

## The Economics of Ottoman Justice

During the seventeenth and eighteenth centuries, the Ottoman Empire endured long periods of warfare, facing intense financial pressures and new international mercantile and monetary trends. The Empire also experienced major political-administrative restructuring and socioeconomic transformations. In the context of this tumultuous change, *The Economics of Ottoman Justice* examines Ottoman legal practices and the sharia court's operations to reflect on the judicial system and provincial relationships. Metin Coşgel and Boğaç Ergene provide a systematic depiction of socio-legal interactions, identifying how different social, economic, gender, and religious groups used the court, how they settled their disputes, and which factors contributed to their success at trial. Using an economic approach, Coşgel and Ergene offer rare insights into the role of power differences in judicial interactions and the reproduction of communal hierarchies in court, and demonstrate how court-use patterns changed over time.

Metin Coşgel is Professor of Economics and Department Head of the Economics Department at the University of Connecticut. He has published widely on the Ottoman Empire.

Boğaç Ergene is Associate Professor of History at the University of Vermont. He is the author of *Local Court, Provincial Society and Justice in the Ottoman Empire* (2003).

## Cambridge Studies in Islamic Civilization

### *Editorial Board*

Chase F. Robinson, *The Graduate Center, The City University of New York*  
(*general editor*)

David O. Morgan, Professor Emeritus, *University of Wisconsin-Madison*

Shahab Ahmed, *Harvard University*

Virginia Aksan, *McMaster University*

Michael Cook, *Princeton University*

Peter Jackson, *Keele University*

*Other titles in the series are listed at the back of the book.*

# The Economics of Ottoman Justice

## *Settlement and Trial in the Sharia Courts*

**METIN COŞGEL**

*University of Connecticut*

**BOĞAÇ ERGENE**

*University of Vermont*



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press & Assessment  
978-1-107-15763-7 — The Economics of Ottoman Justice  
Metin Coşgel, Boğaç Ergene  
Frontmatter  
[More Information](#)



Shaftesbury Road, Cambridge CB2 8EA, United Kingdom  
One Liberty Plaza, 20th Floor, New York, NY 10006, USA  
477 Williamstown Road, Port Melbourne, VIC 3207, Australia  
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India  
103 Penang Road, #05–06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)  
Information on this title: [www.cambridge.org/9781107157637](http://www.cambridge.org/9781107157637)

© Metin Coşgel and Boğaç Ergene 2016

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

First published 2016

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloging-in-Publication data*

Coşgel, Metin, author. | Ergene, Boğaç A., 1971– author.  
The economics of Ottoman justice : settlement and trial in the Sharia courts /  
Metin Coşgel, University of Connecticut; Boğaç Ergene, University of Vermont.  
Cambridge [UK] ; New York : Cambridge University Press, 2016. |  
Series: Cambridge studies in Islamic civilization | Includes bibliographical  
references and index.

LCCN 2016037423 | ISBN 9781107157637 (hardback)

LCSH: Justice, Administration of (Islamic law) – Turkey – History. | Islamic  
courts – Turkey – History. | Justice, Administration of – Economic  
aspects – Turkey – History. | Turkey – History – Ottoman Empire, 1288–1918. |  
BISAC: HISTORY / Middle East / General.

LCC KKK1572 .C67 2016 | DDC 349.956–dc23

LC record available at <https://lcn.loc.gov/2016037423>

ISBN 978-1-107-15763-7 Hardback

ISBN 978-1-316-61027-5 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

## Contents

<i>List of Figures</i>	<i>page</i> vii
<i>List of Tables</i>	viii
<i>List of Maps</i>	xi
<i>Acknowledgments</i>	xii
Introduction	1
PART ONE: METHODOLOGY AND BACKGROUND	
1 Quantitative Approaches in Research on Ottoman Legal Practice	13
2 Kastamonu: The Town and Its People	34
PART TWO: THE COURT AND COURT CLIENTS	
3 The Court, Its Actors, and Its Archive	65
4 Court Use: Disputes versus Agreements	103
PART THREE: TO SETTLE OR NOT TO SETTLE	
5 Dispute Resolution in Ottoman Courts of Law	127
6 Trial versus Settlement: An Economic Approach	147
7 Which Disputes Went to Trial? Case-type- and Period-based Analyses	164
PART FOUR: LITIGATIONS	
8 Rules and Tools of Litigation	213

vi Contents

9	Economics of Litigation: What Affects Success at Trial?	252
10	Who Won? Case-type- and Period-based Analyses	263
	Conclusion	312
	<i>Bibliography</i>	320
	<i>Index</i>	338

