Marginal notes from the daily work of an Anatolian qadi in the early 19th century according to ms. ori Kiel 316

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The manuscript collection in the University library Kiel excels in medieval and early renaissance items, partly collected from medieval libraries in the counties of Schleswig and Holstein for the foundation of the university in 1665, and partly from scholarly collections thereafter. The Oriental collection was, as in most scholarly German libraries, not distinguished. Though philological studies were among the university’s first doctoral theses, not even Hebrew manuscripts found their way into the collection. The 25 items named in a list by Henning Ratjen around 1870 and some later additions mainly derived from libraries of scholars of the university. Among these were an important small manuscript of the Ottoman naval atlas by Firi Reis (d. 961/1553-4) and a fine Koran of the Ottoman period.

This situation changed completely in 1922, when the Turkologist Theodor Menzel (1878-1939) entered the university staff as a lecturer in Turkish, and later as a full professor and successor to Georg Jacob (1929-1938). Profiting from a “rich marriage” to a Russian – he had started his university career as a private lecturer in Odessa in 1919 – as well as from the dissolution of many dervish convent libraries after the secularization in Turkey, he assembled one of the most important private oriental manuscript collections in Germany. Already before World War I, as a student with Jacob, he had travelled to Turkey and had started to acquire manuscripts, especially in popular literature, his special field of study and interest. Several scholars in Turkoology and Iranian studies made use of his library. One item was particularly important in making his collection publicly known. His 1493-manuscript of the early Ottoman chronicle of Neshri (d. before 926/1520) was edited under his name in facsimile by Franz Taeschner on the basis of a photograph, the original having been lost in Berlin during World War II.

Shortly before Menzel’s death, the collection numbered, by his own reckoning, 884 volumes. However, when, for ideological reasons, the Nazi regime sent Menzel into retirement (converting his chair into a professorship in Nordic peasants’ law), the manuscripts seemed to be lost to Kiel University. The where-

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1 Henning Ratjen, Verzeichnis von Handschriften der Kieler Universitätsbibliothek. Abteilung 1-4, Kiel 1873 (Schriften der Universität zu Kiel 20/VI,2), 6-11.
2 Gihannâna, die osmanische Chronik des Mevlâna Mohammed Neschri, nach Vorarbeiten von Theodor Menzel hrsg. von Franz Taeschner, Leipzig 1931, Bd. 2 Der Codex Menzel.
about of the most valuable collection remained unknown until the early 1980s, when (with the help of the German Research Association (DFG)) the University library of Kiel acquired the larger part of the collection, about 740 volumes, from an heir of Theodor Menzel’s wife. My catalogue of the collection, which is going to press soon, shows the main interests of Menzel in the carefully chosen items: Turkish literature and folklore, with important items in Ottoman history and tar发现了 matters; furthermore there are about 150 Arabic and Persian volumes.

Among the literary texts, Menzel had acquired a wide range of anthologies. This shows that he was not only interested in the texts themselves but also in manuscript studies – i.e. in the personal histories of the owners of the volumes and their remarks, which often reflect their personal style and life. This was not usual at the time, but in modern research the attitude towards the manuscript as an individual object has changed, the only problem being that the cataloguing rules do not as yet quite reflect these curiosities. Within this range of study, I wish to present an inconspicuous volume with its much-diversified contents.

The codicological description of the ms. ori 316 shows a dark brown soft leather binding, its back badly restored in rubber; the paper of fols.1-6 is rather thick, cream coloured, burnedish; fols. 7-end (fol. 69b) is greyish-yellow, thinner, less burnedish, as from fol. 20 occasionally coloured red, yellow or brown, with a European watermark B5 under a lily; the size is ca 14 x 19.5 cm.

The main texts are in four different hands and a few further notes were added later. The first may date from the end of the 18th century, as a date Jumâda I 1147/ November 1734 on a small paper fragment on the interior of the binding may belong to the infill of the original flap. Hand 1 is in a fluent sort of ta’tiş and found on fols.1b-5b, 6a and repeatedly thereafter. It starts with an Arabic juridical text by one ‘Uthmân b. Muhammed al-Qaramânî, qâdi in Anatolia, and continues with a treatise that addresses Sultan Mehmed IV (r. 1648-87) and deals with the exact time and duration of the mîrâq, the Prophet’s ascension. In this hand we find also a commentary on Qur’an XVII:1 and an addition to it dated 1247/1831-2. Several hands have scribbled on fols. 4-7; among these, someone, perhaps a woman, wrote in the margins of fols. 4b/5a/5b medical recipes with opium and medical pastes (masâfâh) in a very neat but not always correct round naskh. Hand 1 continues on fols. 35b-42a with an inheritance-quotation; other hand notes recipes against impotence and a pregnancy test, among them Hand 2 against diarrhoea (fols. 26b-27a), and other diverse subjects.

