Fugitivity and Carceral Humanitarianism
in the Ottoman Mediterranean, c.1876-1916

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This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the preface and specified in the text. It is not substantially the same as any work that has already been submitted before for any degree or other qualification except as declared in the preface and specified in the text. It does not exceed the prescribed word limit for the relevant Degree Committee.

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Abstract

This thesis explores the evolution of Ottoman humanitarianism as a legal, moral, and political enterprise. It is a critical inquiry into the rhetoric of humanity: how it shapes law and the jurisdiction thereof. Building on the settlement of immigrants – *Muhajirs* – in the Ottoman Mediterranean between c. 1876 and 1916, I demonstrate how the provision of humanitarian refuge was a legal instrument of state- and empire-making. In doing so, I ask the following questions: How did an immigrant enter political society? How did humanitarian norms and practices police the boundaries and the margins of political society, and to what end? How did humanitarian and contractual notions of political society interact in the late nineteenth century and early twentieth centuries? How has contractarianism shaped the modern humanitarian enterprise? I contend that the imperial humanitarianisms of the nineteenth century advanced the 'standard of civilisation' as the organising principle of contractual society, as this humanitarian maxim generated new kinds of gendered, classed, and racial exclusions.

This research draws upon a socio-legal archive of fugitives – exiles, asylees, the stateless – comprising memoirs, petitions, consular archives, governmental correspondence, and legal texts and opinions. It unfolds in three sections, focusing on the legal constructions of the refugee settlement or *mesken*, the settler household, or *mahrem*, and the settler-citizen, or *muvatın*. In each section, I centre fugitive histories attesting to the aporias of the Ottoman humanitarian enterprise. I discuss how the material contradictions of Ottoman humanitarianism precipitated and sustained the gendered, classed, and racial conflicts within the settlement, the household, and the body politic. I then follow these conflicts, as they unfolded between the *Settler* and the *Native*, the *Master* and the *Slave*, and the *Citizen* and the *Enemy,* respectively.

The first part of the thesis, '*Mesken*', examines how the carceral formation of agrarian settlement transformed Caucasian settler communities, drawing a diachronic comparison between Caucasian exile in the Balkans and Syria. I argue that the success of the settlements came at the cost of expropriating and exploiting the most vulnerable among the refugee settlers. In the second part of the thesis, '*Mahrem*', I look at the legal fabrications of the settler household, exploring the juridical justifications for the exploitation and exclusion between the landholding elites and their slaves and workers. In the dissertation's third and final part, '*Muvatın*', I draw upon the debates surrounding the Ottoman Immigration Resolution of 1902 to disclose the pariahs of this emerging order. I juxtapose the humanitarian and conditional inclusion of Muslim settlers within Ottoman political society with the parallel contractual exclusion of Armenian out-migrants from the body politic. In conclusion, I argue that the unequal incorporation of migrants into Ottoman modernity both construed and challenged the carceral ends of this humanitarian enterprise.

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This thesis is dedicated to Jenny and Mitch, to honour the lives that they lived;
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Transliteration and Translation

Throughout this dissertation I have used the International Journal of Middle East Studies table of transliteration for Arabic and Ottoman Turkish documents and legal terminology. I have retained the Arabic transliteration for legal terms that are also part of the local vernacular, such as the subjects of this dissertation, the *muhajir*.

This dissertation mostly takes place in 19th century Ottoman Syria. The people I write about likely have their descendants born around the modern geography of Iraq, Syria, Lebanon, Jordan, and Palestine. I have thus transliterated the names of ordinary people according to Arabic phonetics, except for the names of renown Turkish and Turcophone elites of the time.

I have used the anglicized names for the settlements and cities where this dissertation takes place, for ease of search and find.

All faults of translation and transliteration are mine.

I. Introduction

Tens of makeshift refugee camps littered the shores of the Marmara Sea in the autumn of 1879. The winter was close at hand, and desperation was palpable.[1] The refugees encamped there shared neither language nor a history with the local Ottoman population. Two years into a war for which they carried the blame, the indigenous inhabitants of the West Caucasus, the Circassians, were suffering their second exile within the span of a generation.

The Circassian nation is an invention of 19th-century diplomatic ethnographies of the West Caucasus.[2] A majority of the West Caucasian tribes self-identified as Adige, but the endonym did not correspond to the expansive exonym of Çerakise, which was sometimes used to refer to all West and East Caucasian peoples, including Abkhazians, Chechens, and Dagestanis. In its most restrictive definition, the exonym referred to a curated selection of twelve western tribes, who did not speak the same language, and who were not ruled by a common government. The Caucasus itself comprised a motley mix of ethnolinguistic identities, religions, and often, class and caste structures. They were sedentary, mercantile, and semi-nomadic communities of non-state, hierarchical tribes interacting across the Caucasian Mountain range, whose participation in capitalist modernity was an uneven affair.

The diplomatic ethnographies, travelogues and orientalist expertise produced on the Caucasus depict an ahistorical society *sans* government. The Circassian tribal affiliates of the West Caucasus had a reputation for being an ungovernable yet noble community of savages, a recurring trope of Orientalist imagination and Russian romanticism.[3] The Circassians' 'love of freedom' and

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[1] Indeed, many Balkan refugees settled around the Marmara Sea would face a second winter in these makeshift camps: 'Al-Muhājirūn', *Thamarāt Al-Funūn*, 8 February 1878; 'Al-Muhājirūn', *Thamarāt Al-Funūn*, 14 January 1879.

[2] A most illustrative example of diplomatic ethnography comes from the pen of David Urquhart, an adventurer, British ambassador to Constantinople, and a Circassiophile: David Urquhart, *The Secret of Russia in the Caspian & Euxine: The Circassian war as affecting the insurrection in Poland. German introduction to the 'Visit of the Circassian Deputies to England.'* (London, 1863). On Urquhart and his role in internationalising the Russian colonisation of the Caucasus, see: Charles King, 'Imagining Circassia: David Urquhart and the Making of North Caucasus Nationalism', *The Russian Review* 66, no. 2 (2007): 238–55. To read a contemporaneous account of British involvement in Circassia, read Karl Marx, *The Story of the Life of Lord Palmerston*, ed. Eleanor Marx Aveling (London: Swan Sonnenschein and Co. Ltd, 1899), 60-78.

[3] Manfred Quiring, *Der vergessene Völkermord: Sotschi und die Tragödie der Tscherkessen* (Berlin: Ch. Links Verlag, 2013), 62-73. Russian romanticism as espoused by Pushkin and Lermontov was ambiguous as to their affinity with this noble savage. Russian colonisation was also an ambiguously appealing project for sections of the Caucasus elites: Michael Khodarkovsky, *Bitter Choices: Loyalty and Betrayal in the Russian Conquest of the North Caucasus* (Ithaca,

inability to 'form a government' was framed by observers as a proto-national affection for liberty.[4] This romantic predilection and the notion that they were 'of the white race', won them the sympathy and support of early republican adventurers across the Europe of revolutionary 1840s. The Circassian tribal diplomats liaised with Hungarians and particularly the Polish exiles in Istanbul, a capital city of European dissidents during the turbulent 1840s, where they played a minor role in the anti-monarchic and anti-imperial coalition against Tsarist Russia.[5] This romantic fantasy of an ungovernable nation did somewhat correspond to the reality of over a dozen communities across the Caucasus, each habituated to different environments, economic activities, and socio-political formations.

The West Caucasus, like most imperial borderlands, hosted non-state communities who preserved their indigenous political structures through outside appeasement. The twelve Circassian tribes were ruled by traditional codes (ad. *xabze* or *'ādāt*), administered by self-organised tribal affiliates with varying notions of caste as their organising principle.[6] As was the case with most indigenous communities across the colonised world, their political existence among a concert of competing empires grew untenable over the 19th century**.** The infiltration and imposition of Russian law, imperial bureaucracy and a novel notion of private property engendered an uneven process of incorporation and colonisation that fundamentally transformed the sedentary tribes — the Kabarda — living north of the Kuban River. Further Russian militarisation beginning in the 1790s, with the occupation of the Caucasian Mountain Range south of the river, kindled contacts and alliances among the mercantile and semi-nomadic tribes that sought to repel Russian encroachment**.**

United States: Cornell University Press, 2011); Samantha Rogers, 'Alexander Bekovich-Cherkassky: An Imperialistic East Asian Journey (Aleksandr Bekoviç-Çerkasski: Emperyalist Bir Doğu Asya Yolculuğu)', *Journal of Caucasian Studies(JOCAS),* 7, no. 13 (31 May 2022): 87–122.

[4] Paul Manning, 'Just like England: On the Liberal Institutions of the Circassians', *Comparative Studies in Society and History* 51, no. 3 (2009): 590–618.

[5] György Csorba, 'The Circassian-Polish-Hungarian Alliance Plans Against the Russian Empire in the Final Days of the 1848-1849 Hungarian Revolution', *Journal of Caucasian Studies (JOCAS)* 2, no. 3 (September 2016); Fuat Dündar, *Hicret, Dîn ü Devlet: Osmanlı Göç Politikası (1856-1908)*, (İstanbul: İletişim Yayınları, 2021), 226-27; John F. Kutolowski, 'English Radicals and the Polish Insurrection of 1863-4', *The Polish Review* 11, no. 3 (1966): 3–28.

[6] For a Circassian account of what political power and non-sovereignty meant before the exile of 1864, see: Ceyda Karamürsel, "In the Age of Freedom, in the Name of Justice': Slaves, Slaveholders, and the State in the Late Ottoman Empire and Early Turkish Republic, 1857-1933' (University of Pennsilvania, 2015), 100.



Figure 1: An esquisse by a Russian general and aristocrat, depicting the historical communion between Circassian lords when they decided to fight against Russian colonisation. (Source: 'Cotes de la Mer Noire. Reunion de princes tcherkesses' by Grigorii Grigorevich Gagarin, published in 1847, Paris, held in New York Public Library(NYPL) Digital Collections.)

The turning point came when Russia lost the territories it had occupied in the Ottoman Balkans with the Crimean War of 1854, prompting the Tsarist government to invade the Caucasian borderlands as compensation. This retaliatory war of 1863, which completed the colonisation of the more insular parts of the Western Caucasus, created a stream of distressed refugees. The military campaign of ethnic cleansing that had begun under the Russian General Alexey Yermokov escalated under his successor, Dimitriy Milyakov, who eliminated or expelled the more insular Circassian tribes, the Shapsugh, Oubigh, and Abzakh, marking the end of indigenous resistance in the region.[7] From 1864 on, the tribal affiliates of the Northwestern Caucasus fled en masse. Soon, they were littered across the Black Sea littoral from Trabizon to Dobruja. Their second exile came a little after ten years, in 1878, when the Ottoman Empire resettled them in encampments dotting the Syrian coast from Alexandretta to Gaza.

[7] Charles King, *The Ghost of Freedom: A History of the Caucasus* (Oxford University Press, 2008); Quiring, *Der vergessene Völkermord*, 99-109.

In the decade they settled and survived in the Balkan provinces, the divergent socio-political formations of Circassian tribes had to adapt to the sedentary, agricultural life of the refugee settlement, surrounded by hostile 'natives' of non-Muslim provenance who themselves were battling the advent of Ottoman modernity. The introduction of capitalist relations of private property and individual fiscal responsibility often provoked sabotage, resistance, and violent repression across the Balkan borderlands. Dissatisfaction with Ottoman reforms and the lived experience of capitalist dispossession were expressed in a discourse of sectarian oppression. For the imperial patrons of Balkan nations, primarily the Russian and Austrian authorities, there was only one solution to ethnoreligious oppression: liberation in the form of ethno-national self-determination wherever possible and religious protection whenever profitable. At the long end of hostilities between Bulgarian secessionists (*mufsid)* and Circassian settlers fighting for the Ottomans as irregular soldiers (*bashibozouks*) over disputed territory and property, a war broke out.[8] The regional conflict over land and resources in the border province of Danube escalated into a continental war between Russia, Austria-Hungary, and the Ottoman Empire, remembered as the Russo-Ottoman War of 1877–78.

The territorial and financial losses to the Sublime Porte in the aftermath of the war were irredeemable. Among the losses was the Danube Province, one of the most prestigious provinces of the empire and the epicentre of its modernisation reforms. The conflict also precipitated an informal partition along sectarian lines. The region's Muslim subjects, including the Circassian settlers from the ceded territories, found their way into the well-protected domains. Meanwhile, the Christian nations of Serbia and Montenegro became states, and an autonomous Bulgaria began to govern wide swathes of the Danube Province under the paternal scrutiny of Russia and Austria-Hungary.

The resettlement of Circassian refugees from the ceded territories was meant to be a humanitarian solution to sectarian violence. This demographic 'clearance' would put an end to

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[8] Bashibouzuks, along with figures such as 'deli... sekban, sarica, and levend', were semi-autonomous regiments in the Ottoman 'federative military system' which dominated warfare and military history of the Ottoman Empire between 1750-1850: Virginia H. Aksan, 'Mobilization of Warrior Populations in the Ottoman Context, 1750-1850', in *Fighting for a Living*, ed. Erik-Jan Zürcher, A Comparative Study of Military Labour 1500-2000 (Amsterdam University Press, 2013), 331–52.The conscription of Circassian bashibozouks into the irregular regiments in the Balkans were a provincial affair, in which local officers effectively acted as 'military contractors'.

atrocities (*meẓālim*) whose perpetrators were either Circassian irregulars, according to European observers, or Bulgarian 'seditionists', according to the Ottomans. The warring parties who signed the Treaty of Berlin in 1878 believed the refugees fleeing from this ever-shifting border could be a solution to ethno-sectarian strife.[9] As Şenışık argues, the 'large-scale population movements' between the Ottoman Empire and 'other ancien regimes…such as the Habsburg and the Russian Empires…radically altered the multi-ethnic structures of these empires' - a process which culminated in the ascent of nation states.[10]

Late 19th century expulsions shaped the national and imperial imaginaries from the East to the West. The Circassians expelled from the Caucasus in the 1860s, the Poles expelled from East Prussia in the 1870s, the Ashkenazim who ran from the Pale of Settlement in the 1880s… a myriad of stateless nations and refugees found themselves in varying configurations of power and did the best they could with the cards that they were dealt. Displaced people displaced people, heralding the tragedies that mark the history of the modern world.[11] In this eventful year of 1878, Danubian

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[9] For a detailed history of the 1878 Treaty of Berlin, see the collection or articles in M. Hakan Yavuz and Peter Sluglett, *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin* (Salt Lake City, United States: University of Utah Press, 2011).

[10] Pınar Şenışık, 'Cretan Muslim Immigrants, Imperial Governance and the 'Production of Locality'' in the Late Ottoman Empire', *Middle Eastern Studies* 49, no. 1 (2013): 92; Kemal H. Karpat, 'The Balkan National States and Nationalism: Image and Reality', *Islamic Studies* 36, no. 2/3 (1997): 329–59. For a comparative history of the fall of Empires as a refugee generating process, see: Aristide R. Zolberg, 'The Formation of New States as a Refugee-Generating Process', *The Annals of the American Academy of Political and Social Science* 467 (1983): 24–38.

[11] On the Prussian expulsions from Central and Eastern Europe, see: Richard Blanke, 'Bismarck and the Prussian Polish Policies of 1886', *The Journal of Modern History* 45, no. 2 (1973): 211–39; Matthew P. Fitzpatrick, 'A State of Exception? Mass Expulsions and the German Constitutional State, 1871–1914', *The Journal of Modern History* 85, no. 4 (2013): 772–800; Kristin Leigh Kopp, *Germany's Wild East: Constructing Poland as Colonial Space*, Social History, Popular Culture, and Politics in Germany (Ann Arbor: University of Michigan Press, 2012); Dörte Lerp, 'Farmers to the Frontier: Settler Colonialism in the Eastern Prussian Provinces and German Southwest Africa', *The Journal of Imperial and Commonwealth History* 41, no. 4 (1 November 2013): 567–83; Henri Moysset, 'La Politique De La Prusse Et Les Polonais: La Loi D'expropriation', *Revue Des Deux Mondes (1829-1971)* 48, no. 3 (1908): 519–50; Piotr Puchalski, 'Emigrants into Colonists: Settlement-Oriented Emigration to South America from Poland, 1918-1932', *Journal of Modern European History* 19, no. 2 (1 May 2021): 222–38.

On the Russian expulsion of Ashkeniazim Jews, see: Frank Caestecker and Torsten Feys, 'East European Jewish Migrants and Settlers in Belgium, 1880–1914: A Transatlantic Perspective', *East European Jewish Affairs* 40, no. 3 (1 December 2010): 261–84; Steven Cassedy, 'Russian-Jewish Intellectuals Confront the Pogroms of 1881: The Example of 'Razsvet'', *The Jewish Quarterly Review* 84, no. 2/3 (1993): 129–52; Abigail Green, 'From Protection to Humanitarian Intervention? Enforcing Jewish Rights in Romania and Morocco around 1880', in *The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present*, ed. Fabian Klose, Human Rights in History (Cambridge, United Kingdom: Cambridge University Press, 2016); Antony Polonsky, 'Fragile Coexistence, Tragic Acceptance: The Politics and History of the East European Jews', *Osteuropa* 58, no. 8/10 (2008):

migrations precipitated demographic changes and anticipated ethno-political projects of constituting homogenised, pure, and 'civilised' nations unsoiled by the presence of Muslim, Turkish, and undesirable peoples.[12]

The ongoing misery of the camps around the capital, staffed by disinterested Ottoman officers pocketing the muhajirs' allowances, and getting threatened by the local peoples provoked discontent among the muhajir subjects of the Sublime Porte. Their complaints and frustrations often took on a morbid quality. 'Our men bled for the Sultan, didn't they?', implored one. 'They killed those Bulgarian *mufasid* in the name of our Sultan, didn't they?' Another exclaimed, 'We fought the Sultan's war for him, didn't we?' They cried. Their adopted ruler did not abide their misery and suffering. Their exalted sultan, Abdülhamid II, had failed to uphold his end of the bargain after he conscripted the Circassians into his war with Russia. The Circassians' second exile came with a sense of betrayal and injustice.

This sense of betrayal informed the tone with which the Abzakh elites, a tribal section of the Circassian nation, welcomed one of their own, Colonel Suleyman, into their camp in Izmid in the autumn of 1879.[13] Having been recently promoted to Abdülhamid II's aide-de-camp, Suleyman was dispatched to various cities on the outskirts of Constantinople to collect intelligence on the suffering of refugees displaced from the newly ceded Danube Province. In his report, Suleyman first addressed the rumours that consular agents of the British and Russian Empire had been seen gathering information about the Circassian camps around Izmid, Brussa, and Bolu. In the aftermath of a humiliating military defeat, derelict camps in Ottoman territories provided a humanitarian spectacle and, thus, a diplomatic opportunity for the Russian reconnaissance team. Apparently, the Russians tried to convince the Abzakh elites to return to their homeland from which the Tsarist government had exiled them a decade earlier. The Abzakh elites who delivered this piece of information could have been bluffing to bolster their position in aid negotiations, but

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7–24; Stefan Wiese, "Spit Back with Bullets!' Emotions in Russia's Jewish Pogroms, 1881 — 1905', *Geschichte Und Gesellschaft* 39, no. 4 (2013): 472–501.

