by the existing scholars. The researcher will then utilise these tools to investigate which ferman are compatible with the established template, with the ultimate aim of discerning any moral values derived from the Umar Covenant.

The study of historical documents through linguistic analysis plays a crucial role in understanding social makeup of the individuals. This analysis involved examining various aspects of the language, such as its elegance, conciseness, repetition, use of set formulas, and prayers that collectively reflect the authority of the state (Leal, 2003). In term of Umar Covenant, linguistic analysis of the document signified how the Ottoman state perceived its authority over Orthodox Christians, as these decrees serve as both textual and historical records. This approach provides insights into both the interconnected actors within the narrative and the historical significance of the 'Umar Covenant.

The textual analysis will apply the conclusions of the existing scholars regarding the primary pattern of the ferman. Avci (2019) posited that the Ottoman Sultans employed a consistent approach to conflict resolution, characterised by a set of guidelines and precedents such as the stipulation to “*not to do anything contrary to what had been done in the past*” and the reference to *Hz. Ömer* or ‘Umar ibn al-Khaṭṭāb. Each edict also typically incorporates a citation to the

ferman of Sultan Selim I, often accompanied by the phrase "*as has been the case since time immemorial*" (Akyol, 2019). From a macro perspective, the Covenants of the Prophet Muhammad — in which ‘Umar ibn al-Khaṭṭāb also referred to it — exhibited a common pattern consisting of the authentic hadith *"whoever harms a dhimmī I shall be his enemy on the Day of Judgment"* in many covenants documented by Christians and Jews (El-Wakil, 2019).

As demonstrated in the preceding analysis, the imperial edicts of the early Ottoman sultans also exhibited characteristics which is consistent with those patterns. A review of the fundamental ferman of the sultans—Sultan Mehmed II, Sultan Selim I, and Sultan Sulaiman al-Qanuni — reveals the obligation to caution the Muslim authorities about the imperative to protect the rights of the *dhimmi* people. Despite variations in the wording of the decree, the fundamental message remains constant. In the decree issued by Sultan Mehmed II, it is stated: "*akçe için veyâhûd hâtır için feshine murâd ederlerse Allâh'ın ve Hazret-i Resûl'ün hışmına uğrasun*"[10] (If they intend to dissolve it for the sake of money or for the sake of memory, let them incur the wrath of Allâh and the Messenger of Allâh). Similarly, in the decree promulgated by Sultan Selim I, it is recorded that: "*her kim fesh murâdları olur ise Allâhü Teâlâ'nın hışmına ve azâbına uğrasun*"[11] (May whoever has the intention of dissolving it incur the wrath and torment of Almighty Allah). In his decree, Sultan Sulaiman al-Qanuni further stipulated that: "*fesheylemek murâdları olur ise Allâhü Teâlâ'nın hışmına ve azâbına mes'ûl olalar*"[12] (If they intend to abolish it, they will be liable to the wrath and torment of Almighty Allah).

The reference to ‘Umar ibn al-Khaṭṭāb (*Hazret-i Ömer bin Hattâb*) in Ottoman documentation necessitates a thorough examination to accurately assess its authority and significance within the historical and legal context of the document in question. Ergenc (2023) examined the utilisation of the old custom or *adet-i kadime* in the Ottoman documentation and classified various types of its case. Among these variations is a document derived from a political order grounded in divinely ordained monarchical sovereignty. The unique acceptance of the Ottoman Sultan on the 'Umar Covenant presented by Greek Orthodox was the moment can be categorised as the old custom that has divine meaning and religious function. Additionally, the Umar Covenant document has moral and political discourse which adhered by neither strictly top-down nor bottom-up, but followed a cyclical or dialectical pattern (Ergenç, 2023). The

[10] BOA.AE.SMMD.II.00001
[11] BOA.TSMA.E.0746
[12] A. DVNS. KLS.d, 08

Umar Covenant also exemplifies this phenomenon, as it was embraced by all Christian denominations without coercion, as discussed further in Chapter III on authority.

The phrase in the Ottoman document indicated *adet-i kadime* expressed as "*matakademden," "ez kadim," " olıgeldiğü üzere,"* or "*eskiden berü*" to refer to the case when the exact starting point of a practice was uncertain or when referring to traditions that had persisted over a long period of time (Ergenç, 2023). In the context of the Umar Covonant documents, the term *kadim* was used when the Ottoman Sultan sought to settle the conflict between Greek and Frank and ordered the Frank to remain in their places as had been done in the past.

> *"Kudüs-i Şerîf'in dâhilinde ve hâricinde ve Kumâme nâm Kilise'de **kadîmden olugeldiği üzere** temekkün eyleyen Frenk râhiblerinin hâlâ sâkin olup ellerinde olan ziyâretgâhları **kemâ-kân** Frenk râhiblerinin ellerinde olup kimesne dahl eylemeye".*[13]

The second category of expressions was derived from the oral traditions of elders within communities, frequently referred to as "*müsinn*" or "*ihtiyar*". These expressions were articulated as "my father told me" (*babam demişti*) or "it was done in the time of my ancestors" (*ceddim zamanında böyle yapılırdı*). In these expressions, the past is defined by knowledge that has been transmitted through generations, representing a comparatively shorter time frame than the first type, which spanned one or two centuries (Ergenç, 2023). In the context of Christian disputes in Al-Quds, Sultan Sulaiman al-Qanuni consistently cited his father, Sultan Selim I, as the source of authority. He asserted that the decision was made in accordance with the Umar Covenant and the "my father" (*babam*) decree, thereby invoking the authority of both significant documents.

> *"**Hazret-i Ömer** –radıya'llâhü anh– hazretlerinin ahidnâme-i hümâyûn ve merhûm **babam** Sultân Selîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretlerinin hatt-ı hümâyûn-ı saâdet-makrûnları mûcebince ben dahi verdim ve buyurdum ki"*[14]

Given the congruence between *adet-i kadime* and the documents of the 'Umar Covenant, the attribution of *Hazret-i Ömer bin Hattâb* (‘Umar ibn al-Khaṭṭāb) merits further consideration. As stated in the Prime Minister's Turkish Archive's official 'Umar Covenant, in conjunction with numerous other versions of the Umar Covenant, the document indicates that the Covenant

---

13 "*The Frankish monks who have long been settled both inside and outside Noble Jerusalem, as well as in the church known as the Holy Sepulchre, shall remain in their places as they have from ancient times. The holy sites in their possession shall continue to be held by the Frankish monks without interference from anyone*." See Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem*. p. 86.

14 "*In accordance with the noble covenant of Hazrat Umar—may Allah be pleased with him—and the imperial decree of my late father, Sultan Selim Khan—may divine mercy and forgiveness be upon him—I too have granted and decreed that…*" Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem. P. 64*

was granted by ‘Umar ibn al-Khaṭṭāb. This finding corroborates the assertions of the Ottoman sultans, which highlight a consistent emphasis on this point. Referring to ‘Umar ibn al-Khaṭṭāb in this context implies a connection with the Ottoman pledge to justice, given the esteem in which the Caliph Umar himself was held as an exemplar of fairness. Yet, it is notable that not all Sultan's fermans explicitly cite ‘Umar ibn al-Khaṭṭāb. An examination of Sultan's ferman reveals that these documents attribute their authority to ‘Umar ibn al-Khaṭṭāb [15], and in some cases, to the ferman of Sultan Selim I. The fact that referencing ferman of Sultan Selim I without mentioning the Umar Covenant does not suggest that the essence of the ‘Umar Covenant was lost; rather, it remained preserved and was embodied in the ferman of Sultan Selim I.

References to ‘Umar ibn al-Khaṭṭāb can be identified in the following fermans:

Ferman of Sultan Mehmed IV (1648-87) in 1657:

> *“... During the noble era of Hazrat Umar—may Allah Almighty be pleased with him—the covenant he granted, along with the detailed and explicit covenants and sacred rulings issued by my illustrious ancestors and my late father, Sultan Ibrahim Khan—may Allah Almighty illuminate his proof—remain in effect. According to these, the Abyssinian community, the Copts, the Greek infidels, and their patriarchs have maintained their positions, places of worship, and endowments without interference. Henceforth, the Armenian community shall not be permitted to encroach upon them in any way. Furthermore, any claims or disputes raised by the Armenian infidels in this matter shall not be heard. Those who witness my noble decree, issued under my imperial signature of felicity, must act accordingly. Judges, governors, and officials of the present and future must strictly refrain from granting any ruling in contravention thereof.…”*[16]

Ferman of Sultan Osman III (1754-7) in 1757:

> *“...Pursuant to the orders and decrees of the Khalîfa-i Sânî Hazrat 'Umar ibn al-Khattâb (radiy-Allâhu ta'âlâ anh-) and the salâtîn-i mâzıye (previous Sultan)…”*[17]

---

15 “*… and to keep them in the same manner as they were kept in the past, and to keep them in accordance with the covenant of Hadrat 'Umar (peace and blessings of Allah be upon him) and the evâmir-i sharifs of the salâtin-i mâzıyyâ…”* BOA.TSMA.E.0746

16 “*… Hazret-i Ömer –radıya'llâhü Teâlâ anh– zamân-ı şerîflerinde verdiği ahidnâme ve ecdâd-ı izâmım ve cennet-mekân babam Sultân İbrâhîm Hân –enâra'llâhü Teâlâ berâhinehû–nun verdikleri mufassal u meşrûh ahidnâme ve ahkâm-ı şerîfe üzere Habeş tâifesi ve Kıbtî, Rum keferesi ve patriklerine yamak olup ve ziyâretgâh ve vakıfları tasarrufunda olup min-ba‘d Ermeni tâifesine dahl ü taarruz etdirmeyip bundan sonra Ermeni keferesi tâifesinin bu bâbda da‘vâ ve nizâ‘ları istimâ‘ olunmayıp hatt-ı hümâyûn-ı saâdet-makrûnumla sâdır olan emr-i şerîfimi görenler amel edip kuzât-ı eyyâmdan ve vülât ve hükkâmdan bir ferd hilâfına cevâz göstermekden be-gâyet ihtirâz eyleyeler*”
(Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem. p. 68)*

17 “*… Halîfe-i Sânî Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh– ve selâtîn-ı mâzıye taraflarından inâyet buyurulan hutût ve emr-i şerîfim mûceblerince Kudüs-i Şerîf'de…* ” (Ibid, *p. 86*)

Ferman of Sultan Mustafa III (1757-74) in 1757:

> *"…'In accordance with the instructions and evâmir-i sharîfa inaugurated by the Khalîfa-i Sânî Hazrat 'Umar ibn al-Khattâb (radiyAllâhu ta'âlâ anh1) and the salâtîn-i mâzıye (previous Sultan).."*[18]

Ferman of Sultan Mustafa IV (1807-8) in 1807

> *"….. 'In accordance with the rules and evâmir-i sharîfa inaugurated by the Khalîfa-i Sânî Hazrat 'Umar ibn al-Khattâb (radiy-Allâhu ta'âlâ anh) and the salâtîn-i mâzıye (previous Sultan)…"*[19]

Ferman of Sultan Mahmud II in 1809

> *"Fâtih-i Kudus-i Sharîf Sultan Selîm Khan-i Kadîm -askenehu'llâhü Teâlâ fî-buhbûhati'n-naîm- was granted the conquest of the holy land in the year nine hundred and twenty-three and at that time the Greek Patriarch residing in al-Quds al-Sharif, the Râhib named Atalya made a presentation to Südde-i Seniyye-i Cihândârî and said; 'To grant the positions and emâkin kemâ fi's-sâbık to the Greek tribe, which the Greek tribe had been entitled to in the past' When He had granted the honour, His kindness and compassion for him came to the surface and His mercy came to the surface, and His Holiness Caliph 'Umar ibn al-Khattâb ibn al-Khattâb (radiyâ anhü'l-) As for the time-justice-universities of His Eminence, the Most Gracious, Merciful and Merciful, we are entitled to grant and retain to the Greek tribe all of the aforementioned places and property and our salaries, which are the claims of the Armenian tribe mentioned above, and we are entitled to be granted and retained to the Greek tribe, and we are entitled to be granted and retained to the Greek tribe with their blessed line-grandiose line-grandiose."*[20]

The reference to the ferman of Sultan Selim I was also emphasised by Imperial Orders (*Ahkam registers*) as follows.

> *Concerning the letter of the Greek Patriarch Bermenebas regarding the problems between the Greek, Armenian and Frank within the Kamāme Church registered to the Sultan Selim Khan Evkāf in al-Quds regarding the tomb of Jesus Christ, the places and monasteries in their possession, and the decree issued in response.*[21]

Comprehensive examination of the ferman text reveals a tendency for those texts that make mention of 'Umar ibn al-Khaṭṭāb to also refer to the previous Sultan. However, this

---

18 "*… Halîfe-i Sânî Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh1 – ve selâtîn-ı mâzıye taraflarından inâyet buyurulan hutût ve evâmir-i şerîfe mûceblerince Kudüs-i Şerîf'de vâkı'…* " (Ibid, *p. 91*)

19 "*…Halîfe-i Sânî Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh– ve selâtîn-ı mâzıye taraflarından inâyet buyurulan hutût ve evâmir-i şerîfe mûceblerince Kudüs-i Şerîf'de …*" (Ibid, p. 119)

20 "*… Fâtih-i Kudüs-i Şerîf Sultân Selîm Hân-ı Kadîm –eskenehu'llâhü Teâlâ fî-buhbûhati'n-naîm– hazretlerine ol arâzî-i mukaddesenin Dokuz yüz yirmi üç târîhinde feth u teshîri müyesser olup ol esnâda Kudüs-i Şerîf'de mütemekkin Rum Patriği olan Atalya nâm Râhib Südde-i Seniyye-i Cihândârîlerine arz-ı ubûdiyyet ve; 'Rum tâifesinin ez-kadîm müstahık oldukları mevâzı' ve emâkin kemâ fi's-sâbık Rum tâifesine ihsân ü in'âm buyurulmak' bâbında istirhâm ve istid'â-yı inâyet eyledikde hakkında deryâ-yı âtıfet-i şâhâneleri cûş ve bahr-i [bî]-tebâr-ı merhametleri hurûş edip Cenâb-ı Halîfe-i Sânî Ömer ibnü'l-Hattâb –radıye anhü'l-Kerîmü'l-Vehhâb– efendimiz hazretlerinin zamân-ı adâlet-unvânlarından evân-ı saâdet-nişânlarına gelince müstahık olduklarımız bâlâda mezkûr Ermeni tâifesinin müddeâları olan bi'l-cümle mevâzı' ve emâkin ve yamaklarımızı kemâ-kân müstakıllen Rum tâifesine ihsân ve ibkâ ve bâlâsı mübârek hatt-ı hümâyûnlarıyla…*" (Ibid, p. 139).

21 d.2, s.31, h.4

phenomenon does not occur in the reverse direction. To illustrate, consider the ferman of Sultan Mahmud II, which makes mention solely of the preceding Sultan (1808-1839).

Ferman of Sultan Mahmud II in 1814:

> *"... The noble edicts of justice, granted by the late Sultan Selim Khan—may divine mercy and forgiveness be upon him—the Conqueror of al-Quds al-Sharif, to the Greek and Armenian communities, are hereby reaffirmed. Accordingly, the imperial decrees previously issued to both parties under the august imperial signatures must be executed to the letter, without any interpretation or alteration.... "*[22]

Ferman of Sultan Mahmud II in 1813:

> *"... In accordance with the declaration, the imperial edicts granted by my ancestor, Sultan Selim Khan—the Conqueror of al-Quds al-Sharif, may divine mercy and forgiveness be upon him—to the aforementioned two communities shall be published in their exact wording. After the issuance of the order to both parties, incorporating the legal proceedings and the content of the declaration, all judicial authorities and courts shall register and uphold it as the guiding principle of practice, with the necessary annotations recorded accordingly. ..."*[23]

This unique reference of solely refer to the previous ferman does not indicate negligence in the Umar Covenant's essence. Instead, it is seen as a response to the escalating Christian disputes that emerged following the burning of the Holy Sepulchre in the nineteenth century, necessitating frequent fermans by Sultan Mehmet II. Furthermore, a mere reference to a previous Sultan appears to be sufficient for the purpose.

A further aspect worthy of attention in this textual analysis is the concept of justice as exemplified by the fermans, i.e., the phrase "*as it was in the past"* or similar expressions conveying a similar meaning. This approach entailed the Ottoman Sultan invoking the necessity of existing legal precedent as a basis for their decision, exemplified by the 'Umar Covenant. Consequently, the Ottomans imposed the setting of the conflict as the old state of condition in the past. The phrase of "*as it was in the past*" can be observed in the following fermans.

---

[22] "*Fâtih-i Kudüs-i Şerîf cennet-mekân Sultân Selîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretlerinin Rum ve Ermeni milletlerine i'tâ buyurdukları menşûr-ı adâlet-neşûrlarını müeyyid bundan akdemce bâlâları hutût-ı hümâyûn ile muanven tarafeyne i'tâ olunan evâmir-i aliyyenin bilâ-te'vîl harf be-harf icrâsına dikkat olunmak*" (Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem. P. 170*)

[23] "*… ber-mûceb-i i'lâm tanzîm ve ceddim Fâtih-i Kudüs Sultân Selîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretlerinin milleteyn-i mersûmeteyne i'tâ buyurdukları menşûr-ı hümâyûnlarını bi-ibâretihâ bast ederek te'yîd ü te'kîdi hâvî sûret-i mürâfaa ve mazmûn-ı i'lâm derciyle tarafeyne emri verildikden sonra cemî' aklâma ve mahâkime kayd ve 'düstûru'l-amel tutulmak' üzere kaydları bâlâsına şerh verilmesi*…" (Ibid*, p. 172).*

Ferman of Sultan Osman III (1754-7) in 1757:

> *"… to prevent the interference and persecution of the Frank and to have these places seized by them as they were in the past'. Frank priests should not prevent and persecute the Greeks from visiting Mughtesel…"*
> *"... since the Frank priests were tormenting and tormenting the Greeks with wood, stones and gunpowder, their torment and harm were eliminated and each party was executed in its own private place as it was in the past…"*[24]

Ferman of Sultan Ibrahim (1640-8) in 1644:

> *"...The Frank tribe had no relation with them in any way, and it was evident that they had no relation with the Frank tribe in any way, so in accordance with the ma'mûlün-bih temessükât they had, as it had been customary from the past…"*[25]

Ferman of Sultan Murad IV (1623-40) in 1634:

> *"... As it has been customary in the past, the Greek tribe and the Patriarchate should enter first and make succession from all the tribe…"*[26]

Ferman of Sultan Mahmud II (1808-39) in 1809:

> *"...The Armenian tribe used to visit and pray twice a week and to pray in Gülgüle in the neighbourhood in the same way as in the past…"*[27]

Ferman of Sultan Mahmud II (1808-39) in 1820:

> *"...The article of the parties was executed and both sides consented to this form as they had done in the past…"*[28]

In essence, all of the fermans are consistent with the directives issued by Sultan Selim I, which stipulated "*to keep the churches and monasteries and visitations and the churches and monasteries in the interior and in the provinces in the same manner as they were kept in the past*" (see appendix III). The subsequent fermans exhibited a diversity of expression, attributable to the multifaceted conflicts encountered during the promulgation of the decree.

The principle of justice that the Ottomans espoused was not merely a theoretical construct; it was a tangible reality manifested in both written and practical forms. Regarding the general analysis of how the Ottomans organise and manage the dispute, Koyuncu (2017), based on his analysis of historical documents on the Greek-Armenian dispute in 1811, formulated that the method that the Ottomans used in investigating disputes over the disposition of holy sites were the following: 1) appointing trustworthy and reliable persons to be consulted in resolving the matter, 2) bringing the claimant parties together, 3) examining the entries in the books of the

---

24 "… *Rum tarafından ta'mîr etdirilip fîmâ-ba'd Efrenc tâifesinin ellerinde olan kadîm ziyâretgâhlarına ve âyînlerinin icrâsına Rum milleti ve senedât-ı kadîme mûceblerince*…" (Ibid, *p.* 86)
25 Ibid, *p. 75*
26 Ibid, *p. 66*
27 Ibid, *p. 143*
28 Ibid, *p. 180*

parties, 4) examining the ferman and orders of Yavuz Sultan Selim, and 5) examining the edicts of Sultan Sulaiman al-Qanuni. To elaborate this general method, there are a plethora of imperial edicts that illustrate the Ottomans' commitment to resolving disputes in a fair and just manner. It is insufficient to argue for a return to the past in an abstract manner without a clear understanding of the specific cases in question. In practice, however, the circumstances surrounding these disputes were not as straightforward as returning a contested child's toy to its rightful owner. In some instances, the cases were so complex that the actual facts of the matter could not be easily discerned. Rather than resolving the conflict directly, the Sultan preferred to invite witnesses capable of providing clear and detailed accounts of events in the field. A notable case exemplifying this practice is as follows.

The Georgians' struggle for their rights serves as a salient example in this context. The Georgians, a minority sect in al-Quds which was protected under Patriarch Germanus of Jerusalem,[29] faced considerable challenges in asserting their claim to a specific asset during a period marked by the seizure of that asset by the dominant Frank and Armenians. According to the imperial edict, the judge of al-Quds received a report from the Georgians stating that their property in the place of pilgrimage had been seized by the Frank and Armenians. This was facilitated by the widespread bribery that characterised the decentralisation era, resulting in the seizure of their property. In response, the Sultan issued the following decree:

> *When you arrive, bring the experts of the province and examine the matter and see; from ancient times to this time, did the place of dispute belong to the Georgian tribe or did they visit it? If it was the place of pilgrimage of any tribe in the past, you should make them visit it again and prohibit them from doing so, and if it is necessary, you should write and report it. 14 April 1577*[30]

The same issue was also recorded in Uriel Heyd's Personal Collection of Imperial Edicts, that the Georgian claim over Frank and Armenian was being investigated in the same way.[31]

Another Ottoman justice policy was evident in various cases. For instance, when Muslims committed injustices against Christians, the sultan imposed penalty. An imperial edict documented that when Muslims engaged in mischief or violence, the Ottoman authority denounced them as it was exemplified by the case of the *naib* (deputy judge) who committed *fasad* (wrongdoing) against Christians in al-Quds. The Frank, Greeks, and Armenians —the three major Christian denominations in Jerusalem— presented this case to Istanbul and

[29] Panchenko, Constantin A. (2016). *Arab Orthodox Christian under The Ottomans 1516-1831.* New York: Holy Trinity Monastery.
[30] d.30, s.25, h.63 (April 14, 1577)
[31] Vol. XXX, No. 63 (April 14, 1577) from Uriel Heyd collection

reported this wrongdoing by the deputy. In response, the Sultan directed that the case proceeds to the *murafa'a* (the judicial process comprising debates prior to the judge's ruling), and further instructed that the destroyed properties be restored in accordance with Sharia or Islamic law.[32]

In addition to the aforementioned cases in which the principle of justice value was exercised, the service of petition itself constituted the just administration, as it provided access for every individual to voice their concerns to the Sultan (Ursinus, 1994). As a Sunni empire, the Ottomans placed significant emphasis on their role as protectors of the people, ensuring justice and prosperity. This underscores their social responsibility and commitment to safeguarding the weak and vulnerable in accordance with Islamic teachings on social justice and the obligation to perform good deeds (Murphey, 2008).

Having established linguistic analysis of the Umar Covenant, the subsequent session will provide a contextual framework for understanding Umar's values within the broader context of Sultan's ferman. Following an examination of the moral values articulated in the Umar Covenant through the lens of linguistics, the following session will investigate the extent to which various fermans directly or indirectly reference the Umar Covenant along with a comprehensive investigation into how the context of the Sultan's reference influences the coherent implementation of the attributes delineated within the covenant as established by linguistic analysis.

2.3 Recognition of ‘Umar Covenant by Ottoman Sultans

Recognition carried political significance, as it entailed implications for both the recognizing party and the recognized entity, obligating them to assume responsibility for a specific agreement or document between them. In the context of the Umar Covenant, both the Ottoman Sultan, who reconsigned this document, and the Greek Orthodox Patriarch, who presented the document, carried an implication to apply and implement what has been stated in the Umar Covenant.

The initial recognition of the Umar Covenant by the Ottoman Sultan had been explicated in the introductory section. This section session provide a more thorough elucidation of the notion of "recognition" by means of further discussion. First, an overview of the extant theory of Ottoman-Orthodox relations put forward by Hasan Çolak will be explored as a foundational framework to be applied in the context of the Umar Covenant. The rationale behind the renewal

[32] d.115, s.470, h.2052 (January 5-14, 1708)

of the ferman will be examined to assess the extent of its significance. Before analyzing the ferman, the compatibility between religious law (*sharia*) and traditional law (*kanun*) will be evaluated to determine potential shifts in the application of the ʿUmar Covenant. In this context, *Kanun* specifically refers to the Hanafi school of Islamic law, which served as the official legal framework of the Ottoman Empire. The regulation of dhimmi status from the Hanafi perspective constituted the primary reference for adjudicating disputes involving Christian communities. Finally, both the implicit and explicit implications of the ʿUmar Covenant will be analyzed within the framework of the research question.

This section will address the following matters: the prevailing theory on Ottoman-Orthodox relations, the rationale behind the Sultan's renewal of the ferman in relation to the Umar Covenant, the congruence between religious law (sharia) and traditional law (kanun) in its capacity to effect political shifts in the Umar Covenant's possession, and an examination of the Ottoman fermans referring to the Umar Covenant. The issues addressed in this chapter will challenge the mentioned prevailing Çolak's theory.

Runciman's perspective, as identified by Çolak, stemmed from the exclusion of Ottoman entities such as the *Divan-i Humayun* or the Imperial Council from the research process. Building upon the findings in the *muhimme* Register, this thesis follows the research trajectory set forth by Çolak, exploring the entities through which the Orthodox managed to establish their policies (Çolak 2012). The Eastern Church has been shown to not only accept the political developments within the Ottoman Empire but also to adapt to the evolving political landscape (Çolak 2012). Imperial edicts revealed intricate dynamics between the petition of the Christian subjects and the shaping of Ottoman policy, particularly concerning the Holy Sepulchre and other Christian affairs.

The necessity for the renewal of the recognition of the Umar Covenant is determined by several factors. Firstly, the complex disputes among Christian denominations required different practices and decision-making processes by the Sultan (Koyuncu, 2017). Secondly, in order to ensure that the provision of the 'Umar Covenant - especially in terms of the possession of the Holy Church - was not opposed by the Western countries with their capitulation treaty (Dipratu, 2022), a renewal ferman was necessary. In other words, the essence of renewing recognition of the ʿUmar Covenant through the ferman of the Sultan lay in balancing the sacred nature of the ʿUmar Covenant with the temporary nature of capitulation treaties.

The issuance of capitulation treaties, in conjunction with sultanic decrees recognising the Umar Convention, constituted an integral component of the *jihad* process. The Hanafi school, which the Ottomans designated as the official *madhhab* (Rafeq, 1966), asserted that perpetual jihad was required between the *dar al-Islam* and the *dar al-harb* (non-Muslim territories) until the latter were subjugated by Muslim authority. This perspective necessitated those peaceful relations with non-Muslim political entities be considered temporary in nature, requiring formal agreements, such as covenants or *'ahd*, to be established. In the context of Ottoman diplomacy, these agreements were formalised through documents known as "*ahdname-i hümayun*," which were structured around a series of articles (*madde or şart*) issued as directives to local officials (Dipratu, 2021). These documents bear a resemblance to fermans, or imperial decrees, in their nature. However, it is important to note that these capitulations did not encompass the specific cession of possession of the Holy Sepulchre, as this was inherently included in the Umar Covenant, which stipulated that the capitulations could not be altered.

Dipratu (2022) elucidated that the ratification of capitulation treaties with Western countries was congruent with *sharia* law, which stipulated the provision of temporary protection (*muste'min*) to foreigners and generally permitted their residence within Muslim territory (*dar al-Islam*) for a duration not exceeding one year. Beginning in the sixteenth century, capitulations permitted indefinite extensions of their tenure. The following discussion will explore how the 'Umar Covenant endured along with interest-based capitulation treaty of Ottoman-European countries. The contexts in which 'Umar Covenant is mentioned in the ferman will be further elaborated with pertaining context.

Having established that the ferman of of Sultan Selim I was referencial ferman, this chapter will elaborate further on the subsequent ferman of the Sultan, with specific reference to either the Umar Covenant directly or to the Sultan's decrees, particularly those of Sultan Selim I. Given the varied and dynamic nature of the cases, a comparative discussion will be provided regarding the capitulation treaty, including the dynamics of Roman Catholic missionary movement, which had a significant impact on the Orthodox community. This comparative discussion underscores the fact that despite the fluctuating and dynamic changes that Orthodox Christianity experienced, the reference to the Umar Covenant remained essentially unchanged despite the capitulation treaty issued to the Western countries. The following table offers a synopsis of the salient points of the discussed criteria prior to the formulation of the fermans.

No		Year of the ferman	Reference	Appendix
1	Sultan Sulaiman al-Qanuni	1526	Sultan Selim I	V
	Main Content: reiteration of the previous decree			
2	Sultan Murad IV	1634 and 1637	‘Umar ibn al-Khaṭṭāb	VI
	Main Content: resolving the conflict between the Greeks and the Armenians			
3	Sultan Mehmed IV	1657, 1675, 1678	‘Umar ibn al-Khaṭṭāb & previous sultan	VII
	Main Content: Preventing Armenians from interfering with the Abyssinian (which considered to be under Greek Orthodox association) and issued a challenge to the Franks, requesting the presentation of the 'Umar Covenant			
4	Sultan Süleyman II	1688		VIII
	Main Content: Preventing the French from creating innovations of worship in the Holy Sepulchre			
5	Sultan Osman III	1757	the 'Umar Covenant	IX
	Main Content:to settle the ongoing conflicts			
6	Sultan Mustafa IV	1807		X
	Main Content: to renew the Imperial Order regarding the Regulation for Settling the Conflict between Franks and Greeks			
7	Sultan Mahmud II	1809, 1813, 1814, 1817, 1820, 1829	previous Sultan	XI
	Main Content: Prevent Intervention & Ensuring Equality Among Armenians, Franks and Greeks			

The era of the Sultan Sulaiman al-Qanuni was distinguished by the most substantial expansion in the Ottoman period. Subsequent to the conquest of Hungary in 1526, the Sultan Sulaiman al-Qanuni promulgated a ferman, ensuring the Greek Orthodox in al-Quds to continue exercising their rights and access their holy sites in accordance with their customary practices. The contents of this decree were largely a reiteration of the previous decree, in response to a petition from the Greek Patriarch Yermanus. Sultan Sulaiman al-Qanuni replied to the petition by reemphasizing the ferman of Sultan Selim I (see Appendix V). In 1522, Sultan Sulaiman al-Qanuni elevated the status of the city, separating it from the province of Damascus and establishing it as an independent administrative unit, or sanjak, in accordance with the 1522 Kanunname or legal code (Memiş, 2017). The elevation of the status demonstrates that the Ottoman policy regarding the Holy Sepulchre was of significant concern.

Sultan Sulaiman al-Qanuni played an effective use of global diplomacy with great adaptability to navigate the shifting dynamics of the international environment (Şahin, 2023). His flexibility was clear in his response to King Charles V, who aimed to dominate global politics. To counter this, the Ottoman Empire allied with France, as both sought protection from the Western Christian powers. In return for the positive relationship between the Ottomans and the French, a treaty regarding the Holy Sepulchre was established (Avci & Yazici, 2019). This treaty, to a certain extent, enabled France to undertake pilgrimages to the Holy Sepulchre without gaining superiority over other parties (Satiş, 2015).

As the Ottoman Empire underwent an expansion of its territorial reach, the Eastern Church found itself subject to the process of Western unification in 1543 (Panchenko, 2021). Patriarch Dorotheos of Antioch incorporated into a union with the Maronite Church, which had previously entered into a union with the Roman Catholic Church. However, Patriarch Dorotheos was deposed by a synod in Jerusalem that was attended by the patriarchs of Constantinople, Alexandria, and Jerusalem (Panchenko, 2021). On the other hand, in the case of the unsuccessful unification attempts, Kyrillos Loukaris, who maintained close ties with the Protestants, was executed (Kermeli, 2017). The initial formal contact between Greek and Protestant circles occurred in the context of an interconfessional dialogue with Lutheran and Calvinist groups. This dialogue was initiated by Ecumenical Patriarch Hieremias II with the objective of securing Greek support and endorsement of the Augsburg Confession of 1530. This formal contact, however, did not yield any significant results. Consequently, some Orthodox clerics became aware of the Reformation and its consequences, while the patriarchs in the Ottoman capital became exposed to both Catholic and Lutheran overtures for union as early as the 1570s (Voulgaropoulou, 2022). At the same time, a Greek College was established in Rome with the objective of training the necessary agents of Catholic missionaries, thus facilitating the Catholic missionaries' active presence in Greater Syria. The prolonged reign of Louis XIV, the French king, was distinguished by a notable escalation in the intensity of Catholic conversion activities, encompassing not only the Greek Orthodox community but also the clergy, including priests, bishops, and even patriarchs within the Ottoman Empire (Çolak, 2012).

The significant disruptive impact of European military technology, in addition to the exhausting wars against the Safavid and Habsburg empires, significantly impacted the Ottoman Empire. During this period, the Frank successfully asserted their influence over the Holy Sepulchre by offering a substantial financial incentive to the judge of al-Quds al-Sharif (Panchenko, 2016).

In response to this perceived threat, the prominent regional council convened in Istanbul, presided over by four Patriarchs, initiating two primary tenets: the prohibition of worldly positions, and the cessation of interference in temporal affairs. Additionally, it included the rejection of the Gregorian calendar, which had been introduced by the Catholic Church (Panchenko, 2016).

The Ottoman region served as the stage for an interfaith confrontation between Roman Catholics and Protestants to gain as much influence as possible to convert Orthodox Christians (Panchenko, 2021). This multifaceted conflict provided an opportunity for Armenians to assert their control over a specific territory at the Holy Sepulchre. The Armenian people exploited the ongoing disputes between the Catholics and the Orthodox to advance their own interests. Consequently, Sultan Murad IV (1623–1640) issued two decrees in 1634 and 1637, respectively, to resolve the conflict between the Greeks and the Armenians (See Appendix VI). Sultan Murad IV issued directives to each sect, stipulating that they were to act in accordance with previously issued fermans. A consequence of this directive was the subsequent bestowal of rights upon the Greeks. Another salient aspect of these decrees was the emergence of bribery, which precipitated a shift in ownership. During this period of decentralisation, the judge and local ruler functioned as intermediaries for the Sultan, wielding considerable influence.

In order to get rid of the Western infiltration, the Sultan issued decrees regarding the renovation of the Church, meticulously preventing the Church from any kind of innovation by the Roman Catholics, despite the privileges granted by the Capitulation Treaty. In the conflicts, the Ottoman authority not only sided with the Greek Orthodox, but also supported the Georgian Orthodox.[33]

The disputes persisted until the advent of the next Sultan's reign, resulting in the continued adherence to the terms of the ferman. Sultan Ibrahim (1640-8) issued a decree in 1644 that contained the renewal of what had been issued by Sultan Murad IV (see Appendix V). Sultan Mehmed IV (1648-87) issued decrees in 1657, 1675, and 1678 that outlined the Ottoman

[33] MHM.ZYL.d. 18, vr.31b, h.2 (March 16, 1606) that the Catholics and Orthodox Georgians have a disagreement concerning the use of sacred places around a place known as Mateb near the Holy Sepulchre in Al Quds, that these groups shall be brought to some form of compromise in the light of previous privileges given to them and the common use of sacred places by all communities shall be provided.
BOA, A.DVNS.MHM.ZYL.d. 18, vr.42a, h.1 (March 18, 1606) hat The Ottoman supported Georgian rather than Catholics. There are disagreements among the Christians concerning the use of some of the sacred places in Al Quds, when the records were studied it was understood that these places were under the control of the Georgians, therefore the Catholics shall be prevented from illegal interventions and those who do not follow the orders shall be sent to İstanbul.

approach to resolving the Christian dispute over the possession of the Holy Sepulchre. These decrees were particularly aimed at preventing Armenians from interfering with the Abyssinian Holy Places, which were administratively connected to the Greeks in al-Quds al-Sharif. It is noteworthy that Sultan Mehmed IV highlighted the decree by referencing ‘Umar ibn al-Khaṭṭāb and previous sultan decrees. Furthermore, he issued a challenge to the Franks, requesting the presentation of the 'Umar Covenant, which they were unable to fulfil (see Appendix VII).

In contrast, the secular covenant that the Ottoman Empire granted to Poland-Lithuania, a region within the Ottoman Empire that was Catholic in its religious orientation, was signed in 1672 and 1678. As a consequence of this covenant, Poland-Lithuania was able to gain certain privileges related to religion, including the first capitulations to regulate the status of Catholic churches (Dipratu, 2021). In contrast, the secular covenant that the Ottoman Empire granted to Poland-Lithuania, a region within the Ottoman Empire that was Catholic in its religious orientation, was signed in 1672 and 1678. As a consequence of this covenant, Poland-Lithuania was able to gain certain privileges related to religion, including the first capitulations to regulate the status of Catholic churches (Dipratu, 2021). Moreover, the French Embassy in Istanbul pressed the Ottoman authorities to reinstate the Latin Community's authority over the site, which had been usurped by other religious communities, particularly the Church of the Holy Sepulchre, which includes the Cave of the Nativity in Bethlehem (Steih, 2017). The terms of the treaty[34] granted the French not only the aforementioned privileges but also the right to worship in the region of the Ottoman Empire (Avci & Yazici, 2019). However, the privileges granted to the French in the capitulation did not encompass the right of possession in the Holy Sepulchre as set forth in the Umar Covenant.

Despite the efforts of the French to disseminate Protestant doctrine in Eastern Christianity, the Patriarch of Jerusalem and Antioch continued to reject Protestantism and the Calvinist approach (Panchenko, 2016). The Council of Jerusalem, led by Dositheos II, convened in 1672. In this historical juncture, Dositheos distanced himself from Western interlocutors and adopted a pronounced anti-Latin stance, thereby supporting the stability of the Ottoman Empire, which was under threat from European powers. Moreover, Dositheos established a printing press in Moldavia with the objective of advancing his agenda of "re-Orthodoxizing" the Greek Church. In 1690, Dositheos published a revised version of his 1672 confession of faith, removing earlier

[34] The 1673 capitulation treaty, on the other hand, stipulated that *"bishops and other priests of whatever denomination, who were French subjects, could perform their rites in the Ottoman state in the places where they had previously resided, no taxes would be levied on them, and in case of a dispute, the case should be referred to Istanbul"*

Latin influences and apologizing for his previous errors (ἠμαρτημένως εἰπὼν). As Vassa Kountouma observed, by 1690, Dositheos was no longer addressing external audiences on Orthodoxy. A similar rejection of Protestantism was evident in the conduct conference of Roman Catholics in 1622 led by Pope Gregory XV, which sought to revive the Catholic Church's status and prestige that had been lost in the West (Gölpinar, 2022).

The rejection of Protestantism was expressed not only by Catholics but also endorsed by the Ottoman authorities, who acknowledged and facilitated a conference organised by Catholics (Gölpinar, 2022). In 1688, Sultan Süleyman II (1687-1691) issued a decree, known as a ferman, aimed at preventing the French from introducing innovations in worship at the Holy Sepulchre (see Appendix VIII). Concurrently, in 1681, the Greek clergy initiated hostilities against the Catholic missionaries (Steih, 2017).