## Figures

2.1 Socioeconomic Stratification in Eighteenth-century Kastamonu	<i>page 60</i>
3.1 Temporal Change in the Proportions of Different Types of Documents	85
3.2 Temporal Change in the Proportion of Documentation of All Types among Related and Unrelated Parties	91
5.1 Ottoman Litigations and Settlements in Relation to Court and Bargain Models	143
6.1 Settlement–Litigation Decision	154

## Tables

2.1	Population Estimates for Select Ottoman Towns	<i>page</i> 39
2.2	Real Wealth Indicators for Three Subperiods	46
2.3	Quartile-based Mean and Median Wealth Levels as Reflected in Estate Inventories	47
2.4	Inequality in Eighteenth-century Kastamonu	48
2.5	Period-based Real Wealth Indicators for Gender, Title, Religious Status, and Family Groups Based on Estate Inventories	56
2.6	True Wealth Indicators: A Regression Analysis	57
3.1	Honorific Title, Religious Marker, and Family Status of Frequent Witnesses between 1735 and 1743	72
3.2	Title Distribution of Witnesses according to Titles of Court Clients between 1735 and 1743	76
3.3	Title Distribution of Witnesses according to Case-type	78
3.4	Court Fees Prescribed for Different Services	80
3.5	Types of Documents in Kastamonu Court Records	83
3.6	Litigations Classified according to Type and Period	88
3.7	Amicable Settlements Classified according to Type and Subperiod	89
3.8	Contracts Classified according to Type and Subperiod	90
3.9	Most Common Types of Litigations	93
3.10	Most Common Types of Settlements	95
3.11	Percentages of Court Clients in Specific Case-types and Periods	97
3.12	Related Court Clients according to Case-type and Period	100
4.1	Proportion of Agreements over Time and across Types	105



List of Tables	ix
4.2 Size-combinations of Parties and Agreements across Types of Legal Matters	108
4.3 Size-combinations and Agreements over Time	110
4.4 Legal Matters and Agreements between Single Individuals: Variation across Types and over Time	111
4.5 Gender and Agreements	113
4.6 Gender, Honorific Titles, and Agreements	116
4.7 Gender, Elite Status, and Agreements	118
4.8 Religion, Religious Markers, and Agreements	120
4.9 Family Status and Agreements	122
5.1 Hypothetical Models of Conflict Management	129
7.1 Distribution of Disputes across Case-types and over Time	168
7.2 Disputes according to Size-composition	170
7.3 Disputes between Individuals	172
7.4 Gender and Trial Ratio	173
7.5 Religious/Military Titles and Trial Ratio	175
7.6 Elite Status and Likelihood of Trial	178
7.7 Religion, Religious Markers, and Trial Ratio	180
7.8 Family Prominence	181
7.9 The Influence of Size-composition on the Likelihood of Trial across Case-types	188
7.10 The Influence of Size-composition on the Likelihood of Trial over Time	189
7.11 Individual Characteristics and the Likelihood of Trial across Case-types	191
7.12 Individual Characteristics and the Likelihood of Trial over Time	193
Appendix 7.A Individual Characteristics (Including Breakdown by Elite Status) and the Likelihood of Trial across Case-types and over Time	203
Appendix 7.B Individual Characteristics (Including Breakdown by Religious and Military Titles) and the Likelihood of Trial across Case-types and over Time	207
8.1 Court Clients and Adjudicative Tools	242
8.2 Court Clients and Representation	250
8.3 Representative Identities	251
10.1 Trials across Case-types and over Time	266
10.2 Plaintiff Win Ratio according to Size-composition	268
10.3 Trials between Individuals	270
10.4 Gender and Plaintiff Win Ratio	271
10.5 Religious/Military Titles and Plaintiff Win Ratio	273
10.6 Elite Status and Success at Trial	275