[12] Kemal H. Karpat, *Ottoman Population, 1830-1914: Demographic and Social Characteristics*, Turkish and Ottoman Studies (Madison, Wis: University of Wisconsin Press, 1985), 60-61, 72-74; Anna M. Mirkova, *Muslim Land, Christian Labor: Transforming Ottoman Imperial Subjects into Bulgarian National Citizens, c. 1878-1939* (Central European University Press, 2017); İpek Yosmaoğlu, *Blood Ties: Religion, Violence and the Politics of Nationhood in Ottoman Macedonia, 1878–1908* (Cornell University Press, 2014).

[13] BOA. Y. PRK. MYD. 1/34, 12 October 1879.

whether the Tsarist government's offer was genuine was not the issue. The important matter at hand, as Suleyman stressed in his report, was the prospect of international scrutiny and disapproval.



Figure 2: The depiction of a Circassian irregular soldier (bashibozouk) fighting in the Russo-Ottoman War of 1877-78.(Source: The Miriam and Ira D. Wallach Division of Art, Prints and Photographs: Picture Collection, The New York Public Library. 'A Circassian soldier' New York Public Library Digital Collections. Accessed June 19, 2023.)

The Balkan crisis of 1876–78 internationalised the refugee question to an irreversible degree, and the Porte now had to solicit international funding for refugee aid to at least abet the misery on the streets of its capital.[14] However, beyond donating a finite and mostly superficial provision of financial aid, any consular involvement in the refugee crisis would be undesirable. Suleyman addresses how the possibility of consular meddling by the British or Muslim return migration toward Russia would undermine the Hamidian regime's diplomatic stature and call into

[14] Ufuk Erdem, 'Osmanli'dan Cumhuriyet'e Muhacir Komisyonlari ve Faaliyetleri (1860-1923)' (Erzurum, Ataturk University, 2014), 215.

question its financial capacity and political legitimacy. The refugees had to remain under Ottoman authority and be settled and re-patried (*tavattun*) as loyal, state-serving, tax-paying subjects of the state.

The Circassian elites found themselves stuck in an administrative purgatory as to where they would be permanently settled and complained to Suleyman about the cruelties they suffered under the corrupt officers of Brussa Province. The orphans of army irregulars who had fought against the Bulgarian atrocities were left on the streets. The martyrs were bereft of land on which to be laid to rest. One Şevket Pasha, the governor of Brussa, had refused to settle them on readily available land near the outskirts of the city for fear they would then become a permanent fixture. At the end of his report, Suleyman opines that Ottoman officers had abrogated their 'duties to humanity' (*vecibe-i insāniyyet*), by leaving refugees 'lacking land and aid that was their due'(*himemātın bile ber vech-i ma'rūż taşra me'mūrları tarafından dirig̈ edilmekde*).

According to Suleyman's report to the headquarters of the Hamidian government at Yıldız Palace, Circassian beys cast themselves as victims of cruelty (*ẓulm*) and atrocity (*meẓālim*) by the state and by the enemy, respectively.[15] As pending subjects, the beys demanded the land in exchange for having bled for the Sultan in the conflict with Bulgarians and Russians in the Balkans, fulfilling a political obligation of wartime conscription. Should the Ottoman government fail to deliver on what the Circassian beys believed their due, it would be taken as an abrogation of this political transaction, and they claimed the right to leave Ottoman lands and return to the Caucasus.

The Sultan's Caucasian subjects deployed the vernaculars of transactional justice to stake their claim in Ottoman political society and demand their due from the Sultan and his servants. In his report on the condition of the refugees, Suleyman presented an opportunity out of the liability that hitherto had been the Circassian muhajirs. They had survived miserable conditions during their first exile in the Danube Province, and it was their 'rapacious' conduct that precipitated a war with Bulgarian nationalists. Suleyman cleverly underplayed this criminality in his report and spoke against the then-widespread prejudice which assumed tribal and criminal behaviour from the

[15] The Yıldız Palace formed the household, and thus the government, of the Hamidian regime.

Circassians.[16] His report presents the questions of immigration and settlement as a political transaction: the muhajirs give their loyalty and blood, and the Sultan compensates them with land. This transaction was also a promise on the part of this Circassian soldier that rendering justice unto other refugees like himself would only exalt the Ottoman Sultan as a just and generous (*ma'deletli*) ruler.

Colonel Suleyman served Abdülhamid II well during and after the Balkan Wars. His assignments took him to the Armenian provinces and Greater Syria, where he gathered intelligence and reported on local agitations and diplomatic affairs. When he returned to Abdülhamid II's private service, Suleyman was rewarded for his labours with a higher rank and a new position as co-inspector of the newly minted Commission for the Public Administration of Immigration (*İdare-i 'Umūmiyyet-i Muhācirin Komisyonu*).[17] He became Abdülhamid's eyes and ears in the early years of this new institution. The humble aide of Circassian origins shared his duties with Ali Kemali, a man born to an aristocratic and established Erzurumi family in the Ottoman officialdom.[18] Aside from everything else, his reports about the camps in Izmid proved him worthy of the task. He had an eye for detail and a knack for articulating the dialogical relation between domestic legitimacy and diplomatic credibility. Perhaps it was also a subtle self-insertion on his part that led him to argue that Circassian men putting their bodies on the line for the Hamidian regime deserved to be

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[16] While there was certainly an increase in violent assault due to the presence of Circassian encampments in the Marmara region, especially around Istanbul, this does not negate how the local prejudice and the xenophobia of anti-Muhajir sentiments pushed the refugees into the fringes of society, to the detriment of both refugees and locals themselves. Roger A. Deal, 'War Refugees and Violence in Hamidian Istanbul', *Middle Eastern Studies* 49, no. 2 (1 March 2013): 179–90. Ryan Gingeras provides the most extensive history of violence, crime, and the muhajir communities in the Marmara region to date: Ryan Gingeras, 'Notorious Subjects, Invisible Citizens: North Caucasian Resistance to the Turkish National Movement in Northwestern Anatolia, 1919-23', *International Journal of Middle East Studies* 40, no. 1 (2008): 89–108; Ryan Gingeras, *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire 1912-1923* (OUP Oxford, 2009); Ryan Gingeras 'Beyond Istanbul's 'Laz Underworld': Ottoman Paramilitarism and the Rise of Turkish Organised Crime, 1908-1950', *Contemporary European History* 19, no. 3 (2010): 215–30; Ryan Gingeras, 'Last Rites For A 'Pure Bandit': Clandestine Service, Historiography And The Origins Of The Turkish 'Deep State'', *Past & Present*, no. 206 (2010): 151–74.On the contemporary legacy of anti-Muhajir sentiments and stereotypes, see: Ayhan Kaya, 'Cultural Reification in Circassian Diaspora: Stereotypes, Prejudices and Ethnic Relations', *Journal of Ethnic and Migration Studies* 31, no. 1 (1 January 2005): 129–49.

[17] BOA. I.HR., 336/21675, 8 November 1882.

[18] *Türk Dili ve Edebiyatı Ansiklopedisi* (1982). 'Kemâlî Ali Efendi'. C. 5. İstanbul: Dergâh Yay. 273; Kemal H. Karpat, *The Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State* (Oxford University Press, 2001), 262.

conscripted into the imperial order as legitimate subjects rather than as stateless peoples forced to beg for protection from competing empires.

1.1. Arguments and Sources

Ventriloquizing the Abzakh muhajirs, Suleyman positions himself and his people as humanitarian victims and as political assets. This small fragment from the pen of a Circassian soldier speaks to broader concerns about the Ottoman humanitarian enterprise and the place of muhajirs within the Ottoman political society. This thesis explores how the threat of humanitarian interventions, vexations of extraterritorial jurisdiction, and the dictates of modern statecraft shaped the domestic and diplomatic implications of 'imperial refuge'.[19] It explores how humanitarianism emerged as a legal, moral, and political discourse which served to police human mobility across political borders and boundaries of political society.

This dissertation builds upon research primarily conducted in the Prime Ministry's Ottoman Archives in Istanbul, the British National Archives in London, and the French Diplomatic Archives in Nantes. It brings together a diverse arrangement of archival documents, from legal opinions and governmental correspondence, to memoirs, petitions, and oral history compilations. I am relying on the word of law, administrative archives, dissertations, and a wealth of secondary sources to reconstruct the world of late Ottoman muhajirs, as I critically analyse petitions and oral history accounts to discuss the discontents of muhajir lives.

In this thesis, I centre the narratives of fugitives to address the foundational problems of imperial refuge. I elaborate on the failed attempts to govern these muhajirs through the three legal fixtures of the humanitarian settlement policy: the refugee settlement, the settler household, and the settler-citizen. I discuss how these legal fixtures constituted a carceral continuum that governs and delimits social and physical mobility within the muhajir settlement, the settler household, and the territorial borders. This carceral continuum generated social conflicts within each structure, namely economic criminality, enduring slavery, and illicit migration, as tireless resistance to

[19] I burrow the phrase from Vladimir Hamed-Troyansky, 'Imperial Refuge: Resettlement of Muslims from Russia in the Ottoman Empire, 1860-1914' (California, Stanford University, 2018).

capitalist, patriarchal and racial expropriation undermined this political attempt to fix people onto territory and labour onto land. I advance the argument that the unequal incorporation of immigrants into Ottoman modernity both construed and challenged the carceral ends of this humanitarian enterprise.

In the first section, *Mesken*, I look at how settlement transformed Circassian settler communities and the locals with whom they shared the land, dragging both into the orbit of civilisation and capitalism. I explore how restrictions were placed on movement and mobility in the construction of the muhajir settlement and how the success of a permanent settlement often came at the cost of expropriating and exploiting the most vulnerable among the refugees. I then explore the conflict which unfolded between settlers and natives, as the same forces of expropriation discursively transformed the inter-communal conflict over land and resources into 'primordial' expressions of sectarian violence.

In the second section, *Mahrem*, I look at the foundations of the household economy as the unit which comprised the settlement. I look at the relations of exploitation between the landholding elites and their slaves and workers, who had no right to the property on which they lived and worked. I argue that the settler household upheld the tenets of patriarchy and racial capitalism, as the Hamidian immigration state legitimised racial and gendered domination within the household.

In *Muvatın*, I argue that the discussions surrounding the 1902 Resolution for the Immigration Law reveal the pariahs of the Hamidian order. I juxtapose the conditional humanitarian inclusion of Muslim settlers with the contemporaneous, contractual exclusion of Armenian peasants from the Ottoman fiscal and judicial order. Relying on the work of Maia Pal and Will Hanley, I argue that the Immigration Law of 1857, the Nationality Code of 1869, and subsequent regulations were promulgated to *extend* Ottoman jurisdiction within its contiguous borders and eliminate all causes of disputed jurisdiction.[20] Together, the Ottoman officers of the late 19th- and early 20th century used these legal instruments to envision and effectively implement a social contract with racial, gendered and classed exclusions.

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[20] Will Hanley, 'What Ottoman Nationality Was and Was Not', *Journal of Ottoman and Turkish Studies Association* 3, no. 2 (1 November 2016): 277–98.

The following sections of this introduction provide a historical prelude and three thematic interludes on modern humanitarianism as it evolved in the Eastern Mediterranean under Ottoman jurisdiction.

1.2. Historical Prelude

International borders are a modern and colonial construct.[21] The territorial and maritime borders of the Ottoman Empire, like those of its continental European counterparts, evolved from the boundaries of an amorphous, discrete collection of provinces and cities into a contiguous and self-contained territory over the course of the 18th and 19th centuries. We know little about the beginnings of border policing in Ottoman history, which began in protecting the walled cities and ports of the empire from the influx of peasantry and from maritime incursions using entry permits (*tezkeres*),[22] and eventually grew into military personnel being stationed across the borderlands of the Balkans, the Caucasus, Mesopotamia, and the Eastern Mediterranean.[23]

Counterintuitively, a key moment in the history of border policing is when the Ottoman Empire actively instituted an open-entry, pro-immigration policy in 1857 with the promulgation of the Immigration Law. The reasons why this is counterintuitive are twofold. The Law of 1857 legally recognised the *fact* of open borders and widespread immigration into the Ottoman Empire. Dissident intellectuals, nationalists and republican radicals from continental Europe had been seeking political asylum (*iltija*) in the Ottoman Empire since the early 1830s. In the 1840s,

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[21] Jordan Branch, "Colonial Reflection' and Territoriality: The Peripheral Origins of Sovereign Statehood', *European Journal of International Relations* 18, no. 2 (1 June 2012): 277–97; Aristide R. Zolberg, 'The Next Waves: Migration Theory for a Changing World', *The International Migration Review* 23, no. 3 (1989): 403–30. On the modern history international borders and migration law, see the inimitable article of Frédéric Mégret, 'The Contingency of International Migration Law 'Freedom of Movement', Race, and Imperial Legacies', in *Contingency in International Law: On the Possibility of Different Legal Histories*, ed. Ingo Venzke and Kevin Jon Heller (New York: Oxford University Press, 2021).

[22] Mine Ener, 'Religious Prerogatives and Policing the Poor in Two Ottoman Contexts', *The Journal of Interdisciplinary History* 35, no. 3 (2005): 501–11.

[23] For a survey of Ottoman border and migration policy in the 19th century, see: Christoph Herzog, 'Migration and the State: On Ottoman Regulations Concerning Migration since the Age of Mahmut II', in *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*, ed. Ulrike Freitag, SOAS/Routledge Studies on the Middle East 14 (London: Routledge, 2011), 117–34. Stein looks at the origins of frontier construction in Ottoman Europe: Mark L. Stein, *Guarding the Frontier: Ottoman Border Forts and Garrisons in Europe* (London: Tauris academic studies, 2007).

Istanbul was a capital of exiles of Polish, Ruthenian, and Hungarian provenance.[24] Moreover, beginning with the Crimean War of 1854, a steady stream of Crimean refugees flowed into Ottoman domains, seeking refuge.[25] By 1857, open borders were a social fact. The Law of 1857, however, instituted mechanisms to control and process further immigration into the Ottoman Empire in a bid to distribute migrants and put them to work more efficiently by assigning them abandoned and unused lands across the provinces. In 1857, the Ottoman Empire was in a demographic, and thus, economic crisis and in desperate need of more labourers.[26] Immigrants were a makeshift solution.

The Ottoman Immigration State was built on the Immigration Law of 1857 and its open-entry policy toward foreigners across the Ottoman Empire's maritime and territorial borders. What I refer to as the immigration state is a set of laws, policies, and institutions which took on the task of repopulating the empire beginning in the mid-19th century. The Ottoman Immigration State was thus a political child of the *Tanẓimāt*, the era of Ottoman Reforms from 1839 to 1876. Tanẓimāt marked the turning point from a sedimented, nomadic empire to a "vertically integrated nation-state", a process which reorganised state institutions and recalibrated the Ottoman Empire's socio-political structures.[27] Following Kale, I argue that immigration was a key demographic, diplomatic, and ideological aspect of this recalibration.[28] The institutions and actors that

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[24] On this curious episode in the history of revolutionary Europe, see: Csorba, 'The Circassian-Polish-Hungarian Alliance'; Musa Gümüş, 'Michal Czajkowski (Mehmed Sadık Pasha) and Cossack Cavalry Regiment in Ottoman State', *Journal of Turkish Studies* Volume 5 Issue 3, no. 5 (2010): 1362–75; Gülnar Kara, *Polonezköy'ün Kurucularından Çaykovski Mehmet Sadık Paşa'nın Osmanlı Anıları*, 1. baskı (Konya: Kömen Yayınları, 2016); Kemal H. Karpat, *Studies on Ottoman Social and Political History: Selected Articles and Essays*, Social, Economic, and Political Studies of the Middle East and Asia, v. 81 (Leiden, The Netherlands ; Boston: Brill, 2002), 169-185; Ahmet Refik, *Türkiye'de mülteciler meselesi: Macar ve Leh mülteciler, Koşot, Rusya ve Avusturya'ya karşı Türk siyaseti, Türkiye, İngiltere, ve Fransa ihtilafı (1849-1851)* (İstanbul: Matbaa-yi Âmire, 1926).

[25] Dündar, *Hicret, Dîn ü Devlet*, 158-159. Karpat, *Studies on Ottoman Social and Political History*, 202-234; Hakan Kirimli, 'Emigrations from the Crimea to the Ottoman Empire during the Crimean War', *Middle Eastern Studies* 44, no. 5 (1 September 2008): 751–73.

[26] On the demographic crisis of the early 19th century and Ottoman attempts to solve it, see: Gülhan Balsoy, *The Politics of Reproduction in Ottoman Society, 1838–1900* (Routledge, 2015); Dündar, *Hicret, Dîn ü Devlet*,191-195. This demographic crisis endured during the Hamidian regime: Ibid., 210-211.

[27] Karen Barkey, ed., 'On the Road out of Empire: Ottomans Struggle from Empire to Nation-State', in *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008), 264–96, .

[28] Başak Kale, 'Transforming an Empire: The Ottoman Empire's Immigration and Settlement Policies in the Nineteenth and Early Twentieth Centuries', *Middle Eastern Studies* 50, no. 2 (4 March 2014): 252–71.

structured Ottoman immigration policy from 1857 onward were the products of the Tanẓimāt and constituents of Ottoman legal modernity.

Three key documents mark the beginning, middle, and end of the Tanẓimāt period: the Imperial Edict of 1839, the Reform Edict of 1854, and the promulgation of the Ottoman Constitution in 1876. Each was declared under external and internal pressures agitating for change. The Concert of Europe demanded security and equality for the non-Muslim constituents of the Empire, while the Ottoman peasants, Muslim and non-Muslim alike, agitated against the injustices of the tax farming system.[29] The Imperial Edict was declared while the Sublime Porte was under the siege of his own Governor of Egypt, Mehmed Ali, as the house of Ottomans came to the precipice of falling. The edict promised justice, key reforms on taxation and conscription and the protection of persons and of property. The second period of Tanẓimāt reforms, which began with the promulgation of the Reform Edict in 1856, was a concession to European allies for their help with the Crimean War of 1854. It promised communal equality between Muslims and non-Muslims and extended the remit of Tanẓimāt reforms to all without religious distinction.

The economic and political reforms which unfolded over the course of these five decades fundamentally changed the contours of the Ottoman political community, the content of political obligations, and the basis of political rights. The European observers and the Tanẓimāt intellectuals both aspired for the equality of the propertied class as the constituents of a modern Ottoman nation. Individual taxation and universal conscription would be the two political obligations which structured the relationship between the Sultan and his subjects. Capital, in the form of land or urban real estate, would be the ticket to enter this political community. The muhajir, who would join this political community, was categorically an able-bodied, land-owning, free man.

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[29] On the promise and language of Tanẓimāt as understood by the subaltern peasants and non-Muslims, see: E. Attila Aytekin, 'Peasant Protest in the Late Ottoman Empire: Moral Economy, Revolt, and the Tanẓimāt Reforms*', *International Review of Social History* 57, no. 2 (August 2012): 191–227; Halil İnalcık, *Tanẓimāt ve Bulgar meselesi* (Kronik, 2018); Cengiz Kırlı, 'Tyranny Illustrated: From Petition to Rebellion in Ottoman Vranje', *New Perspectives on Turkey* 53 (November 2015): 3–36; Moshe Maʿoz, *Ottoman Reform in Syria and Palestine, 1840-1861: The Impact of the Tanẓimāt on Politics and Society* (Oxford, London: Clarendon P, 1968); Milen V. Petrov, 'Everyday Forms of Compliance: Subaltern Commentaries on Ottoman Reform, 1864-1868', *Comparative Studies in Society and History* 46, no. 4 (2004): 730–59; Masayuki Ueno, "For the Fatherland and the State': Armenians Negotiate the Tanẓimāt Reforms', *International Journal of Middle East Studies* 45, no. 1 (2013): 93–109.