Another geopolitical dynamic worth considering is the relationship between the Ottoman Empire and Russia, with the Russian attempt to be the protector of Orthodox Christianity at its centre. In 1682, the Ottoman Porte granted the Russian Orthodox Church a series of religious privileges that were more comprehensive in comparison to those granted to Catholics. However, the Russian capitulations did not grant specific provisions concerning the Orthodox faith, as the Porte sought to maintain control over its largest non-Muslim population (Dipratu, 2021). However, Peri (2001) argued that Russia had gained superiority over Orthodox Christianity, and the Ottoman Empire had relinquished its sovereignty to Russia through the Treaty of Karlowitz in 1699. Peri asserted that the Russian demand to restore the Greek Orthodox Church to its pre-1690 dominance over the holy sites marked the beginning of the end of the Ottoman Empire's exclusive control over the resolution of the Question of the Holy Sites. However, evidence presented by Panchenko (2010) proved that the relationship between Parthenios - the Russian intellectual - and the Russian officials was not always consistent, as the Russian officials tended to be more pragmatic, less concerned with religious issues, and more suspicious of Greek church officials, whom they considered corrupt and untrustworthy.[35] Additionally, an analysis of Ottoman documents in this thesis suggests that Russia's involvement was constrained in certain ways, which hindered Russia's capacity to exercise the same degree of authority over the Holy Places that the Ottoman Empire had previously wielded.

[35] In the 18th century, Russia changed its focus, placing more emphasis on the practical issues of relations with Turkey than on the affairs of the Orthodox Church in the Middle East. This made the information provided by Parthenios less relevant (Panchenko, 2010).

A rigorous examination of the Ottoman policy of balance of power is imperative to establish the legitimacy of Ottoman authority in the context of Christian disputes. As the seventeenth century drew to a close, the Holy Sepulchre's ownership underwent significant shifts, with the Ottomans endeavoring to maintain equilibrium among various religious groups. These groups included Latin, Greek, Armenian, and Jewish communities, which competed to maintain their claim to the site. The Ottoman Empire's potential acceptance of Frank's proposal can be attributed to its strategic desire to maintain control and safeguard its interests. In 1689, the Ottoman Empire consented to France's proposal to revisit the Latin community's demands as a measure to mitigate rising tensions among Christian sects. This development occurred in the context of intensifying hostilities between the Ottoman state and foreign powers present in the city. It is noteworthy that France's actions were seemingly motivated by a strategic intent to counter Austria, which had proposed to end its war with the Ottomans in exchange for assuming the patronage of the Church of the Holy Sepulchre in that same year (Steih, 2017). In response, the Latin Church, under the patronage of the Franks, gained full ownership of the small and large domes of the Holy Sepulchre, a significant portion of the Golgotha Way in the Holy Sepulchre, the keys to the Church of the Holy Sepulchre in Bethlehem, and the Cave of Milat (Steih, 2017). Furthermore, the Latin Church was granted permission to construct churches and monasteries. In alignment with the principles of balance policy, the Ottoman Sultan granted the Armenians permission to construct a monastery at Mar Yakoub in 1698 (Steih, 2017). The Sultan also accorded the Greeks authorisation to renovate the Ibrahim monastery, as well as sanctioned the Jews to restore one synagogue and the Baş Kabir Synagogue, which had been partially completed (Steih, 2017). Nevertheless, in 1702 and 1705, all communities—including Muslim society—resisted Latin's rights, with the Greek community bearing the brunt of the opposition. They organised protests against the Ottoman authority. In response, the state granted the Greek community the repair of the great dome of the Church of Holy Sepulchre in 1710, recognising the site's growing significance as a point of contention between Russia and Europe (Steih, 2017). However, the Greeks were unable to complete the repair due to a lack of financial resources.

Despite increasing European influence, the Ottoman authorities maintained their preference for the Greek Orthodox community in matters concerning the Holy Sepulchre. In 1720, a strong anti-Catholic movement emerged, reaching its peak during the tenure of Patriarch Kyrillos V Karakallos, who served as the Patriarch of Constantinople from 1748 to 1757 (Panchenko, 2021). This ideological movement was accompanied by the practice of rebaptism, which

upheld the belief that converts to Orthodoxy should undergo a second baptism, thereby rejecting the validity of baptisms performed by Catholics, Armenians, Protestants, Nestorians, and other non-Orthodox groups.

A significant development occurred in 1724 when the Greek Catholic sect separated from the Greek community in Damascus, marking a major shift in the religious landscape (Steih, 2017). In 1733, an archival document revealed that Georgian, Serbian, Syriac, Coptic, and Abyssinian subjects were subordinate to the Greek Orthodox, and the imperial council dismissed Armenian claims to Abyssinia as an ally (Satiş, 2015). However, in 1734, the Armenians argued that their rights had been recognized since the time of Caliph ʿUmar ibn al-Khaṭṭāb and Ali ibn Abi Talib, and that these rights had been reaffirmed by Salah al-Din al-Ayyubi and the early Ottoman sultans.

By 1740, a ruling established that the Assyrian, Coptic, and Abyssinian communities were to be placed under Armenian jurisdiction, and the Greeks were prohibited from interfering (Satiş, 2015). In 1758, however, the edict of 1733 was reinstated, restoring these rights to the Greek Orthodox rather than the Armenians. As a result, the Armenians gained dominance over smaller Christian communities that had previously been under Greek influence (Satiş, 2015). Throughout this period, competition between the Greek Orthodox and the Armenians over the allegiance of the Assyrian, Coptic, and Abyssinian communities remained a persistent feature of the religious and political landscape.

By 1730, heightened tensions between the Greek and Armenian communities surfaced, driven by a substantial shift in the Ottoman elite's power structure. The rise of the Armenian Grand Vizier, Ali Pasha, prompted the Armenians to push for replacing Greek influence with Armenian authority. Through effective lobbying, the Armenian community secured a decree from the Sultan granting them additional privileges. In response, the Greek Patriarch sought to reclaim the rights of Greeks that had been lost in 1735, with the assistance of an intermediary. In 1739, the disputes between the communities were based on the edicts issued by *Hz. Ömer* (‘Umar ibn al-Khaṭṭāb), Yavuz Sultan Selim, and Sultan Sulaiman al-Qanuni, with the main decree being the respect of each other's rights of disposition and refraining from encroachment. Besides the highest proof of the Umar Covenant, the role of the Capitulation treaty issued by the Sultan was also sequential. In 1740, the Ottoman-French Treaty resulted in the Holy Sepulchre being placed under the dominion of the French, superseding the Greek. The

privileged granted by the Ottomans to the French was first acknowledged in 1740, subsequent to the issuance of the *áhidname* or 1618 (Dipratu, 2021).

The Ottoman state's resolution to continue the reconstruction of the small dome over the Holy Tomb proved inadequate to appease the Greek community, who sought to impede the project. Notwithstanding their endeavors, the state did not permit the Greeks to hinder the reconstruction, which spanned a period of three years (1719-1721). Officials were dispatched to supervise the work, which was concluded under the protection of the janissaries. However, the Greek community identified an opportunity to launch an attack on caravans traveling from Europe to Jaffa Port and subsequently to al-Quds al-Sharif. In 1719, the Greeks assaulted one such caravan, seizing animals and construction materials and killing many people. In response, the state immediately ordered the arrest and punishment of the attackers. Subsequent to the completion of restoration efforts at the Church of the Holy Sepulchre and other holy sites, the King of France extended a letter of gratitude to Sultan Ahmed III, expressing their appreciation for the successful reconstruction and the hospitality extended to visitors (Steih, 2017).

In the face of the substantial threat posed by European encroachment together with Frank attempts to seize Greek Orthodox possession in the Holy Churches, the Ottoman Empire made a significant administrative adjustment in 1756, transitioning the *sanjak* (district) of al-Quds from a trusteeship model to *mutasarrifate* system. This alteration, however, continued to pose a challenge for the Greek Patriarch. In an effort to resolve the ongoing dispute between the Greeks and Latins and to address the Greeks' financial obligations to Istanbul, the Greek Patriarch made attempts to visit the Mahd church (Church of Nativity) in Bethlehem. However, his efforts were met with opposition from the Latins, who prevented him from entering (Steih, 2017). In the context of the Umar Covenant, the direct communication between the Greek Patriarch of Jerusalem and the Ottoman capital of Istanbul, in conjunction with the designation of the region of al-Quds as a *mutasarrifate*, signified the Ottoman government's prioritisation of the Greek Orthodox community. This prioritisation is further evidenced by a decree issued by Sultan Osman III (1754-74) in 1757, which was intended to settle the ongoing conflicts in the region.[36] The Sultan placed great emphasis on the preservation of traditional practices of worship in the Holy Sepulchre, and he forbade any innovations that could be interpreted as

[36] In contrast, Cohen (2008) posit that the Sultan bestowed privileges upon the Greek Orthodox Church in 1757 which previously held by the Latin community, has been proven to be inaccurate. Cohen perceived that the Sultan could transfer the rights of privileges from one community to another through ferman to "*whomever he wanted*" (Cohen, 2008).

being contrary to this tradition, particularly those proposed by the Franks.[37] In maintaining these traditions, the reference to the 'Umar Covenant was consistently upheld (Appendix IX). This same tone can be observed in the decree issued by Sultan Mustafa III (1757-74) in 1757. To ensure the enforcement of this decree, the Sultan appointed Muhammad Amin as a judge, with the objective of guaranteeing the implementation of the edict and preventing the Latins from disobeying the orders.

Conversely, the Western perspective asserts that the Ottoman Empire's grant to the Greek Orthodox Church was primarily a consequence of Russian pressure on the Ottomans, given Russia's active role in supporting the Greek Orthodox Church. Oded Peri posits that the right to the Holy Place in al-Quds was granted to the Greek Orthodox Church only in 1757, resulting in the hitherto obligation for the Ottoman government to offer apologies and explanations to France (Peri, 2001). Furthermore, Peri asserted that the Ottoman Empire had already become incapable of exercising exclusive control over matters pertaining to the Holy Sites. In addition, Cohen (2008) emphasized the 1757 ferman, as evidenced by a letter from Grand Vizier Rajib Pasha to the French Ambassador, which stated that the Sultan always granted rights to "*whomever he pleases*," with the French as the owner of the majority possession.

The 1757 edict promulgated by Sultan Mustafa I presents a significant internal dilemma for Ottoman policy toward the French. Despite a historical precedent of cordial relations between the Ottomans and the French, which was facilitated by capitulation, the latter sought to disrupt Ottoman governance and prevent any innovations in the Holy Place. In 1767, the French were granted permission to repair a church in al-Quds on the condition that they would be protected from any form of interference.[38] Conversely, when Franch and Greek were engaged in a dispute during a religious service in the Holy Sepulchre, the Ottomans provided support to Franch in accordance with the terms of their prior agreement.[39] The Ottoman tendency was at odds with the idealism they espoused, namely the preservation of traditional practices (generally adhered

---

[37] The issuance of this edict restored the superiority of the Greek over the Frankish. In 1757, the Ottoman Empire gave the Greek community - which was subject to the Sultan - sole authority over the Church of the Nativity and the Tomb of Azrael, and gave them most of the authority over the Church of the Holy of Holies, in order to overthrow the Latins who had tried to monopolize the holy sites between 1690 and 1757.
"*The Ephrenian people shall not interfere or intervene in the Greek nation and the places of worship and the performance of their rituals, which are in the possession of the Greeks in accordance with the ancient treaties and deeds, and shall not interfere or interfere, and as stated in the following When it is necessary to completely prohibit, repel and reprimand even the aforementioned atrocities and mischiefs, with a firm reprimand, everyone should visit the grave of Jesus and perform their rituals as described in the above section, and should not commit any offense and atrocity against the other people...*" BOA, A.DVNS.SKLS.d.8 (Church Book No. 8), p. 35. (Avci & Yazici, 2019)

[38] d.165, s.243, h.850 (July 28-August 6, 1767)

[39] d.165, s.243, h.851 (July 28-August 6, 1767)

to by the Orthodox) and architectural heritage, as exemplified by the Frank Catholics, who often disregarded this rule.[40]

Despite the occurrence of numerous international protests, there was no change in the Ottoman position until 1809 (Steih, 2017), that is the reference to the previous ferman as a basic source. It is noteworthy that during this critical period of disputes over the status of the Holy Places, the Porte's concession went unnoticed by Western diplomats, who were primarily focused on the interests of the Catholic community (Panchenko, 2016). In other words, escalating conflict within the Holy Sepulcher was not of interest to the Westerners.

The dispute between the Greek and Latin populations at Holy Sepulchre remains contentious and escalation intensified in 1766, led to a violent confrontation in numerous casualties (Akyol, 2019). In a broader context, the Russian victory in the war against the Ottoman Empire provided an opportunity for Catholics to gain influence, yet ultimately failed to result in the Catholic takeover of the Holy Sepulchre. In the wake of the Ottoman defeat, the Kucuk Kaynarca Treaty, signed in 1774, recognised Russia as the symbolic protector of Orthodox Christians, while explicitly excluding any claim to protectorship within the Holy Sepulchre (Avci & Yazici, 2019).

In 1803, following Sultan Mustafa IV's rise to the throne, a decree was issued that annulled earlier decrees from 1706/7 (1118 AH) and 1757/8 (1171 AH) concerning the Armenians' involvement in the Greek pilgrimages to al-Quds al-Sharif. The new decree stated that the Georgian, Abyssinian, Coptic, and Syriac communities had been under the authority of the Greek community since the time of *Hz. Ömer* (‘Umar ibn al-Khaṭṭāb), Yavuz Sultan Selim I, and Sultan Sulaiman al-Qanuni, with this relationship later reaffirmed by Sultan Ahmet. It also mentioned that the Armenians had taken control of Greek-owned properties during Sultan Murat's reign, claiming the Abyssinians as their allies. The decree demanded that these properties be returned to the Greeks and reinforced the subordination of the Georgian, Abyssinian, Coptic, and Syriac communities to the Greeks (Satiş, 2015).

While the Ottoman Empire was experiencing the consequences of a military defeat, the dispute over control of the Holy Sepulchre continued to escalate into physical confrontations between opposing factions. In response, Sultan Mustafa IV (1807 to 1808) issued a ferman in 1807 to renew the Imperial Order regarding the Regulation for Settling the Conflict between Franks

[40] d.266, s.22, h.1 (November 17, 1767)

and Greeks about the Holy Places in al-Quds al-Sharif. In his decree, the Sultan made reference to previous ferman, including the emphasis of ‘Umar ibn al-Khaṭṭāb (see Appendix X). Furthermore, the Sultan provided additional context regarding the oppression of the Frank towards the Greek, including the seizure of Greek possessions, the tormenting of visitors, and the refusal to open the door of the church for the Greeks. The support for the Greeks was consistent with the aforementioned Umar Covenant.

The burning of the Holy Sepulchre in 1809, which was believed to have been backed by Armenians, led to a significant escalation of tensions. It is alleged that the Armenian community burned the church with the intention of acquiring the right to repair it. Nevertheless, the situation proved more intricate than anticipated. The rights to undertake repairs to the church were inherently complex, leading to the frequent issuance of the ferman by Sultan Mahmud II (1808-1839) in more than eighteen decrees. In the decree issued in 1809, Sultan Mahmud II granted Armenians and Greeks certain special rights pertaining to the repair of the Holy Sepulchre, and it also made reference to the decrees of the previous Sultan (see Appendix XI).

Sultan Mahmud II (r. 1785-1839) issued a decree in 1813 concerning the financial expenditures associated with the procurement of construction materials for the building of a church[41]. This decree underscored the sultan's extensive authority over Christian affairs. The following year, in 1814, he issued another decree addressing a misinterpretation of a previous ferman, which had resulted in the infringement of certain rights[42]. In 1817, the sultan issued a decree prohibiting the Greek Orthodox community from participating in the newly introduced Frankish rites and forbidding the Franks from replacing the existing organ in the Holy Sepulchre with a larger one they had brought.[43] This decree was reaffirmed in 1820 in response to perceived violations by the Frankish community, who had disregarded the 1817 decree. The sultan reiterated these restrictions in a subsequent decree in 1829 to prevent further French intervention.[44] By 1830, conflicts involving the Armenian community had intensified, largely due to disputes over French and Greek interests.[45] Although some ferman decrees issued during this period did not explicitly reference the ʿUmar Covenant, while others did, the decrees of

41 Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi* (Administration of Christian Denominations and Communities in Jerusalem), p. 157.
42 Ibid, p. 170.
43 Ibid, p. 174.
44 Ibid, p. 185.
45 Ibid, p. 188.

Sultan Mahmud II consistently aligned with the broader principles of the most authoritative Ottoman decrees.

To conclude the extensive review, it has been demonstrated that the initial period of Ottoman governance in Al-Quds, extending from 1516 to 1831, was characterised by fluctuations in the predominance of Christian denominations. The endeavours of Western Christian unification were unsuccessful, and the Ottomans exhibited a clear support for the re-orthodoxy of the Eastern Church. The late seventeenth century marked the zenith of the Christian denomination's predominance, largely attributable to the Ottoman Empire's balancing policy. A notable aspect of this period was the substantial support provided by the Ottomans to the Greek Orthodox Church, a fact that became particularly evident during the presentation of the Umar Covenant. The subsequent chapter will delve into the intricacies of the Umar Covenant's implementation, exploring its instrumentalization in specific cases.

Chapter 3

‘UMAR COVENANT AS AN AUTHORITATIVE LEGAL DOCUMENT IN OTTOMAN ADMINISTRATION

3.1 Introduction

This chapter explores the authority of the ʿUmar Covenant, providing a contextual foundation for the preceding discussion. In this analysis, the attributes and implications of the covenant's values, as examined in the previous chapter, will be systematically incorporated. Before delving into the authority of the ʿUmar Covenant, it is essential to first outline the relevant types of authority associated with it, along with the historical context in which it was applied. These introductory sections will address the theoretical framework of authority as it pertains to the ʿUmar Covenant and clarify why imperial edicts (mühimme registers) serve as a crucial source for understanding authoritative documents.

In order to comprehend the significance of the Umar Covenant, it is imperative to situate it within the broader context of background in Al-Quds during the initial period (1516-1831). Historical context is necessary to understand what shaped the Umar Covenant to be instrumentalised by Christian people. The sixteenth century in Ottoman Al-Quds was characterised by the zenith of Ottoman authority, which followed by a significant shift in the relationship between the Ottoman center and the Syrian provinces due to economic difficulties (Rafeq, 1977). Sunni Islam, with its degree of inclusivity towards other religions, provided important legitimacy for the sultan's power and shaped the legal and social systems (Murphey, 2008). The seventeenth century in Ottoman Al-Quds was characterized by a decline in the central authority of the Ottomans, accompanied by an increase in local autonomy, which led to an escalation in the involvement of the local government in administrative, economic, and military affairs (Rafeq, 1977). Local authorities—vizirs, *beylerbeyis* (governors of a province), and *sancakbeyis* (governors of an administrative unit within a province)—served as the sultan's representatives in the provinces, ensuring the proper use of state-delegated authority by governors (Inalcik, 1977). A certain degree of autonomy was granted to *kadi* (judges) in legal matters and to *defterdars* (chief treasury officers) in financial matters, which the central government maintained strict oversight over within the framework of this checks-and-balances system of decentralization policy (Inalcik, 1977). During this transformational period (after 1600), religion was increasingly employed as a political instrument to address both external

and internal challenges to maintain their power.[1] However, it did not dominate all aspects of Ottoman authority (Murphey, 2008).

During the 18th century, the prominence of notable families in political spheres intensified, while European powers further compounded the Ottoman Empire's economic difficulties, particularly following the 1774 Küçük Kaynarca and the intervention of external powers (Rafeq, 1977). This period witnessed an escalation in the significance accorded to religious identity (Murphey, 2008). The role of notables was instrumental in the restoration of central authority and the implementation of a rational policy of safeguarding the *reaya* (tax-paying subjects) from abuses of authority (Inalcik, 1977). Moreover, the economic pressures experienced by the Greek Orthodox community intensified due to their reliance on new local authorities, which were occasionally more oppressive or unreliable than the Ottoman central authority (Rafeq, 1977). Externally, the expansion of France and Britain led to heightened tensions among Christian denominations, further exacerbating existing divisions (Rafeq, 1977). Concurrently, the Umar Covenant faced challenges from the local authorities within the Ottoman Empire. Despite these shifts, the Ottoman sultans adeptly adapted to new circumstances, incorporating religion as a means of legitimizing their rule while acknowledging evolving political and social dynamics (Murphey, 2008). The Ottoman Empire illustrated that Islam does not impede the development of a rational foreign policy, nor does it excessively restrict a state's foreign policy options. Instead, it provides a broad range of interpretive possibilities, enabling religious and political authorities to pursue a flexible foreign policy (Çelik, 2011).

In consideration of the dynamic background spanning from the sixteenth to the early nineteenth centuries and the stipulation embedded in the Umar Covenant, it becomes evident that the Umar Covenant was a significant document to maintain balance between Ottoman central and Greek Orthodox. The stipulation of the Umar Covenant which claimed to be originated from ‘Umar ibn al-Khaṭṭāb, required the Ottoman authorities to address old state. Given the prominence of religion in Ottoman policy during the seventeenth century, it appears that the Umar Covenant was competed among Chrisrtain sects and frequently utilized in the context of religious affairs. In light of this historical context, the present study aims to examine the trajectory of the Umar

[1] In contrast, Vikør (2005) posits that the Ottoman legal codes of the sixteenth century exhibited a shift towards greater alignment with the authority of the sultan, as opposed to Sharia law, resulted in the subjugation of Umar's Covenant authority. The rejection of the role of religion in political purposes, as proposed by Vikør, stands contradictory to Rafeq and Murphey analysis on the Ottoman historical period from the sixteenth to the nineteenth century who demonstrates that religion was utilized as an instrument to adapt to the evolving conditions of political and social change.

Covenant document within the dynamic centuries of the Ottoman Empire in Al-Quds, with a particular focus on the activities of kadi (judges) in the management of disputes among Christian denominations.

> *"The hallmark of authority is unquestioning recognition by those who are asked to obey, neither coercion nor persuasion is needed."* (Hannah Arendt in Haugaard, 2018)

An inquiry into the function of the 'Umar Covenant within the larger framework of the Ottoman administration necessitates a examination from the standpoint of authority. The repeated references to the Umar Covenant in Ottoman documents concerning a variety of cases illustrate its significance within this administrative structure. The unquestioning submission of the Franks to the demand for the presentation of the 'Umar Covenant [2] during the dispute signified the peaceful acceptance of the covenant without the use of force or coercion, aligning with Ardent's characteristics of authority. Given the religious nature of the 'Umar Covenant, the documents were completed to be claimed as something religious that the Ottoman Sultan would easily approve. The Umar Covenant, in its adoption of the template of the Prophet Muhammad, embodied a form of authority that recognized Sharia law as the ultimate source of sovereignty, law, and governance (Shuayb, 2012).

Hannah Arendt drew a sharp distinction between power and authority that power is not necessarily the exercise of authority. Unlike power, authority cannot involve coercion, force, or violence, but only imposed obedience that must be divinely transcended (Alatas, 2023). As a result, authority demanded not only the most intelligent people, but also the acceptance of the humblest people in society. Ardent's theory of authority coped with Barkey's analysis of how Ottoman maintaining longevity of the imperium. Barkey suggested that the Ottoman applied supranatural ideology which includes a religious claim to be the protectors of Christendom and Islam. This supranatural ideology was the glue to offer spiritual cohesion to

---

[2] *"... Frankish tribe said; 'We have temessükât (official document/certificate) let us bring it. ' and when a period of six months had elapsed and they did not present the certificates; since their inability to submit a charter had become evident, I have issued a fermân-i- âlî-şân to act in accordance with the order-i-sherîf: You should take the keys that were in the hands of the Greek clergymen from the hands of the Frankish clergymen. You should not have the Frankish clan interfere..."* (See ferman of Sultan Mehmed IV (1648-87) issued in 1675)
As a matter of comparison, presenting Umar Covenant as a proof also evident in the 14th century literature of Ibn Kathir. That security concerns emerged in the Arabian Peninsula with respect to some Jewish communities during the Caliphate of 'Umar. Ibn Kathīr (d. 774/1373) reports:
'Umar sent word to the Jews, saying: "Allah has given me permission to send you into exile. It has reached me that the Messenger of Allah said: 'No two religions shall coexist in the Arabian Peninsula'. Therefore, anyone of you that has a Covenant ('ahd) with the Messenger of Allah should bring it to me so that I may enforce it. ***As for those who do not have a Covenant ('ahd), they should prepare themselves to leave.****" 'Umar then exiled all those who did not have a Covenant ('ahd) from the Messenger of Allah.* (Ibn Kathīr, *Al-Bidāya wa-l-Nihāya*, vol. 4, p. 219 in El-Wakil, 2024)

the elite upper class to encourage their participations. Not only left on ideology, this element was also applied in the practice. Moreover, the Ottomans also struck a balance between tolerating diversity and forcing conversion and assimilation, with religion as the fuel for incorporating diversity. In application, the Ottomans used an intermediate solution between conversion and toleration by establishing boundaries with varying degrees of flexibility while organizing communities both within and across these classification systems. However, the process of defining these boundaries takes place in a complex in-between space where state actors interact with different groups and negotiate the terms of division, difference, similarity, and cooperation (Barkey, 2008).

The aforementioned analysis of authority will subsequently be applied to assess the extent to which the 'Umar covenant was regarded as an authoritative document in the Christian affairs of al-Quds. Prior to examining imperial edicts in which the covenant was referenced abundantly, it is necessary to explore the reason why imperial edicts were significant in the exploration of authority. As previously mentioned in the introduction to the primary sources in the first chapter, imperial edicts (*muhimme* registers) provide written evidence of the political, economic, social, and cultural matters that individuals brought to the attention of the imperial council through petitions. The content of the imperial edicts can depict how the matters complained by the Christian people were addressed by the Sultan. Furthermore, the act of petitioning entailed the establishment of an informal contract between the ruler and the ruled, whereby the ruler was obligated to provide justice, protection, and benefits, while the ruled were expected to demonstrate submission, provide support, and legitimize the ruler's authority (Memis, 2021). Consequently, the decrees issued in Imperial Edicts illustrate the interdependent relationship between the petitioner and the Imperial Council, which serves as the representative of the Sultan.

Exploring imperial edicts was also important in the context of advancing and proving Çolak's theory who proposed a direct relationship between the Patriarch of Jerusalem and Istanbul without intermediary and no prove for Patriarch of Istanbul's intention to dominate Eastern churches. The thesis further elucidates how the Sultan's decree accommodated the Orthodox request.

3.2 ‘Umar Covenant as the Highest Prove in Christian Affairs

The extent to which the Umar Covenant is considered a significant document is contingent upon its capacity to transcend the realm of rhetoric and materialize into tangible actions, which are of consequence to the present moment. In this session, an analysis will be undertaken of the extent to which the aforementioned document influenced social life, taking as a case study the imperial council, where the Umar Covenant was demanded and competed. Given the escalating Christian conflicts—both internal and external—the existence of the Umar Covenant will prove instrumental in maintaining harmony and averting catastrophic confrontations. The efficacy of policy, or the absence thereof, will be a critical factor in exacerbating these conflicts from rhetoric to action. In the midst of the ongoing dispute concerning ownership, Christian denominations engaged in a competitive process to substantiate their claims by presenting the 'Umar Covenant. The imperial council also designated the Covenant of Umar as the highest form of evidence during the dispute. Consequently, the 'Umar Covenant emerged as a recognized document that both the Christian subjects of the Ottoman Empire and the Ottoman administration adhered to without coercion. This subchapter will examine this assumption by analyzing the imperial edicts and orders and presenting the cases narrated in the document.

The most illustrative example of this phenomenon is observable in the cases of the seventeenth century, wherein local administrators and notable families (‘*ayan*) exercised considerable influence within the local court. In the context of the decentralization policy, there was a concomitant increase in the number of bribes, as evidenced by the exchangeable possession of the Holy Sepulchre (see chapter II). The strength of the Christian sect in al-Quds corresponds with its perceived power. The most favorable relationship they have with the local administrators is indicative of the most promising opportunities. In the context of decentralized governance systems, the regional rulers assumed a multifaceted role, functioning as a primary intermediary between the sultan and the people, thereby facilitating unity between the central authority and the periphery (Barkey, 2008).

The examination of imperial edicts has revealed that certain Christian sects have been observed to offer substantial monetary compensation to local rulers and judges in exchange for securing particular possessions and permissions within holy sites.[3] The refusal of the local rulers to

[3] Many imperial edicts describing bribery. For example: d.160, s.276, h.842 issued in 1758 saying that the deputy of Nakibul Asraf (official authorized from the Prophet's lineage) Abdullatif Efendi favored the

acknowledge the Umar Covenant constitutes a noteworthy exemplification of a significant occurrence. This refusal manifested when the local rulers opposed and denied the Umar Covenant and the firman of Sultan Selim I.[4] Consequently, the Sultan issued an order to the local rulers, directing them to submit this matter to the Imperial Council or Divan-i Humayun for resolution instead of resolving it through the local court.

This case illuminates the direct relationship between the Greek Patriarch and the Imperial Council in Istanbul, despite the involvement of a local judge serving as an intermediary for the Sultan. This case serves to corroborate the findings of Colak's (2012) revisionist theory, which challenges the prevailing notion that the Ottoman Empire sought to exercise exclusive control over the Eastern Churches. The edict also underscores the legal accessibility for all individuals, irrespective of their race or religion, as evidenced by the opportunity for the humblest Greek people to submit a petition (Akgunduz, 2011). This case demonstrates that the Greek Orthodox Church had the capacity to lodge a direct complaint with the Sultan regarding the rejection of the Umar Covenant by the local judge. Secondly, the transfer of the matter from the local court to the Imperial Council concerning the Umar Covenant indicates that the Umar Covenant serves as the paramount evidence in the court. That is to say, local judges were unable to manipulate the rights stipulated in the 'Umar Covenant, despite the economic crisis that occurred during the decentralization era.

Another edict that accentuates the significance of the 'Umar Covenant as the highest form of evidence is substantiated in the case of a Frankish Christian attempting to claim possession of a church. This claim was denied by the sultan due to the absence of a certificate from the 'Umar Covenant.[5] The edict, promulgated in 1705, was issued in response to a case initiated by the Frankish, who contended that a church within the Ayn-i Karim complex had belonged to them since the time of ‘Umar ibn al-Khaṭṭāb. However, the Frankish did not provide a certificate attesting to the ‘Umar ibn al-Khaṭṭāb times. Given the 'Umar Covenant's status as the most authoritative and reliable document for validating claims, the Frankish arguments could not be accepted unquestioningly. To resolve this issue, the Sultan ordered an assembly of Ulema scholars to examine this matter, and invited trustees to present supporting evidence. However,

Catholics and disregarded the rights and privileges of the Greeks in al-Quds regarding the holy places although they fulfilled their duty and obligations to the state.

4 d.98, s.86, h.266, dated 13-22 January 1689

5 d.114/I, s.553, h.2472 on June 4-13, 1705

the trustee did not acknowledge that the church in question had been in the possession of Frankish clergymen.

As indicated in the preceding argument, other imperial edicts lend support to the aforementioned case by underscoring the notion that the Frankish were regarded as foreigners [6]. A comprehensive review of this concept necessitates an examination of other cases outside the region of al-Quds. In Galata, the Ottoman administration recognised the Frankish community as the descendants of Genoese settlers, while in the islands of the Archipelago, Frankish denoted the surviving vestiges of the Frankish that had been established following the year 1204 (Inalcik, 2017). The recognition of the Franks as foreigners was also perceived by the Mamluk Sultan (Moukarzel, 2019b). Centuries earlier, Frank crusaders had invaded Syria and Palestine before these regions came under Ottoman control, resulting in a persistent fear of another crusade that persisted into the sixteenth and seventeenth centuries (Dipratu, 2021). In the case of Beirut, the Franks were forced to flee to Aleppo because of their involvement in the unification efforts between the Catholic Church and the Eastern Churches, especially with the Maronite Church (Moukarzel, 2008).

The Umar Covenant serves as the primary decision-maker during disputes, as evidenced by the case of Armenian Christians seeking to claim specific property in the Holy Church. In this imperial edict, the judge is instructed to exercise greater caution and conduct a thorough investigation into the Umar Covenant presented by Armenians. This meticulous investigation can be thoroughly analyzed from the content of this edict, which specifically directed the Grand Vizier.[7] This case suggests that the stipulation of the Umar Covenant was more closely associated with Greek Orthodoxy than Armenian interests. The thorough investigation of this covenant demonstrates that the Umar Covenant holds the highest authority in Christian affairs, particularly in the context of claiming possession of the Holy Sepulchre.

After determining the preeminent authority of the Umar Covenant, the following section examines the implementation of the Umar Covenant in specific cases. Given the Umar Covenant's profound authority, as evidenced in this section, the subsequent section explores

---

6 *"…orders had been sent to prevent the Frankish priests* ***who were guests*** *in al-Quds…"* in the ferman of Sultan Mahmud II (1808-39) in 1817,
"… another order was sent to prevent the Frankish priests, ***who were guests*** *in al-Quds*„„" in the ferman of Sultan Mahmud II (1808-39) in 1820,

7 d.147, s.44-45, h.226, dated December 22-31, 1739.

the utilization of the Umar Covenant for tax exemption, one of provisions of the Umar Covenant.

3.3 The Use of ‘Umar Covenant for Tax Exemption

The tax exemption constitutes an integral component of the Umar Covenant, thereby ensuring the rights of the covenant's recipients. However, the Umar Covenant's text merely offers a general expression and does not specify to whom the tax is exempted. Ercan, as cited by Satiş (2015), posited that the tax exemption encompassed all bishops, monks, and priests affiliated with the Patriarchate who were entirely devoted to worship (*târik-i dünya*) that those engaged in earning a livelihood were not granted exemption. Additionally, monks and priests were exempted because of their social status to honour those who had devoted their lives to religion (Ahmed, 1975). From a broader perspective, the exemption of religious leaders from taxation was a well-known and accepted tradition that also aligned with the justice principle of *jizya* tax, given that religious leaders were not employed (Zein & El-Wakil, 2023). The aforementioned provision also proved by the Fetwa of Ebussuud Efendi[8]. In addition to *jizya* tax-exemption, the Covenant of Umar also covered the exemption of the Partiarch from *gafr,* and traditional taxes (Satiş, 2015). With the exception of religious leaders, the aforementioned taxes were levied upon non-Muslim subjects under the Ottoman Empire[9] with the amount that did not burden them economically[10] (Jennings, 1993).

---

[8] Ebussuud Efendi asserted that no tax or jizya could be levied from the Greeks who had assumed the role of guarding holy places:
Derbend tabir olunur bir mahall-i mahûfi muhafaza edip mürûr eden ebnâ-i sebili hirâset içün ol derbende yüz on dört nefer Rum zimmîleri iskân olunub "Mezbûrların hizmet-i muhafaza muka- belesinde cizyeleri alınmaya" diye yedlerinde emr-i şerîf verilip mezbúrlar dahi eda-i hizmet-i muhafaza ederler iken cizyedâr olan Zeyd hilaf-ı emr mezbúrlardan cizye almağa kâdir olur mu? el- Cevab: Olmaz
(If one hundred and fourteen numbers of Greek dhimmis were settled in a place called a derbend for the purpose of guarding a place called a derbend and for the sake of the service of the people who pass through it, and an order was given to them saying, "Their jizya will not be taken from them in return for their service of guarding it," and the dhimmis performed their service of guarding it, would Zayd, who was a jizyedâr, have the power to take jizya from the dhimmis in violation of the order? No)

[9] As it is known, in Islamic law the dhimmi status holders had to pay the jizya tax, and the form and amount/rate of the tax was determined by ‘‘Umar ibn al-Khaṭṭāb. According to the decree issued by ‘Umar ibn al-Khaṭṭāb, the dhimmis were divided into three classes. The first class, the rich, paid 4 dinars or 48 dirhams of silver for each head; the second class, the middle class, paid 2 dinars or 24 dirhams; and the third class, the poor, paid 1 dinar or 12 dirhams of jizya (Satis, 2015).

[10] Non-Muslim subjects of the Ottoman Empire engaged in a wide range of economic activities, including trade, agriculture, and crafts. Additionally, they resided in the same neighborhoods, with some neighborhoods exhibiting a mixed population (Jennings, 1993).

A review of imperial edicts reveals a multitude of petitions submitted by the Patriarch and the clergy to the Sultan, particularly during the late seventeenth century, claiming the right to tax exemption, citing the Covenant of 'Umar as the legal basis. One edict recounts that the patriarch and clergy formally presented Sultan Selim I with the document granting them tax exemption,[11] Further instances within the corpus of tax exemptions demonstrate the application of the Umar Covenant to exempt the Greek Patriarch from customary taxes (*tekalifi-sakka*) levied by the Ottomans on their European visitors under capitulation treaties (Dipratu, 2021).

The imperial edict demonstrated the local rulers of al-Quds had violated the stipulations outlined in the 'Umar Covenant on the tax-exemption. The pasha and local administrators did not recognize the 'Umar Covenant presented by the patriarch, instead resorting to the violent seizure of funds under the pretext of conducting inspections or explorations within the church.[12] Furthermore, the Pasha demanded the collection of extraordinary taxes (*takalif-sakka*) from the impoverished clergy and *reaya* (taxpayers).[13] In response, the Sultan issued an order to the local rulers, requiring the return of taxes collected by Governor Arslan Pasha.[14] Other decrees were issued to address the same cases regarding the disobedience of local rulers and their justification of inspection to legitimize their unlawful actions.[15]

A series of decrees were issued that addressed the Pasha's transgressions against the imperial order, as well as the violence instigated by the Pasha. The decree issued by the Sultan addressed to the *Molla* (religious scholars with high level of education) addressed the transgressions committed by the judge against religious rituals, which were contrary to the imperial order. The document also states that a petition was submitted to Istanbul by the Greek and Georgian Christians, wherein they detailed the cruel actions of the Pasha and the judge, who seized

---

[11] Imperial edict documented by ***Ali Arif Kaya number 266*** also mentioned that same idea on the ferman of Sultan Selim I as the proof. The emphasis of Kaya's collection decree indicates that the Greek Orthodox received the Covenant from 'Umar ibn al-Khaṭṭāb, which was subsequently reissued by Sultan Selim I. The Sultan then emphasized through the decree that any enforcement by the judge or any forged documents shown by the judge on behalf of the Greek individual must be ignored. Such intervention by the judge must be ignored.

[12] [d.102, s.109, h.460] and [d.99, s.103, h.331] in 1690

[13] d.99, s.103, h.331 dated 2-11 Maret 1690.
It stated that this action had been occurring for seven years prior to the issuance of the decree. The impoverished clergy asserted that the Judge and Pasha had engaged in some bid'ah, or action against Sharia, that was contrary to established practice. This claim of the impoverished clergy demonstrated that the jizya tax was not the primary obstacle to non-Muslims residing within the Ottoman Empire. In response, the Sultan took decisive action by removing the Pasha from his position. Furthermore, the Mutasarrif asserted that the Pasha had committed an act of injustice by collecting money under the pretext of tekalif-i şåkka (extraordinary taxes) and had offended them by claiming that it was a "customary" or common practice. By displaying the Omar Covenant, the Sultan acted to dismiss the Pasha and Judge of Jerusalem.