Hand 3 shows a stiff vertical naskh, in at least ten different quotations and texts, mostly on religious matters, but with two inheritance matters. These texts are spread between fols. 8a-54a, 58a-69a and additionally on fols. 43a-54b with an intermittent old Ottoman pagination (from 51-99). Further short quotations appear in different hands on prayers (e.g. fols. 16b-17a), Tefsir-i elîcd, a commentary on the number value of letters (fol. 60a-b), and some short Turkish verses by great poets like Bâqî (1526-1600), (Mûstâfâ) ʿAlî (1541-1600) and others.

Hand 2 uses spare spaces between all these texts in a small, neat, very fluent rıça all over the manuscript. Some notes in other and more irregular hands are contemporaneous or later. This is signed several times by one Muḥîʾ ez-ziyâd Mehmed Halîm el-mevtefi[Müveysi]hâfiz ibn-qush bi-muâṣira Osmanuq (Mehmed Halim, the Multi representing the caliphate in the district town-seat of the court Osmanîc) near Çorum. It gives mainly texts, copies of letters and decisions/treaties from his office as a qâdi in the years 1247-48/1831-33, and only very few other matters: the copy of a letter welcoming someone who had escaped misdeeds by “yzyâder” on the route from Syria/Damascus to Kütahya (fol.13a); a Köji Hzreddin anecdote; a quotation on a silver minaret in the fourth sky for the angels on Friday prayers (fol. 27b); a Turkish quotation on the life of İmam Bukhârî; extracts from an epic by Qâsimî-zâde on medical doctors of different countries, and an Arabic quotation about the judgement of Davud/David by ʿAli al-Halabi al-Shaﬁʿî (fol. 33b).

These texts, documents and notes written by hand 2 give a revealing view on Ottoman provincial life and the character of this qâdi. Starting with his reappointment, he tells the story of his temporary dismissal through the vices of his successor, one “ghâfîl-oghî” bâjÎ Hüseyn Efendi, which had been ended only through the letters of support from various inhabitants of Osmanîc and villages nearby (margins fols. 1b-3b, 8a, 10b and perhaps most texts up to fol.16a). Arguably, the letters referring to a bâjî and observations on its route stations and their prices relate to himself as well as the mentioned escape from robbers (yzyâder) on the way back from Syria (fols. 8, 9b, 10a, 13a). He faced another setback when a former qâdi in Osmanîc tried to regain his position (fol. 44b). Other notes copy letters about officials in Osmanîc and particularly requests to higher-ranking court officials, such as Khağani-aghan-zâde ʿAbdulhâdîr Agha (fol.16b), (his father?) the Khağani-agha ʿAbdurrahmân (fols. 40b-41a, 61b), the qâdis qâdis hektîbindas (Head of the Qâdi’s Office) el-bâjî Hüseyn Efendi (fols. 39a-b, 40a), and Haçq Bey, former governor of Sivas, then Şerif-hâfî-zâde Şehrîjîzî (Head of the Imperial Physicians) (fols. 41b, 60b-61a). In addition, correspondence with persons in Çorum and other places are documented.