x	List of Tables	
10.7	Religion, Religious Markers, and Plaintiff Win Ratio	277
10.8	Family Prominence and Plaintiff Win Ratio	278
10.9	Burden of Proof and Success at Trial	280
10.10	Document Use and Success at Trial	283
10.11	<i>Fetva</i> Use and Plaintiff Win Ratio	285
10.12	Representation and Plaintiff Win Ratio	286
10.13	Probit Analysis of Influences on Plaintiff's Chances of Success at Trial: Size-composition and Case-types	292
10.14	Probit Analysis of Influences on Plaintiff's Chances of Success at Trial: Size-composition and Time Periods	294
10.15	Probit Analysis of Influences on Plaintiff's Chances of Success at Trial: Individual Characteristics and Case-types	297
10.16	Probit Analysis of Influences on Plaintiff's Chances of Success at Trial: Individual Characteristics and Time Periods	299
Appendix 10.A	Individual Characteristics (Including Breakdown by Elite Status) and the Plaintiff Win Ratio across Case-types and over Time	304
Appendix 10.B	Individual Characteristics (Including Breakdown by Religious and Military Titles) and the Plaintiff Win Ratio across Case-types and over Time	308

## Maps

- 1 Kastamonu and Anatolia in the Seventeenth Century According to  
*Cihannüma* *page* xiv
- 2 A Modern Map of the Administrative Boundaries in  
Seventeenth-century Anatolia xv

## Acknowledgments

In the process of writing this book we accrued many debts, which we would like to acknowledge here. Generous grants from the American Council of Learned Societies, the Social Science Research Council, the National Endowment for Humanities, and the American Research Institute in Turkey provided both financial support and moral encouragement that sustained initial research on the project. Likewise, funding and release time furnished by our home institutions, the Department of History and the College of Arts and Sciences at University of Vermont and the Department of Economics and the College of Liberal Arts and Sciences at the University of Connecticut, have been critical for the completion of the book.

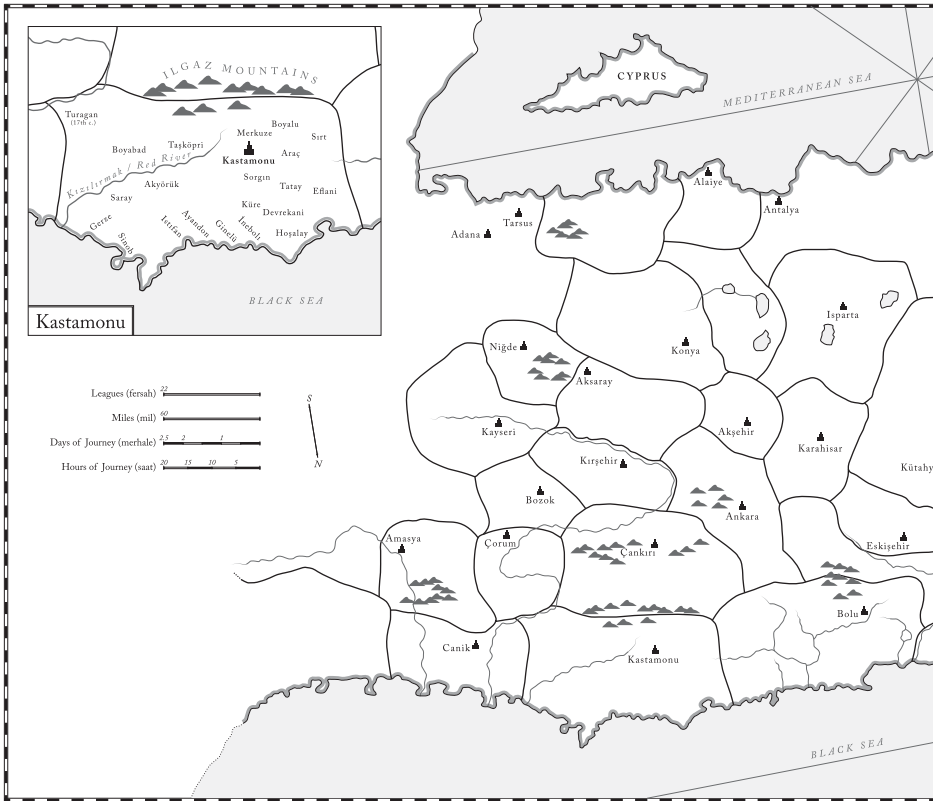
We have had the opportunity to share our ideas and findings with many colleagues, who read our papers, listened to conference presentations, or patiently endured informal conversations. It is impossible to list here all of these individuals, but we are particularly indebted to Iris Agmon, Faiz Ahmed, Jun Akiba, Beshara Doumani, Cemal Kafadar, Atabey Kaygun, Timur Kuran, Thomas Miceli, Şevket Pamuk, David Powers, and Kristen Stilt, whose expert advice and constructive criticisms helped us to refine our analysis and improve our arguments. Virginia Aksan, Yavuz Aykan, Carter Findley, and Avi Rubin read earlier versions of the manuscript and made valuable suggestions that allowed us to sharpen our reflections on our findings. We are also grateful for the insightful criticisms of the four anonymous referees. While we are fortunate to benefit from the scholarly support of our colleagues, we acknowledge all shortcomings of the book as our own.