[14] d.100, s.123, h.468 in 1691

[15] d.102, p.109, h.460 in 1692

money under the pretext of *kudům and pashkeş*. [16] Furthermore, the petitioners alleged that the Pasha and his associate had committed acts of aggression against churches and monasteries under the pretext of inspections and discoveries. In response, the Sultan issued a decree prohibiting the utilization of those pretexts as a justification for such actions, thereby ensuring the protection of religious institutions and the security of their holdings.

In other cases, the Umar Covenant was presented as evidence of tax exemption by Romanian and Georgian clergy in al-Quds. These clergy petitioned the Sultan, citing the Umar Covenant, which had been renewed by Sultan Selim I, as a basis for their claim of exemption from all kinds of extraordinary taxes.[17] However, the Pasha, who occupied the highest military and administrative position, frequently acted in opposition to the Sultan's decree. The Pasha, in collaboration with the judge, trustee, and other law officials, demanded that extraordinary taxes be imposed, justifying their actions as being customary, or in the name of inspection and discovery. The petition further asserted that the previous Pasha's conduct towards them had been fair, and that the dismissal of the Pasha was unknown. This case exemplifies the profound influence of bribery on local rulers in determining the fate of the Christian community and the shifting stance of the government towards its Christian subjects.

Despite repeated complaints from the Patriarch to the Sultan, the oppression of the local rulers persisted. Another decree was issued addressing the same case and ordered the elimination of such oppression.[18] A further decree was issued to punish Salih Pasha.[19] It directed the judge to investigate the matter and prevent unfair practices that had become tyrannical under Salih Pasha's rule. The following decree is an example of such number of the decrees.

> *Sentence to the kādī of Kudüs-i Sharīf:*[20]
>
> *The Rûm patriarch of Kudüs-i Sharif, the Rûm and Georgian clergymen, and the dhimmi Rûm reigning people in Kudüs-i Sharif presented themselves and said; "Since the conquest of al-Quds al-Sharif, my ancestors were given a covenant-name and several evâmir-i sharîfe with a line-i hümâyûn in order to be exempt from all kinds of dispositions, When the trustee of the liva-i mezbûr arrived with the consent of their elders in order to get along with the hukam in the past, while those who were hukam were not offended by their actions and by demanding any kind of tekâlif-i şâkka .....*
>
> *... When Salih Pasha did not give anything other than this and did not even take any hukâm, and when all the poor people were well-off, Salih Pasha did not believe in what they had been given with their consent and did not act on the certificates they had in their*

[16] d.102, s.109, h.460 dated 1–10 January 1692
[17] d.100, s.123, h.468 dated 22-30 January 1691
[18] (d.108, p.253, h.1078; MHM.ZYL.d.11, p.148, h.633) in 1696
[19] (d.110, p.411, h.1805) in 1698
[20] [d.108, s.253, h.1078] in 1696

possession, and did not even act on the certificates they had in their possession, and did not take even more cruelty from year to year, and took it by force ….

…. An order was issued at the time of the late and defeated Sultan Ahmed Khan tåbe seráhů in order to eliminate the oppression they had been subjected to since the time of Salih Pasha and other pashas and to prevent them from being offended min-ba'd by demanding a single tax that was contrary to the certificates they had in their possession, and to act in accordance with my order-i sharif-i jahan-mută'ım, 'I do not consent to cruelty and oppression in Deir Kudüs-i Sharif and Deir-i etråf nâhiyas. I will punish you if any cruelty is committed," but they were not punished again, and they had been committing cruelty on this pretext for a long time, ….

Fî evâhiri Ş sene [1]107 (March 25-April 3, 1696)

During the early eighteenth century, there was a notable increase in bribery, a phenomenon that had its origins during the tenure of Salih Pasha. This issue prompted the Sultan to take notice, leading him to issue numerous decrees against those malpractices.[21] In the decrees, the Sultan prevented any illegal taxation and ensured that all impoverished individuals were guaranteed prosperity. One such decree revealed an attempt by the Greek Patriarch to address the situation through the annual presentation of gifts to Salih Pasha, in exchange for the Pasha's bribery.[22] Nevertheless, the gifts were employed as a vehicle for exploitation from the time of Salih Pasha onwards. Furthermore, the value of the gifts was increased tenfold, and the holy places were subjected to interference. A multitude of decrees issued in the early eighteenth century reiterated the same concerns regarding the frequent proposal of tax exemption and the numerous illegal actions of local rulers.[23]

In addition to Salih Pasha, certain notable individuals were also responsible for the oppression. In 1711, a decree indicated that Sayyid Kasim and his son had collaborated with the judge and local administrators to harass the Greek priest and non-Muslim people.[24] Following his sentencing to death, Kasim fled to Istanbul, where he continued to commit further offenses in violation of the abuse of tax-exemption. Following his arrest and exile to al-Quds, he once again collaborated with non-Muslims, extorting money from them and continuing to arbitrarily interfere in their monasteries and rituals. Consequently, Sayyid Kasim and his accomplices were exiled to Magosa (Famagusta) in Cyprus and imprisoned in the castle.

21 d.111, s.443, h.1516 in 1700.
22 d.114, p.192–193, h.835) in 1703.
23 d.114/1, p. 110-111, h. 600 (December 20-29, 1703)] [d. 114/1, p. 237-238, h. 1138 (May 16-25, 1704 [d.115, p.106-108, h.443 (August 21-30, 1706)] [d.115, p.395, h.1720 (September 8-17, 1707)].
24 d.117, s.75, h.319) in 1711

Another decree was issued in 1731 indicated that the judge and the local administrators had utilized a variety of pretexts to compel the Patriarch to pay taxes[25]. Notwithstanding the Sultan's repeated instructions to the local administrators, they persisted in violating the 'Umar Covenant, which was initially issued during the reign of Sultan Selim I and subsequently reissued and reiterated by Sultan Sulaiman al-Qanuni until Sultan Ahmed III.

It is noteworthy that these facts, as documented in imperial edicts, align with the findings presented in the Greek text compiled by Speros (1981). He resumed examination of the Codex Patriarchicus, No. 428, which covers the years 1517-1805. In this document, one of the decrees asserted that the Patriarch and the monks of Jerusalem had once again presented an *arzuhal* to the Sultan in Istanbul. This submission asserted that they had been designated as *muaf* (tax exempt) since the time of the Prophet and ‘Umar ibn al-Khaṭṭāb. This status was asserted on the grounds of a document that was provided to them at that time.

The repeated requests for exemption and the continued use of force by the local administrators indicate that the greed of the provincial officials had become institutionalized by the late seventeenth century to the eighteenth century. It appears that the officialdom was sufficiently unaccountable to ignore the repeated decrees of the Sultan. The mere repetition of these decrees suggests a significant decline in central authority.

The exploration of tax-exemption reveals the significant impact of the decentralization era of the Ottoman Empire on Christian affairs. Furthermore, the Sultan's frequent warnings and punishments to local rulers who violated the stipulations of the Umar Covenant indicate the weakness of central authority. The widespread bribery further exacerbated the decentralization policy, where Christian sects had to pay substantial amounts to gain rights from the local rulers. Conversely, the abundance of edicts issued by the sultan in response to Christian petitions, which functioned as a direct and transparent bureaucracy within the Ottoman Empire, emerged as a significant factor. The subsequent section will delve into the application of the 'Umar Covenant in the context of church renovation affairs.

[25] d.138, S.152, H.515 in 1731.

3.4 The Use of 'Umar' Covenant for Church Renovations

The guarantee of protection for churches, one of the stipulations in the Umar Covenant that is frequently discussed in the imperial edicts, merits exploration. The guarantee of protection for churches, one of the stipulations in the Umar Covenant that is frequently discussed in the imperial edicts, is an interesting subject for further exploration. Another pertinent aspect to consider is the nature of conflict surrounding the Holy Sepulchre, where various Christian sects contended for dominion over the rights of renovation. In the context of these circumstances, this session will deliberate two pivotal inquiries: firstly, how did the Hanafi school of Islamic law approach the matter of church renovation, and secondly, which cases and proposals for church renovation were accepted by the Sultan.

The issue of church renovation deserves consideration in the context of the Umar Covenant. This examination can elucidate the extent to which Ottoman policy was guided by the religious principles stipulated in the Umar Covenant and whether it was shaped by pragmatism in the context of capitulation treaties and practical reasons. The former assumption pertains to the cases in which the church renovation projects were granted approval under the Umar Covenant, a topic that will be elaborated upon in this section. The latter assumption concerns the pragmatic policy[26] endorsed by the Ottoman Empire, which approved the expansion of the church and monastery for the purpose of accommodating pilgrims during the season (see Chapter IV for further details).

This section will elaborate on the aforementioned background, which was established through imperial edicts and fatwas issued by Ebussuud. In comparison to the Capitulation Treaty, these primary sources comprise more detailed regulations regarding church affairs. The Capitulation Treaty does not address these matters in the same manner.[27] Therefore, it may be concluded from the aforementioned data that the Umar Covenant demonstrated a preference for Greek Orthodox over Catholicism. The granting of capitulations to Catholics did not automatically entitle them to undertake repairs to churches. This was because the Catholic Church required sponsorship from Venice in order to obtain the reconstruction rights of destroyed churches

[26] In some cases, the Ottoman applied flexible framework that permitted the erection of new churches in certain specified areas (Dipratu, 2021).

[27] For example, the French capitulation treaty only i authorized the repair of a church n 1740 which prior to that year the rights had always been granted to the Greek Orthodox. In addition, the large and small domes of the Holy Church, which were under Catholic control, were repaired by the Greek Orthodox in 1710 (Dipratu, 2021).

(Dipratu, 2021). Other cases illustrate that the Ottomans also permitted renovation for Catholic churches, but only after a meticulous decision-making process, taking into account the growing European influence in the region. Following the authorization of renovation, the sultan appointed an architect, such as Mehmed Selim, to oversee the construction process, ensuring the church's restoration to its original state. The following documents illustrate how the Ottomans always sent an architect to ensure the rebuilding of churches to their original state.

> "*…that the parts of the Holy Sepulchre church in Al Quds that need renovation shall be determined by the chief architect, addition of new parts to the church building shall not be allowed and nobody from the outside shall be allowed to intervene in the renovation jobs…*"[28]
>
> "*…Utmost attention must be shown to the Holy Sepulchre Church, additional buildings, domes, tombs under the domes and various sections and necessary permission shall be given, but attention must be given to prevent the addition of new buildings under the precept of restoration…*"[29]
>
> "*…The attribution of architect and engineer with the inspection from Sultan] That comprehensive repair work shall begin for the big dome and some other parts of the Holy Sepulchre church in Al Quds under the supervision of architects and engineers following a detailed inspection and announcement of a ferman…*"[30]
>
> "*…Consideration to be shown during the repairs to be undertaken by the non-Muslims at the Holy Sepulchre Church annex and other holy places of worship, which have to be made without any additions to the present construction; the local administrators and architects to ensure that the construction-repair work will be carried out efficiently…*"[31]
>
> *"...That the parts of the Kamame church in Al Quds that need renovation shall be determined by the chief architect, addition of new parts to the church building shall not be allowed and nobody from the outside shall be allowed to intervene in the renovation jobs..."*[32]

In contrast, the Ottomans rejected any attempts by Catholics to introduce novel innovations in the renovation of churches. This position was in alignment with the Hanafi school of Islamic law, as interpreted by the Ottoman *shaykh al-Islam*. In the cases where authorization was not provided, the Sultan issued directives for the demolition of any additional structures erected. In terms of the Hanafi school of Islamic law,[33] safety for churches is ensured; however, the construction of new churches is prohibited (Faroqhi, 2010). Consequently, the Sultan of the Ottoman Empire's policy of church renovation was executed in accordance with the 'Umar Covenant and the Hanafi doctrine.

---

28 d.102, s.103, h.438 (December 22-31, 1691)

29 d.102, s.141, h.564 (January 30-February 8, 1692)

30 d.110, s.414, h.1819 (May 11-20, 1698)

31 d.127, s.354, h.1574 (April 11-20, 1719)

32 d.102, s.103, h.438 (December 22-31, 1691)

33 In contrast to the Shafi'i and Hanbali schools of Islamic law, which permitted the construction of new churches (Abu Assab, 2012).

"*…After inspecting the grand dome of the Holy Sepulchre Church and other sections, permission for their repair was given; whereupon the Catholic priests claimed that the original white plaster of the church was changed to black by Melik Selahaddin Eyyübi, and should be again changed to white. As this claim could not be proven and the change was probably made by a decree and no one could be found to prove it, their request was refused. In conclusion, the repairs are to be made within the limits of the permission given…*"[34]

"*…Permission to repair the Holy Sepulchre and Aya Yako Churches was given after the necessary inspection. The decorations, ornamentation, and icons were darkened with the effects of years and, according to rumors, some sections were darkened as they were used as kitchens by Melik Selahaddin Eyyubi. While the communities wished at least for white plaster, the concerned authorities did not permit it; under these conditions the repairs would be meaningless. Permission is requested to plaster the walls of the Holy Sepulchre Church in white without any icons and decorations in line with shaykh al-Islam's fatwa…*"[35]

"*…Permission was given to repair the great dome and some sections of the Holy Sepulchre Church with the condition that the restoration would be faithful to its original state; the gravestones in the section presumed to be the grave of Jesus Christ by the Christians are not to be touched at all whatever the reason; they will not be changed even if broken; plastering the small dome over the marble covered grave will definitely not be permitted and will be restored to its original state…*"[36]

In considering the manner in which the Hanafi school organized the church renovation, it can be posited that Christian communities require substantial justification to procure the rights to renovate. This assertion further suggests that the Sultan may reject renovation proposals that are deemed annual or decorative and therefore unnecessary. Certain decrees elucidate the dire condition of the church, which was precipitated by a natural disaster. In the early eighteenth century, the Greek Patriarch advanced a restoration project for the church, particularly following the occurrence of a catastrophic flood. The proposal was accompanied by the presentation of the 'Umar Covenant to the Sultan.[37] The document emphasized the dire situation of the Church of Bethlehem. Comprehensive specifications for the necessary renovation of were outlined in that petition. Considering the compelling evidence presented by the Greek Orthodox, the Sultan granted authorization for the reconstruction of the church, accompanied by a guarantee of security and assurance that no individual would infringe upon the rights of the Greek Patriarch. A similar authorization was granted to Greek Orthodox communities outside the al-Quds region.[38]

---

34 d.129, s.146, h.551 (October 25-November 3, 1719)

35 d.129, s.156-157, h.583 (November 24-December 3, 1719)

36 BOA, A.DVNS.MHM.d. 129, 8.247, h.938 (April 19-28, 1720)

37 Mühimme register decree number 714 in Ali Arif Kaya's collection.

38 In a *mühimme* register number 111/343 sent to the kadi of Istanbul in 1699, a group of Greek Orthodox residents from the Bostan district submitted a petition seeking permission to rebuild a church that had been destroyed by a fire in 1696. The dhimmi were worried that Islamic law might prevent them from repairing the church due to its close proximity to a newly built mosque. Despite these concerns, the sultan granted them permission to restore the church and emphasized that no obstacles should be placed in their way. The decree also addressed the specific dimensions of the church to be rebuilt, showing that the sultan was clearly open to accommodating the Greek Orthodox community's request (Leal, 2003).

In the context of the seventeenth-century Ottoman decentralization era, a notable element merits attention: namely, the emphasis placed by the sultan in their decree on the church renovation. This emphasis was often accompanied by a guarantee to ensure protection from local ruler atrocities. This suggests that the sultan wielded a limited authority, compelling local rulers to adhere to the sultan's policies. For instance, a decree describes a petition from the Greek Patriarch, stating that the rooms of the Greek monasteries known as *Mar Tagalla* and *Sitti Meryem* in al-Quds would be destroyed.[39] The Sultan allowed the monasteries to be renovated on the condition that they would be protected from local interference and individuals who might offend the clergy under the pretext of exploration and inspection during the reconstruction process.

Another decree stated that the Greek were granted permission by the headquarters to renovate the destroyed church[40]. The rooms that served as living quarters for the Greek priest within the Mar Ibrahim Monastery in al-Quds underwent repairs, as did the walls encircling the courtyard. These repairs were carried out with the explicit authorization of the Headquarters. Additionally, the administrators were prohibited from imposing arbitrary and illicit payments upon the priest for various reasons related to the repairs. In the following years, the Greek were granted permission to rebuild the damaged rooms and wall in the *Mar Sava* Monastery that had been destroyed by the catastrophic flood and bandits.[41] Upon this permission, the Ottoman Sultan demanded to maintain fidelity to the original architectural structure[42]. The decision has been

[39] d.110, s.201, h.932 (December 15-24, 1697) in 1698

[40] d.111, s.402, h.1382 (August 16-25, 1700)

[41] d.112, s.134, h.440 (January 30 - February 8, 1702) and [d.115, s.77, h.30 In the period between July 23 and August 1, 1706. Given that one side of the monastery was situated on a mountain, when the bandits arrived and conducted a raid on the monastery, killing numerous individuals and destroying their belongings, a wall was constructed and erected from the point at which the bandits had entered. However, one side of the wall did not extend to the edge of the cliff, leaving a portion of the space open. The bandits subsequently returned from this area and perpetrated further atrocities and cruelties. The stone walls and rooms of the monastery, which were one mezbûr in size, were destroyed. The monastery's structures, including the sloping wall of the ancient church on the qibla side, were destroyed. Repairs should be made using traditional methods wherever necessary, including the area from which the bandits originated. A wall should be constructed from the original wall to the cliff head, which was previously open, and a room should be built near the gate to monitor the bandits.

[42] Another decree emphasizing the renovation to the original state is number [KK.d. 71, s.340, h.1] and [KK.d. 71, s.350, h.1 (July 30, 1613)] that the tower of the old monastry called Bar Sayima in Beriyye on the east of Al Quds controlled by Serbian bishops shall be restored according to its original and outside interventions shall be prevented.
d.102, s.141, h.564 (January 30-February 8, 1692)
"…Utmost attention must be shown to the Kamame Church, additional buildings, domes, tombs under the domes and various sections and necessary permission shall be given, but attention must be given to prevent the addition of new buildings under the precept of restoration….".

made to allow repairs to be carried out on the sections of the monastery that were damaged by the flood.

The complexities encountered by the Ottoman Empire in the 17th century serve to underscore the significance of the balance of power policy implemented by the Ottomans through decentralization. A multitude of decrees underscores the dual purpose of the policy, serving both as a warning and as an assurance regarding the renovation of the church. Prior to the issuance of the Sultan's decree, an edict was issued to illustrate the severity of the situation. The decree asserted that local administrators, architects, and their accomplices were disrupting construction and repairs for their own benefit. They claimed to lack authorization from the Greeks. The Sultan then issued a warning to local rulers, cautioning them against impeding or preventing the course of justice, and pledged to ensure that the matter was handled fairly and efficiently.[43] This dual purpose of the Sultan is generally addressed not only to the local judge but also to the important figure such as the Molla (religious scholar with higher education), as the case in the aforementioned decrees.

At the onset of the nineteenth century, the Holy Sepulchre underwent a precipitous decline, as the Armenians set fire to the holiest church in 1808 (see Chapter II, which addresses the matter of interchangeable rights in the aftermath of the Holy Sepulchre's burning for a more detailed discussion). It was primarily the Greeks who were accorded the prerogative to renovate the site, a prerogative exercised through the utilization of Baroque architecture, a style that dominated Ottoman church architecture. This architectural proposal by the Greeks encountered opposition during the Crusader era (Yurdakul, 2016). This period witnessed a weakening of France's influence in al-Quds due to the ongoing wars in Europe, while Russia's influence among the Orthodox gradually increased. Russia's support for the Greeks, in addition to the Sultan's decree, served as another advocate for the Greek position. However, it should be noted that the Ottomans' decision to grant rights to the Greeks was not influenced by external pressures, as argued by Peri (2001). Rather, the authority to resolve the conflict remained vested in the firman of Sultan Mahmud II. In his 1808 firman, Sultan Mahmud II explicitly stated that favour was granted to the Greeks with reference to the precedent established by the former state of affairs.

> "*…this matter was maintained exactly as it was through firmans issued by previous Ottoman sultans; that when the Armenians interfered in places belonging to the Greeks during the reigns of Sultan Murad IV and Sultan Mehmed IV, the resulting*

[43] d.114/1, s..717, h.3213 (February 23 - March 4, 1706)

> *trials ruled in favour of the Greeks; that later, when the Armenians, claiming partnership, brought in additional furnishings to the pilgrimage sites in a manner contrary to custom and obstructed Greek religious ceremonies, a firman was issued preventing such interference and disregarding the documents in the possession of the Armenians...*"[44]

In alignment with the decree issued by Sultan Mahmud II, the fatwa of *Shaykh al-Islam* Ebussuud Efendi was found to be in accordance with Sharia Law throughout the Ottoman Empire until significant shifts occurred during the latter period of Sultan Mahmud II's rule (Satiş, 2011). As this thesis concluded in 1831, the latter period of Sultan Mahmud II, it might be assumed that the ferman of the Sultan, regarding the church renovation, was in line with the *Sharia* law.

In order to provide a more comprehensive analysis of the authority wielded by the ferman of the Sultan, it is necessary to examine the manner in which Ottoman policy was implemented in Albania. Drawing upon the insights offered by the Delvina City Codex, Rembeci (2021) elucidates the reconstruction of the Murtila Church in 1795. The manuscript indicates that Bishop Parthenios was overseeing this endeavour. However, during the course of the reconstruction, Ottoman authorities proceeded to destroy the foundation in an arbitrary manner. Bishop Parthenios lodged a complaint with Mustafa Pasha, and Pasha requested a decree from the Sultan, prompting a swift response from Sultan Selim III and the issuance of an order to rebuild the church. This case exemplifies the ferman's authoritative stance, underscoring that any act of violence in contravention of the Sultan's decree was invalid. Moreover, the case underscores the potential for local authorities to circumvent the Sultan's authority due to their own abusive practices. Additionally, this case emphasizes how local authorities exacerbated the Sultan's order due to their abuse of power. The case presented by Rembeci in Albania refutes the opinion of Cohen (2008) that the ferman of the Sultan was merely a record of the Sultan granting special rights, which could be revoked at will. Cohen (2008) argued that the ferman was not an absolute deed embodied by the Sultan.

---

[44] "*… önceki Osmanlı padişahları taraflarından verilen fermanlarla da bu durumun aynen devam ettirildiği, Ermenilerin Sultan IV. Murad Han ve IV. Mehmed Han zamanlarında Rumlara ait yerlere müdahale etmeleri üzerine yapılan duruşmaların Rumlar lehine sonuçlandığı, daha sonra Ermenilerin ortaklık iddiasıyla ziyaret yerlerine âdete aykırı olarak fazladan eşya sokup Rumların ayinlerini engellemeleri üzerine müdahalenin önlenip Ermenilerin elindeki belgelere itibar edilmemesine dair ferman çıkarıldığı…*"
(See Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem*. p. 127.

Chapter 4

‘UMAR COVENANT WITHIN THE OTTOMAN ADMINISTRATION REGARDING HOLY SEPULCHRE

4.1. Introduction

The Holy Sepulchre has been a subject of considerable scholarly debate due to its intricate and conflicting nature over the centuries. The Church of the Holy Sepulchre (or *Kamame Kilisesi* in Ottoman documents) served as a focal point for various disputes among Christian denominations. Its status as the site of the tomb of Jesus Christ made it the most prominent of all churches.[1] This site has seen the coexistence of six ancient Christian denominations—Greek Orthodox, Roman Catholic, Armenians, Coptics, Ethiophia, and Syrians—who engaged in fierce competition for possession (Cohen, 2008). The most significant juncture in the dispute was in 1048 when a new sectarian schism arose during the church reconstruction under the Fatimid Dynasty—with the assistance of Emperor Constantine—which resulted in controversies between the two major factions (Akyol, 2019). The disputes were so extensive and complex (Hummel, 2019) that even the lamps in various parts of the church had to be lit, extinguished or cleaned by whichever sect had placed them there could easily turn into a fight (Koyuncu, 2017).

The discourse among Ottoman historians regarding the Holy Sepulchre has centered on the examination of the escalating discord among Christian denominations and how Ottoman resolved that conflict. This examination has placed significant emphasis on the manner in which the Ottomans maintained the *status quo*, a principle that endures to the present day (Avci & Özdemir, 2019). An extensive examination of Ottoman archives further illuminates that the Ottoman authorities implemented practical measures to address the dispute by invoking the Umar Covenant, which was acknowledged and renewed by the sultans (Satış, 2011).

[1] These places are considered holy by all Christian denominations. Most of these sites were controlled by the Greek, Armenian, and Latin communities, but a few were controlled by other groups. The Church of the Nativity in Bethlehem is the second most important. It contains the cave where Jesus Christ is believed to have been born. That's why it's called the Church of the Nativity. Near Jerusalem, on the Mount of Olives, is the Church of the Tomb of Mary, the mother of Jesus Christ. The Tomb of Abraham in Hebron, the Tomb of David in Jerusalem and the Tomb of Samuel in the village of Samuel are some of the most important holy places for the Jews. They also had two synagogues in the Jewish Quarter (see further in Steih, 2017).

Consequently, the Ottoman government primarily relied on the state and the principle of *kanun-i kadim* (ancient law) to maintain a balance of power within the church (Akyol, 2019). One such case that exemplifies this principle is the Catholic Church's attempt to replace an organ at the Holy Sepulchre, which was ultimately impeded by the Ottoman (Satış, 2016). For a more thorough examination of this assertion, readers are directed to chapter two, which employs linguistic analysis to explore how the Ottomans consistently upheld the principle of maintaining the *status quo*.

This chapter provides an overview of the context in which the Ottoman regulation of Christian pilgrimage took place and shows how the role of the Umar Covenant was crucial in this context. It first examines the nature of the Christian pilgrim and the genesis of conflicts over the Holy Sepulcher, followed by an examination of the extant literature on the treatment of Christian pilgrims under Ottoman rule. The following section analyzes the use of the Umar Covenant as evidence for the prohibition of prolonged stay in Al-Quds after the pilgrimage, providing insight into the factors that led to its implementation. This is a novel analysis presented by this thesis on how the Umar Covenant was instrumentalized by the Orthodox regarding the pilgrimage affairs.

Christian pilgrimage differs from Islamic pilgrimage in many aspects. From the matter of purpose, the Christian pilgrim aims at cleansing from sins, spiritual refreshment and a better understanding of the gospel and Jesus Christ (Gölpınar, 2022). Moreover, there are no clear and defined conditions and no specific time and place (Gölpınar, 2022), which shaped the extensive and complex controversies experienced by Christians (Hummel, 2019).

The extant literature on Christian pilgrimages under Ottoman rule demonstrates that the majority of Arabic sources concede that annual Christian pilgrimages were marked by a positive shift following the Ottoman conquest in 1516 (Philipp, 2010). Through examinig Ibn Tulun's (1475-1546) work "*Eminent people appointed in Damascus as deputies of the Turks*", Philipp's research indicates that from 1506 to 1512, pilgrimages were rendered infeasible due to the prevailing insecurity caused by Bedouin[2], compounded by the arduous nature of the journey itself. This period was characterized by the necessity for Western pilgrims to travel in groups to ensure adequate security, material, and financial support (Gölpinar, 2022). During

[2] Monasteries were frequently the target of attacks and looting by Bedouin. The Lavra of St. Sava and the monastery of St. Catherine in Sinai are two major spiritual centers that interact intensely with the Bedouin (Panchenko, 2007).

the reign of Sultan Sulaiman al-Qanuni, the most significant social needs were fulfilled through the construction of the city wall, which was fully equipped with waterways and fountains as the primary sources of life (Gölpinar, 2022).

Mattar (2021) elucidates three accounts of Christian pilgrimage to Palestine during the seventeenth and eighteenth centuries (1637, 1753, and 1755), which underscore the efficacy of Ottoman policy in the management of pilgrimages. These accounts highlight the accessibility of holy sites for pilgrims and the provision of indulgences by Muslim rulers at Christian sites (Matar, 2021). From a social perspective, it is noteworthy that Christian Arab pilgrims did not encounter any significant linguistic barriers, as the Ottomans had not Turkified the region and not required to navigate political border crossings or to modify their attire in accordance with local customs, a practice that European pilgrims were obliged to observe (Matar, 2021). Of the three accounts discussed by Matar, the Bulus account offers the most detailed insight into how Christian Arab pilgrims perceived the Ottoman world. According to the account, Sultan Murad IV was greeted warmly by local Christians when he traversed Aleppo on his expedition to conquer Baghdad in 1638. Christian communities lined the streets with precious cloth to greet the sultan, and the event became a significant memory passed down through generations. During the Christian community's Easter celebrations, the sultan is documented to have participated, contributing 1,000 piasters to the congregation (Matar, 2021).

In the point of view of the local people surrounding holy sites, Christian pilgrimage constituted an indispensable element of the cultural, social, and economic empowerment of the Sanjak of Al-Quds. Thousands of pilgrims from various Christian denominations converged upon the city for festivals constituted a significant economic source gained from seasonal markets, trade[3] and transportation[4] (Steih, 2021).

The pilgrimage literature aligned with Ottoman documents in its depiction of the collaborative efforts of Muslim and Orthodox Christian communities in hosting Christian pilgrims. It stated that an imperial edict from the early seventeenth century recorded the assistance provided by Muslims to Orthodox Christians in lighting candles, which had been impeded by Catholic

[3] European trade in Al-Quds was possible under the protection of capitulation treaties with the Ottomans since the first capitulation granted to Franch in 1535 (Satis, 2015) and reached its peak during the reign of Sultan Sulaiman al-Qanuni (Philipp, 2010).

[4] European Christians embark on their journey to Jerusalem via Jaffa Port, while Copts from Egypt utilized the Sultan's Road (*Tariq al-Sultânî*), which traversed Gaza, continued to Ramle near Jaffa, and ultimately led to Al-Quds (Steih, 2021).

Frankish pilgrims. According to the Ulema of al-Quds, both Muslims and dhimmis sought to place candles at the site of Prophet Jesus' birth, but Catholic priests prevented the Muslims from taking this action. Therefore, such interference should be halted, and anyone who resists public authorities should be reported to the central government.[5]

The objective of this chapter is to respond to the third research question of this thesis pertains to the extent of conformity between the ‘Umar Covenant stipulation with its application in the field. It is of paramount importance to discuss the affairs surrounding the Holy Sepulcher—including annual Christian pilgrimages—within the Umar Covenant, for three principal reasons: Firstly, the stipulation of the Umar Covenant was extended to encompass regulations pertaining to Western Christian pilgrims, stipulating that they should not remain in the area for an extended period after the conclusion of the pilgrimage season. This prohibition, enacted through the use of the Umar Covenant as a legal instrument, represented a novel stipulation, albeit one that was ultimately driven by the need to prioritize the interests of the Orthodox Christian community. Secondly, the issue of Muslim communities hosting Christian pilgrims requires consideration with respect to the daily conduct of Muslims and Orthodox Christians, as well as their practice of welcoming annual pilgrims. This phenomenon reinforces the idea that the Ottomans were more favourable to the Greek Orthodox than to the Franks. Thirdly, it is important to examine how the Ottoman authorities facilitated pilgrimage for Christian sects worldwide by expanding or renovating monasteries to accommodate pilgrims. This phenomenon offers a broader perspective, suggesting that church renovations were not as rigid as the requirements discussed in Chapter III, where renovation was mandated to align with the *ʿUmar Covenant*. This chapter demonstrates that the context of hosting pilgrims was more flexible, with renovations not necessarily requiring adherence to such conditions. In fact, the Ottoman sultans themselves encouraged the enlargement of monasteries to provide accommodation for visiting pilgrims.

4.2 The Ottoman Regulation of Christian pilgrimage to the Holy Sepulchre

The present section examines the regulation of Christian pilgrims under the Ottoman rule. It also explores the broader context of the Ottoman Empire's relations with the West, with a particular emphasis on the impact of the Umar Covenant on the pilgrimage administration. This section analyses how the Ottomans hosted the pilgrimage, including how Western pilgrims

[5] d.78, 5.4, h.9 (September 1-30, 1609)

were accommodated, how pilgrim fees were set, and how visitors were banned with such prohibitions.

The Ottoman regulation on Christian holy places was determined according to Islamic law, edicts, and capitulations (Satiş, 2015). Islamic law—with the Hanafi school serving as the official Islamic law—provided regulations regarding the rights of Christians and the policies that were previously implemented by Muslim rulers[6] (Gölpinar, 2022). The ferman of the Sultan functioned to guarantee and ensure the rights of Christian sects when they were threatened or confronted challenges from local rulers. The European Capitulation treaty with the Ottoman Empire made the inclusivity of holy sites for all Christian sects without granting superiority to any European countries (Satiş, 2015).

To offer a broader analysis beyond the region of al-Quds, it is worth briefly examining the case of Egyptian churches in the sixteenth century. Ferman Sultan Selim II (1566–1574) guaranteed monks to travel safely to al-Quds al-Sharif on pilgrimage without any interference from the local authorities and the Sinai Bedouin (Mahamoud, 2024). Interestingly, the ferman asserting the confirmation since the time of *Khulafa al-Rashidin*, previsious Egypt rulers, the ferman of Sultan Selim I and Sultan Sulaiman al-Qanuni (Mahamoud, 2024). While this thesis does not delve into Egyptian manuscript studied by Mahamoud, it offers a compelling argument that the ferman of Sultan Selim I, which served as the most referential ferman, was also being referenced in another region outside al-Quds al-Sharif. It can be deduced that the stipulation in Al-Quds was also applicable to the whole Ottoman regions.

As discussed in the background on the natural threats that impede Christian pilgrims, there is a need for the Ottoman authority to establish a protection system. In order to guarantee the safety of the pilgrims, the Ottomans took steps to prevent European incursions by negotiating an agreement with the pirates that they would refrain from attacking Damascus. In return for protecting the pilgrims, the state granted tax exemptions to the communities along the route between Al-Quds and Jaffa, providing them with a portion of the fees paid by Western Christian visitors (Steih, 2017). The native Christian pilgrim paid less fees due to the Sultan's subject. In

[6] See (Gölpinar, 2022) "*Osmanli Devleti Ve Kudüs'te Hiristiyan Hacilar* (1840-1914)" for examination of how early Islam period treated Christian pilgrim. Harun Rashid, one of the Abbasid caliphs, on the occasion of his friendly relations with Charlemagne, allowed the emperor to build guesthouses for visitors to Jerusalem. During Salah al-Din al-Ayyubi, Latin were welcomed for pilgrim. Mamluk Sultans also provided assistance for Christian pilgrim. For the Orientalist perspective who portray the opposite, see Peri (2001) "*Christianity under Islam in Jerusalem"* that Islamic states before the Ottoman Empire also left the Holy Places untouched and granted certain rights to Christians in these places.

return, village leaders were obliged to ensure the safety of visitors along the route (Mattar, 2021). Those who were not in compliance with the regulations, such as the case of the deputy Mustafa Ağa in 1730, were subject to disciplinary action by the Sultan (Steih, 2017).

In addition to the Ottoman protection system, the Ottomans also set fees for pilgrims, varying according to the visitor's status and distance traveled. For example, Latins from Europe and Copts from Egypt paid 45 *akçe*[7], while Greeks from Rumelia and the Balkans paid 40 *akçe* (Steih, 2021). The variation in pilgrims' fees is also reflected in the documentation of Celebi's account, which suggests that from the seventeenth century, the Christian community collected a fee of 10 gold coins, with variations depending on the regions from which the pilgrims came (Akyol, 2019). There were also some exemptions from the pilgrimage tax, which were priests, women and children.

The issue of pilgrim tax posed the matter of objection by the Orientalist. Runciman argued that the Ottoman Empire gained financial benefits from the Christian pilgrimage (Nour Abu-Assab, 2012). However, the Ottoman government's policy of charging pilgrims was in line with that of the preceding Mamluk Empire, probably with the intention of avoiding any disruption to the sanjak's main source of income.

In order to ensure that the pilgrimage fee was administered in an appropriate manner and without any instances of malpractice, the Ottoman Sultan issued an order. Imperial orders (*ahkam registers*) recorded the Sultan's instructions to ensure the safety of every pilgrim and to prohibit the demand of traditional taxes (*virgü and gafere*) and any kind of atrocities -- preventing travel, confiscating large sums of money and committing cruelty and violence)-- by the local government.[8] As the nature of pilgrimage itself was seasonal, the Sultan always renewed the decrees to the Viziers and the Head of Sanjak every year to ensure that pilgrims would be free from any additional taxes. This order was addressed to many of the local administrators[9] to ensure that this order was applied. The Sultan then ordered to act in accordance with the previous imperial order as follow:

> *... I order you, vizier-i-mu'azzâr and others, to act in accordance with the evâmir-i sharîf that was issued in the past and is still valid today, and you, vizier-i-mu'azzâr and others,*

---

7 The word akçe was initially used by the Ottomans to mean "silver coin" and "money" in general from the 15th century onwards (TDV Encyclopedy).

8 d.1, s.245, h.4

9 *… to the kūzât and the nūvvâb zîde fazlühüm and the guardians and the janissary sergeants and the wardens and the heads of the chambers and the eastern aghâm in Adana and the kâ'im-makâm [ ] in Ayntâb and the zâbîtân and other a'yân and . ... and the workers of that [judgment]…*

to take responsibility for the Greeks and Armenians who visit al-Quds al-Sharif every year in the name of pilgrimage…[10]

The Ottomans also provided accommodation for Western pilgrims according to the pilgrimage fees paid by pilgrim visitors. In order to accommodate as many pilgrims as possible, the Ottoman Sultan allowed the monasteries to be renovated (Steih, 2017). Other facilities that supported accommodation were also being furnished. For instance, the Jerusalem-Jaffa road was upgraded to facilitate the transportation of materials necessary for the restoration of holy sites for both Muslims and Christians. The government constructed a pier in the port of Jaffa and established monasteries on the pier for pilgrims. Additionally, monasteries were built along the Ramle-al-Quds route to provide accommodation for travelers (Steih, 2017). This collaborative effort between the Ottoman authorities and the local Orthodox Christian population exemplifies a symbiotic relationship, where the state provided infrastructure for various Christian communities while the Orthodox inhabitants facilitated their access and use.

When local authorities violating the established policies established by the sultan, and the Christian pilgrims found themselves subjected to violations of their rights, the relevant parties were permitted to submit a formal complaint to the sultan. A number of decrees have documented cases of the violation in the security guarantees. A petition submitted by the Patriarch of Antioch reported issued of local harassment of pilgrims during entering the Holy Sepulchre through their own gate. The Sultan investigated the matter with the assembly in the *Divan-i Humayun* (imperial council) and issued directives to the local population, ordering them to exercise caution and prevent violations of the sharia, such as assault and harassment.[11] Other decrees illustrated complaints by the Greek Patriarch of Jerusalem, Antimos, pointing out the shortcomings of the pilgrims' experience and their unfair treatment despite the payment of the required fees.[12]

Another approach adopted by the Ottomans to ensure security was to offer specialised protection. In a series of unusual incidents, the sultan allocated specific security provisions, particularly to notable figures,[13] and pilgrim travelers who encountered threats from the Badouin tribes.[14] To assist the Ottoman authorities in maintaining security, the Ottomans also equipped local Christians with firearms, enabling them to safeguard their own safety in the

10 d.1, s.245, h.4
11 [d.5, s.86, h.1] and [d.2, s.289, h.3]
12 d.5, s.80, h.3
13 d.85, s.67, h.138
14 d.115, s.102, h.420

event of an attack by bandits and to engage in defensive measures (Matar, 2021). Furthermore, providing locals with guns was also beneficial in preventing potential unrest among the city's population, as evidenced by the case in 1714 when a Russian priest caused unrest among the communities (Steih, 2017).