The ideal settler thus reflected the ideal citizen: a sedentary family man of the propertied class.[30] The Immigration Law of 1857 was thus very much in the spirit of the Tanẓimāt, which initiated the forceful sedentarisation of the empire's nomadic subjects, the promulgation of a new land code and a fiscal regime which instituted a novel form of private property and individual taxation. As Hamed-Troyansky cogently argues, the Ottoman Immigration Law of 1857 must be read in tandem with the Land Code of 1858 because the Law of 1857 laid the foundation of a new private property regime and promoted agrarian capitalism across the empire.[31] The muhajir settlements, which began in the Balkans, the heartlands of Tanẓimāt reform, initiated the transformation of public and state land, along with reintroducing abandoned (*maḥlūl*) or dead (*mevāt*) land, into the grid of private property.[32] The Land Code of 1858 went further, paving the way for a fundamental change in relations of ownership and production.

The following sections will introduce the key institutions that oversaw this process of turning foreigners into settlers and settlers into citizens, one household at a time. These institutions were agents of legal change, operating at the nexus of international law, secular domestic law (*ḳānūn*), and religious personal codes (*sharīʿa*). Mediating between the Ottoman Ministry of Foreign Affairs and the Ministry of Interior, this institutional edifice of the Ottoman Immigration State policed the political boundaries and territorial borders of the imperial nation.

1.2.1. The Immigration Commission

The Immigration Law of 1857 lacked an institutional home to implement the muhajir settlement policy for its first three years. The due procedure for immigration into the Ottoman Empire was supposed to be a local and low-key affair, arranged between Ottoman consulates abroad and provincial governments at home. The muhajirs who applied for settlement would be properly vetted by the Ottoman consulates and given entry permits (*mürur tezkeresi*) before one of the provincial governments of the Ottoman Empire allocated land to them. However, a growing influx

[30] Indeed, single men were hardly eligible for the settlement policy: Fuat Dündar, *İttihat ve Terakki'nin Müslümanları Iskân Politikası, 1913-1918*, (Cağaloğlu, İstanbul: İletişim, 2001), 225.
[31] Hamed-Troyansky, 'Imperial Refuge', 77.
[32] Ibid., 267.

of refugees from the war-torn Caucasus eventually prompted the bureaucratic centralisation of immigration governance. The first two commissions, instituted under the rule of Abdülmecid I and Abdülaziz I, respectively, were designed as temporary and regional solutions to humanitarian crises in the Caucasus and, later, in the Balkans. With the turning point of the 1877-78 Russo-Ottoman War and the subsequent refugee crisis in the Balkans, the Immigration Commission became a permanent feature of state governance.[33]

With the consolidation of Hamidian autocracy, the Immigration Commission entered a new phase. It was a permanent institution, yet its name, its position in the executive hierarchy, and the composition of its members were subject to frequent change. A General Commission for Migration was formed in 1877 and began managing the refugee crisis from the Balkans directly under the Sultan as the head of state. The General Commission for Migration was abolished within the year as Abdülhamid II founded two novel commissions to replace it: the General Administration of Immigration Commission and the Commission for Muslim Immigrants. Another special commission was founded in 1897, the High Commission for Immigration , to address the Cretan refugee crisis.[34] All four commissions founded during Abdülhamid II's reign answered to him directly and were later subsumed by the Ministry of Interior. In truth, the burden of administering the refugee settlement often fell on the local officers, as provincial branches were opened to handle regional refugee crises and settlements, often following the directives of provincial governors.[35] The General Administration of Immigrants or the Commission for Muslim Immigrants only made decisions when there were legal kinks to be worked out, such as if the prospective muhajirs abided by the due procedure or not, if they were free or enslaved, or if they accepted their designated place of settlement or fled.

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[33] Fuat Dündar, 'How Migration Institutions 'Think ?' : The Ottoman-Turkish Case', *ANATOLI : De l'Adriatique à La Caspienne Territoires, Politique, Sociétés*, no. 9 (Autumn 2018) : 171.

[34] On the history of the European humanitarian intervention in Crete and the refugee crisis that followed, see: Uğur Z. Peçe, 'An Island Unmixed: European Military Intervention and the Displacement of Crete's Muslims, 1896–1908', *Middle Eastern Studies* 54, no. 4 (4 July 2018): 575–91. On the settlement of Cretan refugees, see: Tuncay Sepetcioglu, 'Cretan Turks at the End of the 19 Th Century: Migration and Settlement (19. Yüzyılda Girit Türkleri: Göç ve Yerleşim)', 3 January 2021; Şenışık, 'Cretan Muslim Immigrants, Imperial Governance and the 'Production of Locality'. On frontier expansion and the Ottoman *mission civilisatrice* in Cyrenaica, see: Fredrick Walter Lorenz, 'The 'Second Egypt': Cretan Refugees, Agricultural Development, and Frontier Expansion in Ottoman Cyrenaica, 1897–1904', *International Journal of Middle East Studies* 53, no. 1 (February 2021): 89–105.

[35] Dündar, 'How Migration Institutions 'Think?', 172.

The Immigration Commission was disaggregated over the four decades it operated under the regime of Abdülhamid II and the Committee of Union and Progress. Legal and institutional changes came at pace and almost always in response to the next frontier province over which European empires staked a 'benevolent influence' to protect their non-Muslim protégés or to explicitly expand their imperial scramble, like the Caucasus in the 1860s, the Balkans in 1876, Crete in 1897 and Tripoli in 1911. Specific commissions with similar names emerged, often as ad hoc solutions to regional crises rather than a singular institution responsible for implementing a uniform agenda applicable across the imperial territories. Throughout the thesis, I use the name Immigration Commission interchangeably for these various institutions, except for when direct translation demands otherwise.

1.2.2. The Office of Nationality Affairs and the Office of Legal Counsel

The Immigration Commission was tasked with administering the Immigration Law of 1857, which created a privileged stratum of immigrants, the muhajirs, from among the foreign arrivals in the Ottoman Empire. The commission mediated between a diverse cast of actors in the Ministry of Foreign Affairs to process immigrants into settlers. The Office of Nationality Affairs (*Ṭabi'iyyet Kalemi*) administered the due procedure for a formal change of nationality (*tebdil-i ṭabi'iyyet*) and ensured that the aspiring muhajirs had severed all legal and economic ties to their previous sovereign. Should the change of nationality prove too difficult or require a chequered process of negotiation, as it often did between the Ottoman and Russian empires, the Office of Legal Counsel (*Bāb-ı 'āli Ḥuḳūḳ Müşavirliği - İstişāre Odası*) was brought in to issue a legal opinion.

The Ministry of Foreign Affairs drafted even more extensive codes and regulations on immigration and nationality between 1869 and 1912.[36] Most were issued through the Office of Legal Counsel, then the immigration commission delegated their application to provincial branches. The Office of Legal Counsel, the Office of Nationality Affairs, and Ottoman consulates

[36] For a representative collection of legal opinions and resolutions, see : Sinan Kuneralp and Emre Öktem, *Chambre des conseillers légistes de la Sublime Porte : rapports, avis et consultations sur la condition juridique des ressortissants étrangers, le statut des communautés non musulmanes et les relations internationales de l'Empire ottoman (1864-1912)* (Les éditions Isis, 2012).

abroad were outward-facing extensions of the Ottoman humanitarian settlement policy. While the Office of Nationality Affairs was tasked with the *regularisation* of personal status, often on an ad-hoc basis after the muhajirs had already settled, the Office of Legal Counsel was tasked with issuing legal opinions that gave the final decision on the personal status of dubious subjects.

The Office of Legal Counsel was, in effect, a legislative branch of capitulatory law.[37] In the years of its operation from 1864 to 1912, the office issued legal opinions on complicated cases of private international law. Its opinions set precedents for the application of extraterritorial jurisdiction across the Ottoman Empire and furthered the development of international private law.[38] The corpus of opinions and further legislation issued by the Office of Legal Counsel guarded the jurisdictional integrity of the empire against everyday challenges to Ottoman sovereignty in the consular and mixed courts of the empire's provinces. The Office of Legal Counsel and the Office of Nationality Affairs sought to preserve and extend the authority of the Sublime Porte against consular attempts to transport European authority onto Ottoman soil.[39]

To analyse the jurisdictional politics between European and Ottoman authorities, I use the tripartite scheme developed by Maia Pal, who describes the integral role extraterritorial law played

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[37]Will Hanley, 'International Lawyers without Public International Law: The Case of Late Ottoman Egypt', *Journal of the History of International Law / Revue D'Histoire Du Droit International* 18, no. 1 (30 October 2016): 101-102.
[38] Mariya Tait Slys, *Exporting Legality : The Rise and Fall of Extraterritorial Jurisdiction in the Ottoman Empire and China*, Cahiers de l'Institut (Genève: Graduate Institute Publications, 2014).
[39] Consular jurisdiction and capitulatory law were sites of contestation between the states involved. This contestation endured over four centuries of Ottoman-European international relations, at times inflecting Ottoman imperialism, European imperialism, and orientalism. It is important to heed Özsu's warning that capitulatory laws and relations can't be reduced to relations of domination which, at times, resulted from it: Umut Özsu, 'Ottoman Empire', in *The Oxford Handbook of the History of International Law*, ed. Bardo Fassbender, Anne Peters, and Simone Peter (OUP Oxford, 2012), 446-47. For more, see: Eliana Augusti, 'From Capitulations to Unequal Treaties: The Matter of an Extraterritorial Jurisdiction in the Ottoman Empire', *Journal of Civil Law Studies* 4, no. 2 (1 December 2011); Maurits van den Boogert, *The Capitulations and the Ottoman Legal System* (Brill, 2020).
Extraterritoriality is a global issue of interest for historians beyond the Ottoman Empire. See: Pierre-Alexandre Cardinal, 'The Modern and the Traditional: Islam, Islamic Law and European Capitulations in Late Qajar Iran', *London Review of International Law* 7, no. 1 (1 March 2019): 117–40; Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (Cambridge University Press, 2010); Maïa Pal, *Jurisdictional Accumulation: An Early Modern History of Law, Empires and Capital* (Cambridge, United Kingdom ; New York, NY: Cambridge University Press, 2020). On an early modern history of capitulations, see: Edhem Eldem, 'Foreigners at the Threshold of Felicity: The Reception of Foreigners in Ottoman Istanbul', in *Cultural Exchange in Early Modern Europe*, ed. Robert Muchembled and E. William Monter (Cambridge ; New York: Cambridge University Press, 2006). See Calafat, for an earlier origins story of the capitulatory law and maritime competition in the Mediterranean : Guillaume Calafat, *Une Mer Jalousée : Contribution à l'histoire de La Souveraineté (Méditerranée, XVIIe Siècle)*, L'univers Historique (Paris : Éditions du Seuil, 2019).

in the expansion of mercantile capitalism and European colonisation on three fronts: transplant, transport, and extension of sovereign jurisdiction.[40] In the semi-colonial case of the Ottoman Empire, I argue that capitulatory law was a means of transporting European authority onto Ottoman soil, against which the Ottoman sovereign sought to *extend* their jurisdiction within their contiguous borders. This was a diametrically opposed process of 'jurisdictional accumulation', in the words of Pal, a process in which a capitalist state competed for sovereign authority over a given territory. My thesis takes a step further to argue that in the late 19th-century Ottoman world, migrants themselves were instrumental in the processes of transport and extension of jurisdiction over a given territory.[41]

1.2.3. European Consulates, Mixed Courts, and the Sharīʿa Courts

It was important to determine the personal status of foreigners on Ottoman soil. Whether or not these foreigners attained the status of settlers had legal implications, defining their privileges and obligations as Ottoman subjects. As a muhajir, a foreigner was exempt from conscription and taxation for six to twelve years. The catch was that they had to work the land during that time without leaving their designated place of settlement. If they did leave the settlement or left it unattended, then they gave up the rights to own, buy, or sell property in the Ottoman Empire and effectively became foreigners on Ottoman soil. If the investigative authorities found out that the

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[40] Pal, *Jurisdictional Accumulation*, 6-7.

[41] Indeed, migration history provides an excellent window into the study of jurisdictional politics. See: Guillaume Calafat, 'Jurisdictional Pluralism in a Litigious Sea (1590–1630): Hard Cases, Multi-Sited Trials and Legal Enforcement between North Africa and Italy', *Past & Present* 242, no. Supplement_14 (1 November 2019): 142–78; Julia Clancy-Smith, 'Women, Gender and Migration along a Mediterranean Frontier: Pre-Colonial Tunisia, c.1815-1870', *Gender and History* 17, no. 1 (April 2005): 62–92; Ziad Fahmy, 'Jurisdictional Borderlands: Extraterritoriality and 'Legal Chameleons' in Precolonial Alexandria, 1840–1870', *Comparative Studies in Society and History* 55, no. 2 (April 2013): 305–29; Will Hanley, *Identifying with Nationality: Europeans, Ottomans, and Egyptians in Alexandria* (Columbia University Press, 2017); Mary Dewhurst Lewis, 'Geographies of Power: The Tunisian Civic Order, Jurisdictional Politics, and Imperial Rivalry in the Mediterranean, 1881–1935', *The Journal of Modern History* 80, no. 4 (December 2008): 791–830; Jessica Marglin, 'The Two Lives of Mas'ud Amoyal: Pseudo-Algerians in Morocco, 1830-1912.', *International Journal of Middle East Studies* 44, no. 4 (November 2012): 651–70; Jessica Marglin, *The Shamama Case: Contesting Citizenship across the Modern Mediterranean*, *The Shamama Case* (Princeton University Press, 2022); Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham: Duke University Press, 2018); Nurfadzilah Yahaya, *Fluid Jurisdictions: Colonial Law and Arabs in Southeast Asia* (Cornell University Press, 2020).

muhajirs were pretenders of double nationality or that they had not severed their ties with their previous sovereign, they were also treated as foreign residents until their status could be regularised.

Under whose jurisdiction — Ottoman or foreign — an immigrant fell had implications for their civil rights and access to justice. Beginning in 1848, commercial and civil affairs were handled in the mixed courts, an arrangement initiated by the Ottoman Empire to limit the scope of European extraterritorial jurisdiction over its domestic affairs.[42] On certain matters, foreign Muslims could forum shop, taking their case to either the mixed courts or the sharīʿa courts, whichever was most likely to decide favourably on their case. Foreign non-Muslims handled their affairs with Ottoman subjects at the mixed courts and arranged their personal affairs through the consular courts of the state to which they were subject. The question of jurisdiction unequivocally acquired a political gravitas in matters of criminal litigation between foreign and Ottoman subjects, for it was the rule of extraterritorial jurisdiction that a criminal case be heard in the courts of the country which represented the *defendant*.[43] Transnational criminal litigation thus acted as a litmus test for the Ottoman criminal justice system as well as the government, on whether a sentence was just, excessive, or simply enough.[44]

Whether or not a foreigner had acquired the status of a muhajir had implications for the consular courts and their responsibilities toward their nationals. There were instances in which a muhajir man declared themselves a foreign subject to be released from jail, escape criminal litigation or mandatory conscription by the Ottoman government.[45] The matter was complicated further when a member of the muhajir household, a dependent woman or slave, declared

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[42] The mixed courts have begun to receive an overdue attention. See: Augusti, 'From Capitulations to Unequal Treaties'; Omar Youssef Cheta, 'A Prehistory Of The Modern Legal Profession In Egypt, 1840S–1870S', *International Journal of Middle East Studies* 50, no. 4 (November 2018): 649–68; Hanley, 'International Lawyers without Public International Law'; Philippe Leboulanger, 'Mixed Courts of Egypt and International Arbitration', *BCDR International Arbitration Review* 3, no. Issue 1 (1 September 2016): 23–31; Zülâl Muslu, 'Mutation à La Maison Des Roses : Souveraineté Ottomane et Tribunaux Mixtes de Commerce Dans Le Long XIXème Siècle' (These de doctorat, Paris 10, 2018) , 185; Mai Taha, 'Drinking Water by the Sea: Real and Unreal Property in the Mixed Courts of Egypt', in *The Extraterritoriality of Law*, ed. Umut Özsu et al. (Routledge, 2019), 119–33.

[43] Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beratlıs in the 18th Century*, Studies in Islamic Law and Society, v. 21 (Leiden ; Boston: Brill, 2005).

[44] For an exemplary discussion on consular jurisdiction, Ottoman criminal justice, and whether the punishment of an Ottoman defendant fits the crime, see: MAE. N. PO92/A, Box 155, 6/4, Affaire Braquechaye, August 1892.

[45] The incarceration of Ali al Mograbi, a pretender of French nationality, delivers all three of these matters in quite detail: MAE.N. PO92/A, Box 317, G.C. Emprisonnement de Ali Mograbi, April 1883.

themselves to be foreigners to flee their household or return to their home country.[46] The subjects of Ottoman humanitarianism were not always grateful for the deal that they were dealt. Some of them discovered that their rights, aspirations, and liberties drew them elsewhere other than the refugee settlement, the settler household, or the Ottoman homeland. Ottoman notions of humanity and justice were contested at this nexus of exile from exile, as refugee settlers became fugitives on the run.

1.3. Thematic Interludes

1.3.1. Justice, Humanity, and Islam

This dissertation is an inquiry into the rhetoric of humanity.[47] Taking a comparative approach to European and Ottoman humanitarianisms, I begin with a language that is shared between the Sublime Porte and its imperial counterparts in Europe. This language of humanity, or *insāniyyet,* is a term which began circulating in the 19th century and would mediate between the imperial aspirations and domestic ideations of the Ottoman sovereign. The idea of humanity came with a baggage of norms and rules which were 'produced' by a Eurocentric international hierarchy, which in turn 'helped to reproduce it'.[48] Nineteenth-century imperial humanitarianisms shared a

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[46] For another example, see: SALT Research, ACDCGVFM00049, 19.06.1921.

[47] An Ottoman genealogy of humanitarianism is a subject of increasing interest. For a review of extant literature, see: Birgit Schäbler, 'Humanism, Orientalism, Modernity: A Critique', in *Humanism and Muslim Culture: Historical Heritage and Contemporary Challenges*, ed. Jörn Rüsen, Stefan Reichmuth, and Aladdin Sarhan (Vandenhoeck & Ruprecht, 2012).For an intercultural history of humanism, see: Birgit Schäbler, 'Civilising Others: Global Modernity and Local Boundaries (French/German, Ottoman, and Arab) of Savagery', in *Globalization and the Muslim World: Culture, Religion, and Modernity*, ed. Birgit Schäbler and Leif Stenberg, 1st ed, Modern Intellectual and Political History of the Middle East (Syracuse, N.Y: Syracuse University Press, 2004), 3–29. For a more legal perspective on Ottoman Empire and human rights, see: Berdal Aral, 'The Idea of Human Rights as Perceived in the Ottoman Empire', *Human Rights Quarterly* 26, no. 2 (2004): 454–82. James McDougall provides another genealogy of the term *insaniyyah* altogether in the Western Mediterranean, invoked by the inhabitants of Constantine asking for humanitarian intervention against the French invasion of Algeria: James McDougall, 'Sovereignty, Governance, and Political Community in the Ottoman Empire and North Africa', in *Re-Imagining Democracy in the Mediterranean, 1780-1860*, ed. Joanna Innes and Mark Philp, First edition (Oxford, United Kingdom: Oxford University Press, 2018).