## Acknowledgments

xiii

We appreciate the encouragement we received from Chase Robinson and Alan Mikhail in the process of the book's production. Gregory T. Woolston created the handsome maps that we use in the book. Charlotte Weber's editing skills turned our technical discussion into a more elegant version of the original. We owe the title of the book to Maria Marsh, our commissioning editor at Cambridge University Press. Since assuming her position at Cambridge University Press in the spring of 2015, Maria has steered us through many stages of the publishing process, for which we are grateful as well. It was a joy to work with Dominic Stock, our content manager at Cambridge University Press, who is an exemplary professional with good humor and much patience. Without his attention to detail and commitment to our book, the last phase of the publication process would have been very difficult. We also extend our gratitude to Aishwariya Ravi and Velmurugan Inbasigamoni, our project managers at Integra, for their efforts to accommodate our needs. Helen Cooper copyedited the book for the press and Susan Sutch prepared the index. We thank them for their hard-work.

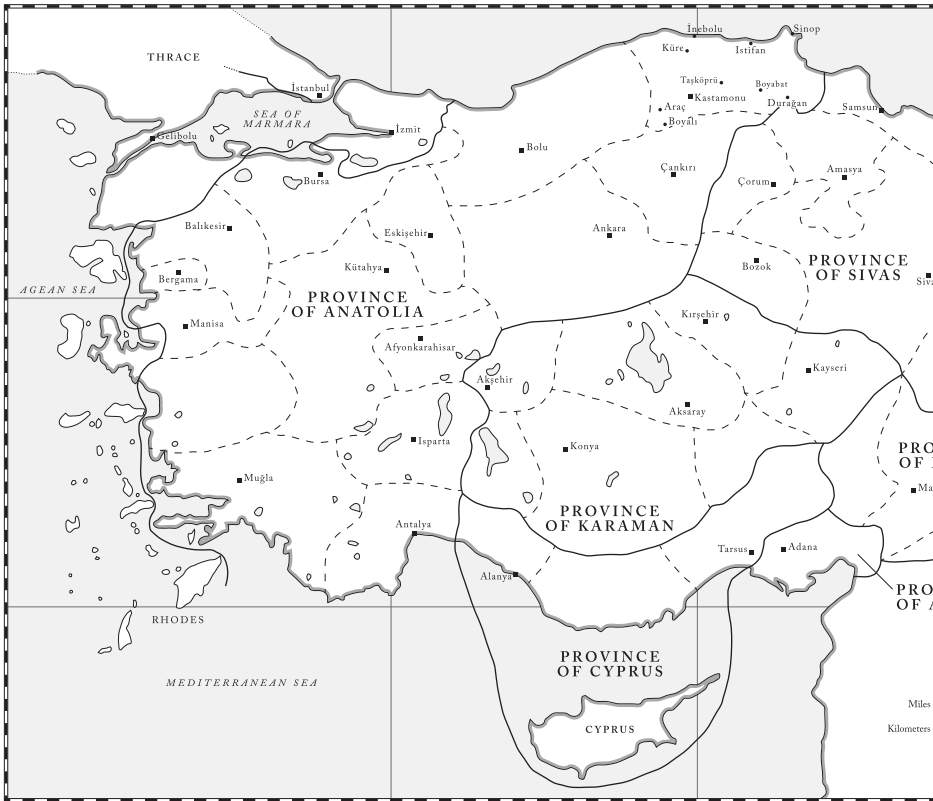
Finally, we wish to express our deep gratitude to our wives, Febe Armanios and Patricia Coşgel, who have experienced both the joys and the anxieties associated with writing this book almost as much as the authors.



MAP 1 Kastamonu and Anatolia in the Seventeenth Century According to *Cihannüma*

Note: Location names in the map are identified and transcribed according to the information

Sources: Katip Çelebi (2013, 118) and Baykara (2015).



MAP 2 A Modern Map of the Administrative Boundaries in Seventeenth-century Anatolia  
 Source: Pitcher (1972, map XXV)