From the analysis of the Ottomans' maintenance of the pilgrims, it can be deduced that the Ottomans followed the already established amount of the pilgrims' fee, creating a sense of continuity in terms of pilgrim administration from the previous ruler. However, a minor change in the pilgrimage tax occurred when the Sultan was faced with an unprecedented threat that required the Sultan to negotiate with the pirates, which inevitably led to an additional fee being demanded from the visitor in return for protection. Such opportunities to petition the Sultan for any complaint, and the violence of the local rulers against any kind of abuse, represented the concrete policy of maintaining the balance of power.

4.3. ‘Umar Covenant as Proof for The Prohibition of Prolonged Stay in Al-Quds After Pilgrimage

This section will analyze the references to the ʿUmar Covenant in imperial edicts pertaining to Christian pilgrimages to the Holy Sepulchre. It will elucidate the factors that led to the introduction of this new stipulation within the framework of the ʿUmar Covenant. The examination will begin with a discussion of the prohibitions imposed on Christian pilgrims by the Ottoman authorities, providing the context necessary to understand the developments that culminated in this novel provision.

Despite the various provisions made by the Ottoman government as discussed in the previous section, certain restrictions were also enforced. Pilgrims were prohibited from carrying firearms, required to return directly to their countries of origin, and restricted from prolonging their stay beyond the duration of the pilgrimage.[15] This restrictive policy and security were further reinforced by the prohibition on Westerners residing in Al-Quds beyond the pilgrimage season. A decree issued in 1689 documented the report by the Greek Patriarch to the military, indicating the presence of thirty-six Western clergy members who regularly enter and exit the Holy Cities, thereby committing *ta'addi* (violation) by converting Orthodox adherents to Catholicism. The Greek Patriarch invoked the 'Umar Covenant to request that the Sultan

[15] TSMA, E-12321, vr.146a-b, h.365

prohibit Westerners from entering and departing the region during the period in question.[16] Another document reported a similar case, but it was presented as a petition.[17] In the ferman of Sultan Sulaiman II, it was stated that Franks were prevented from interfering with Greeks and converting Orthodox into Catholics. Along with this order, it was also forbidden to go out of al-Quds.[18]

The prohibition of extended stays after the pilgrimage emerged as a novel concept within the Christian realm, as remaining in the sacred places was traditionally regarded as a religious entitlement and honour for Christians. Pilgrims often extended their stay for months or even years, choosing to settle permanently within the city limits, based on the belief that the later years of life were the optimal time to undertake a pilgrimage (Gölpinar, 2022). The main reason for this novel policy was to prevent the conversion of Orthodox into Catholics, as reported in the aforementioned decree. A notable aspect of the decree pertains to its addressees, namely, the Sultan's order, which was directed exclusively towards the military.

In line with the prohibition on extended visits, there were edicts delineating specific guidance for the Greek clergy when traveling from al-Quds to Istanbul. These edicts stipulate that the Greek Patriarch traveled to Istanbul to deliver a petition or report, and the Sultan provided him with special guidance by deploying Ottoman military forces to ensure his safe return to al-Quds.[19] Although there is no explicit connection between the decrees, it can be inferred that the Greek proposal to prevent Western pilgrims from extending their stay in al-Quds, along with the special instructions provided by the Ottomans to the Greek Patriarch, served a shared objective. This objective was to mutually benefit both Ottoman and Greek Patriach by preventing the conversion of Orthodox Christians to Roman Catholicism.

The socio-religious aspect of the Christian competition for possessions should be taken into consideration in order to analyze the provision of a prolonged stay. The politics of owning the

16 d.98, s.208, h.729

17 *Mühimme register* numbered 729 in Ali Arif Kaya's collection indicated that the Greek Patriarch and other priests in al-Quds sent a petition and letter to the Ottoman Army, citing the 'Umar Covenant, in response to an issue they faced after thirty-six clergymen of the Greek Orthodox travelling outside al-Quds for three months

18 "… *According to the practice established since the time of the former sultans, the number of Christian priests who came from outside to visit Jerusalem and resided in their own monasteries and pilgrimages inside and outside Jerusalem was thirty-six, and only three of them could reside in the Church of the Holy Sepulchre, and every three years these thirty-six priests went to Frankish and were replaced by the same number of new priests, but the Franks were not allowed to leave until the time of Sultan Murad IV*…"
(Türkiye Cumhuriyeti Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem,* p. 81)

19 d.96, s.136, h.681 in 1678

Churches among the Christian denominations caused the Ottoman authorities to take delicate measures to preserve the old condition of the Holy Sepulchre. This competition for possession was inherently linked to the main provision of the Umar Covenant (see Chapter III), which led each Christian sect to fabricate the document. The Franks and the Armenians, for example, along with the act of seizing Greek possessions, were caught by the Sultan in the act of forging documents concerning the Holy Sepulchre.[20] A large number of imperial edicts also testify to the fact that the Ottomans, despite facilitating many aspects for pilgrims, exercised meticulous consideration towards Catholics and ordered local administrators to maintain a cautious approach towards Franks. This case emphasizes that the French capitulation treaty with the Ottomans could not mean superiority over the Greeks.

> *... 'I have commanded that, when the above-mentioned [Captain] wants to make a pilgrimage to the Church of the Holy Sepulchre in accordance with their (the Christians') rites, you shall send [him] with ten persons and take precautions against [even] one more person going [with him] contrary to My noble order...*[21]

A review of the various cases documented by imperial edicts surrounding the logic behind the Ottoman prohibition of Westerners staying longer in Al-Quds reveals that the primary reason was probably the Ottoman Empire's awareness since 1453 of the West's intention to patronize Christians, who were subjects of the Ottoman Empire. Westerners engaged in a series of infiltrations, primarily at the Holy Sepulcher, with the intention of creating a sense of ownership and instability in order to position themselves as the solution to the internal affairs problem. Steih (2017) documented Darvieux's account of his travels to al-Quds al-Sharif in 1672, in which he informed the King of France that: "*The Sultan might agree to let you protect the Latin Christians without any issue. But he will never allow you to protect Christians who are his own citizens*." This assumption, along with other sources, provides a foundation for understanding Barkey's (2008) analysis that the Ottoman Empire's approach to maintaining its longevity and endurance through fostering interaction and cooperation among different religious sects and denominations.

---

[20] d.138, s.327-328, h.1160 (August 2-11, 1732)
Armenian made Fake Documents to Destroy Greek's possession. For a long time, some sections of the Kamame Church and many other holy places in Al Quds had been under the Greek responsibility, in time Armenians and other communities tried to lay claim to these places by producing fake orders and certificates and violated the customs causing serious disturbances. The Armenians are violating the current customs and privileges regarding the possession of the holy places and interfering in the performance of the rituals; the Greeks' rights are to be protected against the Armenians, the fake records to be destroyed and by means of the measures to be taken by the administrators, ensure that all Christian communities respect the legal rights of the others.

[21] VOL. VI, NO. 757 18 Receb 972 (19 Feb. 1565) in 1565 is that the Ottoman Sultan ordered the local administrators to be cautious towards Christian pilgrim.

The Ottoman Empire's long-standing efforts to prevent Roman Catholic infiltration were remarkable, as the Ottomans successfully prevented attempts of Western unification. As Barkey argues, the Ottomans' ability to endure such challenges over the centuries was achieved through a systematic governance of religious differences. The ʿUmar Covenant, I argued, was potentially serves as one of the key mechanisms in this approach.

Chapter 5

CONCLUSION

This thesis proposes a re-examination of the Ottoman and its Christian subject relations with a particular focus on the provisions of the Umar Covenant in the light of *mühimme* and *ahkam* registers. A comprehensive review of the consulted materials has confirmed that the so-called "Pact of Umar" is an unfamiliar document among Ottoman historians, and it is not mentioned in any Ottoman document. The Covenant of Umar (HAT. 1516-47), as referred to in this thesis, was extensively implemented actively by the Orthodox Christian subjects and acknowledged by the Ottoman Sultans. This thesis aims to address the gaps in existing works by revealing the comprehensive authority of the Umar Covenant, including its continuity and changes over time.

The examination of *mühimme* and *ahkam* registers revealed and answered existing narratives on Ottoman Sultans' relations with the Christians. Historical records presented in this thesis are in alignment with Panchenko's (2021) analysis of Arabic source documents, which demonstrated that the Ottomans were predominantly in favour of the Greek Orthodox. In contrast, linguistic analysis of the ferman of the Sultan regarding the Umar Covenant proved that the Ottomans were not aligned with the French and Latins. This finding calls into question the hypothesis that the Ottomans maintained a neutral stance in the face of escalating Christian discord, suggesting instead the need for an authoritative system to resolve the rising tensions. Among these narratives, the Umar Covenant emerges as a notable example of such an authoritative system, with explicit stipulations that were applied in clear cases. Furthermore, the Umar Covenant, in its capacity as an authoritative document, refutes the assumption that the Ottomans engaged in the Christian conflict with "*whatever they like*" (Peri, 2001) or "*whomever he wanted*" (Cohen, 2008) and did not instrumentalise the Umar Covenant "*to enable stable and long-lasting rule* (Rubin, 2018).

This thesis demonstrates that continuity and change can be formulated through examining the complexities of the decentralisation era and the dynamics surrounding internal Christian disputes. Bribery as an identical criterion of decentralisation led to the interchangeable possession of the Umar Covenant. At the same time, it also proved that the ferman of Sultans was authoritative, able to bring local issues directly to the imperial council in Istanbul on matters concerning the Umar Covenant. The primary terms of the Umar Covenant, most notably tax exemption and church renovation, were formally sustained, despite the violence

perpetrated by local rulers during the decentralisation era. This pervasive disregard of the Umar Covenant by local courts and the ferman of the Sultan, which asserted its authority, can be regarded as an illustration of what historians refer to as the policy of ‘balancing power’ during the hardhip era of decentralisation.

The researcher recognised the limitations and shortcomings of this thesis, which stemmed from both internal and external factors. If time allows, the critical discussion on the text of Umar Covenant documented by the Prime Ministry of Turkish Archive will be examined, and the historical context of peculiarities that led the Greek Orthodox to take priority over others will be analysed further. It is possible that the analysis of Christian disputes in this thesis is mistaken. Nevertheless, the author is receptive to critique and will consider the possibility of invalidating the conclusions of this thesis if more substantial evidence can be provided.

This thesis contributed to exploring the roots of the *status quo* policy applied the Ottomans to the Holy Sepulchre. It is understood that the *status quo* was rooted in the principle of "not doing anything contrary to what has long been established" (*kadimden olagelene aykırı iş yapılmaması*) (Avci & Ozdemir, 2019). Existing scholarship has asserted that the *status quo* was initially established in 1740 to preserve the rights of each sect (Tarawneh, 2019) , and subsequently formalised a ferman issued by Sultan Abdülmecid in 1852 to avoid external infiltration (Emmett, 1997). However, the findings in this thesis demonstrate that the embryo of the *status quo* was in fact established much earlier than previously thought. The Sultan's acknowledgement of the Umar Covenant in 1458 was, by its very nature, the foundation for the *status quo* policy, as it represented an unprecedented accommodation of Christian documents within the Ottoman Empire. Multiple imperial edicts demonstrate that the principle of "*not doing anything contrary to what has long been established*" was in effect since at least the seventeenth century, particularly in 1577 (*muhimme* registers d.30, s.25, h.63).

This thesis recommends that future research explore the practical application of the historical lessons derived from this study. While contemporary challenges may differ significantly from those of the past, the values and principles upheld in earlier periods can be adapted to modern contexts. The historical reflections presented in this study underscore the significance of justice and the balance of power as exercised by the Ottoman Sultan, particularly amidst the intense Christian conflicts of the time. Moreover, the analyses put forth by historians who have revisited the "decline paradigm" of the seventeenth-century Ottoman Empire highlight the state's strategic resilience in the face of multifaceted threats and challenges. This resilience

enabled the empire to endure for centuries. The policy of justice and the balance of power, which played a crucial role during the Ottoman decentralization period, also holds relevance in the context of the 'Umar Covenant.

Had the Ottoman administration adopted a dual-standard policy toward Christian denominations – for example, both Greek Orthodox and Frank-, it is likely that sectarian disputes would have escalated uncontrollably, as temporary political interests would not have been sustainable. The justice-oriented approach rooted in the 'Umar Covenant allowed the Ottoman authorities to prevent prolonged and destructive conflicts over the centuries. Consequently, the active pursuit of justice by the Ottoman state may serve as an inspiration for contemporary peacebuilding efforts, reinforcing the notion that justice is a fundamental source of lasting peace.

REFERENCE

Mühimme Register

E-12321, vr.157b, h.391 (March 15, 1545)
KK.d.71, s.403, h.2 (August 5, 1613)
d.85, s.124, h.280 (July 26, 1631)
d.191, s.22, h.88 (August 12-21, 1790)
d.193, s.73, h..377 (November 28-December 7, 1790)
d.30, S.25, H.63 (April 14, 1577)
Vol. XXX, No. 63 (April 14, 1577)
d.115, s.470, h.2052 (January 5-14, 1708)
MHM.ZYL.d. 18, vr.31b, h.2 (March 16, 1606)
d.110, s.320, h.1428 (February 22-March 1, 1698)
d.165, s.243, h.850 (July 28-August 6, 1767)
d.165, s.243, h.851 (July 28-August 6, 1767)
d.266, s.22, h.1 (November 17, 1767)
d.160, s.276, h.842 (1758)
d.98, s.86, h.266 (13-22 January 1689)
d.114/I, s.553, h.2472 (June 4-13, 1705)
d.147, s.44-45, h.226 (December 22-31, 1739)
d.102, s.109, h.460] and [d.99, s.103, h.331] in 1690
d.100, s.123, h.468 in 1691
d.102, p.109, h.460 in 1692
d.100, s.123, h.468 (22-30 January 1691)
d.108, p.253, h.1078 (1696)
MHM.ZYL.d.11, p.148, h.633 (1696)
d.100, p.411, h.1805 (1698)
d.111, s.443, h.1516 (1700)
d.114, p.192–193, h.835 (1703)
d.114/1, p. 110-111, h. 600 (December 20-29, 1703)
d. 114/1, p. 237-238, h. 1138 (May 16-25, 1704)
d.115, p.106-108, h.443 (August 21-30, 1706)
d.115, p.395, h.1720 (September 8-17, 1707)
d.117, s.75, h.319 (1711)
d.138, S.152, H.515 (1731)
d.102, s.103, h.438 (December 22-31, 1691)
d.102, s.141, h.564 (January 30-February 8, 1692)
d.110, s.414, h.1819 (May 11-20, 1698)
d.127, s.354, h.1574 (April 11-20, 1719)
d.102, s.103, h.438 (December 22-31, 1691)
d.129, s.146, h.551 (October 25-November 3, 1719)
d.129, s.156-157, h.583 (November 24-December 3, 1719)
BOA, A.DVNS.MHM.d. 129, 8.247, h.938 (April 19-28, 1720)
d.110, s.201, h.932 (December 15-24, 1697) in 1698

d.111, s.402, h.1382 (August 16-25, 1700)
d.112, s.134, h.440 (January 30 - February 8, 1702)
d.115, s.77, h.30 (July 23 and August 1, 1706)
KK.d. 71, s.340, h.1 & KK.d. 71, s.350, h.1 (July 30, 1613)
d.102, s.141, h.564 (January 30-February 8, 1692)
d.114/1, s..717, h.3213 (February 23 - March 4, 1706
d.98, s.208, h.729 (May 30- June 9, 1689)
TSMA, E-12321, vr.146a-b, h.365
d.129, s.55-56, h.201 (June 19-28, 1719)
d.138, s.327-328, h.1160 (August 2-11, 1732
VOL. VI, NO. 757 18 Receb 972 (19 Feb. 1565) in 1565
d.110, s.320, h.1428 (February 22-March 1, 1698
d.96, s.136, h.681) in 1678
d.115, s.102, h.420
d.78, 5.4, h.9 (September 1-30, 1609
d.98, s.208, h.729

Ahkam Register

d.2, s.31, h.4
d.1, s.245, h.4
d.5, s.80, h.3
d.5, s.86, h.1
d.2, s.289, h.3
d.85, s.67, h.138

Fetva od Ebussuud (published primary source)

Düzenli, Pehlul. (2015). *Gayri Müslimlere Dair Fetvalar*. TC Kültür ve Turizm Bakanlği.

Published Primary Sources

Ercan, Yavuz. (1988). *Kudus Ermeni Patrikhanesi*. Ankara: Turk Tarih Kurumu Basimevi.

Eren, Halit. ed. (2017). *Al-Quds in Muhimme Registers Vol 1-9.* Istanbul: Research Centre for Islamic History, Art and Culture (IRCICA).

Heyd, Uriel. (1960). *Ottoman Documents on Palestine 1552-1615: a Study of the Ferman according to the Muhimme Defteri.* Oxford Press.

Kaya, Ali Irfan. (2019). *98 Numaralari Muhimme Defteri* (H.1100/M.1688-1689). ISTANBUL: Ideal Kultur Yayincilik.

T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). *Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi Administration of Christian Denominations and Communities in Jerusalem.*

T.C. Republic of Turkey General Directorate of State Archives. (2009). *Palestine in Ottoman Documents.* İstanbul: Yayın Nu 102.

Published Secondary Sources

Abu Assab, Nour. (2012). *Christian Holy Sites in Islamicjerusalem under The Muslim Rule (636-969 CE).* Journal of Islamicjerusalem Studies (Summer 2012) 12:1-36.

Abu-Munshar, M. Y (2013). Islamic Jerusalem and its Christians: a history of tolerance and tensions. London: I.B. Tauris.

Abu-Munshar, M. Y. (2007). *Islamic Jerusalem and its Christians: a History of Tolerance and Tensions.* London: Tauris Academic Studies.

Abu-Munshar, M. Y. (2021). In the Shadow of Muslim-Christian Relations: A Critical Analytical Study to the Narration of the Pact of ʿUmar. *Al-Bayan: Journal of Qur'an and Hadith Studies*, *19*(1), 1-24. https://doi.org/10.1163/22321969-12340090

Ahmed, Z. (1975). The concept of jizya in early Islam. *Islamic Studies*, *14* (4), 293-305.

Akgunduz, A. & Ozturk, S. (2011). *Ottoman History - Misperceptions and Truths.* IUR Press.

Akyol, Y. E. (2019). *19. Yüzyıl İkinci Yarısında Kudüs Kamame Kilisesi üzerine Osmanlı politikaları* (Master's thesis, Pamukkale Üniversitesi Sosyal Bilimler Enstitüsü).

Alatas, I. Fajrie. (2023). "Continuity and Change in Islamic Religious Authority". *ISLAMICA Journal of Islamic Studies. Vol 18, Number 1.*

Al-Mubaidin, Mohannad. (2010). "Aspects of The Economic History of Damascus During The First Half Of The Eighteenth Century." In *Syria and Bilad al-Sham under Ottoman Rule Essays in honour of Abdul-Karim Rafeq* Edited by Peter Sluglett with Stefan Weber. US: Brill.

Armstrong, Karen. (1997). *A History of Jerusalem: One City, Three Faith*. New York: Harper Collins.

Asali, KJ (Ed.). (1990). *Jerusalem in history*. Olive Branch Press.

Atcil, Abdurrahman. (2019). *Ebusuud efendi's Fatwa.* In *The Empires of The Near East and India: Studies of the Safavid, Ottoman, and Mughal Literate Communities.* Ed. Hani Khafipor. Columbia University Press.

Avci, Y. & Özdemir. (2019). "Kudüs Kamame Kilisesi: Hıristiyanlığın Merkezinde Osmanlı Mirası ve Statüko Meselesi." *Cumhuriyet Tarihi Araştırmaları Dergisi Yıl 15 Sayı 29*

Barkey, K. (1996). *Bandits and Bureaucrats: The Ottoman Route to State Centralization*. Ithaca, NY: Cornell University Press. https://doi.org/10.7591/9781501720871

Barkey, K. (2008). *Empire of Difference.* NY: Cambridge University Press.

Ben-Bassat, Y., & Buessow, J. (2018). Ottoman Jerusalem, 1517-1918. In *Routledge Handbook on Jerusalem* (pp. 113-121). Taylor and Francis.

Çelik, N. (2011). Muslims, Non-Muslims and Foreign Relations: Ottoman Diplomacy. International Review of Turkish Studies Vol 1/3.

Cohen, M. (2013). "Islamic Policy toward Jews from the Prophet Muhammad to the Pact of 'Umar". In "A History of Jewish-Muslim Relations From the Origins to the Present Day". Edited by Abdelwahab Meddeb and Benjamin Stora. NJ : Princeton University Press.

Cohen, Mark. (1999). What was the pact of 'Umar? A literary-historical study. *Jerusalem Studies in Arabic and Islam*, 100-157.

Cohen, Raymon. (2008). *Saving the Holy Sepulchre: How rival Christians came together to save their holiest shrine*. Oxford University Press.

Çolak, H. & Bayraktar-Tellan, Elif. (2019). *The Orthodox Church as an Ottoman Institution: A Study of Early Modern Patriarchal Berats.* Istanbul: The Isis Press.

Çolak, H. (2012). Relations Between the Ottoman Central Administration and the Greek Orthodox Patriarchates of Antioch, Jerusalem and Alexandria: 16th-18th Centuries. UK: Birmingham University Ph.D Thesis.

Çolak, H. (2022) "Ottoman Central Administration and Primacy in the Orthodox Church: Sources and Agents of Knowledge and Inter-Patriarchal Conflicts" in P. V. Ermilov and M. B. Gratsianskii (eds.), *Poniatie pervenstva: Istoki i konteksty*. Moscow: PTGSU.

Dipratu, Radu. (2018). *Visiting the Noble Jerusalem: Catholic Pilgrims in the Ottoman Capitulations of the Seventeenth Century*. Revue des Études Sud-est Européennes Volume 56.

Dipratu, Radu. (2022). *Regulating Non-Muslim Communities in the Seventeenth Century Ottoman Empire Catholics and Capitulations*. NY: Routledge.

El-Awaisi, A. A.-F. (2000). *Umar's Assurance of Safety to the people of Aelia (Jerusalem): A Critical Analytical study of the Historical Source*. Journal of Islamicjerusalem Studies, 3(2), 47-89.

El-Awaisi, A. A.-F. (2007), *Introducing Islamicjerusalem*, (Dundee: Al-Maktoum Institute Academic Press).

El-Awaisi, A. A.-F. (2021). "Bayt Al-Maqdis: A Muslim Model for Aman". In *Al-Quds History, Religion, And Politics. Ed. El-Awaisi & Ataman.* Ankara: SETA.

El-Awaisi, K. (2007a). Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries. Dundee: ALMI Press.

El-Awaisi, K. (2016). *The Inclusivity of Islamicjerusalem And Its Model For Multiculturalism.* Journal of Islamicjerusalem Studies (Summer 2016).

El-Wakil, A. (2016). The Prophet's Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants. *Journal of Islamic Studies, 27*, 273-354.

El Wakil, A. (2017). *Searching for the Covenants: Identifying Authentic Documents of the Prophet Based on Scribal Conventions and Textual Analysis.* Qatar: Hamad bin Khalifa University.

El-Wakil, A. (2019) "*Whoever Harms a Dhimmī I Shall Be His Foe on the Day of Judgment*": *An Investigation into an Authentic Prophetic Tradition and Its Origins from the Covenants*." *Religions*.

El-Wakil, A. Zein, I. & Rane, H. (2024).”’Umar b. al-Khattab’s Treaties with the People of the Book: Shifting Legal Boundaries in Muslim-Christian Relations,” *Islamic Studies Vol. 63, No. 4 (2024): 405-444.*

Emecen, Feridun M. (2005). *Osmanli Divaninin Ana Defter Serileri: Ahkâm-i Mîrî, Ahkâm-i Kuyûd-i Mühimme ve Ahkâm-i Sikâyet*. Türkiye Arastirmalari Literatür Dergisi, Cilt 3, Sayi 5, 2005, 107-139

Emmett, C. F. (1997). The Status Quo Solution for Jerusalem. *Journal of Palestine Studies*, *26* (2), 16-28. https://doi.org/10.2307/2537780

Ercan, Yavus. (2000) “*The Millet System: Legal Basis of Living Togetherness”* in The Great Ottoman-Turkish Civilization.Ankara: Turk Tarih Kurumu.

Ergenç, Özer. (2023). *Continuity and Change in the Ottoman Early Modern Era: An Analysis of ‘Adet-i Kadime and Hâdis.* In Crafting History Essays on the Ottoman World and Beyond in Honor of Cemal Kafadar. Edited by Rachel Goshgarian, Ilham Khuri-Makdisi, And Ali Yaycioğlu. US: Academic Studies Press.

Faroqhi, S. (2007) “The Ottoman Empire Confronting The Christian World (1451-1774): A Discussion Of The Secondary Literature Produced In Turkey” In *The Ottoman Empire, the Balkans, the Greek lands: Toward a social and economic history.* Ed. Kolovos, E., Kotzageorgis, P., Laiou, S., & Sariyannis, M. Istanbul: The ISIS Press.

Faroqhi, S. (2010). The Ottoman Ruling Group and the Religions of its Subjects in the Early Modern Age: a Survey of Current Research. *Journal of Early Modern History, 14*, 239-266.

Galadza, D. (2017). Greek liturgy in crusader Jerusalem: witnesses of liturgical life at the Holy Sepulchre and St Sabas Lavra. *Journal of Medieval History* , *43* (4), 421–437.

Gerolymatou, Maria. (2016). *The Metropolis of Athens from the Latin to the Ottoman Conquest*. In Proceedings Of A Conference Byzantine Athens October 21–23.

Gölpinar, Asuman. (2022). *Osmanli Devleti Ve Kudüs’te Hiristiyan Hacilar (1840-1914).* Istanbul: Marmara Üniversitesi.

Gradeva, R. (2010). Ottoman Policy Towards Christian Church Buildings. In *Rumeli under the Ottomans, 15th-18th Centuries: Institutions and Communities* (pp. 339-368). Piscataway, NJ, USA: Gorgias Press. https://doi.org/10.31826/9781463225865-012

Hallaq, B. Wael. (2004). *Authority, Continuity, and Change in Islamic Law.* New York: Cambridge University Press.

Hathaway, J., & Barbir, K. K. (2008). *The Arab Lands under Ottoman Rule, 1516-1800* . Routledge.

Hattox, R. S. (2000). Mehmed the Conqueror, the Patriarch of Jerusalem, and Mamluk Authority. Studia Islamica, 90, 105–123. https://www.jstor.org/stable/1596167

Haugaard, M. (2018). *What is authority?* Journal of Classical Sociology, 18(2), 104-132. https://doi.org/10.1177/1468795X17723737

Housley, N. (2000). *Holy Land or Holy Lands? Palestine and the Catholic West in the Late Middle Ages and Renaissance*. Studies in Church History, 36, 228–249. doi:10.1017/S0424208400014443

Imber, Colin. (2002). *The Ottoman Empire 1300-1650: The Structure of Power.* New York: Palgrave Masmillan.

İnalcik, H. (1968). *Islam in The Ottoman Empire.* Cultura Turcica: Institute for The Study of Turkish Culture Vol V-VII (1968-1970).

İnalcik, H. (1977). "Centralization and Decentralization in Ottoman Administration". In *Studies in Eighteenth Century Islamic History.* Edited by THOMAS NAFF and ROGER OWEN. London: Southern Illinois University Press.

İnalcık, H. (2017). *The Ottoman Empire and Europe: The Ottoman Empire and Its Place in European History*. The Isis Press.

Jennings, R. C. (1993). *Christians and Muslims in Ottoman Cyprus and the Mediterranean World, 1571-1640* . New York University Press.

Kanat, Elif. (2013). *Kudüs'teki İslâmî Vakif Ve Eserlerle İlgili Şam Ahkâm Defterlerinde Yer Alan Hükümler (1742-1830) (İnceleme-Metin*). Yüksek Lisans Tezi: Marmara Üniversitesi.

Kermeli, E. (2017). Kyrillos Loukaris' Legacy : Reformation as a catalyst in the 17th century Ottoman Society: Reformation in the 17th century Ottoman society. *Muslim World, 107*, 737-753.

Koyuncu, Nuran. (2017). "Osmanli Devleti'nin Kudüs'teki Gayrimüslim Mabedlerine İlişkin Hukuku Düzenlemeleri, Uygulamadan Örnekler" in *Filistin Meselesi ve Türkiye Uluslararası Kongresi 20-22 Ekim 2017*. Konya: Necmettin Erbakan Üniversitesi Kültür Yayınları: 31.

Kütükçü, A. Büşra. (2023). *The Origins of the Ottoman Ahdname Tradition: A Research on the Ahdnames of Seljuk and Principalities Period.* Journal of Library, Archive and Museum Research Library, Archive and Museum Research Journal e-ISSN: 2718-0832 Volume/Volume: 4, Issue/Issue: 2 (2023), 163-174 https://dx.doi.org/ 10.59116/lamre.1320243

Leal, Alexandria K. (2003). The Ottoman State and The Greek Orthodox of Istanbul: Sovereighty and Identity at the Turn of the Eighteenth Century. US: Harvard University PhD Thesis.

Levy-Rubin, M. (2011). *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence*. Cambridge: Cambridge University Press.

Levy-Rubin, Milka. (2018). "The Pact of ʿUmar". In *Routledge Handbook on Christian–Muslim Relations.* Ed. David Thomas. NY: Routledge.

Madihah, Azka. (2020). *The Implementations of Aman (Peaceful Coexistende and Mutual Respect) Theory and Model in First Muslim Fatih of Islamicjerusalem (634-644 CE).* Social Sciences University of Ankara.

Mahamoud, A. A. (2024). The Ottomans' Attitude towards St. Catherine's Monastery in the 16th Century: A Study Based on the Decree (Ferman) of Sultan Selim II (1566–1574) and an Analysis of Its Historical Impacts. *Christianity in the Middle East* , *8* (3), 5–20. https://doi.org/10.24412/2587-9316-2024-0110

Memiş, Ş. E. (2021). Petitioning the Waqf Cases: Conflict over the Abū Madyan Waqf, Old City of Jerusalem, at the Beginning of the Twentieth Century. *Die Welt des Islams*. https://doi.org/10.1163/15700607-61040013

Moukrazel, P. (2019). *The Melkite Patriarchate of Jerusalem during the Mamluk Period.* ARAM , 31 (1&2), 85-106.

Moukarzel, P. (2019b). *The Legal and Political Status of the European Merchants in the Mamluk Sultanate during the 14th and 16th Centuries*. Chronos, 23, 141-155. https://doi.org/10.31377/chr.v23i0.444

Moukarzel, P. (2008). *La Présence des Franciscains à Beyrouth Sous la Domination des Mamelouks (1291-1516) D'après les Récits de Pèlerinage*.

Moukarzel, P. (2021). *Les franciscains dans le sultanat mamelouk des années 1330 jusqu'à 1516*. Revue des mondes musulmans et de la Méditerranée, 149, 135-149.

Murphey, R. (2008). *Exploring Ottoman sovereignty: Tradition, image and practice in the Ottoman imperial household, 1400-1800.* Continuum.

Panchenko, Constantin A. (2016). *Arab Orthodox Christian under The Ottomans 1516-1831.* New York: Holy Trinity Monastery.

Panchenko, Constantine A. (2021). The "Dark Age" of Middle Eastern Monasticism Decline and Revival of the Palestinian Monasteries in the Late Mamluk and Early Ottoman Periods. In Arabic Christianity between the Ottoman Levant and Eastern Europe. Feodorov, I., Heyberger, B., & Noble, S. (Eds.). Leiden, The Netherlands: Brill. https://doi.org/10.1163/9789004465831

Panchenko, KA (2010). Patriarch Parthenios of Jerusalem (1737-1766) and Russia: a misunderstood ally. [*unidentified name of the journal*], 271-285.

Panchenko, K. A. (2007). Monasteries and Bedouins in Ottoman Palestine and Sinai (16th - First Half of the 19th Century). *Bulletin of the PSTGU III: Philology*, 1 (7), 68–98.

Papademetriou, T. (2015). *Render unto the Sultan: Power, authority, and the Greek Orthodox Church in the early Ottoman centuries*. Oxford University Press

Parry, K. (Ed.). (2007). *The Blackwell companion to Eastern Christianity*. Blackwell Publishing.

Peri, Oded. (2001). Christianity under Islam in Jerusalem. Leiden, The Netherlands: Brill. https://doi.org/10.1163/9789047400806

Philipp, Thomas. (2010). The Economic Impact Of The Ottoman Conquest On Bilad Al-Sham. In Syria and Bilad al-Sham under Ottoman Rule Essays in honour of Abdul-Karim Rafeq Edited by Peter Sluglett with Stefan Weber. US: Brill.

Rafeq, A. K. (1977). "Changes in the Relationship between the Ottoman Central Administration and the Syrian Provinces from the Sixteenth to the Eighteenth Centuries". In T. Naff & R. Owen (Ed.), *Studies in Eighteenth Century Islamic History*. Southern Illinois University Press.

Rafeq, A. Karim. (1966). *The Province of Damascus 1723 – 1783.* Beirut: KHAYATS.

Rafeq, A. Karim. (2000). "The Political History of Ottoman Jerusalem". In *Ottoman Jerusalem: The Living City Book Subtitle: 1517-1917*. Ed. Sylvia Auld & Robert Hillenbrand. Council for British Research in the Levant (CBRL).

Rembeci, A. (2021). Legal Framework and Building Permits: Orthodox Christian Religious Constructions in the Ottoman Empire. In Kılıçaslan, H., Can, Ö. F., & Çağlar, B. (Ed.), *Living in the Ottoman Lands: Identities, Administration and Warfare* (pp. 27-49). Chronicle Books.

Şahin, K. (2023). *Peerless Among Princes: The Life and Times of Sultan Süleyman.* UK: Oxford University Press.

Satış, I, & M. Ceyhan, "The Greek Orthodox Patriarchate of Jerusalem," BELLETEN , vol.79, no.285, pp.675-712, 2015

Satış, İ. & Kılıç, S. (2011). *Osmanlı Arşiv Vesikalarına Göre Hıristiyan Cemaatlerin Kamame Kilisesi ile İlgili Tartışmaları.* Journal of History Studies Volume 3/3. http://dx.doi.org/10.9737/hist_393

Satış, I. (2015). *XIX. Yüzyilda Kutsal Yerler Sorunu: Osmanli Devleti, Kudüs Ve Hristiyanlik*. Sivas: Cumhuriyet Universitesi.

Satış, İ. (2016). *Osmanlı Devleti'nde Ermeni Katolik Cemaatine Dair Âli Paşa ve Kastro Bey'in Lâyihaları.* Gazi Akademik Bakış Cilt: 9 - Sayı: 18, 253-273

Shuayb, F. (2012). *"Who Better to Rule Than God? "-A Study on the Formation of the* First *Islamic State (622-32 CE)* (Doctoral Dissertation*)*. University of California, Los Angeles.

Steih, Abdalqader. (2017). *Osmanlı Kudüsü 1700-1757*. Istanbul: Ortadoğu ve Afrika Araştırmacılar Derneği Yayınları Araştırma Eserleri Serisi Nu: 12.

Tarawneh, F. S. (2019). The Ottoman Status Quo Regime and the Christian Sects in Jerusalem in the Late Nineteenth Century. *Advances in Social Sciences Research Journal*, *6*(6), 177-183.

Tekin, Ahmet. (2024). *Osmanlı-İngiliz Diplomatik ve Ticari İlişkileri Tarihine Bir Katkı: 1612 Ahidnâmesi*. Tarih Dergisi - Turkish Journal of History, 82 (2024/1): 133-16 7 DOI: 10.26650/iutd.20241274860

Tellan, Elif Bayraktar. (2011). *The Patriarch and The Sultan: The Struggle For Authority And The Quest For Order In The Eighteenth-Century Ottoman Empire.* Ankara: Bilkent University Ph.D Thesis.

Tellan, Elif Bayrakyar. (2014). *The Clash of Rum and Frenk: Orthodox-catholic Interactions on the Aegean Islands in the Mid-Seventeenth to Mid-Eighteenth Centuries and their Impact in the Ottoman Capital.* In Çaykent, O., & In Zavagno, L. (ed.). *Islands of the Eastern Mediterranean: A history of cross-cultural encounters*. New York: I.B. Tauris.

Tritton, A.S. (1930). *The Caliphs And Their Non Muslim Subjects: A Critical Study of the Covenant of 'Umar.* UK: Oxford University Press

Ursinus, M. (1994). Petitions from Orthodox church officials to the Imperial Diwan, 1675. *BMGS* , *18* , 236-247.

Voulgaropoulou, Margarita. (2022). Orthodox Confession Building and the Greek Church between Protestantism and Catholicism: The Mission of the Marquis De Nointel to the Levant (1670-1673). in Krstić, Tijana (ed.), *Entangled Confessionalizations? Dialogic Perspectives on Community- and Confession-Building Intiatives in the Ottoman Empire, 15th- 18th Centuries*, June 1-4, 2018, Central European University, Budapest, Gorgias Press., 2022.

Vryonis, Speros Jr. (1981) The History of the Greek Patriarchate of Jerusalem as Reflected in Codex Patriarchicus No. 428, 1517–1805, Byzantine and Modern Greek Studies, 7:1, 29-53, DOI: 10.1179/030701381806931532

Vryonis, Speros Jr. (2000). *The Experience of Christian Under Selcuk and Ottoman in Eleventh to Sixteen Century*. In Gervers, Michael. & Bikhazi, Ramzi (eds). *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands Eight to Eighteen Centuries.* Canada: Pontifical Institute for Medieval Studies.