[48] David Lake, 'Laws and Norms in the Making of International Hierarchies', in *Hierarchies in World Politics*, ed. Ayşe Zarakol, Cambridge Studies in International Relations (New York: Cambridge University Press, 2017), 17–42. Indeed, the norms of international law and the Eurocentric world order gave impetus and reason for the Ottoman Empire to refashion itself *as an empire*, rather than the oft repeated identifier of the Exalted State, in a bid to reclaim parity with European empires: Einar Wigen, 'Ottoman Concepts of Empire', *Contributions to the History of Concepts* 8, no. 1 (2013): 44–66. International law and order thus had a foundational role to play in the transformation of the

paternalist and regulatory framework for the governance of human movement, where care was inextricable from absolute control.[49] Within this shared framework of universal humanity, 'Western' and 'Eastern' empires competed for moral capital over the bodies and souls of the two humanitarian subjects of the period: the refugee and the slave.[50] Jurisdictional battles over these two classes of boundary-crossing subjects internationalised and harmonised a set of norms and rules about borders, patriarchy, and private property in accordance with the 'standard of civilisation,' shaping and limiting the scope of Ottoman justice and Islamic legality.[51]

Humanity intervened in the rhetorical coupling of justice and Islam. It introduced a new legality into the Ottoman vernaculars of legitimacy, which began circulating in relation to the practice of *iltija*, political refuge, in circumstances where there was an active or imminent danger of extraterritorial intervention into the affairs of the Sublime Porte. When the muhajirs invoked humanity, as Colonel Suleyman had in his 1879 report to the palace, they invoked a spectre of universal scrutiny, an invisible eye of sorts, to pressure the sovereign into giving them the land and aid they believed was their due. When the Ottoman government and officers invoked humanity and humanitarianism (*insāniyyet*, *insāngirāne*) they did so to assure foreign observers and their own subjects that their actions were fully in line with the legality of universal humanity. The legitimating appeal of humanity thus served to expand the scope of Ottoman justice and society to the inclusion of the strangers — the muhajirs — and saddled the government with a new set of

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Ottoman 'Exalted State' and the formation of post-Ottoman nation states: Luis Eslava and Sundhya Pahuja, 'The State and International Law: A Reading from the Global South', *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 11, no. 1 (6 May 2020): 118–38.

[49] Michael N. Barnett, 'International Paternalism and Humanitarian Governance', *Global Constitutionalism* 1, no. 3 (November 2012): 485–521.

[50] For a more contemporary analysis of 'Western' and 'Eastern' responses to refugee crisis and how European Union and Turkey respectively 'use and reproduce' this civilisational construct to negotiate the terms of humanitarian intervention, see: Talita Çetinoğlu, '"New' Humanitarianisms and Programming: The Encounter of Turkey and Europe with Syrian Refugees', *Conflict, Security & Development* 19, no. 3 (4 May 2019): 289–94; International Crisis Group, 'Misafirden Öte: Suriyeliler Nasıl Karşılanıyor?', Türkiye'nin Mülteci Sorunu: (International Crisis Group, 2016).

[51] On the harmonisation of laws and the history of jurisdictional politics, see: B. S. Chimni, 'The International Law of Jurisdiction: A TWAIL Perspective', *Leiden Journal of International Law* 35, no. 1 (March 2022): 29–54 and Helge Jordheim and Einar Wigen, 'Conceptual Synchronisation: From Progress to Crisis', *Millennium* 46, no. 3 (1 June 2018): 421–39. On the standard of civilisation and its integral role in the expansion of capitalist modernity, see: Ntina Tzouvala, *Capitalism as Civilisation: A History of International Law*, Cambridge Studies in International and Comparative Law (Cambridge, United Kingdom ; New York, NY, USA: Cambridge University Press, 2020).

duties and obligations. Failing to fulfil these new obligations would amount to a failure to achieve moral, namely, 'civilisational' parity with the European Empires.

Appeals to humanity abound in the policy of Ottoman refuge toward displaced refugees and asylum seekers. However, the constituents of Ottoman humanitarianism, its subjects, its laws, and institutions, differ markedly from the 20th-century international vernacular for refugees and asylees, the minorities and the stateless. Whereas I have traced the provision of political refuge, the nomenclature for the subjects who received refuge was also markedly different from the contemporary Arabic or Turkish vernacular for refugees, the *laji* and *mülteci*. While the term *multeji* does appear in bureaucratic correspondence in the mid-19th century regarding European dissidents seeking asylum in the Ottoman Empire, the term was later subsumed into the all-encompassing term of muhajir. Muhajir was ambiguous. Based on context, it could mean an immigrant, emigrant, or a settler. In the Arabic print culture of the 19th century, the term was often paired with colonies (*musta'merāt*) to denote 'settlers and colonies', with reference to the United States, Latin American countries, and Jewish settlements in Palestine. Moreover, the legal translation of the term muhajir by Aristarchi Bey asserts that settler (fr. *colon*) is the appropriate translation of muhajir. As this dissertation is primarily concerned with the legal history of the Ottoman Empire, I also use 'settlers' as a translation for muhajirs, where appropriate, along with 'refugees' and 'immigrants'.

This ambiguity about how to best translate muhajir also poses a conceptual and historiographical opportunity. 'Refugee' as a legal term emerged from a particular history within a particular legal paradigm. Conceptually, it emerged to refer to the Huguenots fleeing France in the aftermath of the Treaty of Nantes and carried an unequivocally religious and Protestant connotation until the 20th century.[52] While the term is now used trans-historically to address

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[52] On the Treaty of Nantes and the cultural history of asylum see: Sharif Youssef, 'Refugees and the Rise of the Novel: Trespass, Necessity, and Humanitarian Casuistry in the Long Refugee Crisis', *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* 12, no. 2 (2021): 119–37. Abigail Green points toward new avenues of research into global humanitarianisms by bracketing its protestant heritage in 'Humanitarianism in Nineteenth-Century Context: Religious, Gendered, National*', *The Historical Journal* 57, no. 4 (December 2014): 1157–75.
On eurocentrism in the conceptual history of refugees and the historiography on forced migration, see Karen Akoka, *L'asile et l'exil: Une Histoire de La Distinction Réfugiés-Migrants* (Paris: La Découverte, 2020); Geert H. Janssen, 'The Republic Of The Refugees: Early Modern Migrations And The Dutch Experience', *The Historical Journal* 60, no. 1

histories of displacement and forced migration, the fact is that it is a Eurocentric concept tied to a very restricted legal definition based on the 1951 Geneva Convention Relating to the Status of Refugees.[53] As such, I use the term muhajir to address the subjects of Ottoman humanitarian policy. I translate the term muhajirs to refugees very selectively to denote populations that have been displaced by war. I use the term immigrants less selectively for migrants who otherwise actively chose to immigrate to the Ottoman Empire. I use the term settler when referring to migrants approved for and designated to an agrarian settlement. I am doing so with the caveat that the peoples who immigrated to the Ottoman Empire aspiring to become settlers were often refugees of poverty and colonial conquest.[54] Much like today, it is hard to distinguish between forced and voluntary migration because aspects of colonial and class expropriation have endured from the 19th century to the present. Muhajirs, as subjects of universal humanity, allow us to suspend the contemporary and arbitrary distinctions between refugees and migrants and pursue a decolonial history and politics of migration that moves beyond Eurocentric paradigms and colonial binaries.[55]

The language of *hijra* and muhajirs, migration and settlers, also invoked a set of Hanefi dictums about settling in the lands of peace (*dār al-islām*) and abandoning the lands of struggle (*dār al-ḥarb*). Throughout the Hamidian regime, this dictum was declared three times to procure

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(March 2017): 233–52; Jan C Jansen, 'Aliens in a Revolutionary World: Refugees, Migration Control and Subjecthood in the British Atlantic, 1790s–1820s*', *Past & Present* 255, no. 1 (1 May 2022): 189–231; Caroline Emily Shaw, 'The British, Persecuted Foreigners and the Emergence of the Refugee Category in Nineteenth-Century Britain', *Immigrants & Minorities* 30, no. 2–3 (1 July 2012): 239–62; Stéphanie Prévost, 'Channelling Ottoman Armenian Refugees During the Hamidian Massacres: Immigration Restrictions and British Liberal Imperial Humanitarianism at Stake (1894–1898)', *The Journal of Imperial and Commonwealth History* 0, no. 0 (12 March 2023): 1–33.

[53] The most comprehensive and cogent critique of international refugee law and refugee history is Indira Priyadarshini Ravindran, 'Narrative Silences, Institutional Ambiguities and the Historiography of International Refugee Law' (Ph.D., Ann Arbor, United States, 2008). For an anthropological analysis on how the notion of a refugee is a dangerous legal fiction, see: Rebecca Hamlin, *Crossing: How We Label and React to People on the Move* (Stanford, California: Stanford University Press, 2021). For more, see: Lauren Banko, Katarzyna Nowak, and Peter Gatrell, 'What Is Refugee History, Now?', *Journal of Global History* 17, no. 1 (March 2022): 1–19; Heaven Crawley and Dimitris Skleparis, 'Refugees, Migrants, Neither, Both: Categorical Fetishism and the Politics of Bounding in Europe's 'Migration Crisis'', *Journal of Ethnic and Migration Studies* 44, no. 1 (2 January 2018); 48–64; Katy Long, 'When Refugees Stopped Being Migrants: Movement, Labour and Humanitarian Protection', *Migration Studies* 1, no. 1 (1 March 2013): 4–26.

[54] Hamed-Troyansky, 'Imperial Refuge, 50.

[55] Tendayi Achiume, 'Migration as Decolonization', *Stanford Law Review* 71, no. 6 (7 February 2019): 1509–75.

Muslim settlers, between 1888, 1894, and 1897, under the counsel of the Sheikhulislam, the head of the religious affairs in the Ottoman Empire.[56] The subjects of Western, Christian empires who inhabited the lands of struggle, or Ottoman subjects from seceded territories lost during wartime, often aspired to follow in the steps of Prophet Mohammed, who famously fled to exile from Mecca, the lands of his struggle, to Medina, where he began building his lands of Islam, and when the Islamic calendar officially begins. The colonisation of Asia and Africa, the dissolution of states ruled by Muslim sovereigns, and the unprecedented ease with which steamboats rendered intercontinental travel possible all contributed to the revival of the *hijra.* The refugees and immigrants who aspired to the status of muhajirs were inspired by more than material prospects; they believed themselves to be part of a story that was foundational to the religion of Islam.[57] Religious dictates and cultural tropes thus held an imaginative hold over the diverse cast of settlers of Syria, Jordan, Iraq as well as Asia Minor; muhajirs sought to found their own homeland (*vatan*) in exile while the Zionist settlers believed they needed to 'return' from where they were exiled thousands of years ago.[58]

Muhajirs were not only subjects of universal humanity and universal Islam but also of Ottoman justice. They were subjects of, and subject to, the Ottoman sovereign. Articles 1 and 9 of the Immigration Law of 1857 structures this relation of subjecthood as a transaction of land in exchange for an oath of loyalty. The inclusion of muhajirs into an Ottoman nation of equals was mediated by the Sultan. Their inclusion required his approval, his mercy, and his justice. Indeed, it is a legacy of Ottoman humanitarianism that the historical muhajir communities of the Middle East are notorious for their loyalty to the state as an enduring aspect of their never-ending 'indebtedness', evidenced by the muhajir participation in the Jordanian army or the Syrian national intelligence and gendarme.[59] However, what made this exchange of land and loyalty a *just* transaction? What kind of a political society did the muhajirs enter? What rights and obligations did they have, and toward whom?

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[56] Dündar, *Hicret, Dîn ü Devlet,* 210-211.
[57] Hamed-Troyansky, 'Imperial Refuge,' 448-49.
[58] Fuat Dündar deserves all the credit for drawing this interesting parallel: *Hicret, Dîn ü Devlet*, 74.
[59] Gazete Duvar, 'Elbruz Aksoy: Tavuk ve peynir Çerkes oldu ama biz olamadık', Interview, (Gazete Duvar, 15 March 2018). See also Sunata, Hafızam Çerkesce, 173-174.

The transaction of loyalty for protection is a universal language of political legitimacy.[60] As Linda Darling demonstrates in her seminal work on the history of the 'Circle of Justice' (*dā'ire-i 'adālet*), this transactional notion of politics informed Ottoman theories of political society, governance, and justice, which construed the world as 'a garden, hedged about by sovereignty'.[61] Vernacular allegories of justice are often repeated in political treatises from within the *'askeri* class (the military, the courts and the clergy[62]) as well as the run-of-the-mill petitions (*'arż-ı ḥāl*) from among the *re'āyā* (tax-paying subjects).[63] These allegories were the political tropes that structured the mutual obligations between the shepherd and his flock (*rā'i ve re'āyā*), or, the sovereign who walls and guards the garden and the peasants who till the soil.[64] In practice, though, Ottoman estates of the *'askeri* class and the *re'āyā* had competing notions of justice, which could mean either the preservation of the privileges of the *'askeri*, or the protection of the rights of the *re'āyā*.[65] The language of justice disclosed conflicting class positions and interests, which were always negotiated with the mediation of the 'gracious Sultan'.[66]

The Ottoman vernacular operates on a relational and transactional, as opposed to a contractual theory of justice, which had been a common feature of the political culture of West

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[60] To better understand the political economy of transactional legitimacy, see the seminal article of Charles Tilly, 'War Making and State Making as Organized Crime', in *Bringing the State Back In*, ed. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985), 169–91.

[61] Linda T. Darling, 'Islamic Empires, the Ottoman Empire and the Circle of Justice', in *Constitutional Politics in the Middle East : With Special Reference to Turkey, Iraq, Iran and Afghanistan*, ed. Saïd Amir Arjomand, 1st ed. (London: Hart Publishing, 2008), 11–32.

[62] On the class position, administrative privileges, and social cohesion of the Ottoman 'lords of the law', see the seminal article by Baki Tezcan, 'The Ottoman Mevali as "Lords of the Law"', *Journal of Islamic Studies* 20, no. 3 (1 September 2009): 383–407.

[63] The most oft repeated description of the circle of justice is as follows: 'There can be no sovereign without the military (pr. *leşker*) / There can be no military without wealth / The subjects (ar. *re'āyā*) produce wealth / Justice renders the subjects loyal to the sovereign / Justice requires harmony in the world / The world is a garden, hedged about by sovereignty.' Kınalızâde Ali Çelebi, *Ahlâk-ı alâî*, ed. Mustafa Koç, (İstanbul: Klasik, 2007), 532. For a more general survey on Ottoman treatises about justice and order, see: Orhan Keskintaş, *Adalet, Ahlâk ve Nizam: Osmanlı Siyasetnameleri* (İstanbul: İletişim Yayınları, 2017); on the distinction between the sovereign ruler and the state in Ottoman conceptual history, seee: Marinos Sariyannis, 'Ruler and State, State and Society in Ottoman Political Thought', *Turkish Historical Review* 4, no. 1 (1 January 2013): 83–117.

[64] Marlene Kurz, 'Gracious Sultan, Grateful Subjects: Spreading Ottoman Imperial 'Ideology' throughout the Empire', *Studia Islamica* 107, no. 1 (2012): 96–121,

[65] Boğaç A. Ergene, 'On Ottoman Justice: Interpretations in Conflict (1600-1800)', *Islamic Law and Society* 8, no. 1 (2001): 52–87.

[66]Kurz, 'Gracious Sultan, Grateful Subjects', 99-100.

Asia and Continental Europe before the advent of Enlightenment.[67] The transactional legitimation of political authority is yet another inheritance of Roman law which endured in the more expansive notion of citizenship that has animated imperial politics in Europe and the Middle East ever since. Even as the modern debate on political belonging and citizenship devolved into the principles of *jus soli*, the law of the soil, and *jus sanguinis*, the law of the blood, transactionalism was the ground on which contractual exclusions were deliberated in 19th-century Europe. As Frederick Cooper points out, in the imperial imagination 'the state was not the nation,' indeed, the colonial- and the nation-state were composites that held together an imperial nation.[68] European empires comprised a bifurcated society of rightful, white citizens and *indebted* non-white, disabled, gendered, working-class subjects. This tension between imperial and national belonging animated a field of power whereon people struggled for recognition and representation on the bases of race, class, and gender.[69]

Since the Reform Edict of 1854, the Ottoman nation into which the muhajirs were welcomed was supposed to be a nation of equals. The notion of equality itself was charged with a conceptual conflict between communal and individual equality, wherein the former was privileged over the latter. Nonetheless, the language of equality and justice streamlined the introduction and circulation of contractarianism and constitutionalism in Ottoman political thought.[70] The imperial nation held together by the Ottoman Empire was an organic community, a *millet*, whose contours overlapped with that of the homeland, *vatan*.[71] Throughout the latter part of the 19th century, contractarianism of modern political thought interacted with that of the Ottoman political vernacular, particularly that of the circle of justice. The topography of 'flock' and the

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[67]Linda T. Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice from Mesopotamia to Globalization* (London, United Kingdom: Taylor & Francis Group, 2012).
[68] Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005), 153-54.
[69] Patrick Weil articulates the contractual exclusions of the French Third Republic in his work, *Qu'est-ce qu'un Français?* For an anthropological theory of political transactions and of French imperialism, see: Florence Bernault, *Colonial Transactions: Imaginaries, Bodies, and Histories in Gabon*, Theory in Forms (Durham: Duke University Press, 2019).
[70] Barış Ünlü, *Türklük Sözleşmesi: Oluşumu, İşleyişi ve Krizi* (Ankara: Dipnot Yayınları, 2018), 79-98.
[71] The most decisive examination of this concept of imperial vatan, particularly through the study of Young Ottoman thought, see: Behlül Özkan, *From the Abode of Islam to the Turkish Vatan: The Making of a National Homeland in Turkey* (Yale University Press, 2012), 41-55.

'nation' overlapped with that of the homeland like the Kınalızâde's famous 'garden, hedged about by sovereignty.'[72] The transactional society, with all its inequalities and injustices, was articulated into the contractual state rather than replaced by it.[73]

The muhajirs were indisputably the subjects, *re'āyā* or *teba'a*, of the Sultan. They voluntarily gave their loyalty to the Sultan by virtue of seeking refuge from him, he who defines himself as 'the shadow of God on Earth' and the 'refuge of the world'.[74] They were indebted, 'grateful' subjects of Ottoman justice and part of Ottoman transactional society just like every other subject of the Sultan.[75] When the muhajirs invoked their status as *re'āyā* or *teba'a*, they thus invoked a set of mutual obligations between themselves and the Ottoman Sultan as a way to demand aid, protection, and justice in exchange for their labours and loyalty. As pending subjects working their way into the imperial contract, the first- and second-generation settlers, mostly Caucasian muhajirs, did not aspire to any political *rights* as a distinct nation (*millet*), race (*cins*, *ırk*), or autonomous community (*taife*) until well into the 20th century.[76] What they invoked was always the justice of the Sultan, a reminder for their mutual obligations.