Among the notes from or for the qâdi archives, there are several on endowment matters. These include for instance the protocols concerning several foundations in Osmanîc (fols.16a, 20b) and about a sum for the mausoleum of Kûyan Baba that had been erected in the town by Sultan Bâyezid II (r. 886/1481-918/1512). In the same vein, the foundation of the family of the pish-nishîn İlyas Dere, a regional spiritual leader of the Bektashi order, is documented (fols.16b, 63b), and a demand of the ‘ulema” for the restoration of their Friday Mosque is reproduced (fol. 54b). Several letters and notes concern heredity matters, also of women (fols.18a, 26b, 42b). One brief but interesting remark documents a market row (fol. 26b), and another complaint by a mother about the outstanding maintenance payments for her son (fol. 28b). Two letters pertain to the snuff tax (fols. 27b, 59b dated 29 Shawwal 1247/1 April1832). Finally, the proof of evidence (hijger) in the
divorce trial by a woman from Osmançık should be mentioned (fol. 66a). Qadi Mehmed Halim also notes contacts with *derawish*, like the mentioned family of the pâst-nishân Ilyas Dede (fol. 63b), the recommendation for Haği Sheyk Muṣṭafâ Efendi, from Kirkşehir, an offspring of Akhi Evren, the 7th/13th-century patron saint of the tanners and influential founder of a *derawish* congregation in that town (fol. 55b, 56a) and generally upon the return of a *derawish* group from 'Akkâ to Kiâtha (fol. 57a).

The range of interests, belief and social links that become evident from these letters of a provincial qadi should be analyzed more thoroughly in future. Aside from the possibility of comparing the names mentioned in these notes to other archival documents, with the aim of compiling a “micro-history” in Anatolia, they convey a more emotional picture of the loyalties, bribes and backdoor agendas than those official deeds. In searching for such private views in anthologies and notebooks, a more human aspect of provincial life could emerge. The self-connotation as a “*derawish*”, the allusions to Bektashi and Akhi ties, reveal more of the multilateral reinsurances of the petite bourgeoisie in an Ottoman province than those documents.

Certainly, among the many “anthologies” listed (without any details) in nearly all Turkish libraries, there exist many more, more exact and important notebooks of qadis, provincial and metropolitan. Here one could gain insight into their personal style and predilections, even through their usually extended quotations of verses and songs. The fact that such quotations of poetry are nearly completely absent here may reveal something of the dryness of the author(s) characters. Or perhaps the economical qadi kept another poetic diary between the lines of an older verse anthology. It can only be guessed that the notebook had remained in one family for generations; I did not find any relationships from the names in the signatures – as was the rule at that period, paper was esteemed highly and the qadi may have used a notebook from an antiquarian.

High and low: *Al-īnād al-ʿāli* in the theory and practice of the transmission of science

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The question may be asked, what is the purpose of authoritative texts, and more specifically, why is there authority of knowledge in Islam? The knowledge of the law, *fiqh*, jurisprudence, in Arabic, is the Law itself, a set of rules for all aspects of human conduct. 1 The ultimate authoritative source is God’s uncreated word, the Qur’an, which is His literal Word, His eternal attribute, and thereby in terms of hierarchy the highest possible source of knowledge and law. It contains everything and it is God’s final and complete revelation to mankind, formulated in clear Arabic of incomparable quality. However, that divine revelation to mankind abruptly ended with the death of the Prophet Muhammad in 116322, and embodied as it is in the book which we know as the Qur’an, it is a relatively short text. It was soon felt within the young Muslim community that the Qur’an was sometimes cryptic and generally too succinct to give a full set of rules of conduct for the believers which is valid for all times and all places and under all circumstances. Hence came into being an immense corpus of human-made texts, elucidating cryptic passages of the divine Word, elaborating on the circumstances under which the Revelation had come about, and adding to the rules embodied in the Qur’an. This is usually called Tradition, *hadith*, although the word rather means “storytelling”, and mainly constitutes the fragments of information that we have from the life and times of the Prophet and his companions. The scriptural basis for this is in Qur’an 33:21, where God says: “For you there is in the Messenger of God a good example (*nisaḥ hasana*)...” The same is said, for that matter, of the example given by the Prophet Ibrahim and those who are with him (Qur’an 60:4, 60:6), but it is the good example of the Prophet Muhammad that has given birth to an elaborate science of precedent, coated in a myriad of little stories. In course of time, Revelation (Qur’an and Tradition (*hadith*) have become the two material sources of Islamic law, the code of conduct for each and every Muslim. The other sources of the Law are not really material sources but rather procedures for the derivation of rules of conduct, namely reasoning by analogy and consensus of the scholars of a certain period. Much later, and rather on the periphery of the Islamic world, local cus-

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3 İlber Ortaylı, *Hikayeler ve İslam Adamlar Olanak Osmancı Devletinde Kadi*, Istanbul 1994, 4 briefly mentions this manuscript.

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