Yurdakul, İ. (n.d.). (2016). *Struggle for Religious-Political Influence Between Armenians and Greeks at Kamame Church in Jerusalem and The Ferman of 1740.* Vakanüvis-Uluslararası Tarih Araştırmaları Dergisi238-262. https://doi.org/10.24186/vakanuvis.256915

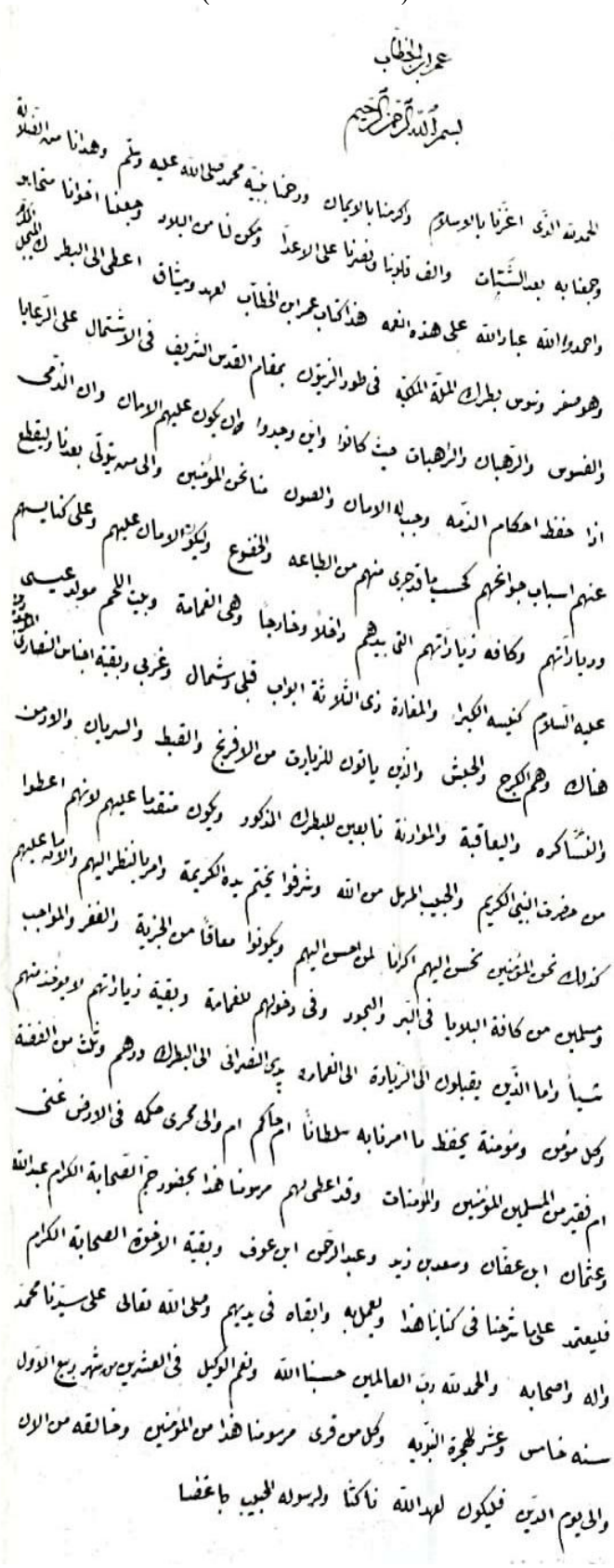
Zein, I.M., & El-Wakil, A. (2020), Khālid b. al-Wālid's Treaty with the People of Damascus: Identifying the Source Document through Shared and Competing Historical Memories, *Journal of Islamic Studies*, Volume 31, Issue 3, September 2020, Pages 295–328, https://doi.org/10.1093/jis/etaa029

Zein, I.M., & El-Wakil, A. (2022). The Covenants of the Prophet Muḥammad: From Shared Historical Memory to Peaceful Co-existence (1st ed.). Routledge. https://doi.org/10.4324/9781003008989

Zein, I.M., & El-Wakil, A. 2020. "Remembering The Covenants of The Prophet Muḥammad: Shared Historical Memory of GoodGovernance and Peaceful Co-Existence". *Al- Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)* 25 (2):219-62. https://doi.org/10.31436/shajarah.v25i2.1140.

LIST OF APPENDICES

The Umar Covenant documented by Prime Ministry of Ottoman Archive
(HAT. 1516.47.4)



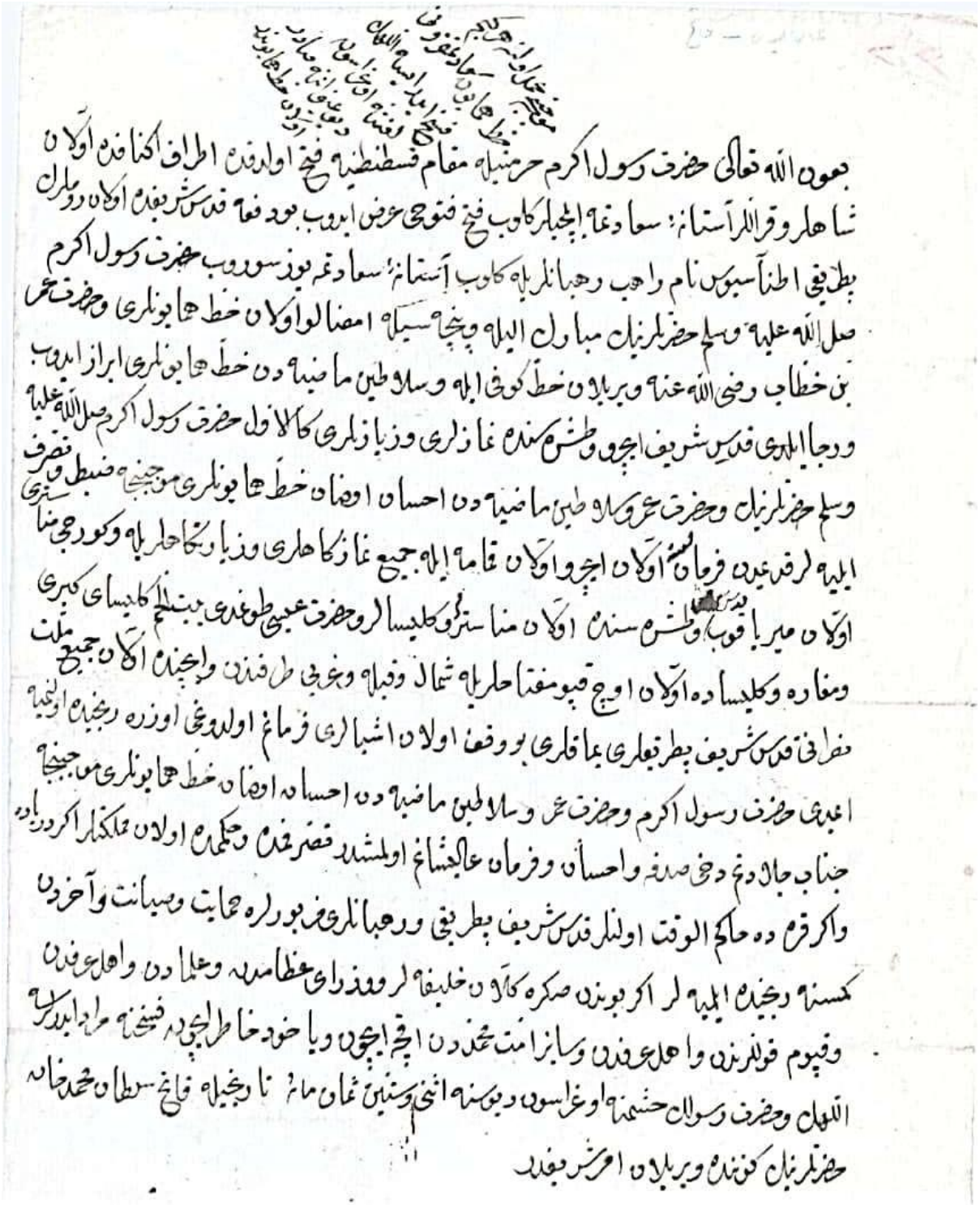
عهد عمر الخطاب

بسم الله الرحمن الرحيم

الحمد لله الذي اعزنا بالاسلام وكرمنا بالايمان وشرفنا بنبيه محمد صلى الله عليه وسلم وهدانا سبيله السهلة
وجعلنا اخوانا متحابين
واحمدوا الله عباد الله على هذه النعمة هذا كتاب عمر بن الخطاب لعهد وميثاق اعطى البطرك المكين
وهو صفرونوس بطرك الملة المكية في طور الزيتون بمقام القدس الشريف في الاشتمال على الرعايا
والقسوس والرهبان والراهبات حيث كانوا واين وجدوا ان يكون عليهم الامان وان الذمي
اذا حفظ احكام الذمة وجب له الامان والصون منا نحن المؤمنين والى سنة يتولى بعينا ليقطع
عنهم اسباب هواجسهم كسبا وجزى منهم من الطاعة والخضوع ويكون الامان عليهم وعلى كنايسهم
وديارهم وكافة زيارتهم التي بيدهم داخلا وخارجا وهي القمامة وجب اللحم مولد عيسى
عليه السلام كنيسة الكبرا والمغارة ذي القرنة الواقعة قبلي وشمال وغربي وبقية اقاصي النصارى
هناك وهم الكرج والحبش والذين ياتون للزيارة من الافرنج والقبط والسريان والارمن
والنساكرة واليعاقبة والموارنة تابعين للبطرك المذكور ويكون منقادا عليهم لانهم اعطوا
من مقرف النبي الكريم والحبيب المرسل من الله وشرفوا بختم يده الكريمة وامر بالنظر اليهم والاوصاء عليهم
كذلك نحن المؤمنين نحسن اليهم اكراما لمن احسن اليهم ويكونوا معافا من الجزية والقفر والمواجب
مسلمين من كافة البلدان في البر والبحور وفي دخولهم للقمامة وبقية زياراتهم لا يوقف منهم
شيا واما الذين يقبلون الى الزيارة الى القمامة يدي النصراني الى البطرك درهم وثلث من الفضة
لكل مؤمن ومؤمنة يحفظ ما امرنا به سلطانا ام حاكم ام والي بحري هكه في الارض غني
ام فقير من المسلمين المؤمنين والمؤمنات وقد اعطى لهم مرسومنا هذا بحضور جم الصحابة الكرام عبد الله
وعثمان ابن عفان وسعد بن زيد وعبد الرحمن ابن عوف وبقية الافوق الصحابة الكرام
فليعتمد عليها شرحنا في كتابنا هذا ويعمل به ابقاه في يديهم وصلى الله تعالى على سيدنا محمد
واله واصحابه والحمد لله رب العالمين حسبنا الله ونعم الوكيل في العشرين من شهر ربيع الاول
سنه خامس وعشر للهجرة النبويه وكل من قرى مرسومنا هذا من المؤمنين وخالفه من الان
والى يوم الدين فليكون لعهد الله ناكثا ولرسوله الحبيب باغضا

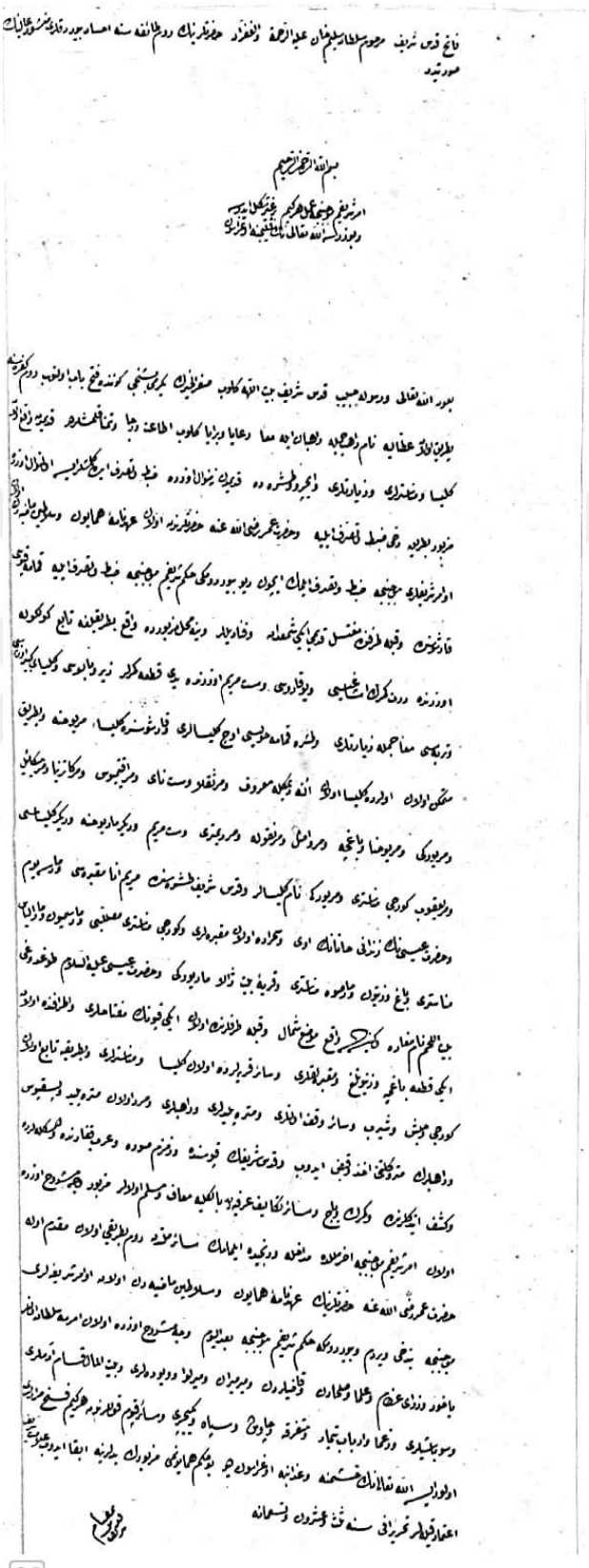
APPENDIX II

Ferman of Sultan Mehmed II
(BOA. AE.SMMD.II.00001)



APPENDIX III

Ferman of Sultan Selim I (*Osmanlı Arşivi, Kilise Defteri, No: 8*)



CS Scanned with CamScanner

APPENDIX IV

Ferman of Sultan Selim I toward Armenian

APPENDIX V

Ferman of Sultan Sulaiman al-Qanuni 1526

Scanned with CamScanner

Appendix VI

Ferman of Sultan Murad IV (1634 and 1637)[1]

A. Ferman of 1634

[English summary] The Greeks in Jerusalem had the right to have priority in the annual fire ritual in the Church of the Holy Sepulchre, and the Armenian, Georgian, Frankish, Abyssinian, etc. Christian nations coming from outside for this ritual should enter the ritual after them. However, the Armenians from Iran called Gorgor and other groups of Armenians united and blocked their way and prevented them from entering the service first on the basis of a writ that they had obtained illegally from the judges with the power of money.' As a result of the hearings of the parties held in the presence of the Anatolian and Rumeli kazaskeris, it was understood that the priority belonged to the Greeks, so Sultan Murad IV issued a decree addressed to the Kadi of Jerusalem, the Sanjakbey and the Trustee of the Foundation, stating that no nation should be allowed to enter the service before the Greeks. Copy record of the order with a calligraphic hümayunlu issued by Sultan Murad IV.

6-15 August 1634

[Ottoman Turkish] Merhûm Sultân Murâd Hân hazretlerinin bâ-telhîs ve bâ-hatt-ı hümâyûn ihsân buyurdukları emr-i âlî-şândır. " 'Rumlar evvel girsün.' için emir veresin."

Kudüs-i Şerîf Mollasına ve Kudüs-i Şerîf Sancağıbeyine ve Kudüs-i Şerîf'de ( ) Mütevellîsi ( ) –zîde mecdühû–ya hüküm ki:

Beytü'l-Makdis'de vâkı‘ Kumâme-i Kenîse'den dârendegân-ı fermân-ı hümâyûn Rum tâifesi ve patrikahı tarafından Dergâh-ı Muallâma adamlar gelip ve arzuhâl sunup; "feth-i hâkânîden beri âyîn ü âdetleri üzere zikrolunan Kumâme-i Kenîse'de duhûl-i zeyân ile zuhûr eden nâr ziyâreti için zamânıyla her sene etrâf u eknâfdan gelen Ermeni ve Gürcü ve Frenk ve Habeş keferesi ve sâir millet-i Nasârâ tâifesi Rum patriklerine mürâcaat edip ve Kenîse-i mezbûrede aşağı ve yukarı mahalleri ve kapı önünde tilâvet-i İncîl ve ger devr-i ma‘bed ve tertîbdir ve her gece buhûr salmak ve nâr-ı mezbûrdan şem‘a yandırmakdır; millet-i mezbûre ve tavâif-i merkûmenin cümlesinden evvel Rum Patrikahı ve Rûmiyân tâifesi varıp cümleden mukaddem berây-ı(?) hizmet ve edâ-yı âyîn-i ma‘bed etdikden sonra mu‘tâd-ı kadîm üzere sâir millet ve tavâif dahi yollarıyla gelip tarîk-ı kadîm üzere onlar dahi devir ve edâ-yı âyîn ederler iken hâliyâ zikrolunan tavâif-i muhtelifeden Ermeni tâifesinden Kızılbaş'dan gelme Gorgor nâm Ermeni ve gayrileri birikip feth-i hâkânîden beri olugelmişe muhâlif vaz‘ u hareket edip ve akçe kuvvetiyle hükkâma muvâfakat etdirip kadîmü'l-eyyâmdan olugelen âyînlerine muhâlif ellerine bir türlü hüccet almağla bunların mu‘tâd-ı kadîm üzere olan âyînlerin ibtâl eyleyip olugelmişe muhâlif ve âdet-i kadîmelerine mugâyir bunların yolların basıp ma‘bed-i mezbûreye Rum tâifesi ve Rum Patrikahından evvel varıp zikrolunan Kumâme-i Kenîse-i merkûmede zuhûr eden nâr ve sâir mahallere edâ-yı âyîn etmekde akçe kuvvetiyle mukaddem

[1] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

etmeleriyle kendilere zulm ü hayf eylediklerin" i‘lâm edip; "olugelmişe muhâlif ve mu‘tâd-ı kadîme mugâyir Ermeni ve sâir tavâif-i muhtelifeden olanlar Rum tâifesine ve Patrikahına takaddüm etdirilmeyip cümlesinden evvel bunlar varıp edâ-yı âyîn eylemeleri" bâbında ellerinde olan tuğrâlu evâmir-i şerîfe ve sâir temessükâtların ibrâz edip bi'l-fi‘l Rumeli ve Anadolu Kâdîaskerlerim olan a‘lemeyi'l-ulemâi'l-mütebahhirîn, efdaleyi'l-fudalâi'l-müteverriîn Mevlânâ Abdullâh ve Nûh –edâma'llâhü Teâlâ fazâilehümâ– huzûrlarında Ermeni tâifesiyle mürâfaa olup tarafeynin temessükâtları görüldükde Ermeni tâifesinin ibrâz eyledikleri hüccetleri devr-i fetihden beri olan âyîn ü âdetlerine muhâlif olup bir tarîkla mâl kuvvetiyle aldıkları zâhir ü mütebeyyin olduğundan gayri mezkûrân Rum tâifesinin ellerinde olan evâmir-i şerîfe sahîh ve ma‘mûlün-bih hükm-i hümâyûnum olmakla hîn-i mürâfaada [s. 10] müşârun-ileyhimâ Kâdîaskerlerim huzûrlarında hakk-ı takaddüm Rum tâifesinin idiğine hüküm birle kat‘î cevâb verilip ve ahvâlleri tafsîl üzere yazılıp Pâye-i Serîr-i A‘lâma telhîs ve arz olundukda; "Kadîmden olugeldiği üzere Rum tâifesi ve Patrikahı evvel girip cümle tavâif [ü] milelden takaddüm eyleyeler." deyü hatt-ı hümâyûn-ı saâdet-makrûnumla fermân-ı âlî-şânım sâdır olmağın Ermeni tâifesi ve gayri millet, Rum tâifesine ve Patrikahına takaddüm etdirilmeyip cümlesinden evvel ve sâir milletden mukaddem Kumâme-i Kilise'ye ve sâir aşağı ve yukarı mahallere ve devir ve ziyâret olunan mahallerin cümlesine Rum tâifesi ve Patrikahı evvel varıp ziyâret ve edâ-yı âyîn ü âdet eylemeleri bâbında fermân-ı âlî-şânım sâdır olmuşdur. Buyurdum ki: Emrim üzere Kumâme-i Kenîse-i mezbûrda vech-i meşrûh üzere edâ-yı âyîn ü âdet ve takaddüm-i ziyâret eyleyip eğer kapı önünde İncîl tilâvet eylemekdir ve eğer aşağı ve yukarı mahallerde varıp edâ-yı âyîn ve tertîb eylemekdir ve eğer sâir her gecelerde buhûr salmakdır ve her Cum‘a gecelerinde nâr-ı mezbûrdan şem‘a yandırmakdır; Ermeni ve gayri millet ve tâife-i Frenk ve Gürcü ve Habeş ve sâir milletinin cümlesinden evvel Rum tâifesi ve Rum Patrikahı varıp olugeldiği âdet-i kadîme üzere edâ-yı âyîn ü âdet ve sarf-ı levâzım-ı ziyâret eyleyip min-ba‘d bunlara zikrolunan tavâifden bir ferdi takaddüm etdirmeyesiz. Şöyle ki; bu emr-i hümâyûnumdan sonra Ermeni tâifesi ve sâir millet ve tavâif kanâat etmeyip geri bir tarîk ile emir ve hüccet veyâ gayri temessükât ibrâz edip bunlardan takaddüm eylemeğe sa‘y ü ikdâm ederler ise ol makûle ibrâz eyledikleri temessüklerin ellerinden alıp der-kîse edip mühürleyip Âsitâne-i Saâdetime havâle eyleyesiz ki, emrime muhâlif iş eyledikleri için getirdilip haklarından geline ve da‘vâlarının cevâbları verile ve bi'l-cümle bu bâbda hatt-ı hümâyûn-ı saâdet-makrûnumla şeref-sudûr bulan fermân-ı kazâ-cereyânım ve hükm-i hümâyûn-ı saâdet-makrûnum mûcebince gereği gibi mukayyed olup vech-i meşrûh üzere Rum tâifesine ve Patrikahına mu‘tâd-ı kadîm ve olugeldiği âyîne muhâlif bir ferdi ve Ermeni tâifesinden bir ahadı takaddüm etdirmeyesin. Cümle eğer Ermeni ve eğer Frenk ve Gürcü ve Habeş tâifesinin cümlesinden mukaddem Rum tâifesine ve Patrikahına Kumâme-i Kenîse-i mezbûrda ve sâir ziyâreti lâzım olan mahallerin cümlesinde edâ-yı âyîn ü âdet eylemeklerinde takaddüm etdirip bu emr-i hümâyûnumun mazmûn-ı münîfine râzî olmayıp hilâf-ı emr-i hümâyûn mezbûr Rum tâifesine ve Patrikahına tecâvüz ve taaddî ve tazyîk u teezzî edenleri ve memnû‘ olmayıp inâd ü muhâlefet üzere musır olanları getirdip şer‘-i şerîf ve kânûn-ı münîf üzere haklarında lâzım geleni icrâ eyleyesin. Şöyle bilesin ve ba‘de'n-nazar bu hükm-i hümâyûnumu Rum tâifesinin ellerinde ibkâ edip alâmet-i şerîfe i‘timâd kılasın. Tahrîren; fî-evâsıtı şehri Saferi'l-hayr sene erbaa ve erbaîn ve elf mine'l-hicreti'n-nebeviyye –aleyhi efdalü't-tahiyye–.

Evâsıt-ı S. sene 1044

B. Ferman of 1637

Emr-i Âlîşân (Imperial Order) Issued by Sultan Murad IV to Return the Keys of Bethlehem to the Greeks in Jerusalem, which are taken from their Hands by Franks by Force

[English summary] The Greek Patriarch of Jerusalem and his priests submitted a petition and said: 'The Mughtesel in the Church of the Holy Sepulchre, which has been in their possession since the time of Hz. Ömer, the Beytüllahm, which is the birthplace of Hz. The Mughtesel in the Church of the Holy Sepulchre, Bethullahm, the place where Jesus (a.s.) was born, the garden, arches, arches, rosebuds, candlesticks and lamps, and the keys of the two doors on the north and qibla sides, which had been in their possession since the time of Hz Ömer, were interfered with by the Frankish priests, and the matter was examined by Şeyhülislam Yahya Efendi, viziers and kazaskerler, and it was ruled that the possession of these belonged to the Greeks, in addition, the Greeks gave 1. 000 kurus per year to the Sultan Ahmed Mosque, but the Frankish priests now took three of the four keys from the hands of the Greeks and took the Beytüllahm into their own hands by taking the Greeks out of these places and converted the people in the villages to their own rituals and took their children and took them to Frankistan, Sultan Murad IV addressed to the person in charge of the Sanjak of al-Quds al-Sharif and the Kadi of al-Quds al-Sharif to have the keys taken away and handed over to the Greeks, to have the Greeks in charge of these places, to prevent the interventions of the Franks in these places, and that they could only visit these places with the permission and consent of the Greek Patriarch. A copy of the order with a calligraphic hümayunlu issued by Sultan Murad IV addressed to the governor of the Sanjak of al-Quds al-Sharif and the Kadi of al-Quds al-Sharif.

1-10 October 1637

[Ottoman Turkish]

[s. 14] Merhûm Sultân Murâd Hân hazretlerinin hatt-ı hümâyûn ile2 muanven ihsân buyurdukları emr-i âlî-şândır. "Emr-i şerîfim mûcebince amel et. Hilâf edersen başın keserim. Şöyle bilesin."

Kudüs-i Şerîf sancağına mutasarrıf olan ( ) –dâme ikbâlühû–ya ve Kudüs-i Şerîf Kâdîsınahüküm ki:

Kudüs-i Şerîf'de vâkı' Rum keferesi Patriği ve sâir harâc-güzâr Rum keferesi ruhbânları Rikâb-ı Hümâyûnuma arzuhâl edip; "Kudüs-i Şerîf'de vâkı' Kumâme demekle meşhûr Kenîse içinde vâkı' Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki, Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğine tâbi' gülgü[le]leri ve şem'dân ve kanâdili Rum keferesi Patriği zabtında olup ve şimâl ve kıble taraflarında iki kapının miftâhları dahi yedlerinde iken Hazret-i Ömer –radıya'llâhü Teâlâ anh–in zamân-ı şerîflerinde[n] bu âna değin tasarruflarında olup selâtîn-ı mâzıyeden nice temessükleri var iken mukaddemâ bir tarîkla Frenk râhibleri tagallüb tarîkıyla dahl eylediklerinde Âsitâne-i Saâdetimde bi'l-fi'l Şeyhülislâmım olan a'lemü'l-ulemâi'l-mütebahhirîn, efdalü'l-fudalâi'l-müteverriîn Yahyâ –edâma'llâhü Teâlâ fazâilehû– ve vüzerâ-yı ızâmım ve kâdîaskerlerim dikkat ü ihtimâm ile tefahhus etdiklerinde zikrolunan mevzı'lar ve anahtarları Rum keferesi tâifesine mahsûs olduğun ma'mûlün-bih temessükler ile muayyen olup kendilere hükmolunduğundan gayri cennet-mekân, firdevs-âşiyân, merhûm ve mağfûrun-leh babam Sultân Ahmed Hân –aleyhi'r-rahmetü ve'r-rıdvân–

hazretlerinin Câmi‘-i şerîflerine her sâl bin guruş-ı riyal verirler iken geri olugelmişe muhâlif ve vaz‘-ı kadîme mugâyir Frenk tâifesi; 'Dör[t] miftâhın birisi bize verildi.' deyü üç aded miftâhları Rum keferesinin râhibleri ve Kudüs-i Şerîf'de vâkı‘ râhibleri, patrikleri ellerinden alıp ve cümlesin ihrâc edip kendilere gadr eylediklerinden mâadâ Beytüllahm bir metîn ü müstahkem kal‘a misâli deyr olmakla temellük edip ve yevmen fe-yevmen mahall-i mezbûrda Frenk tâifesi izdiyâd bulup ve; 'ol karyelerin reâyâsını kendi âyîn-i bâtıllarına tâbi‘ etdirip ve oğulların vilâyet-i Frengistân'a götürüp tecâvüzleri izdiyâd bulduğu' i‘lâm olunmağla ke'l-evvel Rum tâifesi keferesi ruhbânları ve Kudüs-i Şerîf Patriği mutasarrıf olup ve Frenk ruhbânları ellerinde olan miftâhları alı[nı]p kendilere teslîm olunmak" bâbında inâyet recâ etmeleriyle zikrolunan Beytüllahm'ın ve tevâbii ve bâğçe ve Kumâme ve kanâdil ve kemerleri Rum ruhbânlarına teslîm ve zabt etdirilip ve miftâhları dahi Rum ruhbânlarına teslîm olunmak bâbında fermân-ı âlî-şânım sâdır olmuşdur. Buyurdum ki: Hükm-i şerîfimle ( ) vardıkda bu bâbda sâdır olan fermân-ı celîlü'l-kadrim mûcebince amel edip dahi zikrolunan Beytüllahm nâm Kilise'yi ve tevâbii kemerleri ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan Rum keferesi ruhbânlarında olan anahtarları Frenk ruhbânlarının ellerinden alıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve emr-i şerîfime muhâlif Kilise-yi merkûme ve bâğçe ve Kumâme'ye ve sâir tevâbi‘ u levâhıkına Frenk tâifesini dahl ü taarruz etdirmeyesiz. Âyîn-i bâtılları üzere ziyâret etmek murâd etdiklerinde Rum tâifesi Patriği olanların izin ve rızâlarıyla ziyâret edip zikrolunan mevzı‘lara bir vechile müdâhale etdirilmeye ve bi'l-cümle6 mukaddemâ vârid olan evâmir-i şerîfem ve hâlâ verilen emr-i celîlü'l-kadrim mûcebince amel edip hilâfına rızâ ve cevâz göstermeyesiz. Şöyle bilesiz; alâmet-i şerîfe i‘timâd kılasız.

Tahrîren; fî-evâsıtı şehri Cemâziyelevvel,7 sene seb‘a ve erbaîn ve elf.

Evâsıt-ı Ca. sene 10478

Be-makâm-ı Kostantıniyye

Appendix VII

Ferman of Sultan Mehmed IV in 1675[2]

Emr-i Âlîşân (Imperial Order) Issued by Sultan Mehmed IV to Act in Accordance with the Ferman of Sultan Murad IV Granted to Greeks in the Reemerging Dispute between Greeks and Franks about the Holy Places in al-Quds al-Sharif

1-10 October 1675

[Ottoman Turkish] Kudüs-i Şerîf'de vâkı‘ Rum keferesi Patriği Dositeus ve ruhbânları ve sâir harâc-güzâr Rum keferesi Dergâh-ı Muallâma arzuhâl sunup; "Kudüs-i Şerîf'de vâkı‘ Kumâme nâm Kilise'nin ortasında olan Türbe mâ-tekaddemden Rum tâifesi zabtında olup ve cümle Nasârâdan evvel Rum tâifesi girip âyînlerin icrâ eylediklerinden sonra sâir Nasârâ tâifesi dahi Rum Patriği izni ve ma‘rifetiyle girip âyînlerin icrâ eylemek üzere On beş târîhinden beri Hazret-i Ömer bin el-Hattâb –radıya'llâhü Teâlâ anh– hazretlerinden kûfî hat ile yedlerinde ahidnâmeleri olup ve mûcebince selâtîn-ı mâzıyeden ve ecdâd-ı ızâmımdan hatt-ı hümâyûn-ı saâdet-makrûnlarıyla evâmir-i şerîfe olduğundan mâadâ cennet-mekân, firdevs-âşiyân, garîk-ı rahmet-i Rahmân, amm-i büzürgvârım merhûm ve mağfûrun-leh Sultân Murâd Hân –aleyhi'r-rahmetü ve'r-rıdvân– zamân-ı şevket-unvânlarında nizâ‘ları vâkı‘ olmakla; 'Kumâme demekle meşhûr Kilise'nin içinde vâkı‘ Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki, Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğe tâbi‘ gülgüleleri ve şem‘dân ve kanâdili Rum keferesi Patriği zabtında ve şimâl ve kıble taraflarında iki kapının miftâhları dahi yedlerinde olup ve her sâl-i meymenet-fâld[e] merhûm ve mağfûrun-leh Sultân Ahmed Hân –tâbe serâhü– Câmi‘-i şerîflerine bin riyal-i guruş verirler iken olugelmişe muhâlif ve vaz‘-ı kadîme mugâyir Frenk tâifesi; 'Miftâhın birisi bize verildi.' deyü üç aded miftâhı Rum keferesinin ellerinden alıp cümlesin ihrâc eylediklerinden gayri Beytüllahm bir metîn ü müstahkem kal‘a misâli deyr olmakla temellük edip yevmen fe-yevmen mahall-i mezbûrda Frenk tâifesi izdiyâd bulup ve ol karyelerin reâyâsını kendi âyîn-i bâtıllarına tâbi‘ etdirip ve oğulların vilâyet-i Frengistân'a gönderip tecâvüzleri izdiyâd bulmağla; 'Zikrolunan Beytüllahm [nâm] Kilise'yi ve tevâbii kemerleri ve bâğçe ve Kumâme ve sâir tevâbii ve levâhıkı ile Rum tâifesi ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan Rum keferesi ruhbânlarında olan anahtarları Frenk ruhbânlarının ellerinden alıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ Patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve evâmir-i şerîfe muhâlif Kilise-i merkûm ve bâğçe ve Kumâme'ye ve sâir tevâbi‘ u levâhıkına Frenk tâifesin dahl etdirmeyip âyîn-i bâtılları üzere ziyâret etmek murâd etdiklerinde Rum tâifesi Patriği olanların izin ve rızâlarıyla ziyâret edip zikrolunan mevzı‘lara bir vechile müdâhale etdirilmeye.' deyü hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven müekked ü müşedded hükm-i hümâyûn verilmiş iken Frenk tâifesi amel etmeyip küllî tecâvüz edip ve Türbe'yi tagallüben zabt eyleyip âyînlerine muhâlif Türbe-i mezbûrenin üzerin örtüp ve sâir mahallerde nice bid‘atler ihdâs eyleyip birkaç seneden beri olugelen âyînlerin bozduklarından mâadâ içinde olan birkaç ruhbânlarından birin katl ve ikisin mecrûh edip fesâd [s. 17] etmeleriyle ahvâllerin arz ve i‘lâm

[2] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

eylediklerinde tarafeynin husamâsı Dîvân-ı Hümâyûnumda düstûr-ı ekrem, müşîr-i efham, nizâmü'l-âlem, nâzımu menâzımi'l-ümem Vezîria‘zam Ahmed Paşa –edâma'llâhü Teâlâ iclâlehû– ve kâdîaskerlerim huzûrlarında mürâfaa olup görüldükde Frenk tâifesi; 'Yedimizde temessükât vardır, getirelim.' deyüp altı ay mikdârı zamân mürûr edip temessükât ibrâz eylememekle; 'yedinde olan ahidnâmeler ve hatt-ı hümâyûnlar mûcebince Türbe-i merkûme mâ-tekaddemden mutasarrıf oldukları üzere Rum tâifesi zabtında olup cümleden mukaddem Rum Patriği Rum tâifesiyle ibâdet edip ba‘dehû sâir Nasârâ tâifesi Rum Patriği izin ve ma‘rifetiyle ziyâret edip ve ihdâs eyledikleri bid‘atler ref‘ olunmak' bâbında emr-i şerîfim verilmek" recâ eylediği ecilden yedlerinde olan hatt-ı hümâyûn-ı şevket-makrûn ile muanven emr-i şerîfi fesheder muahhar târîh ile temessük olmayıp Efrenc tâifesine; "Bu fermân-ı hümâyûnumu fesheder muahhar târîhle elinizde bir temessükünüz var ise ibrâz eylen." deyü müddet-i medîde mühlet verilip ibrâz-ı temessükde aczleri nümâyân olmağın ammim müşârun-ileyh zamânlarında hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven olup yedlerinde olan emr-i şerîf mûcebince amel olunmak bâbında fermân-ı âlî-şânım sâdır olmuşdur. Buyurdum ki:

Vusûl buldukda bu bâbda sâdır olan fermân-ı celîlü'l-kadrim üzere amel edip dahi Rum tâifesinin yedlerinde olan hatt-ı hümâyûn-ı şevket-makrûnlarıyla muanven emr-i şerîfi fesheder muahhar târîhle temessük olmayıp Efrenc tâifesine; "Bu fermân-ı hümâyûnu fesheder muahhar târîhle temessükünüz var ise ibrâz eylen." deyü müddet-i medîde mühlet verilip ibrâz-ı temessükde aczleri nümâyân olmağın ammim müşârun-ileyh zamânlarında hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven olup yedlerinde olan emr-i şerîf mûcebince zikrolunan Beytüllahm nâm Kilise'yi ve tevâbi‘ ve kemerleri ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan Rum keferesi ruhbânlarında olan anahtarları Frenk ruhbânlarının ellerinden alıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve emr-i şerîfime muhâlif Kilise-yi merkûm ve bâğçe ve Kumâme'ye ve sâir tevâbi‘ u levâhıkına Frenk tâifesin dahl ü taarruz etdirmeyesin. Âyîn-i bâtılları üzere ziyâret etmek murâd etdiklerinde Rum tâifesi Patriği olanların izin ve rızâlarıyla ziyâret edip zikrolunan mevzı‘lara bir vechile müdâhale etdirilmeye ve bi'l-cümle mukaddemâ7 vârid olan evâmir-i şerîfe ve hâliyâ verilen emr-i celîlü'l-kadrim mûcebince amel edip min-ba‘d hilâfına rızâ ve cevâz göstermekden be-gâyet ihtirâz eyleyesin. Bundan sonra bir türlü temessük ibrâz ederler ise der-kîse olunup Der-i Devletime gönderesin. Şöyle bilesin ve ba‘de'n-nazar bu hükm-i hümâyûnumu Rum Patriği olanların ellerinde ibkâ edip alâmet-i şerîfe i‘timâd kılasın.

Tahrîren; fî-evâsıtı şehri Recebi'l-mürecceb sene sitte ve semânîn ve elf.