According to Article 1 of the Immigration Law of 1857, the muhajirs were included within the flock as subjects of the Sultan. However, they were not quite part of the contractual society or a nation of equals, as dictated by the Imperial Edict of 1854. They were exempt from taxation and conscription for six years if settled in Rumelia. Those settled in Asia Minor were exempted for twelve years. Post-1878 refugees in Syria were exempt from their political duties for an additional ten years as they worked to construct a self-reproducing settlement. These privileges came with a catch: Refugees did not have any right to own, buy, sell, or rent property until they had produced a

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[72] Christiane Czygan, 'Reflections on Justice: A Young Ottoman View of the Tanẓīmāt', *Middle Eastern Studies* 46, no. 6 (2010): 943–56.
[73] On the how the modern notion of a nation was assembled together, see: Füsun Üstel, *'Makbul Vatandaş'ın Peşinde: II. Meşrutiyet'ten Bugüne Türkiye'de Vatandaş Eğitimi*, (Cağaloğlu, İstanbul: İletişim, 2004), 95-112.
[74] Kurz, 'Gracious Sultan, Grateful Subjects', 99; Erdal Taşbaş, *Halifenin Gölgesine Sığınanlar: Göçler ve Muhacirin-i İslamiye Komisyonu* (Ankara: Berikan Yayınevi, 2017).
[75] Kurz, 'Gracious Sultan, Grateful Subjects', 104-105. Here I analyse refuge as a 'gift', the expression of Sultan's 'munificence'. The political anthropology of the gift is paramount when reflecting on the refugee condition in the past as well as in the present: Despite the inclusionist and humanitarian rhetoric of the Ottoman immigration state, the muhajirs were *categorically* indebted subjects of the Sultan, to whom they owed their labours and loyalty. Ottoman citizenship was a gift that could not be refused; and the only ones who could dare to do so were slaves and criminals.
[76] On a survey of Circassian organisations and their political ideations as a people and a nation, see: Hamed-Troyansky, 'Imperial Refuge', 360-376.

successful and permanent settlement. They were suspended in a state of waiting; their inclusion into the Ottoman nation was contingent and incomplete. Territory, or more specifically, the settlement, was thus the arbiter of inclusion, a prerequisite for what little rights they would claim as Ottoman citizens.[77] The focus of the Ottoman settlement enterprise was always partaking in *vatan*, the national territory, by the ownership of land (*mülk*).[78] The 'permanent settlement' of muhajirs (tr. *tavaṭṭun*, *mutavaṭṭın*) elevated them into the ranks of Ottoman nationals (*muvatın*) with equal rights and equal participation in the Ottoman agrarian regime. The Ottoman imperial contract that turned settlers into citizens, *muhajir* into *muvaṭın*, was indexed to land and property ownership.

1.3.2. Fugitivity and Carcerality

The subjects of this dissertation are those muhajirs who were left outside the imperial contract. They were landless, unsettled, illicit migrants, fugitive slaves, and criminals. Their stories allow us to delineate and discuss the racial, gendered, and classed *exclusions* which emerged from Ottoman humanitarianism and the open-entry policy toward refugees and immigrants between 1876-1916. These bodies breached the parameters of Ottoman immigration and nationality codes and the precepts of justice, humanity, and Islam, violating the boundaries of the muhajir settlement, the settler household, and the territorial borders of the Ottoman Empire. These subjects, whose narratives I centre in each chapter, categorically carry with them the denomination of fugitives, the *firāri*. This nomenclature provokes a lot of questions. Who were they fleeing from? What were they fleeing toward? Where they victims and criminals? And according to whom?

Reading along the grain of imperial correspondence reveals a more practical translation for *firāri*, for fugitives, as people who refused or failed to stay put. *Firāri* designated people who violated social and physical constraints which dictated where they were supposed to live, supposed to work, and what they were supposed to be. The ubiquity of this concept within the Ottoman bureaucratic vernacular gave me pause and is the reason I centred fugitive trajectories and fugitivity

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[77] Ella Fratantuono, 'Producing Ottomans: Internal Colonization and Social Engineering in Ottoman Immigrant Settlement', *Journal of Genocide Research* 21, no. 1 (2 January 2019): 1–24.
[78] Dündar, *Hicret, Dîn ü Devlet*, 71-72.

as a historiographical lens in the study of Ottoman humanitarianism in particular and what Kelly Oliver calls *carceral* humanitarianism in general.[79] I do so with the acknowledgement that escape and resistance may not be the only way to 'diagnose agency' in an historical inquiry; however, I am convinced that it is still a very compelling way to do so.[80]

I analyse *carcerality* as the practices which delimit social and physical mobility. It is thus analytically and phenomenologically separate from *penality,* with which it has become nearly synonymous. While the work of Michael Foucault is undeniably to blame for the conflation of carcerality with penality, especially due to the interpretations of his Collège de France lectures of 1973 as part of his course on the 'Punitive Society,' I believe that it is indeed a Foucauldian move to analyse carcerality as an aspect of disciplinary power.[81] Critical scholarship on carcerality and carceral geographies, specifically, espouses an analytically clear and expansive notion of carcerality as the 'various ways in which people's current and future life choices and possibilities are locked into hierarchical and unfree capitalist social relations and ... the ways in which the social and physical mobility of certain sectors of the population are being constrained through these relations.'[82] Carcerality can thus be analysed as a modern technology for the governance of bodies and bodily conduct integral to the workings of the capitalist state, of which the prison is one aspect of many.[83] Indeed, in the history of the modern Middle East, exile and banishment, not

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[79] Kelly Oliver coined the term 'carceral humanitarianism' to refer to the contemporary industrial complex of refugee detention. I would like to expand upon her work to trace *a* genealogy of contemporary carceral practices that comprise the humanitarian enterprise. *Carceral Humanitarianism: Logics of Refugee Detention*, Forerunners (Minneapolis, MN: University of Minnesota Press, 2017).

[80] Sarah Ghabrial, 'Gender, Power, and Agency in the Historical Study of the Middle East and North Africa', *International Journal of Middle East Studies* 48, no. 3 (August 2016): 561–64.

[81] Michel Foucault, 'The Subject and Power', *Critical Inquiry* 8, no. 4 (1982): 777–95. On the 1873 lectures, see : Frédéric Gros, 'Foucault et « la société punitive »', *Pouvoirs* n° 135, no. 4 (29 November 2010) : 5–14.

[82] Genevieve LeBaron and Adrienne Roberts, 'Toward a Feminist Political Economy of Capitalism and Carcerality', *Signs* 36, no. 1 (2010): 19–44. For a broader discussion on the 'carceral turn' in social sciences, see: Dominique Moran, Jennifer Turner, and Anna K. Schliehe, 'Conceptualizing the Carceral in Carceral Geography', *Progress in Human Geography* 42, no. 5 (1 October 2018): 666–86.

[83] The body is the locus of carceral discipline. Gender expression, racial oppression, and colonial violence is intimately linked to how the body moves, acts, performs and resists carcerality. For an illuminating article about carcerality, racial violence, and gender expression, see: Robin D. G. Kelley, 'On Violence and Carcerality', *Signs: Journal of Women in Culture and Society* 42, no. 3 (March 2017): 590–600.

incarceration, have often been the penal response to crime and sedition.[84] It is analytically and historically important to distinguish between the two if we are to critically examine how carcerality has shaped modern state institutions and the sovereign humanitarian enterprise.

Confinement and limitation of physical movement are essential capabilities of the modern state. Indeed, as John Torpey provides us with a reformulation of the Weberian definition of the state as an institution 'which has a monopoly over the means of violence', the state also has 'the monopoly over the legitimate means of movement.'[85] In this thesis, I refer to humanitarianism as a set of practices and policies comprising the legal infrastructure for the governance of human movement across international borders. I posit that humanitarianism *in practice* is about brokering the value of life and liberty and deciding who deserves them. I analyse sovereign humanitarianism and humanitarian institutions as a carceral enterprise that governs social and physical mobility at an international, regional, and domestic level.

This is a critical and state-centric definition of humanitarianism. Not all practices that comprise humanitarianism are carceral; the non-state actors which organise humanitarian aid and grassroots solidarity *can* operate on a different register than that of sovereign humanitarianism and *can* sometimes act antithetical to it.[86] At the present day, as Oliver argues, refugee camps, processing centres, detention centres and asylum hostels operate on a carceral continuum which progressively delimits the social and physical mobility of asylees and refugees as these groups seek to prove themselves worthy of mercy and compassion before the officers of the state.[87] I argue that the

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[84] On exile and imprisonment as progressive degrees of punishment, see: Khaled Mahmoud Fahmy, *In Quest of Justice: Islamic Law and Forensic Medicine in Modern Egypt* (Oakland, California: University of California Press, 2018), 115-116.

[85] On Weberian definition of the state, see: Andreas Anter, 'The Modern State and Its Monopoly on Violence', in *The Oxford Handbook of Max Weber*, ed. Edith Hanke, Lawrence Scaff, and Sam Whimster (Oxford University Press, 2020); John Torpey, 'Coming and Going: On the State Monopolization of the Legitimate 'Means of Movement'', *Sociological Theory* 16, no. 3 (1 November 1998): 239–59/. We can credit Torpey with spearheading a turn toward the study of human mobility in social sciences and humanities. However, this turn has bred its own discontents about the relationship between physical and social mobility: Thomas Faist, 'The Mobility Turn: A New Paradigm for the Social Sciences?', *Ethnic and Racial Studies* 36, no. 11 (1 November 2013): 1637–46.

[86] A most telling example would be how the contemporary European humanitarian industrial complex even leads to the criminalisation of solidarity: Deanna Dadusc and Pierpaolo Mudu, 'Care without Control: The Humanitarian Industrial Complex and the Criminalisation of Solidarity', *Geopolitics* 27, no. 4 (8 August 2022): 1205–30. A similar, political disjuncture exists between the grassroots solidarity with Syrian refugees in Turkey vis-a-vis the government's refugee policy: Seçil Dağtaş, 'Whose Misafirs? Negotiating Difference Along the Turkish–Syrian Border', *International Journal of Middle East Studies* 49, no. 4 (2017): 661–79.

[87] Oliver, *Carceral Humanitarianism.*

historical antecedents that shaped this carceral continuum in the Eastern Mediterranean are the muhajir settlement, the settler household, and the territorial borders of the Ottoman Empire, which were constructed on the basis of the Ottoman Immigration Law of 1857, the humanitarian policy of refugee settlement and an open-entry policy toward Muslim settlers.

1.3.3. A Genealogy of Carceral Humanitarianism

The refugee is one of the more powerful images of modern history, and finds many expressions across the history of the modern Mediterranean — one encounters them as the faceless, anonymous masses in transit, boarding ships, grasping at the railings; as women and children standing in lines or before tens of hundreds of tents; in makeshift settlements constructed in haste...



Figure 3: A Postcard depicting the departure of Jewish settler-refugees from Jaffa toward Alexandria on U.S.S. Tennessee, sent from Egypt on 14 February 1915 (Source: Cruiser Photo Archive, donated from the collection of Wesley F. Moore. The original photograph can be found in MAE Courneuve, Correspondence politique et Commerciale, A. Guerre 1914-1918, Box 947, f°73v and f°75r.)

The image of the refugee camp represents the global humanitarian enterprise of the 20th century.[88] One of the first such refugee camps was constructed in Egypt at the outbreak of the Great War. Under British government control, occupied Egypt offered refuge to their Jewish protégés expelled from Palestine and Greater Syria, receiving them at their nearest port of call in Alexandria on January 17, 1915.[89] Further afield, the French Empire soon staged the construction of the first modern refugee camp on the Sinai Peninsula in Port Fouad, across the city of Port Said. In June 1915, the Armenian inhabitants of the Musa Dagh in the district of Alexandretta staged a 53-day long armed resistance to the efforts by the Ottoman army to deport them across Syria. After the French Captain Jean-Joseph Frisson evacuated women, children, the disabled, and surviving guerrilla fighters from the Musa Dagh, the French consular and corporate authorities in Port Said began to arrange for the survivors of the rebellion and the Armenian genocide to settle in Port Fouad under the jurisdiction of the French Suez Canal Company.[90]

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[88] The camp certainly is a definitive symbol of the global humanitarian enterprise. However, it is not nearly as insular and self-contained a structure as it is meant to be. On the relationship between the city and the camp, see: Faedah M. Totah, 'Palestinian Refugees between the City and the Camp', *International Journal of Middle East Studies* 52, no. 4 (November 2020): 607–21. Histories of refugees outside the camps are often an afterthought, in history as well as in the present: Ayselin Yıldız and Elif Uzgören, 'Limits to Temporary Protection: Non-Camp Syrian Refugees in İzmir, Turkey', *Southeast European and Black Sea Studies* 16, no. 2 (2 April 2016): 195–211.

[89]Special Cable to THE NEW YORK TIMES, 'JEWS IN FLIGHT FROM PALESTINE; Cruiser Tennessee Carries Refugees from Turkish Persecution to Egypt. THEIR LANDS CONFISCATED Competition with German Colonists Said to Be One Cause of Expulsion -- 6,000 in Alexandria.', *The New York Times*, 19 January 1915. Also, see: Sarah Abrevaya Stein, *Extraterritorial Dreams: European Citizenship, Sephardi Jews, and the Ottoman Twentieth Century* (University of Chicago Press, 2016), 57-64; Dario Miccoli, 'Moving Histories. The Jews and Modernity in Alexandria 1881-1919', *Quest. Issues in Contemporary Jewish History*, no. 2 (7 October 2011).

[90] Flavia Amabile and Marco Tosatti, *Musa Dağ direnişi*, İkinci baskı, Aras 189 (İstanbul: Aras, 2017); M. Serdar Korucu, *Ahalinin Gidişi: Musa Dağ 1939 – The Departure of the People: Musa Dagh 1939* (İstanbul: Aras, 2021); Kemal Çiçek, *The Armenians of Musa Dagh, 1915-1939: A Story of Betrayal, Insurgency, and Flight* (Lanham, Maryland: Lexington Books, 2020); Vahram L. Shemmassian, *The Musa Dagh Armenians: A Socioeconomic and Cultural History: 1919-1939*, First edition (Beirut: Haigazian University Press, 2015).



Figure 4: Prisoner of War Camps: Armenian refugees of Musa Dagh settled in Port Fouad, right across Port Said (1915).(Source: Anonymous, West Michigan University Libraries, First World War Central Power Prisoner of War Camps, No: 1316.)

Modelled after concentration camps for the prisoners of war, the refugee camp was envisioned as a temporary solution for European protégés who would eventually be repatriated to their countries of origin, 'back where they belonged', following the victory of Entente Powers.[91] Yet the victorious empires of the British and the French had no idea, truly, where all these refugees belonged. Sarah A. Stein writes of the quandary that British and French authorities in Egypt found themselves in as they reckoned with the striated nature of identity and belonging in the Ottoman Mediterranean. Oftentimes both the Sephardim and Ashkenazim among the Jewish Refugees had as their provenance enemy territories under Ottoman, Italian, or Austrian jurisdiction.[92] European

[91] Michelle Tusan, 'The Concentration Camp as Site of Refuge: The Rise of the Refugee Camp and the Great War in the Middle East', *The Journal of Modern History* 93, no. 4 (December 2021): 824–60 . On the history of concentration camps as imperial laboratories of carceral state, see: Alexander D. Barder, 'Empire within: International Hierarchy, Imperial Laboratories and State Formation' (Ph.D., Ann Arbor, United States, 2013); Aidan Forth, *Barbed-Wire Imperialism: Britain's Empire of Camps, 1876-1903* (Univ of California Press, 2017).

[92] It goes without saying that these Jewish refugees would not have been welcomed in mainland Britain. For a history of anti-Semitisim and the 1905 British Aliens Act, see: Georgios Giannakopoulos, 'An Age of Ages: Nation, Empires and Their Discontents', *Contemporary European History* 29, no. 2 (May 2020): 232–42.

officers simply could not grapple with repatriating refugees across this war-torn landscape, even if they knew where to send them.[93] In 1918, the Great War ended on European soil, while local resistance by a largely Turkish federation of militias, the *ḳuvva-yi milliyye*, continued on in Asia Minor. No sooner had the ink on the Paris Peace Agreement dried, however, the British and French authorities adopted forced repatriation policies to dispense with their colonial subjects, among whom were their Jewish and Armenian protégés. Most of these displaced subjects in Egypt were settled in the new British and French Mandate Territories of Palestine and Alexandretta, respectively.

The refugee camp was designed as a temporary solution to a temporary problem of statelessness. It was the answer to a quandary of population control that the Entente powers, USA, French, and the British, believed would eventually be resolved by regional authorities in favour of their imperial patrons. The supposedly ephemeral image of the refugee camp, however, has not only marked the 20th century history of the Eastern Mediterranean. It has eclipsed nearly a century of Ottoman experiments in humanitarian refugee settlement.

In contrast, the Ottoman muhajir settlement had been a supposedly permanent solution to temporary displacement and statelessness. The refugee camp emerged in the historical continuum with the settlement policy of the post-Tanẓimāt Ottoman Empire, from whence muhajir settlements once surrounded the Syrian and Eastern Mediterranean littoral of the 19th century. It was the image of a muhajir settlement that defined the provision of humanitarian refuge in the strip of land from Alexandretta to Gaza. In pursuit of an immigration state, the Hamidian government deployed the lands and resources of Greater Syria for the dual purpose of economic development and diplomatic legitimacy, positioning itself as a just and humanitarian authority protecting the interests of its flock. Ottoman humanitarianism, neither benign nor belligerent, precipitated core transformations within political society at large. At the same time, it furthered the construction of a modern, capitalist agrarian property regime. The Hamidian administration thus legitimated its political authority as protector of the *ummah* and guarantor of rights to its Muslim

[93] Stein, *Extraterritorial Dreams*, 65-70.

subjects. Ottoman humanitarianism also became a means to consolidate the global *ummah* against the encroaching power of European empires.

This thesis provides a critical historiography of Ottoman humanitarianism. Discursive critiques of 19th-century humanitarianism address the paternalist and imperial impetus behind humanitarian interventions on matters of what we can now call minority protection and anti-slavery activism. Within this paternalistic narrative, the Ottoman Empire was only a recipient of humanitarian intervention. It is portrayed as a semi-colonial empire whose violent excesses had to be disciplined through extraterritorial European supervision.[94] The study of Ottoman humanitarianism is thus important to a project of decolonising the dominant historiography of humanitarian refuge. The Ottoman Empire was not simply a passive victim of intervention of Western humanitarianism waged on behalf of Christian nations by their benevolent saviours. The Ottomans were also political agents, equally invested and conversant in the civilisational claims of 19th-century humanitarianisms.

Dawn Chatty's pioneering work on the long legacy of muhajir communities in Syria and Hamed Troyansky's economic and social history of Circassian settlements in Jordan contribute to the global history of humanitarianism while attending to the singularity of the Ottoman experience.[95] Chatty's work on the Syrian interior and Eugene Rogan's exploration of Jordan's state-making in the frontier give refugee settlers a voice and a role to play in the making of the post-Ottoman Middle East.[96] The history of the muhajirs provides a historical perspective on the continuities as well as the singular rupture that came in the wake of the Great War with the dissolution of Ottoman Empire. This rupture marks paradigmatic changes in humanitarianism as modern statecraft for the governance of transnational migration, and the very notion of judicial identity, from that of nationality as an expansive allocation of political obligations to citizenship, an exclusive allocation of political rights.

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[94] Ntina Tzouvala, "'These Ancient Arenas of Racial Struggles': International Law and the Balkans, 1878–1949', *European Journal of International Law* 29, no. 4 (31 December 2018): 1151.
[95] Dawn Chatty, 'Refugees, Exiles, and Other Forced Migrants in the Late Ottoman Empire', *Refugee Survey Quarterly* 32, no. 2 (1 June 2013): 35–52; Hamed-Troyansky, 'Imperial Refuge'.
[96] Dawn Chatty, *Displacement and Dispossession in the Modern Middle East* (Cambridge University Press, 2010); Eugene L. Rogan, *Frontiers of the State in the Late Ottoman Empire: Transjordan, 1850-1921* (Cambridge University Press, 2002).