Evâsıt-ı B. sene 1086

Be-makâm-ı Edirne el-mahrûse

Emr-i Âlîşân (Imperial Order) Reiterated by Sultan Mehmed IV to Act in Accordance with the Ferman of Sultan Murad IV Granted to Greeks in the Reemerging Dispute between Greeks and Franks about the Holy Places in al-Quds al-Sharif

25 January - 3 February 1678

[Ottoman Turkish] Kudüs-i Şerîf'de vâkı‘ Rum keferesi Patriği Dositeus4 ve ruhbânları ve sâir harâc-güzâr Rum keferesi Südde-i Saâdetime arzuhâl edip; "Kudüs-i Şerîf'de vâkı‘ Kumâme nâm Kilise'nin ortasında olan Türbe mâ-tekaddemden Rum keferesi zabtında olup ve cümle Nasârâdan evvel Rum keferesi5 girip âyînlerin icrâ6 eylemek üzere On beş târîhinden beri Hazret-i Ömer bin el-Hattâb –radıya'llâhü Teâlâ anh– hazretlerinden kûfî hat ile yedlerinde ahidnâmeleri olup mûcebince selâtîn-ı mâzıyeden ve ecdâd-ı ızâmımdan hatt-ı hümâyûn-ı saâdet-makrûnlarıyla evâmir-i şerîfe olduğundan mâadâ cennet-mekân, firdevs-âşiyân, garîk-ı rahmet-i Rahmân amm-i büzürgvârım merhûm ve mağfûrun-leh Sultân Murâd Hân –aleyhi'r-rahmetü ve'r-rıdvân– zamân-ı şevket-unvânlarında nizâ‘ları vâkı‘ olmakla Kumâme demekle ma‘rûf Kilise'nin içinde vâkı‘ Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki, Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğe tâbi‘ gülgüleleri ve şem‘dân ve kanâdili Rum keferesi Patriği zabtında ve şimâl ve kıble taraflarında iki kapının miftâhları dahi yedlerinde olup ve her sâl-i meymenet-fâlde merhûm ve mağfûrun-leh Sultân Ahmed Hân –tâbe serâhü– Câmi‘-i şerîflerine bin guruş verirler iken olugelmişe muhâlif ve vaz‘-ı kadîme mugâyir Frenk tâifesi; 'Miftâhın birisi bize verilmişdir.' deyü üç aded miftâhı Rum tâifesinin ellerinden alıp cümlesin ihrâc eylediklerinden gayri Beytüllahm bir metîn ü müstahkem kal‘a misâli deyr olmakla temellük7 edip yevmen fe-yevmen mahall-i mezbûrda Frenk tâifesi izdiyâd bulup8 ve ol karyelerin reâyâsını kendi âyîn-i bâtıllarına tâbi‘ etdirip ve oğulların vilâyet-i Frengistân'a gönderip9 tecâvüzleri izdiyâd bulmakla;10 'Zikrolunan Beytüllahm [nâm] Kilise ve tevâbii kemerleri ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan Rum keferesinin ruhbânlarında olan anahtarları Frenk ruhbânlarının ellerinden alıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve emr-i şerîfime muhâlif Kilise-i merkûme ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkına Frenk tâifesin dahl etdirilmeyip âyîn-i bâtılları üzere ziyâret etmek1 murâd eylediklerinde2 Rum tâifesi Patriği olanlar izin ve rızâlarıyla ziyâret edip zikrolunan mevzı‘lara bir vechile müdâhale etdirilmeye.' deyü hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven ve müekked ü müşedded hükm-i hümâyûn verilmiş iken Frenk tâifesi amel etmeyip küllî tecâvüz edip ve Türbe'yi tagallüben zabt eyleyip âyînlerine muhâlif Türbe-i mezbûrun üzerin örtüp ve sâir mahallerde nice bid‘atler ihdâs edip birkaç seneden beri olugelen âyînlerin bozduklarından mâadâ içinde olan birkaç ruhbânlardan birin katl ve ikisin mecrûh edip fesâd etmeleriyle ahvâllerin arz ve i‘lâm eylediklerinde tarafeynin husamâsı bundan akdem Dîvân-ı Hümâyûnumda vüzerâ-yı ızâm ve kâdîaskerlerim huzûrlarında3 mürâfaa olup görüldükde Frenk tâifesi; 'Yedimizde temessükât vardır, getirelim.' deyüp müddet-i medîde mühlet verildikde altı ay mikdârı zamân mürûr edip temessükât ibrâz eylememekle; 'yedlerinde olan ahidnâmeler ve hatt-ı hümâyûn4 mûcebince Türbe-i merkûme mâ-tekaddemden mutasarrıf oldukları üzere Rum tâifesi zabtında olup ve cümleden mukaddem Rum Patriği Rum tâifesiyle ibâdet edip ba‘dehû sâir Nasârâ tâifesi [Rum Patriği] izin ve ma‘rifetiyle ziyâret edip ve ihdâs eyledikleri bid‘atler ref‘ olunup ammim müşârun-ileyhin zamânlarında hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven Rum tâifesi yedlerine verilen emr-i şerîfi fesheder Frenk tâifesinin temessükü olmayıp izhâr-ı temessükde

aczleri nümâyân olmakla ammim müşârun-ileyh zamânlarında hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven olup yedlerinde olan emr-i şerîf mûcebince amel olunup Frenk tâifesi bundan sonra bir türlü temessük ibrâz ederler ise der-kîse olunup Âsitâne-i Saâdetime gönderile.' deyü mukaddemâ emr-i şerîfim5 verilmiş iken hâlâ Frenk tâifesi geri nizâ‘ ve müdâhaleden hâlî olmadıkların" bildirip; "vech-i meşrûh üzere verilen emr-i şerîfime muhâlif Frenk tâifesin bir vechile [s. 19] müdâhale etdirilmemek" bâbında müceddeden hükm-i hümâyûnum recâ eyledikleri ecilden mukaddemâ verilen emr-i şerîfim mûcebince amel olunmak bâbında fermân-ı âlî-şânım sâdır olmuşdur. Buyurdum ki:

Vusûl buldukda bu bâbda sâdır olan fermân-ı celîlü'l-kadrim mûcebince amel edip dahi zikrolunan Beytüllahm nâm Kilise'yi ve tevâbii ve6 kemerleri ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan Rum keferesi ruhbânlarında olan anahtarlar Frenk tâifesinin ellerinden alınıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve mukaddemâ ve hâlâ verilen emr-i şerîfime muhâlif Kilise-yi merkûm ve bâğçe ve Kumâme ve sâir tevâbi‘ u levâhıkına Frenk tâifesin dahl ü taarruz etdirmeyesin. Âyîn-i bâtılları üzere ziyâret etmek7 murâd etdiklerinde Rum tâifesi Patriği olanların izin ve rızâlarıyla ziyâret edip ve ihdâs olunan bid‘atler ref‘ ve zikrolunan mevzı‘lara Frenk tâifesin bir vechile müdâhale etdirmeyesin. Mukaddemâ ve hâlâ verilen evâmir-i şerîfem mûcebince8 amel edip min-ba‘d fermân-ı şerîfime mugâyir nizâ‘ etdirilmeyip hilâfına rızâ ve9 cevâz gösterilmekden be-gâyet ihtirâz eyleyesin. Bundan sonra Frenk tâifesi bir türlü temessük ibrâz ederler ise der-kîse olunup Der-i Devlet-medârıma gönderip bir ferde taallül ü inâd etdirmeyesin. Şöyle bilesin ve ba‘de'n-nazar bu hükm-i hümâyûnumu Rum ruhbânlarının ellerinde ibkâ edip alâmet-i şerîfe i‘timâd kılasın.

Tahrîren; fî-evâili şehri Zi'l-hicceti'ş-şerîfe sene semân ve semânîn ve elf.

Z.,10 sene 1088

Be-makâm-ı Kostantıniyye

Emr-i Âlîşân (Imperial Order) Issued by Sultan Mehmed IV to Prevent Armenians from Interfering with the Abyssinian Holy Places Which Are Administratively Connected to the Greeks in al-Quds al-Sharif

February 6-14, 1657

[English Translation] [p. 11] This is the order-i âlî-şân that the late Sultan Mehmed1Hân had bestowed bâ-telhîs and bâ-hatt-ı hümâyûn. The order-i âlî is written again. Fî-evâsıtı N. year [12]16

"I acted in accordance with the covenants given at the time of Hadrat 'Umar and my ancestor Sultan Selim. Armenia is not to interfere."

I send a decree to Mawlânâ Abdurrahmânâ -edâma'llâhü Teâlâ fazâilehû-, who was formerly Shaykhülislâm and is still the mutasarrıf of al-Quds al-Sharif kazaâs on a bi-vech-i arpalık basis, and () -dâma ikbâlühû- who is the mutasarrıf of al-Quds al-Sharif sanjak on a bi-vech-i arpalık basis:

[Ottoman Turkish] Kudüs-i Şerîf'de vâkı‘ Rum keferesi Patriği ile memâlik-i mahrûsemde olan harâc-güzâr Rum keferesi râhibleri Südde-i Saâdet-medâr ve Atebe-i Aliyye-i Adâlet-karârıma gelip; "Kudüs-i Şerîf'de vâkı‘ Kumâme demekle meşhûr Kenîse ve içinde olan Muğtesel ve kadîmî iki şem‘dân ve kanâdil ve mahall-i mezbûrda vâkı‘ Patrikliğine tâbi‘ gülgüle yerleri üzerinde dört kemerin aşağısı ve yukarısı ve Sitt-i Meryem üzerinde yedi kıt‘a kemerin zîr ü bâlâsı ve Kenîse-yi Kebîr ortası ve Türbesi ile cümle ziyâretleri ve taşrada Kumâme havlusu ve üç kiliseleri ve karşısında Kenîse-yi Mar Yuhanna ve Patrik mütemekkin olduğu evlerde Kenîse-i Elena demekle ma‘rûf ve Mar Sikla ve Sittinâ-yı [Meryem] ve Mar Eftim[y]us ve Mar Mîkâil ve Mar Yorgi ve Mar Yuhanna ve bâğçe ve Mar Vasil ve Mar Nikola ve Mar Dimitri ve Sitt-i Meryem ve diğer [Mar] Yuhanna ve diğer kenîsesi ve Gürcü Manastırı Mar Ya‘kûb ve Mar Yorgi nâm Kenîse ve Kudüs-i Şerîf taşrasında Meryem Ana Makberesi ve Mar Siyon [ve] Hazret-i Îsâ'nın Zindânı ve Hanna'nın Evi ve sahrâda olan makbereleri ve diğer Yorgi Manastırı Musallâsı(?) ve Mar Simyon ve Mar İlyâs Manastırı ve bâğçe ve zeytûn ve Mar Sava Manastırı ve karye-i Beyt-i Jala Mar Yorgi ve Mevlid-i Hazret-i Îsâ –alâ-Nebiyyinâ ve aleyhi's-selâm– ki, Beytüllahm demekle ma‘rûf Mağâra ve Kenîse'de vâkı‘ mev[â]zı‘, şimâl ve kıble tarafında olan iki kapının miftâhları ve etrâfında olan iki kıt‘a bâğçe ve zeytûnluğu ve makbereleri ve sâir karyelerde olan kenîse ve manastırları ve mezbûr Patriğe tâbi‘ olan Gürcü ve Habeş ve Süryânî ve Kıbtî tâifelerinin ziyâretgâhları ve vakıfları Hazret-i Ömer –radıya'llâhü Teâlâ anh– medîne-i mezbûreyi fethetdikde Rum keferesi ve Patrikliği ellerinde ve tasarruflarında olması için hatt-ı kûfî ile ahidnâmeleri olduğundan gayri selâtîn-ı mâzıyeden ecdâd-ı ızâmım Sultân Selîm ve Sultân Süleymân Hân –tâbe serâhümâ– dahi zikrolunan Kumâme nâm Kenîse'yi ve bâlâda mastûr olan ziyâretgâhları ve Rum tâifesine tâbi‘ olan Gürcü ve Habeş ve Süryânî ve Kıbtî tâifelerinin Rum keferesi patrikleri ellerinde ibkâ edip; 'Ermeni ve Frenk ve milel-i şettâdan bir ferdi dahl ü taarruz eylemeyeler.' deyü Hazret-i Ömer –radıya'llâhü Teâlâ anh– verdiği ahidnâmeye ittibâan mufassal u meşrûh şurût u kuyûdu müştemil ve envâ‘-ı şedîd ve teşdîdi mutazammın hatt-ı şerîf-i saâdet-redîfleri ile ahidnâme-i hümâyûn ihsân ve erzânî buyurup ve cennet-mekân, firdevs-âşiyân ceddim merhûm ve mağfûrun-leh Sultân Ahmed Hân dahi mukarrer edip vech-i meşrûh üzere ahidnâme-i hümâyûn

erzânî kılınıp14 bu üslûb üzere mazbût iken bundan akdem Ermeni keferesi tâifesi hilâf-ı vâkı‘ inhâ ile bir hüccet peydâ ve mûcebince emir ibrâz edip varıp mahall-i mezbûrda bunlara mahsûs ve muayyen olan mevâzı‘ ve emâkini tasarruf ve miftâhların kabz eyleyip merhûm ve mağfûrun-leh cennet-mekân, firdevs-âşiyân amm-i büzürgvârım Sultân Murâd Hân –tâbe serâhü– zamânında husûs-ı mezbûr Pâye-i Serîr-i A‘lâlarına arz ve telhîs ve Ermeniler ile mürâfaa-i şer‘-i şerîf olduklarında zikrolunan mevâzı‘-ı adîde Rum kefere[si] patrikleri tasarruflarında olduğu sâbit ü zâhir olmakla Ermeni keferesinin alâka ve medhali olmadığı nümâyân u bâhir olmağın mürâfaadan Rum tâifesine hüccet-i şer‘iyye ve mûcebince hatt-ı hümâyûnlarıyla muanven ahkâm-ı şerîfe verildiğinden mâadâ cedd-i emcedim merhûm ve mağfûrun-leh Sultân Ahmed Hân –tâbe serâhü– Câmi‘-i şerîflerine her sene revgan-bahâ bin guruş verilmek üzere kavî temessükler verilip men‘ olmuşlar iken memnû‘ olmayıp hâlâ yine şirret etmeleriyle; 'Zikrolunan Habeş tâifesi bize yamakdır ve ziyâretgâhları bize mahsûsdur.' deyü hilâf inhâ ile aldıkları emri yine ibrâz edip Dîvân-ı Hümâyûnumda vüzerâ-yı ızâmım ve kâdîaskerlerim huzûrlarında Ermeni tâifesi tekrâr mürâfaa [s. 12] ve tarafeynin temessükâtına nazar olundukda zikrolunan Habeş ve Kıbtî tâifesi ve ziyâretgâhları Rum tâifesine yamak olup Ermeni tâifesinin da‘vâ ve nizâ‘ları mahz-ı şirret olduğu bâhir olmağın Rum tâifesinin ellerinde olan müteaddid ahidnâme-i hümâyûn ve ahkâm-ı şerîfe mûcebince Rum tâifesine hüküm ile cevâb verildiğin" Rikâb-ı Hümâyûn-ı saâdet-makrûnuma arz ve telhîs olundukda Habeş tâifesi ve ziyâretgâhları olan mevâzı‘-ı müteaddide ve tevâbi‘ u levâhıkı ve eşyâ-yı lâzımesi ve iki kapının miftâhları ile ellerinde olan ahidnâme-i hümâyûn mûcebince kadîmden zabt u tasarruf edegeldikleri üzere Rum keferesinin tasarruflarında18 olup min-ba‘d Ermeni keferesi ve milel-i şettâ taraflarından bir vechile müdâhale ve muâraza olunmamak bâbında hatt-ı hümâyûn-ı saâdet-makrûnumla fermân-ı âlî-şânım sâdır olmuşdur. Buyurdum ki:

Vusûl buldukda bu bâbda sâdır olan hatt-ı hümâyûn-ı saâdet-makrûnum ve emr-i şerîf-i âlî-şânım mûcebince amel edip dahi medîne-i mezbûrede vâkı‘ Kumâme nâm Kenîse'de zikrolunan mevâzı‘-ı ma‘dûde ve emâkin-i mahdûde ve manastır ve ziyâretgâhlarına ve Gürcü ve Habeş ve Süryânî ve Kıbtî tâifelerine cümle tevâbi‘ u levâhıkı ve eşyâ-yı lâzımesiyle vakıflarına Hazret-i Ömer –radıya'llâhü Teâlâ anh– zamân-ı şerîflerinde verdiği ahidnâme ve ecdâd-ı ızâmım ve cennet-mekân babam Sultân İbrâhîm Hân –enâra'llâhü Teâlâ berâhinehû– nun1 verdikleri mufassal u meşrûh ahidnâme ve ahkâm-ı şerîfe üzere Habeş tâifesi ve Kıbtî, Rum keferesi ve patriklerine yamak olup ve ziyâretgâh ve vakıfları tasarrufunda olup min-ba‘d Ermeni tâifesine dahl ü taarruz etdirmeyip bundan sonra Ermeni keferesi tâifesinin bu bâbda da‘vâ ve nizâ‘ları istimâ‘ olunmayıp hatt-ı hümâyûn-ı saâdet-makrûnumla sâdır olan emr-i şerîfimi görenler amel edip kuzât-ı eyyâmdan ve vülât ve hükkâmdan bir ferd hilâfına cevâz göstermekden be-gâyet ihtirâz eyleyeler. Şöyle bilesin; alâmet-i şerîfe i‘timâd kılasın. Tahrîren; fî-evâhiri şehri Rebîi'l-âhir sene seb‘a ve sittîn ve elf. Evâhir-i Rebîü'l-âhir sene 10672

Be-makâm-ı 3 Kostantıniyye

Appendix VIII

Ferman of Sultan Süleyman II (1687-91)[3]

Emr-i Âlîşân (Imperial Order) Issued by Sultan Süleyman II to Prevent Franks from Interfering with the Holy Places of the Greeks in al-Quds al-Sharif and to Abolish bid'ats (innovations) of Franks

1 April 3-12, 1688

[Ottoman Turkish] Merhûm Sultân Süleymân Hân hazretlerinin hatt-ı hümâyûnlarıyla muanven ihsân buyurdukları emr-i âlî-şândır.

"Emr-i hümâyûnum mûcebince amel oluna."

Ber-vech-i arpalık Kudüs-i Şerîf sancağına mutasarrıf olan ( ) –dâme ikbâlühû–ya ve Kudüs-i Şerîf Kâdîsına hüküm ki:

Kudüs-i Şerîf'de vâkı' Rum keferesi Patriği Dositus ve ruhbânları ve sâir harâc-güzâr Rum tâifesi Südde-i Saâdetime arzuhâl edip; " 'Kudüs-i Şerîf'de vâkı' Kumâme nâm Kilise'nin ortasında olan Türbe mâ-tekaddemden Rum tâifesi zabtında olup ve cümle Nasârâdan evvel Rum tâifesi girip âyînlerin ve ibâdetlerin icrâ eylediklerinden sonra sâir Nasârâ tâifesi dahi Rum Patriği izin ve ma'rifetiyle girip ziyâret edegelip ve Kumâme-i mezbûrenin ortasında olan Türbe'yi3 kadîmü'l-eyyâmdan beri Rum Patriği zabt edip müste'men tâifesi Kudüs-i Şerîf dâhilinde ve hâricinde kendilere mahsûs olan manastırlarda ve taşrada ve içeride olan ziyâretgâhlarda otuz altı nefer ruhbânları sâkin olup ancak üç neferi Kumâme'de mütemekkin olup ve her üç senede bir zikrolunan otuz altı nefer vilâyet-i Frengistân'a gidip yine yerlerine ol mikdârı gelip, bu vech üzere mütemekkin olalar.' deyü On beş târîhinde Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh– hazretlerinden kûfî hat ile yedlerinde olan ahidnâme-i şerîf mûcebince selâtîn-ı mâzıyeden evâmir-i şerîfe olduğundan mâadâ merhûm ve mağfûrun-leh Sultân Murâd Hân –tâbe serâhü– zamân-ı şevket-unvânlarında nizâ'ları vâkı' olmakla; 'zikrolunan Kumâme nâm Kilise'nin içinde Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki, Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğe tâbi' gülgüleleri ve şem'dân ve kanâdîli Rum keferesi Patriği zabtında ve şimâl ve kıble taraflarında iki kapının miftâhları dahi yedlerinde olup ve her sâl-i meymenet-fâlde merhûm ve mağfûrun-leh Sultân Ahmed Hân –tâbe serâhü– Câmi'-i şerîflerine bin riyal-i guruş verirler iken olugelene ve vaz'-ı kadîme mugâyir Frenk tâifesi; 'Zikrolunan miftâhın biri bize verilmişdir.' deyü ellerinde olan üç aded miftâhı ellerinden alıp cümlesin ihrâc eylediklerinden gayri Beytüllahm bir metîn ü müstahkem kal'a misâli deyr olmakla temellük1 edip yevmen fe-yevmen mahall-i mezbûrda Frenk tâifesi izdiyâd bulup ve ol karyelerin reâyâsın kendi âyîn-i bâtıllarına tâbi' etdirip ve oğulların vilâyet-i Frengistân'a götürüp tecâvüzleri izdiyâd bulmağla; 'Zikrolunan Beytüllahm nâm Kilise ve tevâbii ve kemerleri [s. 20] ve bâğçeleri ve sâir tevâbi' u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirip ve kadîmden Rum ruhbânlarının ellerinde olan anahtarları 2 Frenk

[3] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

ruhbânlarının ellerinden alınıp geri Rum ruhbânlarına ve Kudüs-i Şerîf'de vâkı‘ patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve ellerinde olan evâmir-i şerîfe muhâlif Kilise-i merkûme ve bâğçeler ve sâir tevâbi‘ u levâhıkına Frenk tâifesin dahl etdirmeyip âyînleri üzere ziyâret etmek murâd eylediklerinde3 Rum tâifesi Patriği olanlar izin ve rızâlarıyla ziyâret edip zikrolunan mevâzı‘lara bir vechile müdâhale etdirilmeye.' deyü hatt-ı hümâyûn-ı saâdet-makrûn ile müekked ü müşedded hükm-i hümâyûn verilmiş iken Frenk tâifesi amel etmeyip Türbe-i merkûmu tagallüben zabt ve âyînlerine muhâlif Türbe-i mezbûrun üzerin örtüp ve Türbe-i mezbûrun karşısına âdete muhâlif zencîr ile kandîller asıp ve şimâl tarafına büyük erganun koyup ve sâir mahallerde nice bid‘atler ihdâs edip birkaç seneden beri olugelen âyînlerin bozduklarından mâadâ içinde olan ruhbânlarından birin katl ve ikisin mecrûh edip fesâd etmeleriyle ahvâlleri mukaddemâ Dîvân-ı Hümâyûn'da4 arz ve i‘lâm etdiklerinde tarafeynin husamâsı Dîvân-ı Hümâyûn'da vüzerâ-yı ızâm ve kâdîaskerler huzûrunda mürâfaa olup görüldükde Frenk tâifesinin iddiâları mahz-ı şirret ü lağv olmakla vech-i meşrûh üzere ba‘de'l-mürâfaa Rum tâifesine hükmolunup ve; 'merhûm ve mağfûrun-leh Sultân Murâd Hân –tâbe serâhü– zamân-ı şerîflerinde hatt-ı hümâyûn-ı saâdet-makrûnlarıyla muanven5 verilen emr-i şerîf mûcebince amel olunmak' için mürâfaadan ellerine iki kıt‘a müekked ü müşedded emr-i şerîf verilip ve bu makûle Dîvân-ı Hümâyûn'da mürâfaadan hükmolunup cevâbı verilen da‘vânın tekrâr istimâı memnû‘ iken Frenk tâifesi mücerred ta‘cîz için; 'Tekrâr münâzaa ederiz.' deyü rencîde ve ta‘cîzden hâlî olmamalarıyla; 'mürâfaadan ellerinde olan iki kıt‘a evâmir-i şerîfe[ye] muhâlif Frenk tâifesi ve ruhbânlarının tekrâr iddiâ ve münâzaaları istimâ‘ olunmamak' için sene selâse ve tis‘în ve elf Recebü'l-müreccebinin evâsıtında Hudâvendigâr-ı sâbık zamânında emr-i şerîf verilmiş iken mütenebbih olmayıp Bin doksan yedi ve doksan dokuz senelerinde hatt-ı hümâyûn-ı saâdet-makrûn ile6 muanven yedlerinde olan evâmir-i şerîfe ve temessükâtlarına ve âyîn-i kadîmelerine muhâlif; 'Kuddâs7 ederiz.' deyü nizâ‘ ve fuzûlî bayrak açıp ve âdete muhâlif şem‘dân ile mûm ve put ile haç zikrolunan mevzı‘lara dikip bozdukları âyînlerin; 'Hüccetsiz men‘ olundu.' deyü birer birer icrâsına çalışıp envâ‘ türlü bid‘at ihdâs edip ihtilâle bâis ve akçe kuvvetiyle hevâlarına tâbi‘ kâdîdan hüccet peydâ ve fetihden bu âna değin fasl olunup yedlerinde olan temessükâtı fesh ve âyîn-i kadîmelerine muhâlif bid‘at ihdâs etmek murâd etdikce men‘ olunup mukaddemâ evâmir-i şerîfe verilip hâliyâ taht-ı âlî-baht üzere cülûs-i hümâyûnum vâkı‘ olmakla; 'yedlerinde olan emr-i şerîf tecdîd ve kemâ fi'l-evvel amel olunup evâmir-i şerîfeme8 mugâyir aldıkları hüccet ve sâir temessükâtlarına amel olunmayıp ve ihdâs eyledikleri bid‘atleri men‘ olunmak' bâbında emr-i şerîfim" recâ eyledikleri ecilden vech-i meşrûh üzere amel olunmak emrim olmuşdur. Buyurdum ki:

Vusûl buldukda bu bâbda sâdır olan fermân-ı celîlü'l-kadrim mûcebince amel edip dahi mukaddemâ vech-i meşrûh üzere verilen evâmir-i şerîfe9 mûcebince zikrolunan Beytüllahm nâm Kilise'yi ve tevâbii ve kemerleri ve bâğçeler ve Kumâme ve sâir tevâbi‘ u levâhıkıyla Rum tâifesi Patriği ve ruhbânlarına zabt etdirip ve kadîmü'l-eyyâmdan10 Rum tâifesi ruhbânlarında olan anahtarları11 Frenk tâifesinin ellerinden alınıp12 geri Rum tâifesi ruhbânlarına ve Kudüs-i Şerîf'de Patriklerine teslîm etdirip min-ba‘d vaz‘-ı kadîme mugâyir ve mukaddemâ ve hâlâ verilen evâmir-i şerîfeme muhâlif Kilise-yi merkûme ve bâğçeler ve Kumâme ve sâir tevâbi‘ [u]13 levâhıkına Frenk tâifesine dahl ü taarruz etdirmeyesin. Âyîn-i bâtılları üzere ziyâret etmek murâd etdiklerinde14 Rum tâifesi Patriği olanların izin ve rızâlarıyla mezbûrlar ziyâret edip vech-i meşrûh üzere ihdâs olunan bid‘atler ref‘ ve zikrolunan mevâzı‘lara15 Frenk tâifesin bir vechile müdâhale etdirmeyesin ve Kudüs-i Şerîf dâhilinde ve hâricinde kendilere mahsûs olan manastırlarda ve taşralarda1 ve içeride olan ziyâretgâhlarda otuz altı nefer ruhbânları sâkin

olup ancak üç neferi Kumâme'de mütemekkin ve üç senede bir zikrolunan otuz altı nefer vilâyet-i Frengistân'a gidip yine yerlerine ol mikdârı gelip [s. 21] bir vechile dahl ü taaddî ve tecâvüz etdirmeyesin ve bu makûle Dîvân-ı Hümâyûn'da vüzerâ-yı ızâm ve kâdîaskerlerim huzûrunda ba‘de'l-mürâfaa hükmolunup cevâbı verilen da‘vânın tekrâr istimâı memnû‘ olmakla Frenk tâifesine tekrâr; "Kuddâs2 ederiz." deyü nizâ‘ etdirmeyip ve bayrak açıp âdete muhâlif şem‘dân ile mûm ve3 put ile haç zikrolunan mevâzı‘lara4 dikdirmeyip ve bozdukları âyînlerin; "Hüccetsiz men‘ olundu." deyü birer birer icrâsına ihdâs etdirmeyip ve verilen evâmir-i şerîfelere muhâlif birer tarîkla kâdîdan aldıkları hüccetlere amel olunmayıp tekrâr da‘vâya tasaddî ederler ise istimâ‘ olunmayıp hâli üzere ibkâ ve mukaddemâ ve hâlâ verilen ahkâm-ı şerîfem mûcebince amel edip min-ba‘d fermân-ı şerîfeme muhâlif nizâ‘ etdirmeyip işbu emr-i şerîfimin mazmûn-ı münîfini icrâ ve hilâfına rızâ ve cevâz gösterilmekden be-gâyet ihtirâz eyleyesiz. Bundan sonra bir türlü temessük ibrâz ederler ise der-kîse olunup Âsitâne-i Saâdetime gönderesiz. Şöyle bilesiz ve ba‘de'n-nazar bu hükm-i hümâyûnumu Kudüs-i Şerîf Mahkemesi'nde sicillâta kayd ve Rum Patriğinin ve ruhbânlarının yedlerinde ibkâ edip alâmet-i şerîfe i‘timâd kılasın.

Tahrîren; fî-evâili şehri Cemâziyelâhir,5 sene tis‘a ve tis‘în ve elf.

Evâil-i C. sene 10996

Be-makâm-ı Kostantıniyye7

APPENDIX IX

Ferman of Sultan Osman III (1754-7)[4]

Emr-i Âlîşân (Imperial Order) Issued by Sultan Osman III Regarding the Regulation for Settling the Conflict between Franks and Greeks about the Holy Places in al-Quds al-Sharif

7-16 Ağustos 1757

[Ottomann Turkish] Sultân Osmân Hân hazretlerinin hatt-ı hümâyûn ile muanven ihsân buyurdukları emr-i âlî-şândır. "Mûcebince amel oluna."

Kudüs-i Şerîf Kâdîsına ve Sadr-ı efham Vezîr-i sadâkat-alemimin Mektûbîleri hulefâsından bu husûsa Deraliyyemden2 mübâşir ta‘yîn olunan Halîfe-i Sâlis kıdvetü'l-emâcid ve'l-a‘yân Mehmed Emîn –zîde mecdühû–ya hüküm ki:

Kudüs-i Şerîf Rum Patriği Parteniyus3 nâm Patrik Rikâb-ı Müstetâb-ı Mülûkâneme arzuhâl sunup; "selâtîn-ı mâzıyeden hutût-ı şerîfe ile muanven verilen evâmir-i celîle mûceblerince Kudüs-i Şerîf dâhilinde ve hâricinde vâkı‘ kendilere mahsûs olan ziyâretgâhlar kadîmü'l-eyyâmdan beri zabt u tasarruflarında iken şimdi Rum tâifesi Hücre-i Muğtesel'e ziyârete vardıklarında muâraza ve cevr u cefâ ve Muğtesel'de olan iki şem‘dân1 ve kandîlleri Efrenc râhibleri zabt ve Hazret-i Îsâ Türbesi üzerinde olan küçük kubbeyi zabt ve ziyârete varanlara dahi cefâ ve ezâ ve Sitt-i Meryem üzerinde olan yedi kemerin bâlâsı Efrenc ruhbânlarının mahall-i ikâmetleri ve zîrleri Rumların ziyâretgâhları olmakla esnâ-yı mürûrlarında Efrenc râhibleri üzerlerine ağaç ve taş ve barut ilkâsıyla ihânet edip ve Beytüllahm nâm mahalde vâkı‘ Kenîse-yi Kebîr'i zabt edip ve içinde olan Mağâra-i Mevlid-i Hazret-i Îsâ'nın miftâhları Efrenc ruhbânlarında olduğundan Rum züvvârı vardıkda iki üç sâat kapıyı açmayıp diledikleri vakit açıp Rumlara2 rezâlet ve hakâret ve Mağâra-i mezbûrenin şimâl ve kıble taraflarında olan iki aded [kapının] miftâhları ve Kilise-yi mezbûre etrâfında olan iki kıt‘a bâğçe ve zeytûnlukları ve Kudüs-i Şerîf hâricinde vâkı‘ Kabr-i Hazret-i Meryem'i zabt edip senedât-ı kadîmelerine mugâyir müdâhale iktizâ etmez iken Bin altmış târîhinde bir tarîkla verilen emre binâen Kabr-i mezbûrun ta‘mîr ve zabtı için Bin yüz altmış dokuz senesinde Efrenc tâifesi emr-i şerîf alıp bu bahâne ile Frenk tâifesi3 ziyâretgâhın4 taşlarını Frengistân'a nakledecekleri müteayyin ve bu takrîb ile Rum tâifesi Frengistân'a gidip ziyârete muhtâc oldukları ve Katolik olacakları bedîdâr olmakla; 'mugâyir-i kadîm Efrencin müdâhalesi men‘ u def‘ ve kadîmisi üzere Kabr-i mezbûr ve mevâzı‘-ı sâire kendilere zabt etdirilmek ve cevr u cefâları izâle ve ref‘ olunmak' üzere emr-i şerîfim sudûrunu" istid‘â ve istirhâmlarını müekkid Kudüs-i Şerîf ahâlîsinin verdikleri Arabî mahzarı dahi ibrâz ve istintâk etmeleriyle Rum tâifesinin Dîvân-ı Hümâyûn Kalemi'nde mahfûz olan senedât-ı atîkalarına imrâr-ı nazar ve mefhûmları hulâsa olundukda; "Halîfe-i Sânî Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh– ve selâtîn-ı mâzıye taraflarından inâyet buyurulan hutût ve emr-i şerîfim mûceblerince Kudüs-i Şerîf'de [s. 22] vâkı‘ Kumâme kapısı karşısında ve kıble tarafında Muğtesel [ve] kadîmî5 iki şem‘dân ve kandîller ve Patrikliğe tâbi‘ gülgüle üzerinde dört kemerin aşağısı ve yukarısı ve Sitt-i Meryem

[4] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

üzerinde yedi kıt‘a kemerler zîr ü bâlâsı ve Kilise-yi Kebîr ortası ve Türbesi maan cümle ziyâretleri ve taşra Kumâme havlusu üç kiliseleri ve karşısında Kilise-i Mar Yuhanna ve Patrik mütemekkin olduğu evlerde kilise olan Elena6 ve Mar Sikla7 ve Sittinâ-yı [Meryem] ve Mar Eftimyus8 ve Mar Mîkâil ve Mar Yorgi9 ve Mar Yuhanna ve bâğçe ve Mar Vasil ve Mar Nikola ve Mar Dimitri ve Sitt-i Meryem ve diğer Mar Yuhanna ve diğer Kilise-yi Mar Ya[‘]kûb Gürcü Manastırı ve Mar Yorgi10 nâm kiliseler ve Kudüs-i Şerîf taşrasında Meryem Ana Makberesi ve Mar Siyon,11 Hazret-i Îsâ'nın Zindânı [ve] Hanna'nın Evi ve sahrâda olan makbereleri ve Gürcü Manastırı Masâlîsi(?)12 ve Mar Simyon ve Mar İlyâs Manastırı ve bâğçe ve zeytûn ve Mar Sava Manastırı ve karye-i Beyt-i Jala Mar Yorgi13 ve Hazret-i Îsâ –aleyhi's-selâm– doğduğu Beytüllahm nâm Mağâra ve Kenîse'de vâkı‘ mev[â]zı‘, şimâl ve kıble tarafında olan iki kapının miftâhları ve etrâfında olan iki kıt‘a bâğçe ve zeytûnluk ve makberelikleri ve sâir karyelerde olan kilise ve manastırları zabt edip âhar millet müdâhale eylemeye." deyü Fâtih-i Kudüs-i Şerîf cennet-mekân Sultân Selîm Hân hazretleri hatt-ı hümâyûnlarıyla muanven Dokuz yüz yirmi üç senesinde emr-i şerîf ihsân ve ba‘dehû; "senedât-ı kadîmeleri mûcebince amel olunmak" için firdevs-âşiyân Sultân Süleymân Hân hazretleri dahi Dokuz yüz otuz üç târîhinde hatt-ı hümâyûnlarıyla müzeyyen emr-i şerîf i‘tâ buyurup ba‘dehû; "Kumâme içinde vâkı‘ Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki,14 Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğe tâbi‘ gülgüleleri ve şem‘dân ve kanâdîl ve şimâl ve kıble taraflarında iki kapının miftâhları Rum Patriği zabtında iken mukaddemâ bir tarîkla Frenk râhibleri tagallüben dahl eylediklerinde Âsitâne'de Şeyhülislâm ve Sadreyn husûs-ı mezbûru dikkat ü ihtimâm ile tefahhus ve zikrolunan mevzı‘lar ve anahtarlar Rum tâifesinin olduğu ma‘mûlün-bih temessükler ile müteayyin oldukda Rumlara hükmolunmuş iken vaz‘-ı kadîme mugâyir Frenk tâifesi tekrâr müdâhale ve gadr eylediklerin Kudüs-i Şerîf Rum Patriği ve ruhbânları arzuhâl ile istid‘â eylediklerinde zikrolunan Beytüllahm'ın ve tevâbii bâğçe ve Kumâme ve kanâdîl15 ve kemerleri Rum ruhbânlarına teslîm ü zabt etdirilip ve miftâhları dahi Rum ruhbânlarına teslîm olunmak" için Bin kırk yedi târîhinde hatt-ı hümâyûn ile muanven merhûm Sultân Murâd Hân –tâbe serâhü– dahi emr-i şerîf inâyet ve ba‘dehû işbu emr-i şerîf Bin elli dört târîhinde merhûm Sultân İbrâhîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretleri asrında tecdîd ve bâlâsına hatt-ı hümâyûn16 tezyîn olunup ba‘dehû; " 'Frenk tâifesi evâmir-i şerîfeye amel etmeyip Kumâme ortasında olan Türbe'yi tagallüben zabt ve nice bid‘atler ihdâs eyledikleri' arz ve i‘lâm olundukda tarafeynin husamâsı Dîvân-ı Hümâyûn'da Sadreyn huzûrlarında mürâfaa ve; 'Yedimizde temessükât vardır, getirelim.' deyü istimhâl ve altı ay mikdârı zamân mürûr edip temessükâtların ibrâzdan âciz olmalarıyla yedlerinde olan evâmir-i şerîfe mûceblerince zikrolunan Beytüllahm nâm Kilise ve tevâbii ve kemerleri ve bâğçe ve Kumâme ve sâir tevâbi‘1 u levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirilip ve kadîmden Rum ruhbânlarında olan anahtarlar Frenk ruhbânı ellerinden alınıp Rum Patriğine ve ruhbânlarına teslîm ve bid‘atler ref‘ olunup min-ba‘d vaz‘-ı kadîme mugâyir ve emr-i şerîfe muhâlif dahl ü taarruz etdirilmeye." deyü Bin seksen altı târîhinde ve ba‘dehû; "işbu emr-i şerîf mûcebince amel olunmak" için Bin seksen sekiz senesinde bilâ-hat Sultân Mehmed Hân –tâbe serâhü– iki kıt‘a emr-i şerîf i‘tâ ve Bin doksan dokuz târîhinde; "mevâzı‘-ı 2 mezkûre için Rum tâifesinin yedlerinde olan emr-i şerîf tecdîd ve kemâ fi'l-evvel amel olunup evâmir-i şerîfeye mugâyir Efrencin aldıkları hüccet ve sâir temessükâtlarına amel olunmayıp ve ihdâs eyledikleri bid‘atler men‘ u def‘3 olunmak" üzere hatt-ı hümâyûn ile muanven merhûm Sultân Süleymân Hân –tâbe serâhü– dahi emr-i şerîf inâyet kıldıkları mukayyed olup ve Françaluya verilen ahidnâme-i hümâyûn ve ruhbânlarına verilen nişân-ı âlî-şâna dahi mürâcaat olundukda; "Kudüs-i Şerîf'in dâhilinde ve hâricinde ve Kumâme nâm Kilise'de kadîmden olugeldiği üzere

temekkün eyleyen Frenk râhiblerinin hâlâ sâkin olup ellerinde olan [s. 23] ziyâretgâhları kemâ-kân Frenk râhiblerinin ellerinde olup kimesne dahl eylemeye." deyü ahidnâme-i hümâyûnda musarrah ve; "Kumâme ortasında vâkı‘4 Kabr-i Îsâ –aleyhi's-selâm– zu‘m etdikleri mahallin testîr ve tezyîni5 ve üzerinde büyük ve küçük iki kurşunlu kubbe ve Kabr-i mezbûrun dâhilinde ve hâricinde ve sâhasında ferrâşlık ve kuddâs ve şem‘dânlar ve zarlar vaz‘ı6 ve kapısı önünde vâkı‘ sâhadan Rum Kilisesi'ne varınca sınır vaz‘ olunan demir parmaklık mâbeyninde vâkı‘ küçük seki ve ortasında olan büyük kemerde França Pâdişâhı tarafından vaz‘ olunagelen kanâdîl ve Cülcüle7 nâm mahallin nısfı [ki], Salbût8 Yeri ta‘bîr ederler; anda kuddâs etmek9 ve şem‘dânlar ve kandîller vaz‘ eylemek ve ziyâretde tavâif-i 10 âhara takaddüm ve Sitt-i Meryem ta‘bîr olunan yedi kıt‘a kemerin zîr ü bâlâsında ve Hücre-i Muğtesel'de Efrenc râhibleri âyînlerin icrâ eder11 iken tâife-i Rum tagallüben bunları12 men‘ ve Beytüllahm nâm karyede13 vâkı‘ Büyük Kenîse'nin içinde Mağâra-i Mevlid-i 14 Îsâ –aleyhi's-selâm–ın iki kapısının miftâhları ki, üç aded miftâh dahi Efrenc râhiblerine mahsûs iken tâife-i mezbûre hilâf inhâ ile men‘ ve Büyük Kilise'nin dâhilinde kıble tarafında bunların makberesi15 olan yerde bir kapı ihdâs ve Mevlid-i Îsâ'ya tâbi‘ iki kıt‘a bâğçenin kapıların kapadıp iki kapı ihdâs eyledikleri keşf ü muâyene ve udûl-i ricâl-i Müslimînden nice kimesneler meclis-i şer‘de hâzırûn olup münâzaun-fîhâ olan mevzı‘lar kadîmü'l-eyyâmdan Efrenc ruhbânlarının yedlerinde terk olunup tâifetân-ı mezbûretânın muvâcehelerinde ihbârları hüccet-i şer‘iyye ve arz ve mahzar olunmağla fetâvâ-yı şerîfeye müstenid selâtîn-ı mâzıyenin takrîrlerine binâen Bin kırk beş senesi târîhinde Sultân Murâd Hân –tâbe serâhü– zamânında nişân-ı hümâyûn verilip ve ba‘dehû Bin yüz bir senesinde dahi te’kîden nişân-ı âlî-şân ihsân ve merhûm Sultân Mustafâ Hân zamân-ı saâdet-iktirânlarında nişân-ı mezkûr16 tecdîd ve ba‘dehû [Bin yüz] on beş târîhinde tecdîd ve bâlâsı hatt-ı hümâyûn ile tezyîn, ba‘dehû [Bin] yüz kırk dört târîhinde dahi tecdîd ve bâlâsı hatt-ı hümâyûn ile tevşîh ve tekrâr [Bin] yüz altmış dokuz senesinde dahi tecdîd olunduğu" nişân-ı âlî-şânda mezkûr ve17 mastûr olup ancak belde-i Kudüs-i Şerîf ve havâlîsi ecdâd-ı ızâmımın seyf-i cihâdlarıyla feth u teshîr olunmuş mülk-i mevr[û]s-i 18 Pâdişâhânem olup ve münâzaun-fîhâ olan ziyâretgâhlar tarafeyne19 vakıf ve temlîk olunmayıp fakat mevâzı‘-ı mezbûreyi ziyâret ve anda icrâ-yı âyîn etmelerine kabûl-i cizye eden ehl-i zimmete izin ve ruhsat verilip ve müste’men ruhbânlarına dahi ba‘de-zamânin lutfen ve ihsânen ba‘zı ziyâretgâhlarda ziyâreti ve ba‘zı mahallerde icrâ-yı âyîn ve vaz‘-ı kanâdîl20 ve tezyîn misillü ef‘âllerine ruhsatı şâmil ecdâd-ı ızâmım zamânlarında senedât i‘tâ21 olunup ve Bin yüz bir târîhinde verilen nişân-ı âlî-şânın mebniyyün-aleyhi olmak üzere ibtidâ [Bin]1 kırk beş târîhinde verilen nişân Efrenc ruhbânlarının ziyâretgâh-ı mezkûrda2 edâ’-i ef‘âl-i testîr ve tezyîn ve icrâ-yı âyîn eylemelerini müş‘ir olduğundan kat‘-ı nazar, nişân-ı hümâyûnlarında mezkûr olan tasarruf ve husûsun3 ma‘nâsı dahi; "Efrenc râhiblerinin icrâ’-i âyîn ve ziyâret eylemeleri hâssaten mevâzı‘-ı mezbûreye maksûr ve mahsûs olsun; âhar mahallere tecâvüz4 eyle[me] sünler." ma‘nâsına olduğu5 delâil-i akliyye ve karâin-i hâliyye ile zâhir ü mütebâdir ve her mâdde için tarafeyne verilen evâmir-i şerîfe ancak izn-i ziyâreti ve ahadühümâ âhara olan taarruzun6 men‘ u def‘ini mutazammın olduğuna binâen keyfiyyetin sıdk u hakîkatine tahsîl-i ıttılâ‘ için tarafeynin tercümân ve papasları birkaç def‘a istintâk olundukdan sonra kat‘an li'n-nizâ‘ ahvâlleri mîzân-ı insâf u i‘tidâl ile muvâzene7 ve mazmûn-ı nişân-ı hümâyûna dahi riâyet ve Rum'un senedât-ı atîkalarına dahi imrâr-ı nazar ve dikkat olunarak zâbıta-i hüsn-i nizâma ifrâğ olunmak muktezî ve yazılacak işbu emr-i şerîfimin tesvîdi huzûr-ı sâtıu'n-nûr-ı şehinşâhâneme arz u takdîm olundukda [s. 24] hulâsası bâlâsına; "İzn-i hümâyûnum olmuşdur." deyü mübârek hatt-ı hümâyûn-ı inâyet-makrûn-ı mülûkânem şeref-sudûr olmakla ez-cümle; münâzaun-fîhâ olan mevâddan Hücre-i Muğtesel'de Efrenc râhibleri âyînlerini icrâ eylemek

muvâfık-ı nişân-ı hümâyûndur; lâkin ber-vech-i muharrer iki tarafın takrîr ve rızâlarına göre tarafeynin el-yevm ziyâretgâhı olmakla Rumlar8 ziyârete vardıklarında Efrenc tâifesinin bî-vech muârazaları men‘ ve vâkı‘ olan cefâları külliyyen ref‘ olunup ve Muğtesel'de olan iki şem‘dân el-yevm Efrencin zabtında olup ancak Rumların dahi senedât-ı kadîmelerine göre kadîmden kendilerinin olmakla def‘an li'l-cidâl9 ve tahsîlen li'l-müsâvât mahall-i merkûma Rum tâifesi taraflarından dahi iki şem‘dân vaz‘ ve ihdâ ile her tâife kendi şem‘dânlarına hizmet ve riâyet edip ve Muğtesel'de tarafeynin kandîlleri mevcûd olmakla ahadühümâ âhara nizâ‘ eylemeyip ve Kumâme ortasında vâkı‘ Kabr-i Hazret-i Îsâ zu‘m olunan mahal10 tarafeynin ziyâretgâhı olup ancak Kabr-i mezbûrun üzerinde olan küçük kubbenin ta‘mîr ü termîmi bahânesi ve vech-i âhar ile taş ve toprağını Efrenc râhibleri kaldırıp vilâyetlerine nakleylemek ihtimâli vâhimesi Rum tâifesine hadşe11 ve ıztırâb verip ve bu mülâhaza ve vâhimeye binâen [Bin] yüz otuz [bir]12 târîhinde Kumâme Kilisesi'nin büyük kubbesinin ta‘mîrine Françaluya bâ-fermân-ı âlî izin ve ruhsat verildikde; "Kabr-i Îsâ üzerinde olan küçük kubbeye esnâ’-i ta‘mîrde hatâen bir gûne zarar13 erişip ta‘mîre muhtâc olur ise Rum tâifesinin ta‘mîr eylemelerine izin ve ruhsat verilmek" için hatt-ı hümâyûn ile muanven Dîvân-ı Hümâyûn tarafından emr-i şerîf sâdır olması Rumların bu vâhimesini te’yîd ve kubbe-i mezbûrenin hâssaten muhâfazasına kadîmden beri me’mûriyyetlerini isbât ve tasd[î]k14 etmekle nişân-ı hümâyûna muârız olmamak vechile kubbe-i sağîre-i mezbûre Rumların tahsîl-i emniyyet ve itmi’nân-ı bâlleri için kadîmisi üzere Rumların re’ye'l-ayn nezâretlerinde ve taht-ı muhâfaza ve himâyetlerinde olup ve küçük kubbenin ta‘mîri lâzım geldikde Rumlar tarafından ta‘mîr15 olunup Efrenc tarafından dahi bu husûsa nizâ‘ olunmaya ve gülgüle üzerinde olan dört kemerin ikisi ber-mûceb-i senedât-ı atîka Rumların ve nısf-ı 16 âharı dahi nişân-ı hümâyûn mûcebince17 Efrencin olmakla ahadühümâ âhar ile nizâ‘ eylemeyip ve Sitt-i Meryem üzerinde olan yedi kemerin bâlâsı França râhiblerinin18 ikâmetgâhları ve zîrleri Rumların ziyâretgâhı19 olduğun bi'l-muvâcehe tarafeyn20ikrâr u i‘tirâf eyleyip ancak Efrenc râhibleri ağaç ve taş ve barut ilkâsıyla Rumlara cefâ ve ezâ etmeleriyle cefâ ve mazarratları def‘ olunup kadîmisi üzere her taraf kendiye mahsûs olan mahalde icrâ-yı âyîn edip ahadühümâ âhara müdâhale ve muâraza eylemeyip ve Beytüllahm nâm mahalde [vâkı‘]21 Kenîse-yi Kebîr Rum'un olmak üzere senedât-ı kadîmelerinde mansûs olduğundan başka nişân-ı hümâyûna göre Kilise-yi Kebîr Rumların olmak iktizâ etmekle kadîmi üzere mübâşir ma‘rifetiyle Rumlara tahsîs olunup ve Kenîse-yi Kebîr içinde olan Mağâra tarafeynin ziyâretgâhı olup ve miftâhları kadîmden Rum papasları yedlerinde iken sonradan hîle ve tagallüb ile el-yevm Efrenc râhiblerinin yed-i tagallüblerine geçmeğin Rum züvvârı vardıkda iki [üç]1 sâat kapıyı açmayıp cefâ olunmağla müceddeden bir miftâh dahi yapılıp mübâşir ma‘rifetiyle Rum Patriğiyle ruhbânlarına verilip ve Mağârada âyînlerini icrâ etmekde2 muâraza ve muhâlefet3 olunmayıp ve Mevlid-i Îsâ'ya tâbi‘ iki kıt‘a bâğçe; "França râhiblerine mahsûsdur." deyü França râhibleri tarafından zabt olunup lâkin bu bâbda Rum'un senedâtında sarâhaten ve nişânda alâ-tarîkı'l-hikâye zımnen4 zikrolunmağla ale's-seviyye iki tarafdan dahi gözedilip riâyet oluna ve Kudüs-i Şerîf hâricinde vâkı‘ Kabr-i Hazret-i Meryem Rumların olmak üzere Dokuz yüz yirmi üç ve Dokuz yüz otuz üç ve Bin altmış yedi târîhlerinde hutût-ı hümâyûnlar5 ile müzeyyen sâdır olan evâmir-i şerîfede sarâhaten mezkûr olup ve bu mâdde nişân-ı hümâyûnda kat‘â zikrolunmayıp Rum'un senedâtında sarâhaten mezkûr olup ve Devlet-i Aliyyemin [s. 25] harâc-güzârı olan Rum tâifesinin bu istid‘âlarına müsâade olunmak ahidnâme-i hümâyûna ve nişân-ı âlî-şâna münâfî olmadığına binâen Kabr-i Hazret-i Meryem Rum'a mahsûsan kadîmisi üzere Rum Patriği ve ruhbânları yedlerinde ibkâ ve kendilere zabt ve bundan sonra ta‘mîre muhtâc olur ise Rum tarafından ta‘mîr etdirilip fîmâ-ba‘d Efrenc tâifesinin ellerinde olan kadîm ziyâretgâhlarına ve

âyînlerinin icrâsına Rum milleti ve senedât-ı kadîme mûceblerince Rum'un yedlerinde olan mevâzı‘ ve ziyâretgâhlarına ve âyînlerinin icrâsına Efrenc tâifesi bi-vechin mine'l-vücûh müdâhale ve muâraza eylemeyip ve bâlâda muharrer cefâ ve mazarratlar dahi külliyyen men‘ u def‘ 6 ve tenbîhi lâzım gelenlere muhkem tenbîh-i ekîd birle zikrolunan ziyâretgâhları7 herkes kadîmî8 ve bâlâda bast u beyân olunduğu vech üzere bilâ-nizâ‘ ziyâret ve âyînlerin icrâ edip mugâyir-i kadîm ahad-i tâife uhrâya9 kat‘â cefâ ve taarruz eylemeyip bu emr-i şerîfime muhâlif vaz‘ u hâlet sudûruna cevâz ve ruhsat gösterilmekden be-gâyet ittikâ ve ihtirâz olunmak bâbında fermân-ı âlî-şânım sâdır olmuşdur.10 Buyurdum ki:

Vusûl buldukda bu bâbda vech-i meşrûh üzere şeref-yâfte-i sudûr olan fermân-ı vâcibü'l-ittibâ‘ ve lâzımü'l-imtisâlimin mazmûn-ı itâat-makrûnuyla âmil olup ser-i mû hilâfından gâyetü'l-gâye tehâşî ve mübâadet eyleyesiz. Şöyle bilesiz; alâmet-i şerîfe i‘timâd kılasız.

Tahrîren; fî-evâhiri Zi'l-ka‘de sene seb‘în ve mie ve elf.

Sene 1170

Be-makâm-ı Kostantıniyye

Appendix X

Ferman of Sultan Mustafa IV (1807 to 1808)[5]

Renewal of Emr-i Âlîşân (Imperial Order) regarding the Regulation for Settling the Conflict between Franks and Greeks about the Holy Places in al-Quds al-Sharif by Sultan Mustafa IV

12-21 December 1807

[Ottoman Turkish] Kudüs-i Şerîf Mollasına hüküm:

Taht-ı âlî-baht-ı Osmânî üzere cülûs-i hümâyûn-ı saâdet-makrûnum vâkı‘ olup umûmen tecdîd-i ahkâm fermânım olmağın; "selâtîn-ı mâzıyeden hutût-ı şerîfe ile muanven verilen evâmir-i celîle mûceblerince Kudüs-i Şerîf dâhilinde ve hâricinde vâkı‘ Rum tâifesine mahsûs olan ziyâretgâhlar kadîmü'l-eyyâmdan beri zabt u tasarruflarında iken şimdi Rum tâifesi Hücre-i Muğtesel'e ziyârete vardıklarında muâraza ve cevr u cefâ ve Muğtesel'de olan iki şem‘dânı ve kandîlleri Efrenc râhibleri zabt ve Hazret-i Îsâ Türbesi üzerinde olan küçük kubbeyi zabt ve ziyârete dahi varanlara dahi taaddî ve ezâ ve Sittinâ-[yı] Meryem üzerinde olan yedi kemerin bâlâsı Efrenc râhiblerinin mahall-i ikâmetleri ve zîrleri Rumların ziyâretgâhları olmakla esnâ-yı mürûrlarında Efrenc râhibleri üzerlerine ağaç ve taş ve barut ilkâsıyla ihânet edip ve Beytüllahm nâm mahalde vâkı‘ Kilise-i Kebîr'i zabt edip ve içinde olan Mağâra-i Mevlid-i Hazret-i Îsâ'nın miftâhları Efrenc râhiblerinde olduğundan Rum züvvârı vardıkda iki üç sâat kapıyı açmayıp diledikleri vakit açıp Rumlara rezâlet ve hakâret ve Mağâra-i mezbûrenin şimâl ve kıble taraflarında olan iki aded [kapının] miftâhları ve Kilise-yi mezbûre etrâfında olan iki kıt‘a bâğçe ve zeytûnlukları ve Kudüs-i Şerîf hâricinde vâkı‘ Kabr-i Hazret-i Meryem'i zabt edip senedât-ı kadîmelerine mugâyir müdâhale iktizâ etmez iken Bin altmış târîhinde bir tarîk ile verilen emre binâen Kabr-i mezbûrun ta‘mîr ve zabtı için Bin yüz altmış dokuz senesinde Efrenc tâifesi emr-i şerîf alıp bu bahâne ile Frenk tâifesinin ziyâretgâhının taşlarını Frengistân'a nakledecekleri müteayyin ve bu takrîble Rum tâifesi Frengistân'a gidip ziyârete muhtâc oldukları ve Katolik olacakları bedîdâr ve mütebeyyin olmakla mugâyir-i kadîm Efrencin müdâhalesi men‘ u def‘ ve kadîmisi üzere Kabr-i mezbûr ve mevâzı‘-ı sâire kendilere zabt etdirilmek ve cevr u cefâları izâle ve ref‘ olunmak üzere bundan akdem emr-i şerîf sudûrunu istid‘â ve istirhâmlarını müekkid Kudüs-i Şerîf ahâlîsinin verdikleri Arabî mahzarı dahi ibrâz ve istintâk eylediklerinde Rum tâifesinin Dîvân-ı Hümâyûn'um Kalemi'nde mahfûz olan senedât-ı atîkalarına imrâr-ı nazar ve mefhûmları hulâsa olundukda; 'Halîfe-i Sânî Hazret-i Ömer ibnü'l-Hattâb –radıya'llâhü Teâlâ anh– ve selâtîn-ı mâzıye taraflarından inâyet buyurulan hutût ve evâmir-i şerîfe mûceblerince Kudüs-i Şerîf'de vâkı‘ Kumâme kapısı karşısında ve kıble tarafında2 Muğtesel [ve] kadîmî3 iki şem‘dân ve kanâdîlleri ve Patrikliğe tâbi‘ gülgüle üzerinde dört kemerin aşağısı ve yukarısı ve Sitt-i Meryem üzerinde yedi kıt‘a kemerler zîr ü bâlâsı ve Kenîse-yi Kebîr ortası ve Türbesi maan cümle ziyâretleri ve taşra Kumâme havlusu1 üç kenîseleri ve karşısında Kenîse-i Mar Yuhanna ve Patrik mütemekkin olduğu evlerde kenîse olan Elena ve Mar Sikla2 ve Sittinâ-yı [Meryem] ve Mar Eftimyus ve Mar Mîkâil ve Mar Yorgi

[5] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

ve Mar Yuhanna ve bâğçe ve Mar Vasil ve Mar Nikola ve Mar Dimitri ve Sitt-i Meryem ve diğer Mar Yuhanna ve diğer kilisesi ve Mar Ya‘kûb Gürcü Manastırı ve Mar Yorgi nâm kiliseler ve Kudüs-i Şerîf taşrasında Meryem Ana Makberesi ve Mar Siyon3 Hazret-i Îsâ'nın Zindânı [ve] Ha[nna]'nın Evi ve sahrâda olan makbereleri ve Gürcü Manastırları masâlibi(?)4 ve Mar Simyon ve Mar İlyâs Manastırı ve bâğ ve zeytûn ve Mar Sava Manastırı ve karye-i Beyt-i Jala Mar Yorgi ve Hazret-i Îsâ –aleyhi's-selâm– doğduğu Beytüllahm nâm Mağâra ve Kenîse'de vâkı‘ mev[â]zı‘, şimâl ve kıble tarafında olan iki kapının miftâhları ve etrâfında olan iki kıt‘a bâğçe ve zeytûnluk ve makberelikleri ve sâir karyelerde olan kilise ve manastırları zabt edip âhar millet müdâhale eylemeye.' deyü Fâtih-i Kudüs-i Şerîf cennet-mekân Sultân Selîm Hân hazretleri hatt-ı hümâyûnları [ile] muanven Dokuz yüz yirmi üç senesinde emr-i şerîf ihsân ve ba‘dehû; 'senedât-ı kadîmeleri mûcebince amel olunmak' için firdevs-âşiyân Sultân Süleymân5 Hân hazretleri dahi Dokuz yüz otuz üç târîhinde hatt-ı hümâyûnlarıyla müzeyyen emr-i şerîf i‘tâ buyurup ba‘dehû; 'Kumâme içinde vâkı‘ Muğtesel ve Mevlid-i Hazret-i Îsâ –aleyhi's-selâm– ki, Beytüllahm demekle meşhûrdur; bâğçeleri ve kemerleri ve Patrikliğe tâbi‘ gülgüleleri ve şem‘dân ve kanâdîl ve şimâl ve kıble taraflarında iki kapının miftâhları Rum Patriği zabtında iken mukaddemâ bir tarîkla Frenk râhibleri tagallüben dahl eylediklerinde Âsitâne'de Şeyhülislâm ve Sadreyn husûs-ı mezbûru dikkat ü ihtimâm ile tefahhus ve zikrolunan mevzı‘lar ve anahtarlar Rum tâifesinin olduğu ma‘mûlün-bih temessükleri ile müteayyin oldukda Rumlara hükmolunmuş iken vaz‘-ı kadîme muhâlif Frenk tâifesi tekrâr müdâhale ve gadr eylediklerin' Kudüs-i Şerîf Rum Patriği ve ruhbânları arzuhâl ile istid‘â eylediklerinde; 'zikrolunan Beytüllahm'ın ve tevâbi‘ bâğçe ve Kumâme ve kanâdîl ve kemerleri Rum ruhbânlarına teslîm ü zabt etdirilip ve miftâhları dahi Rum ruhbânlarına teslîm olunmak' için Bin kırk yedi târîhinde hatt-ı hümâyûnlarıyla6 muanven merhûm Sultân Murâd Hân –tâbe [s. 43] serâhü– dahi emr-i şerîf inâyet ve ba‘dehû işbu emr-i şerîf Bin elli dört târîhinde merhûm Sultân İbrâhîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretleri asırlarında7 tecdîd ve bâlâsı hatt-ı hümâyûn ile tezyîn olunup ve ba‘dehû; 'Frenk tâifesi evâmir-i şerîfeye amel eylemeyip Kumâme ortasında olan Türbe'yi tagallüben zabt ve nice bid‘atler ihdâs eyledikleri' arz ve i‘lâm olundukda tarafeynin husamâsı Dîvân-ı Hümâyûnumda Sadreyn huzûrlarında mürâfaa ve; 'Yedimizde temessükât vardır, getirelim.' deyü istimhâl ve altı ay mikdârı zamân mürûr edip temessükâtların ibrâzdan âciz olmalarıyla; 'Yedlerinde olan evâmir-i şerîfe mûceblerince zikrolunan Beytüllahm nâm Kilise ve tevâbii ve kemerleri ve bâğçe ve Kumâme ve sâir tevâbii ve levâhıkıyla Rum tâifesi ruhbânlarına zabt etdirdilip ve kadîmden Rum ruhbânlarında olan anahtarlar Frenk ruhbânları ellerinden alınıp Rum Patriğine ve ruhbânlarına teslîm ve bid‘atler ref‘ olunup min-ba‘d vaz‘-ı kadîme mugâyir ve emr-i şerîfe muhâlif dahl ü taarruz etdirilmeye.' deyü Bin seksen altı târîhinde ve ba‘dehû; 'işbu emr-i şerîf mûcebince amel olunmak' için Bin seksen sekiz senesinde bilâ-hat Sultân Mehmed Hân –tâbe serâhü– iki kıt‘a emr-i şerîf i‘tâ ve Bin doksan dokuz târîhinde; 'mevâzı‘-ı mezkûre için Rum tâifesinin yedlerinde olan emr-i şerîf tecdîd ve kemâ fi'l-evvel amel olunup evâmir-i şerîfeye mugâyir Efrencin aldıkları hüccet ve sâir temessükâtlarına amel olunmayıp ihdâs eyledikleri bid‘atler men‘ u ref‘ olunmak' üzere hatt-ı hümâyûn ile muanven merhûm Sultân Süleymân Hân –tâbe serâhü– dahi emr-i şerîf inâyet kıldıkları mukayyed olup Efrencelüye verilen ahidnâme-i hümâyûn ve ruhbânlarına verilen nişân-ı âlî-şâna dahi mürâcaat olundukda; 'Kudüs-i Şerîf'in dâhilinde ve hâricinde ve Kumâme nâm Kilise'de kadîmden olugeldiği üzere temekkün eyleyen Frenk râhiblerinin hâlâ sâkin olup ellerinde olan ziyâretgâhları kemâ-kân Frenk râhiblerinin ellerinde olup kimesne dahl etmeye.' deyü ahidnâme-i hümâyûnda musarrah ve; 'Kumâme ortasında vâkı‘ Kabr-i Îsâ –aleyhi's-selâm– zu‘m etdikleri mahallin testîr ve tezyîni ve üzerinde büyük ve küçük iki

kurşunlu kubbe [ve] Kabr-i mezbûrun dâhilinde ve hâricinde ve sâhasında ferrâşlık ve kuddâs ve şem‘dânlar ve zarlar vaz‘ı ve kapısı önünde vâkı‘ sâhadan Rum Kilisesine varınca sınır vaz‘ olunan demir parmaklık mâbeyninde8 vâkı‘ küçük seki ve ortasında olan büyük kemerde França Pâdişâhı tarafından vaz‘ olunagelen kanâdîl ve Cülcüle nâm mahallin nısfı [ki], Salbût Yeri ta‘bîr ederler; anda kuddâs etmek ve şem‘dânlar ve kanâdîller vaz‘ eylemek ve ziyâretde tavâif-i âhara takaddüm ve Sitt-i Meryem ta‘bîr olunan yedi kıt‘a kemerin zîr ü bâlâsında ve Hücre-i Muğtesel'de Efrenc râhibleri âyînlerin icrâ eder iken tâife-i Rum tagallüben bunları men‘ ve Beytüllahm nâm karyede vâkı‘ Büyük Kilise'nin içinde Mağâra-i Mevlid-i Îsâ –aleyhi's-selâm–ın iki kapısının miftâhları ki, üç aded miftâh dahi Efrenc râhiblerine mahsûs iken tâife-i mezbûre hilâf inhâ ile men‘ ve Büyük Kilise'nin dâhilinde kıble tarafında bunların makberesi olan yerde bir kapı ihdâs ve Mevlid-i Îsâ'ya tâbi‘ iki kıt‘a bâğçenin kapıların kapadıp iki kapı ihdâs eyledikleri keşf ü muâyene ve udûl-i ricâl-i Müslimînden nice kimesneler meclis-i şer‘de hâzırûn olup münâzaun-fîhâ olan mevzı‘lar kadîmü'l-eyyâmdan beri Efrenc râhiblerinin yedlerinde terk olunup1 tâifetân-ı mezbûretânın muv[â]cehelerinde ihbâr[lar]ı hüccet-i şer‘iyye ve arz ve mahzar olunmağla fet[â]vâ-yı şerîfeye müstenid selâtîn-ı mâzıyenin takrîrlerine binâen Bin kırk beş senesi târîhinde Sultân Murâd Hân –tâbe serâhü– zamânında nişân-ı hümâyûn verilip ve ba‘dehû Bin yüz bir senesinde dahi te’kîden nişân-ı âlî-şân ihsân ve merhûm Sultân Mustafâ Hân zamân-ı saâdet-iktirânlarında nişân-ı mezkûr tecdîd ve ba‘dehû [Bin yüz] on beş târîhinde tecdîd ve bâlâsı hatt-ı hümâyûn ile tezyîn ve ba‘dehû [Bin] yüz kırk dört târîhinde dahi tecdîd ve bâlâsı hatt-ı hümâyûn ile tevşîh ve tekrâr [Bin] yüz altmış dokuz senesinde dahi tecdîd olunduğu' nişân-ı âlî-şânda mastûr ve mezkûr olup ancak belde-i Kudüs-i Şerîf ve havâlîsi ecdâd-ı 2 ızâmımın seyf-i cihâdlarıyla feth u teshîr olunmuş mülk-i mevrûs-i Pâdişâhânem olup ve münâzaun-fîhâ olan ziyâretgâhlar tarafeyne vakıf ve temlîk olunmayıp fakat mevâzı‘-ı mezbûreyi ziyâret ve anda icrâ-yı âyîn eylemelerine kabûl-i cizye eden ehl-i zimmete izin ve ruhsat verilip ve müste’men râhiblerine dahi ba‘de-zamânin lutfen ve ihsânen ba‘zı ziyâretgâhlarda ziyâreti ve ba‘zı mahallerde icrâ-yı âyîn ve vaz‘-ı kanâdîl ve tezyîn misillü ef‘âllerine ruhsatı şâmil ecdâd-ı ızâmım zamânlarında senedât i‘tâ olunup ve Bin yüz bir târîhinde verilen nişân-ı âlî-şânın mebniyyün-aleyhi olmak üzere ibtidâ Bin kırk beş târîhinde verilen nişân Efrenc râhiblerinin ziyâretgâh-ı mezkûrede edâ’-i ef‘âl-i testîr ve tezyîn ve icrâ-yı âyîn eylemelerini müş‘ir olduğundan kat‘-ı nazar, nişân-ı hümâyûnda mezkûr olan tasarruf ve husûsun ma‘nâsı dahi; 'Efrenc râhiblerinin icrâ-yı âyîn ve ziyâret eylemeleri hâssaten mevâzı‘-ı mezkûreye maksûr ve mahsûs olsun; âhar mahallere tecâvüz ve taaddî eylemesünler.' demek ma‘nâsına olup yohsa; 'Ol mahaller Efrenc râhiblerinin icrâ-yı âyîn ve ziyâret eylemelerine maksûr ve mahsûs olmakla âharlarını men‘ u def‘ eylesünler.' ma‘nâsına olmadığı delâil-i akliyye ve karâin-i hâliyye ile zâhir ü mütebâdir ve her mâdde için tarafeyne verilen evâmir-i şerîfe ancak izn-i ziyâreti ve ahadühümâ âhara olan taarruzunun men‘ u def‘ini mutazammın olduğuna binâen keyfiyyetin sıdk u hakîkatine tahsîl-i ıttılâ‘ için tarafeynin tercümân ve papasları birkaç def‘a istintâk olundukdan sonra kat‘an li'n-nizâ‘ ahvâlleri mîzân-ı insâf u i‘tidâl ile muvâzene ve maz[m]ûn-ı nişân-ı hümâyûna dahi riâyet ve Rum'un senedât-ı atîkalarına dahi imrâr-ı nazar ve dikkat olunarak râbıta-i 3 hüsn-i nizâma ifrâğ olunmak muktezî ve yazılacak işbu emr-i şerîfimin tesvîdi huzûr-ı sâtıu'n-nûr-ı şehinşâhâneye arz u takdîm olundukda hulâsası bâlâsına; 'İzn-i hümâyûnum olmuşdur.' deyü Hudâvendigâr-ı sâbık merhûm ve mağfiret-penâh amm-i emcedim Sultân Osmân –tâbe serâhü–nün hatt-ı hümâyûn-ı inâyet-makrûn-ı mülûkâneleri şeref-bahş-ı sudûr olmakla ez-cümle; münâzaun-fîhâ olan mevâddan Hücre-i Muğtesel'de Efrenc râhibleri âyînlerini icrâ eylemek muvâfık-ı nişân-ı hümâyûndur; lâkin ber-vech-i muharrer iki tarafın takrîr ve rızâlarına göre tarafeynin el-yevm

ziyâretgâhı olmakla Rumlar ziyârete vardıklarında Efrenc tâifesinin bî-vech muârazaları men‘ u def‘ [ve vâkı‘] olan cefâları külliyyen ref‘ olunup ve Muğtesel'de olan iki şem‘dân el-yevm Efrenc zabtında olup ancak bunların dahi senedât-ı kadîmelerine göre kadîmden kendilerinin olmakla def‘an li'l-cidâl ve tahsîlen li'l-müsâvât mahall-i merkûma Rum tâifesi taraflarından dahi iki şem‘dân vaz‘ ve ihdâ ile her tâife kendi şem‘dânlarına hizmet ve riâyet edip ve Muğtesel'de tarafeynin kandîlleri mevcûd olmakla ahadühümâ âhara nizâ‘ eylemeyip ve Kumâme ortasında vâkı‘ Kabr-i Hazret-i Îsâ zu‘m olunan mahal tarafeynin ziyâretgâhı olup ancak Kabr-i mezbûrun üzerinde olan küçük kubbenin4 ta‘mîr ü termîmi bahânesi ve vech-i âhar ile taş ve toprağını Efrenc râhibleri kaldırıp vilâyetlerine nakleylemek ihtimâli vâhimesi Rum tâifesine hadşe ve ıztırâb verip ve bu mülâhaza [ve] [s. 44] vâhimeye binâen [Bin] yüz otuz bir târîhinde Kumâme Kilisesi'nin büyük kubbesinin ta‘mîrine Françaluya bâ-fermân-ı âlî izin ve ruhsat verildikde Kabr-i Îsâ üzerinde olan küçük kubbeye esnâ’-i ta‘mîrde hatâen bir gûne zarar erişip ta‘mîre muhtâc olur ise Rum tâifesinin ta‘mîr eylemelerine izin ve ruhsat verilmek için hatt-ı hümâyûn ile muanven Dîvân-ı Hümâyûn tarafından emr-i şerîf sâdır olması Rumların bu vâhimesini te’yîd ve kubbe-i mezbûrenin hâssaten muhâfazasına kadîmden beri me’mûriyyetlerini isbât ve tasdîk etmekle nişân-ı hümâyûna muârız olmamak vechile kubbe-i sağîre-i mezbûre Rumların tahsîl-i emniyyet ve itmînân-ı bâlleri için kadîmisi üzere Rumların re’ye'l-ayn5 nezâretlerinde ve taht-ı muhâfaza ve himâyetlerinde olup ve küçük kubbenin ta‘mîri lâzım geldikde Rumlar tarafından ta‘mîr olunup Efrenc tarafından dahi bu husûsa nizâ‘ olunmaya ve gülgüle üzerinde olan dört kemerin ikisi ber-mûceb-i senedât-ı atîka Rumların ve nısf-ı âharı dahi nişân-ı hümâyûn mûcebince Efrencin olmakla ahadühümâ âhar ile nizâ‘ eylemeyip ve Sitt-i Meryem üzeri[nd]e olan yedi kemerin bâlâsı Efrenc râhiblerinin ikâmetgâhları ve zîrleri Rumların ziyâretgâhları olduğu[n] bi'l-muvâcehe tarafeyn ikrâr u i‘tirâf eyleyip ancak Efrenc râhibleri ağaç ve taş ve barut ilkâsıyla Rumlara cefâ ve ezâ etmeleriyle cefâ ve mazarratları def‘ olunup kadîmisi üzere her taraf kendiye mahsûs mahalde icrâ-yı âyîn edip ahadühümâ âhara müdâhale ve muâraza eylemeyip ve Beytüllahm nâm mahalde vâkı‘ Kenîse-yi Kebîr Rum'un olmak üzere senedât-ı kadîmelerinde mansûs olduğundan başka nişân-ı hümâyûna göre Kilise-yi Kebîr Rumların olmak iktizâ etmekle kadîmisi üzere mübâşir ma‘rifetiyle Rumlara tahsîs olunup ve Kilise-yi Kebîr içinde olan Mağâra tarafeynin ziyâretgâhı olup ve miftâhları kadîmden Rum papasları yedlerinde iken sonradan hîle ve tagallüb ile el-yevm Efrenc râhiblerinin yed-i tagallüblerine geçmeğin Rum züvvârı vardıkda iki üç sâat kapıyı açmayıp cefâ olunmağla müceddeden bir miftâh dahi yapılıp mübâşir ma‘rifetiyle Rum Patriğiyle ruhbânlarına verilip ve Mağârada âyînlerini icrâ etmede muâraza ve mümânaat olunmayıp ve Mevlid-i Îsâ'ya tâbi‘ iki kıt‘a bâğçe; 'Efrenc râhiblerine mahsûsdur.' deyü Efrenc râhibleri tarafından zabt olunup lâkin bu bâbda Rum'un senedâtında sarâhaten ve nişânda alâ-tarîkı'l-hikâye zımnen1 zikrolunmağla ale's-seviyye iki tarafdan dahi gözedilip riâyet oluna ve Kudüs-i Şerîf hâricinde vâkı‘ Kabr-i Hazret-i Meryem Rumların olmak üzere Dokuz yüz yirmi üç ve Dokuz yüz otuz üç ve Bin altmış yedi târîhlerinde hutût-ı hümâyûnlarıyla müzeyyen sâdır olan evâmir-i şerîfede sarâhaten mezkûr olup ve bu mâdde nişân-ı hümâyûnda kat‘â zikrolunmayıp Rum'un senedâtında sarâhaten mezkûr olup Deraliyye'nin harâc-güzârları olan Rum tâifesinin bu istid‘âlarına müsâade olunmak ahidnâme-i hümâyûna ve nişân-ı âlî-şâna münâfî olmadığına binâen Kabr-i Hazret-i Meryem Rum'a mahsûsan kadîmisi üzere Rum Patriği ve ruhbânları yedlerinde ibkâ ve kendilere zabt ve bundan sonra ta‘mîre muhtâc olur ise Rum tarafından ta‘mîr etdirilip fîmâ-ba‘d Efrenc tâifesinin ellerinde olan kadîmî ziyâretgâhlarına ve âyînlerinin icrâsına Rum milleti ve senedât-ı kadîme mûceblerince Rum['un] yedlerinde olan mevâzı‘ ve ziyâretgâhlarına ve âyînlerinin

icrâsına Efrenc tâifesi vechen mine'l-vücûh müdâhale ve muâraza eylemeyip ve bâlâda muharrer cefâ ve mazarratları dahi külliyyen men‘ u def‘ ve tenbîhi lâzım gelenlere muhkem tenbîh-i ekîd2 birle zikrolunan ziyâretgâhlarını herkes kadîmisi ve bâlâda bast u beyân olunduğu vech üzere bilâ-nizâ‘ ziyâret ve âyînlerin icrâ edip mugâyir-i kadîm ahad-i tâife uhrâya kat‘â cefâ ve taarruz eylemeyip bu emr-i şerîfe muhâlif vaz‘ u hâlet sudûruna cevâz ve ruhsat gösterilmekden be-gâyet ittikâ ve ihtirâz olunmak bâbında sâdır olan emr-i şerîf mûcebince müceddeden3 emr-i âlî sudûrunu Kudüs-i Şerîf Rum Patriği Parteniyus 4 nâm Patrik bundan akdem arzuhâl birle istid‘â eyledikde; 'mukaddemâ sâdır olan emr-i şerîf mûcebince amel olunmak' için [Bin] yüz yetmiş bir senesi evâhir-i Rebîü'l-evvel'inde bâ-hatt-ı hümâyûn Hudâvendigâr-ı esbak merhûm ve mağfûrun-leh Sultân Mustafâ Hân –tâbe serâhü– zamânında ve ba‘dehû Bin yüz seksen sekiz senesi evâhir-i Ramazân'ında bâlâsı hatt-ı hümâyûn ile muanven ammim cennet-mekân, firdevs-âşiyân Sultân Abdülhamîd Hân –aleyhi'r-rahmetü ve'l-gufrân– zamânında ve ba‘dehû; 'hilâfına emr-i şerîf yoğise vech-i meşrûh üzere amel olunmak' için bâlâsı hatt-ı hümâyûn ile muanven Bin iki yüz altı senesi evâhir-i Zi'l-ka‘de'sinde Hudâvendigâr-ı sâbık zamânında emr-i şerîf sudûr etmiş olduğun" bu def‘a Kudüs-i Şerîf Rum Patriği An[ti]mus nâm Patrik bâ-arzuhâl inhâ ve tecdîdin istid‘â ve Dîvân-ı Hümâyûnumda mahfûz ahkâm kuyûdâtı istikrâ etdirildikde vech-i meşrûh üzere târîh-i merkûmda emr-i âlî verildiği mastûr ve mukayyed bulunmağın mukaddemâ sâdır olan emr-i şerîf mûcebince amel ve hareket olunmak bâbında.