The history of 19th-century Ottoman settlement policy provides us with plenty of narratives, answers, and further questions. The historiography of the camp or settlement further connects the histories of indigeneity, race, and whiteness in the Middle East. The benevolent settlement of refugees often overlapped with and oscillated about the forced or defensive sedentarisation of nomadic subjects, as well as the forceful expropriation of racialised 'natives', such as Armenians. Ottoman humanitarianism as a civil (*medeni*) and economic (*iḳtiṣādi*) policy was imposed upon not just settlers but also the natives to drag them further into the orbit of political modernity and fiscal responsibility, both of which were upheld by the institutional edifice of immigration law.

Civilisational claims about transforming political society were the *sine qua non* of entry into the Concert of Europe. The fixing of loyal and grateful subjects onto contiguous political territory was not only the end of Ottoman humanitarianism but a dictate of modern statecraft. This principle shaped the long history of anti-Roma and anti-Jewish legislation in Europe and was an ideological foundation of carceral practices for the containment of mobile and diasporic peoples.[97] A great many questions that Ottomans were dealing with about internal colonisation were part of a transnational process of fixing juridical equality and political identity to one another in ways that always left others out of an emerging imperial order. This was a global process of restructuring political society at large, at the centre and the periphery, in the metropole and the colony. The transactional vernaculars of the *ancien régime*, which centred the sovereign as the giver and taker of rights, interacted with the notion of a contractual nation in which sovereignty could be invested. The locus of political rights and responsibilities shifted along with the parameters of political belonging.[98]

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[97] A definitive work on anti-Jewish and anti-Roma racism and Europe is Geraldine Heng, *The Invention of Race in the European Middle Ages* (Cambridge University Press, 2018); 55-100, 417-457. See also Robinson on the pre-1492 feudal structures and the foundations of racialism within Europe: Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, ed. Robin D. G. Kelley, Revised and updated third edition (S.l.: Penguin Books, 2021), 83-100. Also summarised wonderfully in Liliana Obregón, 'Empire, Racial Capitalism and International Law: The Case of Manumitted Haiti and the Recognition Debt', *Leiden Journal of International Law* 31, no. 3 (September 2018): 597–615.

[98] Ben-Bassat provides a wonderful perspective on a key moment, the 1908 revolution, in which this shift in the locus of power and political responsibility becomes clear: Yuval Ben-Bassat, 'The Ottoman Institution of Petitioning When the Sultan No Longer Reigned: A View from Post-1908 Ottoman Palestine', *New Perspectives on Turkey* 56 (May 2017): 87–103.

The global settler movements of the 19th century and the *mission civilisatrice* that spurred them on are understated antecedents to the 20th-century liberal humanitarianism.[99] Nineteenth-century refugees of war and poverty were often the casualties of European imperialism and capitalist expansion: That is how indigenes became refugees and refugees became settlers.[100] There is a flourishing literature on Ottoman involvement in the global settler movement. According to Chris Gratien, this overdue development had been held back by a historiographical preoccupation with colonisation across external territories.[101] I agree with his suggestion to place *internal* colonisation on the continuum of state- and empire-making in the 19th century and giving Ottoman settlement policy a seminal role in the empire's participation in capitalist modernity.[102] The work on domestic colonisation in Bismarck Germany and Tsarist Russia provide a theoretical and historical inspiration for my analysis of Ottoman settlement policy.[103] They shed light on how the Sublime Porte observed, conscripted, and borrowed both European officers and methods of governance in the second half of the 19th century. Moreover, a comparative historiography on domestic colonisation offer us a better understanding of how capitalist modernity is constituted, in the metropoles and colonies, as well as in the semi-colonial margins.

Ottoman settlement policy also reveals the limits of imperial humanitarianism in which the Hamidian regime often staked a claim. It helps us understand what exclusions emerge from the legal rhetoric and social reality of humanitarianism, a rhetoric which advanced the 'standard of civilisation' as the organising principle of political society. A critical approach to Ottoman humanitarianism thus allows one to better understand the late Ottoman society at large and articulate what exclusions emerged from the *selective* inclusion of settlers in its social contract.

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[99] Olivia C. Harrison, 'Decolonizing the Figure of the Migrant, or What Does Palestine Teach Us About the Migrant Question?', *International Journal of Middle East Studies* 52, no. 1 (February 2020): 150–53; Martin Thomas and Andrew Thompson, 'Empire and Globalisation: From 'High Imperialism' to Decolonisation', *The International History Review* 36, no. 1 (1 January 2014): 142–70.

[100] Indeed, the study of migration, indigeneity and settler colonialism as mutually constitutive processes is a key aspect of decolonisation Anglo- and Euro-centric migration narratives. Joseph Pugliese, 'Migrant Heritage in an Indigenous Context: For a Decolonising Migrant Historiography', *Journal of Intercultural Studies* 23, no. 1 (1 April 2002): 5–18.

[101] Chris Gratien, 'The Ottoman Quagmire: Malaria, Swamps, and Settlement in the Late Ottoman Mediterreanran', *International Journal of Middle East Studies* 49, no. 4 (November 2017): 584.

[102] Chris Gratien, *The Unsettled Plain: An Environmental History of the Late Ottoman Frontier* (Stanford, California: Stanford University Press, 2022), 30.

[103] Alberto Masoero, 'Territorial Colonization in Late Imperial Russia: Stages in the Development of a Concept', *Kritika: Explorations in Russian and Eurasian History* 14, no. 1 (1 March 2013): 59–91.

Drawing from the work of Charles Mills, I trace the contours of the Ottoman contractual society. I delineate the carceral structures which produced the normative settler/citizen, structures which were upheld by the disciplinary forces of gender, race, and class.[104]

[104] Charles W. Mills, *The Racial Contract* (Ithaca, NY: Cornell University Press, 2011), 62-81.

II. Mesken

Introduction

> 'All settlers (fr. colons, tr. muhajirin) who swear loyalty to the Sublime Porte shall henceforth be considered Ottoman subjects with no reservations or restrictions.'
> Immigration Law, 1857, Article 1.[1]

> 'Those who decide to abandon their settlements shall do so without any right or recourse to the property, housing, and capital they have amassed in their time in the well protected domains.'
> Immigration Law, 1857, Article 9.[2]

A fictional pioneer provides a truthful introduction to the lands of Golan in *Les Exilés du Caucase.*[3] This Circassian settler greets the refugees of the Russo-Ottoman War (1877-78) in the small commune of Al-Quneitra with the warning that this land granted to them by the Sultan is 'A poisoned gift'. He bemoans the air, soil, and peoples of Golan Heights as enemies. 'The air is scalding in summer, ice cold in winter…the plateau is too high, the soil is ungrateful'. But the real poison, he implies, is in the people:

> The Druze of Mount Hermon, who'd lived there for centuries…The Druze of Mount Lebanon, wild and violent, who massacred Christians in 1860, and who then fled to the plains of Mount Hermon, refugees among their own kind…Their neighbours, the Bedouins, the Fadel family, the Naims, the Rouals…the Kurds and Turkmenis…and the Algerians, who settled the south of Quneitra, when the French conquered their native lands.[4]

This intimation of identity as a source of conflict, an enduring leitmotif of modern literature and history, often provokes questions rather than providing answers. Circassians arrived in Golan Heights as settlers and strangers, for sure. But who, in 1878, were the natives of Golan Heights? Who, among the many peoples of Najjar's novel, were the foreigners or the locals of Quneitra? Who had the right to use its lands, pastures, and waters? In the nexus of imperial competition, capitalist expansion, and administrative reform, the Ottoman muhajir settlement was

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[1] Grégoire Aristarchi Bey, *Législation Ottomane Ou Recueil Des Lois, Réglements, Ordonnances, Traitées, Capitulations et Autres Documents Officiels de L'Empire Ottoman*, ed. Demétrius Nicolaides (Constantinople : Imprimerie Fréres Nikolaides, 1873), 16.
[2] Ibid., 17.
[3] Alexandre Najjar, *Les Exilés Du Caucase : Roman* (Paris : Grasset, 1995).
[4] Ibid., 198.

a social experiment and a civilisational as well as economic project of Ottoman modernity. The settlement was an economic structure which put into question political identity and rights, and recalibrated existing relations of power and property to the benefit of some, to the detriment of others. This section, *Mesken*, questions what this experiment reveals about the challenges that peoples — settlers, natives, others — posed to the institution of a capitalist property regime.

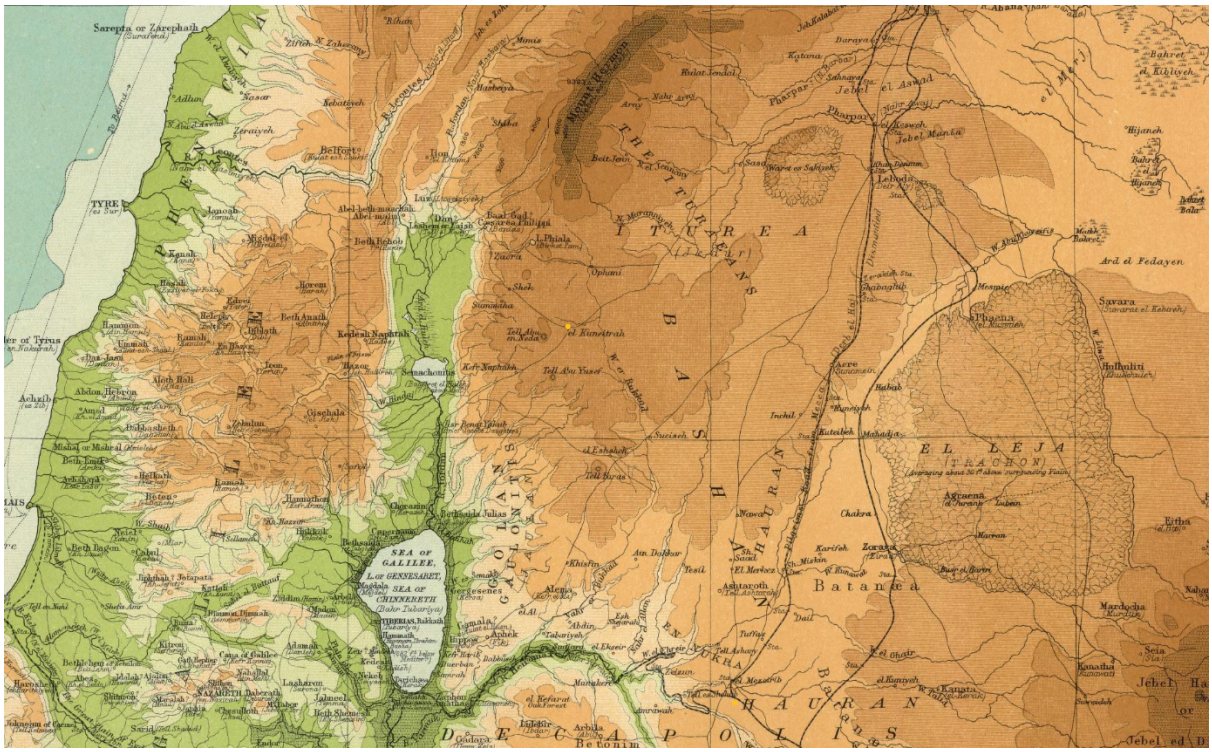


Figure 5: Map of the Districts of Hauran and Sidon. Quneitra, the 'poisoned gift' that is granted to the Circassian muhajirs, lies at the centre of the map. The Druze lie to the North and to the South-East of Quneitran settlements. Algerians are to the West, around the Sea of Galilee. (Source: John Bartholomew and Co., The Times Atlas of the World, 1922)

The historiographies of internal colonisation and settler colonialism enjoy a dialogical relationship that often runs the danger of overlooking relations and essentialising identities. I posit that the identity of settlers is a secondary concern, with regards to what the settlement *does*. Globe-spanning settler movements and labour mobility in Anglo-European empires are often narrated as part of the discrete yet contemporaneous processes of race- and nation-making, external conquest, and internal colonisation.[5] Institution of private property within the metropole and the colonies

[5] Joe Turner, 'Internal Colonisation: The Intimate Circulations of Empire, Race and Liberal Government': *European Journal of International Relations* 24, no. 4 (6 November 2017).

necessitated separate jurisdictions to forge racial and capitalist relations of exclusion and exploitation. Property rights are often at the nexus of these stories of conquest and capitalist formations, based on which whiteness and its others were constructed. The centrality of capitalism and its colonial expansion within and without the bounds of the modern territorial state intimates what Mahdi Amel rightly points out as the coloniality of capitalism as a historical necessity, for this 'expansionist tendency is inherent to the process of [capitalism's] becoming.'[6] Internal colonisation, and the Ottoman refugee settlement policy, was thus *an* expression of capitalism's expansion in a semi-colonial context, through which the Ottoman Empire sought civilisational and economic 'parity' with the European Empires. European and Ottoman humanitarianisms were 'intertwined and mutually constitutive' with the project of capitalist expansion and reform.[7]

What then is the difference between settler colonialism and internal colonisation? More specifically, what can the former teach us about the latter? A nuanced study of settler colonialism by Albert Memmi elaborates the complex process that allows for a more expansive cast of historical actors between the coloniser and the colonised, as oppression, refusal, ambivalence, and acceptance manifested in an array of social roles and cultural garbs.[8] I believe a revisionist historiography of internal colonisation can find its place in these psycho-political interstices to explain how the semi-colonial pursuit of modernity and parity with Europe shaped ideas about political and juridical identity in the Ottoman Empire. As an Tunisian-Jew, the supposedly privileged native, poses the question to the French settler colonial enterprise: Could one ever be white enough?[9] The question to ask of Ottoman modernity then becomes: could one ever be 'civilised enough'?[10] The Ottoman pursuit of fashioning a humanitarian empire throughout in the late 19th century was an attempt to create civilisational parity with the empires of Europe, where the Sublime Porte assumed the role of

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[6] Mahdī ʿĀmil, *Arab Marxism and National Liberation: Selected Writings of Mahdi Amel*, trans. Hicham Safieddine, Historical Materialism Book Series 223 (Leiden; Boston: Brill, 2021), 22.
[7] Gil Gott, 'Imperial Humanitarianism : History of an Arrested Dialectic', in *Moral Imperialism: A Critical Anthology*, ed. Berta Esperanza Hernández-Truyol, Critical America Series (New York: New York University Press, 2002), 19-20.
[8] Albert Memmi, *Portrait Du Colonisé Portrait Du Colonisateur* (Paris : Gallimard, 2002).
[9] Susan Slyomovics, "False Friends?' On Algeria, the Algerian Jewish Question, and Settler Colonial Studies', in *Race, Place, Trace: Essays in Honour of Patrick Wolfe*, ed. Lorenzo Veracini and Susan Slyomovics (Verso Books, 2022), 55–89.
[10] Patrick John Adamiak, 'To the Edge of the Desert: Caucasian Refugees, Civilization, and Settlement on the Ottoman Frontier, 1866-1918' (Ph.D., Ann Arbor, United States, 2018).

the saviour and the civiliser, conscripting migrant settlers and reluctant natives into capitalist modernity.

The slippages between the settler/native binary are even more important when we discuss the history of the Ottoman muhajir settlements which are now under the jurisdiction of the settler-colonial state of Israel. Muhajirs arrived as strangers and settlers in what is now Palestine and Golan Heights, among whom were Bosnians, Circassians, Cretans, Albanians, and Algerians who now consider themselves Palestinians, many of whom were dispossessed and ethnically cleansed between 1948 and 1867, between the *Nakba* and the *Naksa*.[11] My intention here in drawing a comparison between the Ottoman settler enterprise of the 19th century and the settler-colonial ethno-state of Israel, is not to suggest that there is a continuity but indeed a *rupture* in how the settlers and natives are conscripted into their respective roles to play in capitalist modernity. As Darryl Li cogently argues, there is a 'paradox of the prior' in settler colonialism; wherein the use of linear time renders Palestinians both too late and too early to be the natives of Palestine.[12] Discussing the assimilation of the Ottoman muhajirs into Palestinian-ness or Arab-ness disrupts the notion of chronological history and reveals how settler colonialism is indeed a temporal project, imposing itself upon indigenous notions of time, space, and belonging.[13] I would only argue that these two projects were built upon a capitalist structure of modern temporality, which sought the complete elimination of indigenous and non-capitalist *ways of being*.

The iterations of the 19th century settler movements within the European continent or in the semi-colonial context of the Ottoman Empire intimate that the project of internal colonisation often comprised the participation of *both* the settler and the native in a reformed, capitalist property regime.[14] Instituting a new form of exclusive and inviolable property ownership for the purposes of ease of taxation held a moral and civilisational gravitas. Ottoman authorities and European spectators alike often perceived violations of property rights and inter-communal

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[11] Seth J. Frantzman and Ruth Kark, 'The Muslim Settlement of Late Ottoman and Mandatory Palestine: Comparison with Jewish Settlement Patterns', *Digest of Middle East Studies* 22, no. 1 (2013): 74–93; Darryl Li and Nina Seferović, 'The Herzegovinian Muslim Colony in Caesarea, Palestine', *Journal of Palestine Studies* 45, no. 1 (177) (2015): 69–92.
[12] Ibid. 75.
[13] Ibid.; Oren Yiftachel, Batya Roded, and Alexandre (Sandy) Kedar, 'Between Rights and Denials: Bedouin Indigeneity in the Negev/Naqab', *Environment and Planning A: Economy and Space* 48, no. 11 (1 November 2016): 2129–61.
[14] Barbara Arneil, *Domestic Colonies: The Turn Inward to Colony* (Oxford University Press, 2017).

conflicts over lands and resources as primordial expressions of barbarism. Yet the very constitution of modern property rights, categorically dependent on the expropriation and exclusion of others to the benefit of the owners, kindled violence, and conflict among peoples with competing rights to the land. The introduction of a foreign element, the muhajir settlement, to expand the grid of capitalist property inevitably resulted in conflicts over land and resources.[15] The cultures of communal violence evolved intimately with the advent of capitalist modernity, fiscal reform, and representational politics. As Hamed-Troyansky argues, it is hard to deny the causal entanglements between economic criminality and cultures of sectarianism, broadly defined as the social and political conflict in between ethno-religious communities.[16]

Disciplining Caucasian settlers into proper and moral economic conduct was part of the project of Ottoman humanitarianism, an economic means that served the political ends of civilising the ungoverned and ungovernable lands of the Ottoman Empire. The settlers themselves were perceived as less than civilised, less than proper subjects of the Sublime State, whose rapacious conduct with regards to property rights had to be reformed. The 'native', whomever it would designate, certainly wasn't excluded from participating in Ottoman modernity. However, the caveat that they participate in a modern regime of private property kindled conflicts within their own communities or with their neighbours, with settlers or statesmen, the tax farmers who came to collect taxes, and the gendarme who came to conscript their men. Across the borderlands of the Ottoman Empire, from the Balkans to the Caucasus to Greater Syria, identity became the language of grievance, loss, and nostalgia for life before the advent of the capitalist state.

Whether we refer to the colonisation of Syria by muhajir settlements as part of the project of Ottoman imperialism or Ottoman modernity is bound to ignite a polarising debate on the identity of colonisers and the colonised, Ottomans and the Turks versus the Arabs, Bulgarians, Druze, Circassians, Armenians, and so many others. The ethnic and sectarian conflicts of the 19th century weigh heavily on the notion of Ottoman multiculturalism, whose early modern expressions are often celebrated without much critical reflection on the nature and history of state

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[15] More on property and the grid as conflict-generating constructs, see: Nicholas Blomley, 'Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid', *Annals of the Association of American Geographers* 93, no. 1 (2003): 121–41.