Fî-evâsıtı L. sene [1]222

Appendix XI

Ferman of Sultan Mahmud II[6]

[English Summary] Emr-i Şerif (Imperial Order) Issued by Sultan Mahmud II, Which Orders Prevent Intervention Against Armenian Rituals Because of Ensuring Equality Among Armenians, Franks and Greeks on Some Issues Like Rituals At the Trial in the Church of Holy Sepulchre on Renewal of the Imperial Order, Dated 1075 (1664 – 1665), Regarding Prevention of the Frankish Priests from Interfering with Armenians to Join Kudas (Eucharist) Rites and to Light Candles in the Tomb in the Church of Holy Sepulchre

Upon the submission of a petition by the Armenian priests in Jerusalem and the request for the renewal of this order by presenting the order dated 1075 (1664 - 1665) on 'the prohibition of the interference by the Frankish priests to the Armenians' lighting candles, incense and oil lamps in the Tomb in the Church of the Holy Sepulcher'; In the past, there was a dispute between Armenians and Greeks on this issue, and as a result of the hearing, 'the parties jointly shared the common places of visitation and residence, that an agreement was reached on the issue of 'visiting and residing in detached places independently' and 'acting according to this agreement from now on' and separate orders were issued to both nations on 1-10 Muharram 1228 (4-13 January 1813) and renewed in this petition. Since it was understood that the requested order was not contrary to the content of the aforementioned orders, an order dated 1-10 Zilkade 1244 (5-14 May 1829) addressed to the officials in al-Quds al-Sharif was sent to renew the said order and to act accordingly, In the charge, writ, and mahzah received in response, the contents of which were annotated on the record of the said order in the ledger; “the renewal order was read out in the al-Quds al-Sharif Court in the presence of dignitaries and the representatives of the Frankish, Greek and Armenian parties, and then a hearing was held in the court set up at the head of the Holy Sepulcher, and as a result, the Armenians demanded the following: 'assigning time for kudas to each of the parties, observing equality in all matters such as pictures, plaques, candles, oil lamps, curtains, etc. hung and placed during the visit to the Sepulcher. The Armenians also demanded that the Armenians be given the right to have one of the keys of the Greek staircase door made for them in order to ascend the dome of the Tomb, that a tarp be placed on the top of the dome to protect their paintings from the rain, that candlesticks and lamps be placed at the Tomb on feast days, and that they be given a place where Jesus (a.s.) was washed.) to have oil lamps and candlesticks like them in the Mughtesel, the place where they bathe, to participate in the cleaning of the Tomb and the Mughtesel on a rotating basis like the Franks and Greeks, to knock on wood for the proclamation of kudas, to put up temporary pulpits and lay out objects, to allocate the Church of the Holy Sepulchre to them five times a year', etc. Upon being informed that “the Court permitted their requests for the Church of the Holy Sepulchre to be allocated to them five times a year, etc. with the consent of the other parties, and that the parties agreed to these matters in order to respect equality and partnership and not to interfere in each other's affairs, and that the requirement of the order has been fulfilled in this way,” this order was issued again to express the situation, and for this reason, this order was issued by Sultan Mahmud II addressed to the Vizier Mehmed Emin Rauf Pasha, the Governor of Damascus, the Kadi of al-Quds al-Sharif and the Mütesellim of al-Quds al-Sharif, to prevent any interference with the Armenians from performing rituals and kudas and to act according to the aforementioned charge. Record of the copy of the order issued by Mahmud Khan.

February 15-23, 1830

---

[6] This transliteration is derived from T.C. Cumhurbaşkanliği Devlet Arşivleri Başkanliği. (2019). Kudüs'te Hristiyan Mezhep Ve Milletlerin İdaresi (Administration of Christian Denominations and Communities in Jerusalem).

[Ottoman Turkish] Muahharan emr-i âlî yazılmışdır. Fî-evâili L. sene [12]552 Şâm Vâlîsi ve Mîr-i Hâccı Sadr-ı esbak Vezîrim Mehmed Emîn Raûf Paşa –[edâma'llâhü Teâlâ] iclâlehû–ya ve Kudüs-i Şerîf Mollasına ve Kudüs-i Şerîf Mütesellimi ( ) –zîde mecdühû–ya hüküm:

"Kudüs-i Şerîf'de vâkı‘ Kumâme Kilisesi ortasında olan Türbe dâhilinde Ermeni tâifesinin kadîmden girip âyînleri üzere kuddâs edip şem‘ ve buhûr ve kandîllerini yakmalarına müdâhale iktizâ etmez iken Frenk ruhbânları tarafından kadîme mugâyir taaddî olunduğu" mukaddemâ lede'l-inhâ; "Frenk ruhbânlarının o misillü bî-vech fuzûlî müdâhale ve hilâf-ı şer‘-i şerîf taaddî eyledikleri3 vâkı‘ ise rızâ-yı şerîfim olmamağla muhkem tenbîh ü te’kîd ile men‘ u def‘ oluna." deyü Bin yetmiş beş târîhinde sâdır olan emr-i şerîfimin tecdîdi husûsu Kudüs-i Şerîf'de mütemekkin Ermeni ruhbânları taraflarından mukaddemâ Rikâb-ı Hümâyûnuma arzuhâl takdîmiyle istid‘â ve niyâz ve emr-i şerîf-i mezkûr ibrâz olunmakdan nâşî Dîvân-ı Hümâyûn'um kuyûduna lede'l-mürâcaa; cedd-i emcedim cennet-mekân, firdevs-âşiyân Fâtih-i Kudüs-i Şerîf Sultân Selîm Hân –aleyhi'r-rahmetü ve'l-gufrân– hazretlerinin Ermeni milletine i‘tâ buyurdukları menşûr-ı âlîde; "Kumâme ortasında vâkı‘ olan Türbe ve içeride Kumâme kapısında iki şem‘dân ve kandîller ve Türbe kapısında ve içerisinde olan kandîlleri ve yakdıkları şem‘ ve buhûrları ve sâir ma‘bed ve ziyâretleri Ermeni tâifesi ve patriklerine" ve Rum milleti yedine i‘tâ buyurulan menşûr-ı âlîde dahi; "Kilise-yi Kebîr ortası ve Türbesi ve sâir ma‘bed ve ziyâretgâhları Rum milleti mukaddem olmak üzere millet-i mersûmeye" tahsîs buyurulmuş olduğu ve muahharan Kumâme Kilisesi'nin ihtirâkı hasebiyle Ermeni ve Rum milleti beynlerinde münâzaa vukûuyla tarafeyn Dersaâdetimde terâfu‘ olunarak; "zikrolunan menşûr-ı âlîler esâs ittihâzile tarafeyn yedlerinde olan senedlerde tafsîl ü beyân ve tasrîh u ayân kılındığı üzere Kumâme ta‘bîr olunur Kenîse-yi Kebîr'de ve sâir ma‘bed ve ziyâretlerde milleteyn-i mezbûreteyn müşterek olan ziyâret ve ikâmet mahallerini iştirâken ve müstakıl olan mahalleri dahi istiklâlen ziyâret ve ikâmet etmek üzere her birerleri râzî olarak külliyyen kat‘-ı nizâ‘ olunduğu" i‘lâm olunduğuna binâen; "ber-mûceb-i i‘lâm amel ve hareket olunmak" üzere bâlâları hatt-ı hümâyûn-ı şâhânemle muanven milleteyn-i mezkûreteyn yedlerine [Bin] iki yüz yirmi sekiz senesi evâil-i Muharrem'inde başka başka iki kıt‘a evâmir-i aliyyem verildiği kuyûddan müstebân ve Efrenc râhibleri taraflarından müdâhale vukû‘ bulmamak üzere tecdîd ü te’kîdi istid‘â olunan emr-i şerîf-i mezkûr meâli ber-vech-i muharrer sâdır olan evâmir-i aliyyem mazâmîn-i münîfesine münâfî olmadığı zâhir ü ayân olduğuna binâen sâlifü'l-beyân emr-i şerîfimin tecdîd ü te’kîdi husûsuna irâde-i seniyye-i mülûkânem taallukuyla ol bâbda sahîfe-pîrâ-yı sudûr olan hatt-ı hümâyûn-ı şevket-makrûn-ı şâhânem mantûk-ı münîfi üzere amel ve hareket olunmak bâbında siz ki, Mevlânâ ve Mütesellim-i mûmâ-ileyhimâsız; size hitâben bâlâsı hatt-ı şerîf-i mevhibet-redîf-i mülûkânemle muvaşşah [Bin] iki yüz kırk dört senesi evâil-i Zi'l-ka‘de'sinde sâdır olan emr-i şerîfim ol tarafa lede'l-vürûd; "siz ve Müftî-i Belde Muhammed Tâhir ve Nakîbü'l-eşrâf Kaymakâmı eş-Şeyh Vefâ ve Şeyhu'l-haremi'l-muhterem [s. 92] es-Seyyid Ömer ve sâbıkâ Nakîbü'l-eşrâf Kaymakâmı es-Seyyid Mehmed –zîde ilmühüm– ile sâir mazbûtu'l-esâmî vücûh ve eşrâf-ı belde hâzır oldukları hâlde Efrenc Vekîli tarafından Vekîl-i mürsel[i] Tercümân Muallim Anna(?) ve Kudüs-i Şerîf'de Rum Patriği Vekîli olan Danil Râhib ve Tercümânları Mitrofani ve sâir ma‘lûmü'l-esâmî ruhbânları ve Ermeni tarafından sâbıkâ İstanbul Patriği Bogos Râhib ve Megroviş Râhib ve Tarpûşcu Kerapid Râhib ve Ağya ve Abraham râhibler ve Yakob Râhib ve Handamoğlu Markar Kuyumcu ve Tercümânları Muallim Murâd muvâcehelerinde kırâet ve mazmûn-ı münîfi tefhîm ve irâet olundukda merâsim-i mutâvaati ba‘de'l-edâ; husûs-ı âti'l-beyânın mahallinde istimâ‘ ve muâyene olunması iltimâs olunduğuna binâen mârru'l-beyân Kumâme dâhiline varılıp Kabr-i mezbûre pîşinde sâlifü'z-zikr Müslimîn huzûrlarında akd-i meclis-i şer‘-i âlî olundukda mesfûr Ermeni râhibleri meclis-i ma‘kûd-ı mezkûrda, Tercümân-ı Efrenc ve Rum Patriği Vekîli ve ruhbânları mersûmûn muvâcehelerinde; 'ber-vech-i muharrer sâdır olan emr-i şerîfim mûcebince icrâ-yı âyîn-i kuddâsa vakit ta‘yîn olunmak ve âyîn-i merkûm icrâsından ve bi'l-iştirâk Kabr-i mezbûru ziyâretden muktezî ve münşaib olan Efrenc ve Rum'un elvâh-ı muallakasında ve şümû‘ ve kanâdîlinde ve zîrde zikr u beyân olunan husûsâtın cemîisinde hadd-i müsâvâta1 riâyet

kılınmak' talebiyle; 'a‘zam-ı levâzım-ı kuddâsdan olan Kabr-i mezbûrun hâricen pîşgâh-ı bâbında ikisi kebîr ve ikisi vasat dört aded şem‘dân ve bâb-ı mezkûrun dâhilen bâlâsına bir sûret ve nefs-i Kabir ıtlâk olunan mahalde Efrenc ve Rum'un sûreti ve sîm mevzı‘ üzere altışar aded sağîr şem‘dânları olup mahall-i merkûm dayyık olduğundan teslîs olunarak sülüs-i dîgerine bir sûret ve heykel-i merkûm tahtına kezâlik sîm mevzı‘ üzerine altı aded sağîr şem‘dân vaz‘ını ve Kabr-i mezbûrun dâhilen kubbesi bâlâsında kadîmî ta‘lîk eyledikleri altı aded kandîli Efrenc ve Rum misillü on üç adede iblâğını ve Kabr-i mezbûra Efrenc ve Rum'a nazaran perde ta‘lîkını ve kubbe-i Kabrin hâricen bâlâsı dâyirinde on iki ve vasatında bir kandîl ta‘lîkını ve kanâdîl-i mezkûreyi îkâd zımnında hâricen bâlâ-yı kubbeye urûc için Rum nerdübânı kapısına müceddeden miftâh i‘mâl ve yedlerinde ibkâsını ve Kabr-i mezbûr kubbesinin bâlâsı küşâde olup yağmurda sûretlerini hıfz u vikâye zımnında muşamma‘ keşîdesini ve Kabrin dâyirinde yortu günlerine mahsûs şem‘dân ve kandîl vaz‘ını ve Kabrin dâhil ve hâricini ve sutûh ve etrâfını birer hafta bi'l-münâvebe Efrenc ve Rum'un teknîs2 ve tathîr ve tanzîf eyledikleri misillü müsâvâten bir hafta dahi kendilere tahsîsını ve Kabr-i mezkûr tevâbiinden olup Hazret-i Îsâ –aleyhi's-selâm–ın Muğtesel nâm mahall-i gasli zu‘m olunan mahalde Efrenc ve Rum misillü Ermeni râhiblerinin dahi müsâvâten şem‘dân ve kanâdîli olup ancak teknîsi haftası her sınıfın beyninde müteârif olmak zımnında bir pûşîde ferşi alâyim olmakla Kabrin dâhil ve hâric ve etrâf ve sutûhunu teknîs3 ve tathîr ve tanzîf nevbetinde fark ve alâyim için Muğtesel-i mezkûra pûşîde vaz‘ını ve Muğtesel'in dahi teknîs ve tathîrini ve vakt-i kuddâsı tâifelerine i‘lân için derûn-ı Kumâme'de tahta darb eylemeği ve hîn-i kuddâsda âyînleri üzere âriyeten vaz‘-ı kürsî ve ferş-i esâs etmeği ve Büyük Yortu günlerinde Kumâme müstakıllen Rum'a küşâd olduğu misillü senede beş def‘a dahi tâife-i Ermeni için müstakıllen küşâd olunmasını ve Rum'un vakt-i kuddâsı leylen sâat altıda olup bir buçuk sâat mikdârı tamâmen ve faysal-pezîr ve Efrencin hîn-i tulû‘-ı fecrde vakt-i kuddâsı karârgîr olmakla Rum'un bir buçuk sâat itmâm ve faysalı akîbinde bed’ ve tulû‘-ı fecrden mukaddemce itmâm etmek üzere bir buçuk sâat dahi kendilere ta‘yîn-i vakt olunmasını ve bu cümle-i mezkûrât, âyîn muktezâsı üzere levâzım-ı kuddâsdan olup Efrenc ve Rum icrâ etmeleriyle Ermeni milleti dahi bu husûsda bi'l-iştirâk müsâvât' murâd ve iltimâs eylediklerinde bâlâda zikr u beyân olunduğu üzere mersûm Efrenc Tercümânı ve Rum Patriği Vekîli mesfûr Danyel ve sâir tercümân ve ruhbânları müsâvâta riâyetle nefs-i Kabr-i mezbûrda muallak eşkâl ve sîm mevzı‘ları mahallerini teslîs ve sülüs-i dîgerini Ermeni tâifesi heykel ve sağîr şem‘dânları kıyâmı için sîmden masnû‘ nesnelerini [s. 93] vaz‘ eylemek zımnında teslîm birle husûsât-ı merkûme yerlü yerince vaz‘ u icrâ ve takrîr ü ibkâ olunarak teknîs ve tathîr ve tanzîf mâddelerinde bi'l-münâvebe bir hafta dahi tâife-i Ermeni ruhbânlarına tahsîsına ve teknîsi haftasını âhara i‘lân için Muğtesel-i mezkûra pûşîde ferşine ve Muğtesel-i mezkûru dahi bi'l-münâvebe teknîs ve tathîre ve senede beş def‘a evkât-ı muayyenelerinde müstakıllen Ermeni için Kumâme'nin küşâd olunmasına iştirâk ve müsâvâta riâyet olunmak üzere taraf-ı şer‘den ruhsat verilerek vechen mine'l-vücûh her sınıf âharın umûruna müdâhale ve kuddâslarının vakt-i muayyenelerinde muâraza etmemeleri tenbîh ü te’kîd olunmuş ve her bir sınıf dahi kabûl ve hilâfından mücânebeti iltizâm ve taahhüd etmiş olduklarını" mübeyyin cânib-i şerîat-i garrâdan verilen hüccet-i şer‘iyye bâ-i‘lâm ve mahzar Dersaâdetime irsâl ve takdîm kılınmış olmakdan nâşî zikrolunan hüccet ve i‘lâm-ı şer‘î ve mahzar mazâmîni vech-i muharrer üzere sâdır olan emr-i şerîfimin kaydı bâlâsına şerh verilmiş olmağın ifâde-i hâli müş‘ir Rikâb-ı Müstetâbımdan tekrâr emr-i celîlü'ş-şânım ısdâr ve irsâl olunmuşdur. İmdi:

Zikrolunan hüccet ve i‘lâm ve mahzar mazâmîni mukaddemce sâdır olan emr-i şerîfimin kaydı bâlâsına şerh verildiği ma‘lûmunuz oldukda bâlâda beyân olunduğu üzere millet-i mezbûrenin icrâ-yı âyîn ve kuddâs eylemelerine kat‘â müdâhale ve taarruz vukûa getirilmeyerek ber-mûceb-i hüccet amel ve harekete ihtimâm ü dikkat ve hilâfı vaz‘a irâet-i ruhsatdan tevakkî ve mübâadet eyleyesiz ve sen ki, Vezîr-i müşârun-ileyhsin; mazmûn-ı emr-i şerîfim senin dahi meczûmun olarak mûceb ü muktezâsının icrâsıyla îfâ-yı levâzım-ı kâr-âgâhî ve reviyyete i‘tinâ ve mübâderet eylemen bâbında.

Fî-evâhiri Ş. sene [1]245

APPENDIX XII

KEY DATES AND EVENTS RELATING TO THE OTTOMAN RELATION WITH ITS CHRISTIAN SUBJECT

1427	:	Frankish was exempted from paying one dirham to visit the Holy Sepulchre by the edicts of Sultan Barsbay in 1427 and Sultan Kaidbay in 1472
1453	:	Ottoman Conquest of Constantinople.
1458	:	Sultan Mehmed II issued a decree guaranteeing Greeks in Jerusalem their rights and holy sites as in the past.
1512	:	The Ottoman Empire extended its support to the Mamluk Sultanate in its conflict with the Portuguese, who were attempting to gain control over Mecca and Medina.
1516	:	Seyyid of Haramain desired the dispatch of a diplomatic mission to Sultan Selim; however, the Mamluk authorities prohibited this course of action. On the Christian side, The Frank attempted to secure control of the sacred sites by offering financial incentives (bribery) to the Ottoman judges.
1516	:	Sultan Selim I issued a ferman to ensure that the Greeks in al-Quds al-Sharif could enjoy their rights and their holy places as in the past. Subsequently, Sultan Selim I was bestowed the title of "Sultan of Mecca and Medina" and was entrusted with the custodianship of the holy cities.
1522	:	The Kanunname of Sultan Sulaiman al-Qanuni resulted in Al-Quds becoming an autonomous sanjak, separate from Damascus Province
1526	:	Sultan Sulaiman al-Qanuni issued a decree to ensure that the Greeks in al-Quds al-Sharif could enjoy their rights and their holy places as they had in the past.
1529	:	Istanbul became the focal point of the world due to the Ottoman relationship with France against Hungary. France sought to save itself from the Western Christian world, which it saw as a threat to its own survival.
1532	:	Sultan Sulaiman al-Qanuni was presented with a daunting challenge by King Charles V to rule the world. In response, the Ottomans formed an alliance with the French.
1542	:	Council of Trent policy forces Eastern Christians into recognition of Rome. Patriarch Dorotheos of Antioch made significant strides in this direction by achieving a union between his Church and the Maronite Church, which had already formed ties with Rome. However, his efforts met with opposition, leading ultimately to his deposition by a synod in Jerusalem attended by the patriarchs of

Constantinople, Alexandria, and Jerusalem, and followed by the execution of Kyrillos Loukaris, who had cultivated close relations with Protestant leaders.

1570s : Some Orthodox clergy became aware of the Reformation and its implications as early as the first half of the sixteenth century, while the patriarchs in the Ottoman capital were exposed to both Catholic and Lutheran overtures for union as early as the 1570s.

1572 : The first formal contact between Greeks and Protestants in an interconfessional dialogue with Lutheran and Calvinist circles in the Ecumenical Patriarch Hieremias II to gain Greek support and endorsement of the Augsburg Confession of 1530. This formal contact, however, did not produce any significant results.

1572-1638 : The ideological controversy of Cyril Lucaris and the desire for reform of the Orthodox Church in the spirit of Protestantism.

1577 : A Greek College was established in Rome to train the necessary agents of the Catholic missionaries, so that the Catholic missionaries would have an active presence in Greater Syria.

1580 : The Frank obtained control of the Holy Sepulchre by offering a substantial financial incentive (bribe) to the judge of al-Quds al-Sharif. In the same year, Ottoman – England treaty was established during Sultan Murad III.

1590 : The conflict between Patriarch Meletius and Joachim reached its climax with the statement: *"Flee from foreign affairs, lest tomorrow you meet danger in your own midst"*.

1593 : The largest regional council held in Istanbul was presented by four patriarchs as an initiative of Patriarch Alexandria. Two of the five points of discussion were the prohibition of worldly positions and interference in worldly affairs, as well as the rejection of the Gregorian calendar introduced by the Catholic Church.

1604 : Ottoman-French Treaty regarding Holy Sepulchre which favoring Frankish in the possession over the Greek. On the other side, The French and English Treaty was renewed in 1604, following the ascension of Sultan Ahmed I.

1608 : The enthronement of Patriarch Theophanes of Jerusalem in the presence of the Patriarchs of Alexandria and Antioch during a pilgrimage.

1618-48 : The Orthodox Eastern Church became the site of an intense power struggle between the Catholic and Protestant factions.

1622 : Following the establishment of the Congregation for the Propagation of the Faith in 1622, missionary efforts in the Ottoman Empire intensified with two main objectives: to provide better pastoral care for existing Catholic communities and to expand them by proselytizing to various Eastern Christians.

1622 : Catholic missionaries in the Aegean Islands sought to convert the Ottoman Empire's Gregorian Armenians, Orthodox, or Maronites who were subject to Catholicism or at least recognized the Pope as the head of the Christian churches. The Catholic missionaries were institutionalized in 1622 under the organization of Propaganda Fide.

1629 : The theological exchange between Greek Orthodoxy and Protestant Europe culminated in the publication of a "Calvinistic" confession of faith in Latin under the name of Kyrillos Loukaris (Patriarch of Alexandria), who had by then ascended to the ecumenical throne. This book provided support for Protestant doctrines and legitimized the connection with the early Christian patristic tradition.

1638-1715 : The long reign of the French King Louis IV was marked by a great influx of Catholic conversion activities, not only among the Greek Orthodox flock, but also among the hierarchs, including priests, bishops, and even patriarchs in the Ottoman Empire.

1634 : Sultan Murad IV issued a decree to prevent the Armenians from interfering with the priority of the Greeks in al-Quds al-Sharif to perform rituals at the Holy Fire.

1637 : Sultan Murad IV issued a decree to return the keys of Bethlehem to the Greeks in al-Quds al-Sharif, which had been forcibly taken from them by the Franks.

1644 : Sultan Ibrahim reissued the previous decree of Sultan Murad IV, consisting of orders to return the keys of Bethlehem to the Greeks in al-Quds al-Sharif, which were taken from their hands by force by the Franks.

1645-1845 : The Patriarchs of Jerusalem resided in Istanbul from 1645 to 1845.

1655-7 : The dispute between the Armenians and the Greeks over the possession of Ethiopia has reached its climax.

1657 : Sultan Mehmed IV issued a decree to prevent the Armenians from interfering with the Abyssinian holy places that were administratively attached to the Greeks in al-Quds al-Sharif.

1670 : In 1670, the French ambassador to Istanbul presented the Ottoman Empire with a compass containing several items. Among these was a demand for the return of sites that had been usurped from the Latin Community by other religious communities, in particular the cave where Jesus Christ was born in Bethlehem and the Way of Golgotha inside the Kamame Church.

1672 : French influenced Protestant and Calvanist doctrine in Eastern Christianity but rejected by Patriarch of Jerusalem and Antioch. Poland-Lithuania, promoter of Catholicism, obtained its initial religious articles in the 'ahdnames of 1672 and 1678. These were notable for being the first capitulations to regulate the status of Catholic churches

1672 : The Council of Jerusalem, led by Dositheos II, turned its back on Western interlocutors and adopted a fervent anti-Latin policy in support of the stability of the Ottoman Empire, which was threatened by the European powers. In addition, Doshiteos opened a printing press in Moldavia to promote his program of *orthodoxizing* the Greek Church, and in 1690 he published a revised version of his 1672 creed, stripped of earlier Latinisms, for which he apologized and admitted his error (ἠμαρτημένως εἰπὼν).

1673 : Ottoman-French Treaty regarding Holy Sepulchre which favoring Frankish in the possession over the Greek

1673 : The negotiations with the French ambassador were postponed for a period of three years due to the Ottoman Empire's cautious deliberation regarding the maintenance of its stance on the non-interference of European countries in matters pertaining to holy sites. Numerous demands were disregarded, and only the original privileges were re-examined. Two years later, the Greek community was granted ownership of a part of the Kamameh Church on the condition that they pay 10,000 piasters per year to the Sultan Ahmed Mosque in Istanbul. This decision, which caused a strong reaction from European diplomats, was not reversed by the state.

1674 : The worsening of disagreements between Christian denominations over the custody and protection of holy sites, with some years seeing clashes that resulted in casualties, including deaths and injuries.

1675 : Sultan Mehmed IV issued a ferman to act in accordance with the ferman granted to the Greeks by Sultan Murad IV in the renewed dispute between Greeks and Franks over the Holy Places in al-Quds al-Sharif.

1678 : Reiterated by Sultan Mehmed IV to Act in Accordance with the ferman of Sultan Murad IV Granted to Greeks in the Reemerging Dispute between Greeks and Franks about the Holy Places

1681 : The clergy of the Greek community declared war on the missionaries.

1682 : Orthodox Russia obtained religious privileges from the Porte which contained better regulations for the pilgrimage than Catholic had. However, Russian capitulations did not provide any regulations for the Orthodox faith, as the Porte did not want a foreign power to exercise control over its largest non-Muslim population.

1688 : Sultan Suleiman II (1687-91) issued a decree to prevent Franks from interfering with Greek holy sites in al-Quds al-Sharif and to abolish Frankish bid'ats (innovations).

1689 : Any tendency to accept France's proposal was motivated by protection and survival. The Ottoman Empire accepted France's offer in 1689 to reconsider the demands of the Latin community in order to reduce tensions between Christian sects. France took this step to block Austria, which in the same year offered to stop the war with the Ottoman Empire in exchange for the patronage of the Holy Sepulcher.

1690 : **The Ottoman Empire accepted the proposal of the Latin Church, thereby granting it recognition which resulted in the Latin Church patronage under the Ottoman Empire.**

The following berat (1697-99) issued by Ottoman to Latin, Greek, and Armenian, and Jewish under the policy of maintaining balance on Christian sects

1697 : New berat-i-sherifs granted the Latin community permission to build some churches and monasteries in the village of Ayn Kārim,

the birthplace of John the Baptist, and a license to enlarge the Amūd Monastery.

1698 : The Ottoman Empire also issued a decree to the Armenians allowing them to rebuild their famous monastery in Jerusalem, the Mar Yakop Monastery.

1699 : A decree was issued to the Greeks allowing them to repair their famous monastery, the Ibrahim Monastery. In the same year, the state authorized the Jewish community to repair a synagogue and rebuild the Baş Kabir Synagogue although could not be completed due to lack of funds.

1699 : After a series of defeats, the Ottomans had to sign the Treaty of Karlowitz, by which they lost substantial territories for the first time. Under these conditions, the so-called "Tulip Age" under the aegis of Sultan Ahmed III and Grand Vizier Nevşehirli Damad İbrahim Pasha witnessed increased contacts with Europe.

1702 : The protest against Latin's rights organized by the Armenian and Greek communities together with the Muslims of the city. The protests suffered severe consequences such as losing their leadership in society and their positions within the state. They were also heavily fined by the state which caused indebtedness and unable to pay the fines.

1710 : Realizing that the Holy Sepulchre became the thing to compete intervention between Russia and Europe, the state granted the Greek community to repair the great dome of the church of Kamameh. However, the Greeks were unable to complete the repair of this dome due to lack of funds.

As a result of the late 17th century crisis 17th century: The income of the pilgrims decreases due to the increasing influx of Ottoman currency. This situation continued until the 18th century.

In addition, Europeans infiltrate more openly. With the treaty of Karlofça in 1699, the treaty of Pasarofça in 1718 and the privileges granted to France in 1740, European countries began to openly interfere in the affairs and transactions of the Christian holy places in al-Quds al-Sharif under the pretext of protecting them.

1711 : The actions of the Uniates were constrained by the decline of European influence among them, which was initiated by the Latin, who had previously facilitated and sustained this influence. Additionally, outside Lebanon, the dissolution of regional authority preceded the ascendance of centralized nation-states. Among the Melkite Uniates of Antioch, there is evidence of a reassessment of the schism that separated them from their Orthodox brethren, a refocusing on their specifically Eastern roots, and an uneasiness about Latinization.

1711 : In the Battle of Pruth, the Prince of Wallachia, Dimitrie Kantemir, formed an alliance with the Russia.

1715 : In response to the Battle of Pruth, the Ottomans established the practice of choosing the rulers of Moldavia and Wallachia (from

1715) exclusively from among the Phanariots, a practice that lasted until the spark of the Greek Revolution in 1821.

1720 : Strong anti-Catholic movement that reached its peak under Patriarch Kyrillos V Karakallos, the Patriarch of Constantinople between 1748 and 1757. This movement was followed by rebaptism actions, the idea that converts to Orthodoxy should be rebaptized, which implied a rejection of the validity of Catholic, Armenian, Protestant, Nestorian, and other baptisms.

1724 : The Greek Catholic sect separated from the Greek community in the cities of Damascus. The increasingly anti Catholic reorganization of the Patriarchate of Antioch after the appointment of Silvestros in 1724 in response to the election of a Catholic to the Patriarchal throne.

1730 : Greek-Armenian hostilities resurfaced, exacerbated by a radical realignment of power within the Ottoman elite. Armenia insisted that the Ottomans replace "rum" to Armenia. Armenian lobby obtained Sultan's decree for privileges.

1735 : The Greek Patriarch took revenge to regain the lost rights of the Greeks with the help of an intermediary.

1737 : England began to pay attention to the affairs related to the city and in 1737 sent the traveler Ricard Bukuk to investigate on the spot what was happening in the Sanjak. The aim of the British was to interfere in the internal affairs of the Ottoman Empire under the pretext of the problems of the Jews. However, England did not achieve this goal until the 19th century.

1739 : Sultan’s edicts which referred to ‘Umar Ibn Khattab, Yavuz Sultan Selim and Sultan Sulaiman al-Qanuni were still used as the basis for disputes between the communities.

1740 : Ottoman-French Treaty regarding Holy Sepulchre which favoring Frankish in the possession over the Greek

1740 : The French received permission to repair the church.
Apart from the alleged reconfirmation of the 'ahdname in 1618, which doubtfully allowed the French king to 'decorate and rebuild' the Holy Sepulchre, only in 1740 did France obtain permission to repair this most important Christian place of worship in its 'ahdname. This seems to be the only capitulation where it is more respectfully identified as "the church that is said to be the site of the tomb of Jesus".

1750 : Patriarch of Constantinople rejected non-orthodox baptism and expelled dissident organic shops from the capital.

1750-s : Discussions of rebaptism resurfaced during the time of Kyrillos V, who specifically targeted the validity of Catholic baptism. Cyril's hostility toward Catholics was not limited to his policy on baptism. From the first years of his patriarchate, Cyril acted against Catholic influence in the empire, which was sanctioned by the Ottoman administration. He submitted many petitions to the Imperial Chancery, asking for help from the authorities against the influence of Catholics over Orthodox people in matters of education, intermarriage and common masses in churches, especially in the Aegean islands.

1756	:	The Catholic domination came to an end after the mass fight between Orthodox and Catholics. Greek possession was restored.
1756	:	The Ottoman Empire changed the status of the Sanjak of al-Quds al-Sharif from a trusteeship to a *mutasarrifate*, a change in policy. During this administrative change, the mutasarrif of al-Quds al-Sharif was also appointed as the mutasarrif of the sanjaks of Gaza and Nablus. It should be noted, however, that this situation did not last long, and the sanjak of al-Quds al-Sharif was again governed by a *mutesellim* (deputy) administration from 1757 until the Tanzimat.
1756	:	The Greek Patriarch came to al-Quds al-Sharif from Istanbul in 1756 to solve the problems between the Greeks and the Latin community and to pay the debts of the Greek community. When the Patriarch went to the Mahd Church (Church of Nativity) in Bethlehem, the Latins prevented him from entering the church and put the state in a difficult situation.
1757	:	The Ottoman Empire gave the Greek community the sole authority over the Church of the Nativity and the Tomb of Azrael and gave them most of the authority over the Church of the Holy of Holies in order to overthrow the Latins who had tried to monopolize the holy sites between 1690 and 1757. Despite many international protests, there was no change in the state's position until 1809.
1757	:	When the status of the Holy Places was discussed, the concession of the Porte did not attract the attention of Western diplomats for the importance of the Catholics.
1757		Sultan Osman III's ferman of 1757 often cited as the source of the current status quo in the Holy Land, explicitly emphasized the crucial difference in status between Orthodox and Catholics in al-Quds al-Sharif. Although the demarcations prescribed in this document seem to have been influenced by Russian pressure, its narrative resorted to Islamic principles to justify Orthodox primacy: the zimmis agreed to pay the poll tax upon the conquest of al-Quds al-Sharif, while the muste'min monks were simple guests whose privileges could be revoked in favor of the zimmis.
1761-1808	:	During the reign of Sultan Selim III (1761-1808), disputes between Greeks and Armenians over the priority of worship at the Holy Sepulchre were resolved by sending edicts each time cancelling the record of an irregular order in the hands of the Armenians and granting them permission only within the framework of the right to visit holy places.
1575 (Augst)	:	Sultan Osman III issued an order for the settlement of the conflict between Franks and Greeks over the Holy Places in al-Quds al-Sharif.
1557 (Dec)	:	Sultan Mustafa III issued an order for the settlement of the conflict between Franks and Greeks over the Holy Places in al-Quds al-Sharif.
1757	:	Greek regains its upper hand over the Frankish.
1757	:	Huge earthquake in Bilad al-Sham.
1757	:	The Status Quo / immovable ladder on Holy Sepulcher

1761	:	The rise of the Phanar family reached its peak during the patriarchal thrones of Ioannikios and Samouil in 1761 and 1763, respectively. The Patriarchate became a more stable institution during the 18th century, with frequent changes in the Patriarchal throne and foreign involvement in its affairs no longer setting the general pattern. It was now the phanariots, often trusted by their overlords, who began to sponsor many of the patriarchs of Constantinople.
1763	:	The culmination of the gradual establishment of the system of elders (*gerontismos*), which was triggered by a collective petition of several metropolitans in 1741. This system allowed the Metropolitans residing in Istanbul, namely Herakleia, Chalkedon, Nikea, Nikomedia, Derkoi and Kyzikos, to be responsible for the election of the Patriarchs and to be personally liable for the acts of the Patriarchs. This was an important step toward increasing the effectiveness of the metropolitans in making decisions concerning the Patriarchate.
1766	:	A quarrel between Greeks and Latins in the Kamameh church turned into a brawl in which many people were killed or injured.
1768	:	Russia's war against the Ottomans. The Catholics took advantage of this war, but failed.
1774	:	Kucuk Kaynarca Treaty of the Ottoman loses war recognizing Russia as a symbolic protector of Orthodox Christian. However, Ottoman did not grant protectorship.
1789	:	During the French Revolution, Frank positions weakened due to the Europe was no longer behind them. Russian protection was not effective due to the Russo-Turkish war.
1799-1800	:	During Napoleon's campaign in Syria, Armenia took advantage of it and gained moment to possess parts of the Holy Sepulchre until becoming equal to the Greek Orthodox.
1807	:	Sultan Mustafa IV (1807 to 1808) issued a decree on the renewal of the Emr-i Âlîşân (Imperial Decree) regarding the settlement of the conflict between Franks and Greeks over the Holy Places in al-Quds al-Sharif.
1808	:	The Armenians forbade the Church of the Holy Sepulchre to obtain permission for reconstruction. But the right of reconstruction belonged to the Greek people..
1809	:	The burning of the Holy Sepulchre, allegedly supported by Armenians. Both Greeks and Armenians compromised with each other regarding repairs.
1809 (Sept)	:	Sultan Mahmud II issued ferman Granted to Armenians and Greeks by Sultan Mahmud II, which was later revoked by him due to a new trial, according to the outcome of the trial to resolve the dispute between Armenians and Greeks on the repair of the Church of the Holy Sepulchre and Holy Places.
1811	:	A coalition of Latin and Armenian factions sought to displace the Greeks from their position of authority.
1812-20	:	The Armenians followed the step of the Franks in order to obtain a full right to the Holy Sepulchre.

1812	:	Following the assassination of the kadi of al-Quds, who was attempting to safeguard the rights of the Greeks, Armenians were accorded equal status with the Greeks in this matter. The outcome of this case resulted in the remaining smaller Monophysite group being placed under the authority of the Greek.
1813	:	Sultan Mahmud II issued an order to investigate the cost of building materials for the construction of the burnt Church of the Holy Sepulchre for Armenians and to register the land granted to Armenians.
1813-4	:	Sultan Mahmud II issued order to resolve the dispute between Greeks and Armenians over Bethlehem resulted from misinterpretation in the texts made by the judge.
1814	:	Sultan Mahmud II issued decree that both Greek and Armenians should act according to what Sultan Selim I had issued. However, the judge was greedy and try to create dispute and ignoring Sultan Selim's degree.
1817	:	Sultan Mahmud II issues an order to prevent the Franks from raising the sound of the organ and to forbid the Greeks from joining the Kudas (Eucharistic) rites.
1819	:	Reiterated by Sultan Mahmud II to act in accordance with the last ferman concerning the dispute between visiting Frankish priests and the Greeks in al-Quds al-Sharifabout the ritual execution in the Church of the Holy Sepulchre.
1820 (Jan)	:	Sultan Mahmud II issues an order to prevent the Frankish priests from disturbing the church near the village of Sâhûru'n Nasârâ outside al-Quds al-Sharif.
1820 (Oct)	:	Sultan Mahmud II issuing order to Accept the Equality of Visiting Frankish Priests and Greeks in al-Quds al-Sharif on Performing Their Rituals
1820	:	Decree was issued to condemn the violence committed by the Franks
1821-9	:	The Greek revolt that caused the weakened reputation of Orthodoxy under Potre. The Catholic gained its momentum as Latin did in the past. Ottoman-Papal relations reopened as well as the Latin Patriarchate in 1847.
1828	:	Russian-Turkish war undermined the possession of the Orthodox Church
1829 (Nov)	:	Renewal of the Imperial Order, dated 1075 (1664 - 1665), on Preventing the Frankish Interference with the Armenians and ensuring equality among Armenians, Franks and Greeks
1830 (Feb)	:	Prevent Intervention Against Armenian Rituals Because of Ensuring Equality Among Armenians, Franks and Greeks on Renewal of Imperial Order Regarding Prevention of the Frankish from Interfering with Armenians
1831	:	It was not until the 1830s that great power diplomacy began to discuss the significance of the status of the Holy City.

CURRICULUM VITAE

Firdan Fadlan SIDIK obtained his Bachelor's degree from the Islamic State University of Salatiga, specialising in Islamic History and Civilisation. He later pursued a Master's degree in Quds Studies at the Social Sciences University of Ankara.