[16] Hamed-Troyansky, 'Imperial Refuge', 111, 312.

violence.[17] This nostalgic celebration of the Sublime State or Empire *à la Turca* places blame on the advent of modernity, framing outbreaks of communal violence thereafter as discrete events brought about by European imperialism and intervention. Meanwhile, nationalist and sectarian narratives of communal violence often swing to the other extreme, imagining Ottoman imperium as a colonial occupation of ceaseless, constant violence.

This thesis provides a counternarrative further complicating notions of imperial and national identity, which respectively reflect the aspirations of both the cosmopolitan and ethno-national historiographies of the late Ottoman Empire. I subscribe to the historiographical maxim that each communal conflict is historically and socially contingent and that political identity is a fundamentally relational construct. Doing so allows me to attend to the continuities and ruptures of an imperial nation, the Ottomans, between the descent of empire and the advent of many nations.

I refer to sectarian and ethno-national conflicts which feature communal violence as identitarian conflicts. Building on the work of Ussama Makdisi, I analyse the *productive* force of state violence and communal conflict, whereby violence delineates and hardens inter-communal boundaries in relation to one another, and in relation to the state.[18] Further inspired by Hamed-Troyansky's study of how Circassians integrated into this culture, I posit that sectarian violence emerged in the disjuncture between political identity and juridical identity; in between being a Druze, a Circassian, a Bedouin… as opposed to being Ottoman. Sectarianism as a political institution thus grew separate from yet defined by and dependent on one's proximity to the state as the 'only legitimate mediator'.[19]

The following two chapters seek the causes of identitarian violence and conflict which began in the wake of muhajir settlements, the institution of private property rights, and the expansion of capitalist modernity. Throughout the next two chapters, I attend to events and

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[17] For an excellent critique and counter narrative for early modern Ottoman historiography, see Hakan T. Karateke, Helga Anetshofer, and H. Erdem Çıpa, eds., *Osmanlı toplumunda ötekileştirme, düşmanlık ve nefret (16.-18. yüzyıllar)* (İstanbul: İletişim, 2022). On a critical reflection on the notion of cultural diversity in the early modern Ottoman Empire and its legal implications, see: E. Natalie Rothman, 'Interpreting Dragomans: Boundaries and Crossings in the Early Modern Mediterranean', *Comparative Studies in Society and History* 51, no. 4 (2009): 771–800.
[18] Ussama Samir Makdisi, *The Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon* (Berkeley, California: University of California Press, 2000), 162-164.
[19] 'Ibid., 160; Āmil, *Arab Marxism and National Liberation*.

ruptures of where and when identity, specifically sectarian identity, fails as an explanatory framework for inter-communal conflict. In doing so I contribute to revisionist historiographies of sectarianism and identitarian violence as products of capitalist modernity and humanitarian civilisation, rather than their antithesis.

Settler, Native, Other follows an anonymous band of Circassian thieves fleeing from Quneitra. The chapter details who they are running from, ponders what they are running toward, and why. It traces a history of internal colonisation and carceral humanitarianism, by which I mean the social and mobility restrictions imposed upon refugee settlers through the humanitarian settlements, through the prism of transgressions (*tecavuzat)* of property rights. This chapter explores the relationality of the local and the foreigner, the settler and the native, in Ottoman Syria.

The second chapter, *the Unsettled*, focuses on the narrative of a single man, Abu Shapsugh, whose travails anchor the discussion of the political economy of muhajir settlement and the reasons that Circassian settlers, willingly or otherwise, were displaced and dispossessed by the economies of rent, patronage, and war. It elaborates on the patterns of migration and mobility between agrarian settlements and provincial capitals. It argues that the gendered and classed exclusions were both foundational and detrimental to construction of the muhajir settlement.

2.1. Settler, Native, Other

A herd of camels in their hundreds, led by a ghostly band of Circassian youth, must have been a startling sight. It was early summer in 1909, during a regional famine, when this band of fugitives breached the belt of Druze territory that stretched from Majdal Shams to Banias to Metula and Houla, to march into the plains of Marjyoun further north. The group of young herders had committed many crimes and if their countenance betrayed any guilt or remorse, the few locals who were witnesses to their flight did not care or notice.

Between Quneitra and Marjyoun, the Circassians seemed completely misplaced. They were running through the Druze belt, maybe even toward it, even though the Druze and Circassian lords of Quneitra had a long history of armed and bitter conflict, which had threatened to escalate into a sectarian civil war barely a decade earlier, in 1895. Property and limited ecological resources were at the heart of this nominally identitarian conflict between the settlers and natives — the Caucasian settlers, the ʻurbān, and the Druze — in the hamlets of Quneitra. The Druze and the *Muhajirin taifesi*[1] had regularly breached and pillaged each other's pastures, trashing grounds, villages, until the matter escalated into a minor battle with the Druze on one side, and the state, the Muhajirs, and the Bedouin on the other. The boundaries between the two communities, the Druze and the primarily Circassian settlers, had only hardened since then.

[1] Ar: Taifa: Sect, community. It was originally used to refer to non-Muslim communities of the Ottoman Empire: Aylin Koçunyan, 'The Millet System and the Challenge of Other Confessional Models, 1856–1865', *Ab Imperio* 2017, no. 1 (2017): 65. In the 19h century context of Ottoman correspondence, taifa had a connotation for not only confessional, but also ethnic and even tribal identity. Muhajirin taifesi, the sect of Muhajirs, was even a term used to refer to Circassian settlers in the bureaucratic correspondence. The term also had implications for extraterritorial jurisdiction, as capitulations designate certain taifa, groups, under the jurisdiction of European consulates. Eldem, 'Foreigners at the Threshold of Felicity,' 117. Taifiyyah, sectarianism, acquired its confessional connotations only gradually and contextually, in the regions that encompass modern Lebanon and Syria.



Figure 6: Bedouin Encampment in Syria with horses and camels [1880-1920]. (Source: Frank and Frances Carpenter Collection, LoC: 93513680)

It is equally curious who the Circassian youth were running from. In contravention to long-standing alliances brokered by communal elites, this band of thieves had wronged and attacked one of their most formidable Bedouin allies, the Ruwallah tribe. The circumstances of this attack were less than honourable. The winter of 1908-1909 brought less rain and more dry spells than expected, and the Ruwallah tribe decided to wait out the coming famine in their settlements, leaving their grazing grounds mostly unattended save for a couple of herding boys. When this band of Circassian thieves breached the grazing grounds of the Ruwallah tribe further east, stole a couple of hundreds of their camels, and killed a couple of their children, they were effectively terminating an alliance brokered by their fathers and masters. When they took the herd of camels and passed through the Druze settlements and bandit turfs unbothered, they incriminated the Druze as accomplices. As the Ruwallah tribe later threatened the Circassian elders, demanding *qisas* for blood and cattle, they effectively became pariahs, having endangered their own kin and kind.[2]

The Circassian settlers, 30 years into their arrival in Syria, still carried with them a reputation as a rapacious (*mutecāviz*) band of thieves. The uninhabited, ungoverned frontiers of Syria were supposed to discipline the Circassians out of such immoral conduct, by providing each of their households, led by men of abled bodies, 70 dunum of agricultural land.[3] The Ottoman refugee settlements were supposed to bring wealth and prosperity to the country, to the region,

[2] BOA. DH. MKT. 2864/34, From the Ministry of Interior to the Grand Vizierate, 29 June 1909.
[3] 1 Dunum equals 929.9 square meters equals 10,117 square feet.

and to the destitute refugees arriving in the Ottoman Empire. It shouldn't come as a surprise that expanding the grid of agrarian capitalism by way of 'domestic colonies' does not solve class conflict. The Circassian and a scattering of Chechen settlements in Quneitra were communities with rigid caste and class hierarchies. In the feudal Caucasus, the access to property and labour were skewed in favour of princes and notables. Caste structures endured and mutated as the Caucasian refugees were incorporated into Ottoman agrarian capitalism, first in the Danube, and then in Greater Syria.

In this eventful year of 1909, as the band of lowly North Caucasian thieves broke away from the world of Quneitra settlements, with its generational and institutional chokehold over the poor and the needy, they did so in a moment of mayhem. The historical events that allowed for a heist of this size were unprecedented. Within the past year, the Young Turk revolution sought to remake the empire by re-instituting the 1876 Constitution. Across the empire, the police and the gendarmerie, military and local government were up against one another in a bureaucratic war of all against all. The provinces of Syria were a step removed from the epicentre of this political earthquake, but not far enough. The Syrian officialdom was in disarray in the aftermath of the revolution and the reshuffling of the chain of command. The institution of a constitutional regime would be further undermined by a counterrevolution in April 1909, the Armenian pogroms that followed, with the worrisome news and refugees pouring into the southern ports of Beirut from Adana. Dislocated people, dislocated soldiers, dislocated officers contributed to an atmosphere of utter chaos when the Circassian youth ran their camel heist.

By the time the gendarme was informed of the deed and the crisis unfolding between the Ruwallah Bedouins and the Circassians, the band of thieves had disappeared in their entirety, two hundred camels and all, having last been spotted by some hapless watchmen in Marjayoun. The threat of retribution had scared the Circassians employed by the gendarme in Quneitra to flee for Damascus.[4] On 28 June 1909 the governor of Damascus, Ismail Fazıl Bey, notified the Ministry of Interior of his immediate orders, that the camels be found, that the thieves were caught, that non-Circassian gendarme legions from Damascus be sent to keep the peace in Hauran, and that the

[4] BOA. DH. MKT. 2861/21, p.1, Dispatch from the Governor of Damascus Ismail Fazıl Bey to the Ministry of Interior, 28 June 1909.

heads of Ruwallah tribe and the Circassian settlers meet and agree upon a peaceful solution in Damascus.[5] The next day, the Ministry of Interior, Ferid Pasha, further notified the Ministry of War and the Prime Ministry's chancery for the deployment of soldiers to keep the peace by any means necessary.

According to the historical record, neither the camels nor the thieves were ever caught. It is thus a matter of speculation just exactly what happened after the Circassian thieves disappeared into the District of Marjayoun. While it is near impossible to speculate just what may have happened to the Circassian thieves, there is much that can be said about the camels and where they may have ended up.

There is a slim chance that the Circassian thieves could have crossed the belt of Druze settlements and turfs between Quneitra and Marjyoun without the involvement or the blessings of the Druze. It is hard to say whether this could be a cross-sectarian alliance, given the illicit nature of the fugitive crossing. It could have been as simple as 'the enemy of my enemy is my friend', for the Ruwallah Bedouins and the Druze had been locked in conflict over land for the past decade.[6] It is more likely that there was a transactional alliance: that the camels exchanged hands between the Druze and the Circassian thieves. Camels were a much sought-after commodity for the purposes of war and conflict. Camel cavalry was a regular feature of desert warfare, deployed by the Ottoman army as well as mandatory powers of Britain and France in the aftermath of World War I. In the summer of 1909, over 200 camels disappeared into thin air. The very next time there would be a battle fought upon the back of camels, it was a war instigated by the Druze, an insurrection which ended with battles south of Hauran in the summer of 1910, led by the notable Tuqan al Atrash.[7]

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[5] Ibid.
[6] BOA. DH. ŞFR., 161/105, p.1-3, From the Governor of Syria Rauf to the Ministry of Interior, 5 October 1893.
[7] On the Hauran Uprising of 1910, see: Engin Deniz Akarli and Abdul-Rahim Abu-Husayn, 'The Subordination of the Hauran Druze in 1910: The Ottoman Perspective', in *The Druze: Realities and Perceptions*, ed. Kamal Suleiman Salibi (London: The Druze Heritage Foundation, 2005), 115–28.



Figure 7: Map of Hauran. Yellow pins show Caucasian settlements. Purple marks the Druze settlements. Brown stands in for Algerian settlements while orange marks the provincial capital, Damascus.

As for the Circassian settlers left behind at Quneitra, their long-standing patronage under the Sublime Porte allowed for a smooth arrangement with the Ruwallah tribe without further bloodshed. Yet the heist induced a political disquiet. The Circassian bandits had harkened back the stereotypes of rapacious settlers, a reputation that they had acquired in their first exile in the Danube province, and one which they were meant to outgrow in their second exile in Syria. As part of the refugee settlement policy, the Circassian settlers should have domesticated the seditionist inclinations of the Druzes and the recalcitrant Bedouin. The camel heist called into question yet again whether the settlers could be trusted to behave, or keep tabs on their youth, their poor, and their needy constituents. Indeed, the local government and the gendarme officers were faced once again with the question: How were they to civilise the *civilised*?

This chapter argues that the Caucasian settlements of Greater Syria provide a geographic and diachronic perspective that disrupts the notion of settlers and natives as binary, immutable opposites across the 'civilisational divide'. Indeed, the comparison implores us to think about internal colonisation as a historically contingent process in which people are unevenly conscripted into relations of domination, exploitation, and exclusion. The conscription of Caucasian immigrants into the role of settlers implicated them in a civilising and expansionist project, but one in which they themselves were volatile and violent *indigenes* that had to be domesticated into proper moral, civil, and economic conduct.

To make this argument, I discuss the actors that comprised the Ottoman settlement policy and the debates surrounding internal colonisation in the Eastern Mediterranean. Taking a diachronic perspective, I will centre the trajectory of Caucasian refugees and the roles they assumed as they settled in the region of the Ottoman Empire stretching from the Danube to Greater Syria, and then between Acre and Golan Heights, in the frontier that now divides Lebanon from Palestine and Jordan from Syria. I then juxtapose the trajectories of two post-1878 Caucasian settlements, Ghabisiyye and Quneitra, reflecting on the limits and strengths of the settlement policy in Greater Syria. In doing so, I address the dialectical relationship between the economic and 'civilisational' ends of Ottoman humanitarianism. I then address the inter-communal conflicts and alliances between the Circassians, the Druze, and the 'urbān. I discuss how the juridical and economic incorporation of West Caucasian settlers into capitalist modernity transformed inter-communal conflicts over property and resources into immutable, self-evident defects of a 'national character' that needed to be domesticated without the involvement or intervention of extraterritorial authorities.

2.1.1. Civilising Settlers

The practice of settling 'foreign' populations in conquered or frontier territories, called *iskān*, has a long history as part of Ottoman statecraft in the Balkans since the 14th and 15th centuries**.** This method of simultaneous territorial expansion and population control was first practised with the infiltration of *akıncı*, pioneering military settlements in the Balkans, followed by the forced relocation of Turkic tribes from Asia Minor to Balkan outposts.[8] This was not a prelude to a centuries-long project of settler colonialism - elimination and/or assimilation of the native populations was not in question. Rather, iskān was likely one of many iterations of military colonisation within the tradition of the Roman Empire.

The transformation of iskān from a policy of military expansion, into that of imperial development happened due to a confluence of diplomatic and fiscal concerns in the 1840s and 50s.

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[8] Rossitsa Gradeva, 'War and Peace Along the Danube: Vidin at the End of the Seventeenth Century', *Oriente Moderno* 20 (81), no. 1 (2001): 149–75; Antonina Zheliazkova, 'The Penetration and Adaptation of Islam in Bosnia from the Fifteenth to the Nineteenth Century', *Journal of Islamic Studies* 5, no. 2 (1994): 187–208.

The reformation of state structures and bureaucratic modernisation that began with the Tanẓimāt Edict of 1839 engendered a settlement policy wherein diplomatic means served explicitly developmentalist ends. Starting in 1848, and under the progressive ideology of the Tanẓimāt state, iskān became a moral and economic enterprise and that garnered ideological and international import.

The Danubian settlements first began in the ports and within the historical borders of what is now Bulgaria, in accordance with the Ottoman Immigration Law of 1857. The Immigration Law of 1857 was a developmentalist policy which laid the groundwork for the promulgation of the Ottoman Land Code the following year. As the Land Code served to reform the hierarchy of rights over property within the existing grid, the Immigration Law proposed to *extend* the grid of farms and tenements over unoccupied land. Moreover, the law was originally written to acquire settlers directly from continental Europe. The head of prospective settler households, categorically abled and reputable family men, were expected to apply to the Ottoman consulates for the consideration of Sublime Porte. They were required to have a clean record, an excellent reputation, a craft, or capital that exceeds 60 liras or 1350 francs, a sum that is worth roughly £7740 in 2023.[9] If they were accepted into the Ottoman settlement scheme in the Danube, they would be issued passports designating their place of settlement. Once settled, the settler families were required to remain confined to the settlement for six to twelve years, depending on their place of settlement. Should they abandon their property without notice or permission, they abrogated their right to the land.

Acquiring an Ottoman passport (*mürur tezkeresi*) and nationality (*ṭabi'iyyet*) as a European settler was a transactional affair, predicated on the quid pro quo of property for labour. It was an economic policy with mercantile interests, primarily directed against the continental rivals of the Sublime Porte. The geopolitics of settlement policy before 1864, the year of the mass exodus from the Caucasus, were indexed to the settlement of 'non-Muslim' *multeji*, the political and social asylum seekers from continental rivals, from Tsarist Russia and Metternich's Austria.

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[9] Source: Markus A. Denzel, *Handbook of World Exchange Rates, 1590–1914* (Routledge, 2017), 370, 394-95 and Bank of England, Inflation Calculator: https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator.

Between 1815 and 1850, especially in 1848-49, the Sublime Porte refused to extradite political dissidents, instead granting them refuge and protection even in contravention to treaty law.[10] Ottoman settlement policy thus evolved from a series of non-extradition orders to protect multeji, to a comprehensive immigration policy for the settlement of muhajir.[11]

The cosmopolitan veneer of welcoming European subjects with republican and progressive tendencies was an effect of geopolitics. In its inception, the 1857 Immigration Law was a means to the end of introducing industrial and agricultural capitalism and reforming the fiscal administration in preparation for reforming the Land Code. It was a rational transformation of a diplomatic provision of political asylum for substantial numbers of European asylum seekers into a mercantile opportunity. The Tanẓimāt government, whose liberal and reformist promises were embodied by the then-governor of Danube, Midhat Pasha, began work by regularising the status of minority dissidents of Hungarian, Polish and Ruthenian provenance.[12] The task of acquiring more settlers was delegated first to continental consulates, as they began to proactively send out notices and open invitations in local newspapers in Central Europe in a bid to attain settlers for the Balkan provinces of mostly Christian and, eventually, Jewish provenance.[13]

In the making of a reform-era pilot scheme, the Danubian Governorate under Midhat Pasha invited Continental European subjects to settle and industrialise the Varna Basin, against the mercantile encroachment of Austrian industry, British capital, and Russian interests, in favour of local, Ottoman enterprise.[14] The provincial settlement policy was accompanied by industrial development projects, both of which were an investment in expanding state control and jurisdiction over land, conducted under the oversight of the same cadre of Ottoman officials. The

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[10] More specifically, in violation of the Treaty of Belgrade of 1739 whereby the Sublime Porte promised to surrender and extradite Austrian subjects should the demand arise. The Ottoman Ministry of Foreign Affairs defended their decision saying that the Austrian demands of extradition were in violation of humanity (*gayr-i insāni*): BOA. HR. MKT. 29/60, 15 January 1850.

[11] For the diplomatic investment in Central European affairs, specifically the dissolution and partition of Poland, see Numan Yekeler, ed., *Yoldaki elçi: Osmanlı'dan günümüze Türk-Leh ilişkileri - Poseł W Drodze: Stosunki Turecko-Polskie od czasów Osmańskich do dnia dzisiejszego*, (İstanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü Osmanlı Arşivi Daire Başkanlığı, 2014), 270-288, 304-314.

[12] Ibid.

[13] Ufuk Gülsoy, 'Osmanlı Topraklarına Avrupa'dan Muhacir İskanı (1856-1859)', *İlmi Araştırmalar*, no. 3 (1996): 51–65; Ismail Qemali, *The Memoirs of Ismail Kemal Bey* (London: Constable and Company Ltd, 1920, 72-73.

[14] Bekir Koç, *Osmanlı Modernleşmesi ve Midhat Paşa: Tuna Vilayeti Meclisleri ve Yeniden Yapılanma Çabaları*, (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2021), 282-83.

two primary projects that expanded physical infrastructure during this period were a new rail line from Boğazköy to Kostence and the formation of a new Danubian steamship line to rival the dominance of the shipping industry of Austria-Hungary.[15]

The developmentalist vision of Ottoman settlement policy was ill prepared for the arrival of destitute, ill, and dying masses from across the Black Sea starting in the late 1850s. Escalating Russian colonisation of the West Caucasus brought waves of refugees, who haphazardly settled at the political borders of the Danubian province. Starting from 1864, the year of what the refugees called the Great Exile, the number of Caucasian refugees had flooded up to hundreds of thousands. Caucasian refugees, a discrete collection of feudal, caste-based tribes, which had long organised along non-state principles, emerged into an internationally recognised, stateless existence.[16] The *deterritorialisation* of an entire community, by which I mean the separation of peoples from their historical lands, posed a jurisdictional conundrum: on whose lands and under whose jurisdiction were the refugees to live going forward?[17] With the arrival of the Caucasian refugees, the Ottoman Immigration Commission's work acquired a civilisational and humanitarian character, as it took on the task of introducing the more insular Caucasian tribal affiliates to the political modernity of rights and duties, conscription and taxes. The catch was that the successful participation of West Caucasian refugees in political and capitalist modernity would come at the detriment, and exclusion, of their poor and needy constituents.

Danube, 1864-1876

From the time of their arrival in the late 1850s until their second exile in 1876, Caucasian refugees in Ottoman territory experienced the calamities of cold, poverty, and disease. Of the minimum of 700.000 Caucasians that landed on Ottoman soil, roughly 20 percent of the entire refugee

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[15] Ibid.

[16] Regarding the political reports on inter-tribal politics and conflict in Caucasus, and the role of customary laws in governing thereof, see Ceyda Karamürsel, ''In the Age of Freedom, in the Name of Justice': Slaves, Slaveholders, and the State in the Late Ottoman Empire and Early Turkish Republic, 1857-1933' (University of Pennsilvania, 2015), 71-72.

[17] Here I am borrowing the term from Hosna J. Shewly, 'Life in de Facto Statelessness in Enclaves in India and Bangladesh', *Singapore Journal of Tropical Geography* 38, no. 1 (1 January 2017): 108–22.

population died of malnutrition and epidemics.[18] The rest survived on aid and platitudes, as the Ottoman Empire dispersed and mixed them in settlements in a bid to break their 'tribalism'.[19] Extended periods of poverty bred crime and delinquency, and crime bred conflict. Caucasian settlers' arrival in the Danube heralded the ethnicisation of property conflicts in one of the most diverse borderlands in the Ottoman Empire.[20]

'Economic criminality' had long been perceived as a Circassian sport in the Caucasus and Balkans, and rumours had it that it often happened at the detriment of 'natives' and *not* their fellow Caucasians.[21] Ismail Qemali, a peripatetic interlocutor of Midhat Pasha who moved between various Danubian outposts, described this 'barbaric sport' as part of a national character, the nonchalant attitude of an uncouth settler toward the very notion of private property. In his memoirs, he observes that:

> When the need presents itself, (the Circassian) goes to another one of his race in easy circumstances... and departs with the animals, arms, or money agreed upon. When, however, the person owning the coveted property is not a Circassian, ... the needy one has to get what he wants by an act of robbery. Robberies of this nature had taken place so extensively in the parts of the country where the Circassians were established that the indigenous population were in danger of not being able to continue the cultivation of their lands. To combat this evil, it was necessary to have recourse to measures that took account of their characters and would be speedily efficacious. I deemed it best to appeal to the Circassians through their *amour-propre*, which was stronger with them than with the Bulgarians or the Turks of these regions.[22]

When Qemali gathered the Circassian elders in their Danubian capital, Babadagh, in 1871, he gave them an ultimatum. They could either 'stop their evil deeds in twenty days', or they would be 'expelled from the country which had given them so much hospitality.'[23] Qemali made a mistake in his assumptions about the Circassians' national character in his appeal to their 'elders'. He

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[18] Karpat, *Ottoman Population, 1830-1914*, 68-69. On epidemics and Circassian migrations more broadly, see: Erdal Taşbaş, *Halifenin Gölgesine Sığınanlar: Göçler ve Muhacirin-i İslamiye Komisyonu* (Ankara: Berikan Yayınevi, 2017), 317-324.
[19] Dündar, *Hicret, Dîn ü Devlet*, 246-248.
[20] Yücel Terzibaşoğlu, 'Landlords, Refugees, and Nomads: Struggles for Land around Late-Nineteenth Century Ayvalik', *New Perspectives on Turkey* 24 (2001): 51–82.
[21] Jersild, *Orientalism and Empire*, 89.
[22] Qemali, *Memoirs*, 68-69.
[23] Ibid.

wrongly assumed that such generosity and nonchalance for property existed among all Circassians in equal measure and that appealing to the vanity of their notables would help discipline the poorest and neediest among them. The poorest and neediest among the settlers, as Qemali admits unthinkingly later, were often so because they had been expropriated and disenfranchised by the Circassian notables themselves.[24]

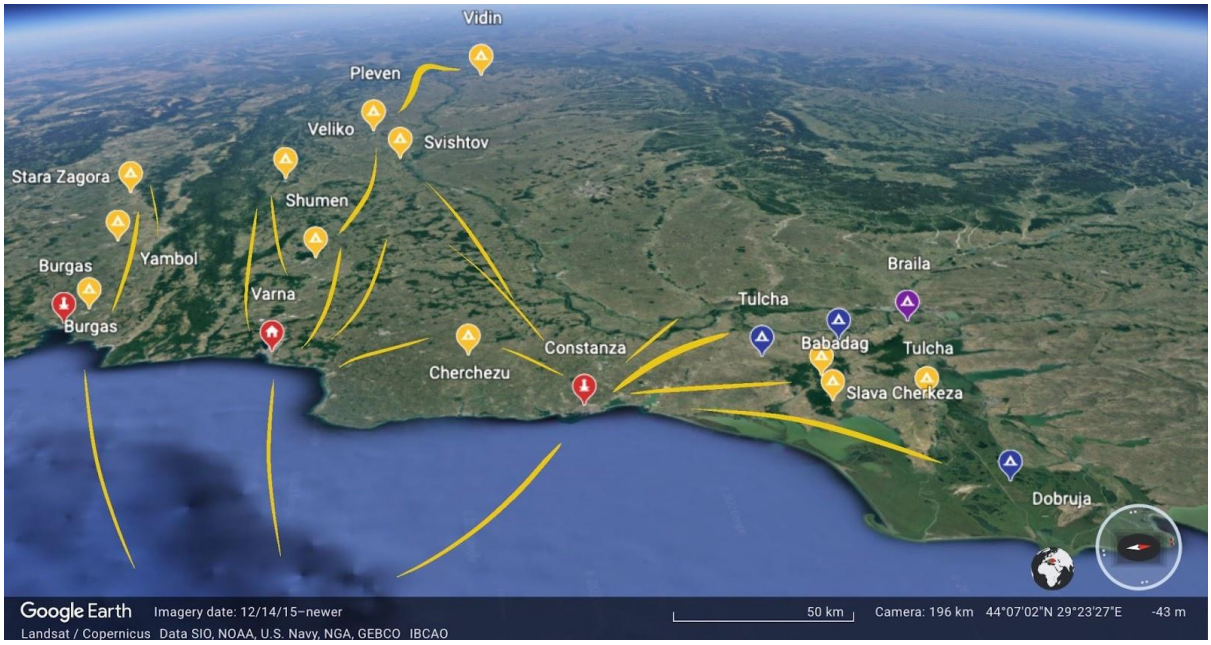


Figure 8: Yellow marks the routes and settlements of West Caucasian exiles. German Settlements are marked by Blue, while purple marks the single Jewish settlement under Ottoman jurisdiction. Ports of entry are marked by Red.

Appealing to the elites of Circassian settlers to fix class conflict was not one of Qemali's best or brightest ideas. While there may have been merit to the idea that the hitherto feudal, discrete, quasi-capitalist communities of West Caucasian migrants were nonchalant about modern property rights, such amicable and reciprocal generosity is historically only found among equals. Whatever semblance of equality there may have been in the Caucasus before the Russian colonisation was inconceivable in the aftermath of the Great Exile of 1864. The majority of Circassians belonged to feudal tribes organised upon caste. As they settled in the Ottoman Empire, the distribution of property favoured the Circassian patriarchs, princes, and notables, to the detriment of the poor, the widows, and orphans of the Great Exile. Intra-communal exploitation and expropriation had only gotten worse since the Exile, whereby even the free Circassians lived in fear of being enslaved by their own. The class conflicts that emerged out of their incorporation

[24] Ibid., 70. See also the case of the slave Mehmet in Karamürsel, 'In the Age of Freedom', 98-99.

into Ottoman agrarian capitalism would go on to cause a slave rebellion of Circassian slaves against their Circassian masters in Babadagh in 1871, just after Ismail Kemal gave his ultimatum that the Circassian elders keep their people in check.

The agrarian settlements bred conflict, not only within the Circassian community, but between the Circassians and their native neighbours.[25] Within the decade, the rising poverty, crime, and delinquency among the Circassian settlers of the Danube would escalate into an all-out war with the Christian population in 1876. The *bashibozouk* atrocities instigated by Circassian irregulars against Bulgarian Christians provoked a brutal sectarian war between Christians and Muslims, which was resolved by the forceful intervention of European powers in 1877 and with the Treaty of Berlin in 1878. The resolution marked the first time a formal exchange of populations, a legally mandated ethnic cleansing, became a topic of debate and deliberation among the European and Ottoman authorities, before the idea was put into practice in 1913 between Ottomans and Bulgarians, and in 1921 with Turkey and Greece.[26] There was nonetheless an informal exchange of populations in 1878 with the forced displacement of Circassian and other Caucasian settlers, along with Bosnians, Turks, Albanians, and Muslim Bulgarians, into the purgatory in Asia Minor.

The Purgatory

In the months and years of waiting those Caucasian settlers endured between their first exile in the Danube and their second in Syria, they cornered the sultanate into an economic and political crisis.

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[25] Nor was this conflict confined to specifically Circassian settlements. For a historical comparison, see the settlement of Georgian muhajirs in the Black Sea region, and how elite power politics affected anti-Muhajir sentiments in the case of Ordu: Oktay Özel, 'Migration and Power Politics: The Settlement of Georgian Immigrants in Turkey (1878–1908)', *Middle Eastern Studies* 46, no. 4 (1 July 2010): 477–96.

[26] On the history of Greek-Turkish population exchange as a legal instrument of nation- and race- making, see: Umut Özsu, *Formalizing Displacement: International Law and Population Transfers*, The History and Theory of International Law (Oxford, New York: Oxford University Press, 2015) and Aslı Iğsız, *Humanism in Ruins: Entangled Legacies of the Greek-Turkish Population Exchange* (Stanford, California: Stanford University Press, 2018), respectively. The population exchanges of the early 20th century partook in legal mechanisms for population management, along with the partitions and forced displacements that followed after: Arthur Asseraf, "A New Israel 'Colonial Comparisons and the Algerian Partition That Never Happened', *French Historical Studies* 41, no. 1 (1 February 2018): 95–120; Laura Robson, *States of Separation: Transfer, Partition, and the Making of the Modern Middle East* (Oakland, California: University of California Press, 2017).

The Circassian *bashibozouks*, heroic citizen-soldiers and the victims of Bulgarian *cürüm* and *mezalim* (violence and cruelty) were only worthy of compassion when seen from afar; their destitution and, at times, 'criminal' behaviour tested the humanitarian and hospitable sensibilities of their host communities in Asia Minor.[27] As Russia intervened into the Balkan conflict and waged a war against the Sublime Porte during 1877-8, a reorganised Ottoman Public Commission for Immigration began its service. Its foremost duty was to prevent the wartime refugee crisis from escalating into a domestic conflict between Caucasian settlers and Ottoman subjects on the outskirts of the capital.

Desperation stalked the steps of the high officers of the state who manned the Public Immigration Commission. Even return migration, which would be an embarrassment for the Ottoman government, was an acceptable, albeit a last resort, solution for the Porte. The ten or so members of the Public Commission for Immigration were convened by the monarchist statesman and the then-treasurer Mehmed Said. The select members of the commission answered only to Abdülhamid II and were given a *carte blanche* to order around state officers as they saw fit. At one of their first meetings in the fiscal year 1878-9, on 16 March 1878, the commission under the Mehmed Said Pasha ordered state officers to no longer obstruct muhajirs who 'wished to return to their homeland' (*memleketine avdet itmek isteyen*).[28] The order was delivered to the government and the Ministry of the Exterior by a well-known legal scholar and government functionary named Hasan Fahmi Pasha. It is in this respite of let live and let pass that the provincial governors and communities in Tripoli and Damascus reached out in solidarity to receive Caucasian and Balkan refugees and help them establish settlements in Syria.[29]

On March 12, 1879, during the final meeting of the fiscal year, the commission convened by the now-Grand Vizier Said Pasha invited Şakir Bey, the former governor of the Tripoli District in Syria. By all accounts, Şakir Bey was a zealous humanitarian. He insisted that the vacant lands of Damascus and Aleppo could easily welcome 60,000 refugees. There were several concerns for

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[27] Ener, 'Religious Prerogatives', 508.

[28] BOA. HH. d., 15673, p.4, lines 12-16.

[29] *'Haleb ve Şam vilāyetleri dāḫilinde 60.000 kadar muhacir iskānına ḳabil arāżi bulunduğuna dā'ir vermiş olduğu lābe üzerine komisyona da'vet olunan Trablus-Şam muteṣarrif-i sābiḳı Şakir beyin i'ṭā'eylediği iżāḥātın Suriye vilāyetine... esbāb-i iskanın mumkin olduğu ve 'urbān ṭarafından tesalluṭ dahi imkān bulunmadığına dā'ir ...vilayet-i meş'ar-i 'aleyhiye telegram gönderildi.'* Ibid.,p.18, lines 8-10.

which Şakir tried and failed to provide reassurance to the commission: 'Would there be a conflict among settlers and natives of 'time immemorial' (*ahāli-i ḳadime*)? Would the Bedouin tribes, the 'urbān, attack and undermine the settlements? Was there even enough arable land for the settlements to thrive? Would the property that would be converted into a settlement belong to the sultan or to the state?' Even as the fiscal year ended, the commission hadn't had the chance to conduct a proper land survey for the settlement of such numbers in Syria, let alone the logistics of transporting them there.[30] Nonetheless, in a confluence of political urgency and local agency, the Syrian littoral had opened as a new frontier for settlement.

Syria, 1878-1914

For the Caucasian settlers, the idea of abundance in Syria allowed for a more hopeful beginning than what they had experienced with their first exile in the Danube. There was no longer a shortage of land, but a frontier imaginary suffused with welcoming ports and vast stretches of desert. How the Caucasian muhajirs were supposed to survive this frontier was a secondary concern. Whether or not they wanted to — and there were many fugitives trying to flee back to Asia Minor or the Balkans who certainly did *not* want to — Greater Syria was a new home away from home.[31]

The silent death of disease and famine featured often during this earlier phase of refugee settlement as the refugees were obligated to maintain continuous residence in their new, coastal settlements. Scientific records as well as historical narratives point to the overwhelming role that malaria played in the disappearance of the coastal settlements in the districts of Latakia, Tripoli,

[30] Erdem, 'Osmanlı'dan Cumhuriyet'e Muhacir Komisyonları', 96.
[31] Dündar, *Hicret, Dîn ü Devlet*, 215.

Beirut and Saida.[32] One of the earliest settlements south of the District of Beirut, Ghabisiyye (or Gabiye), was one that suffered such a fate.

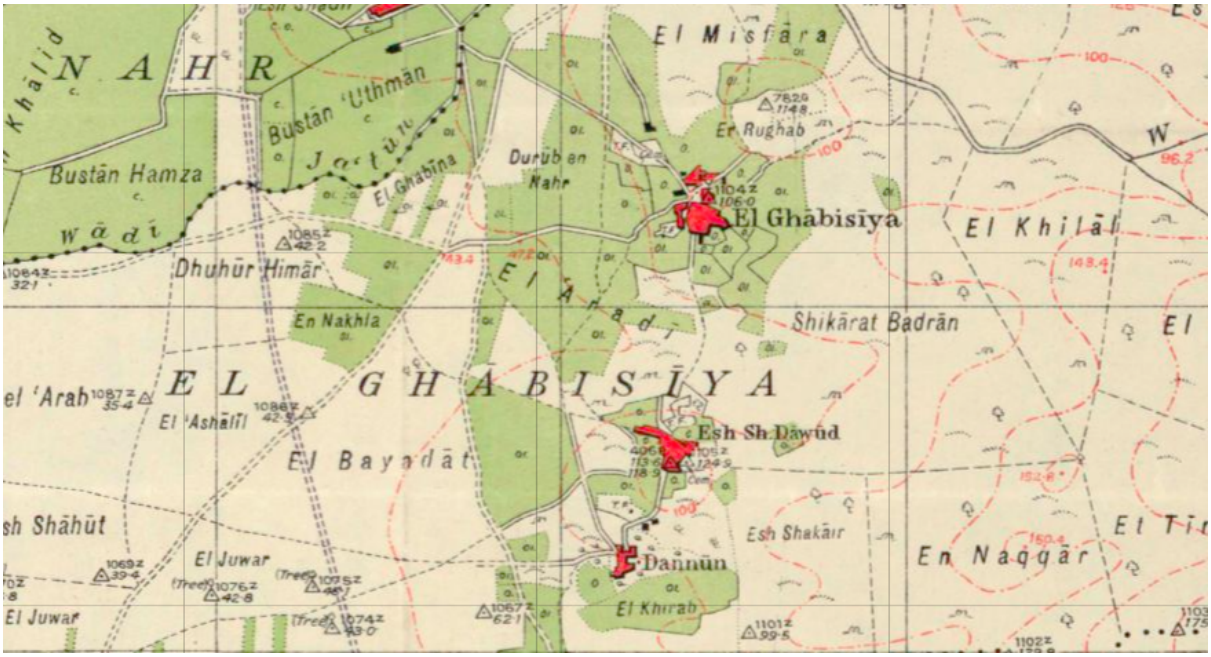


Figure 9: Map of Al Ghabisiyye in 1940.(Source: Palestine Open Maps.)

Ghabisiyye was a makeshift home to approximately 1,900 people, an exceedingly impressive number of settlers by any measure.[33] For comparison, the Muhajir population in 'Amman was only 1,200 individuals in 1912.[34] According to a petition by the surviving settlers in the first decade of Ghabisiyye's existence, more than half of its inhabitants died (*ziyādesi telef*) due to the 'severity of (the) weather''(*veḫāmet -i havā'*).[35] The petition, which was relayed to the Ministry of Interior, intimates that the survival of the remaining settlers depended on a change of soil and weather, a move inland onto higher plains further east. The surviving Circassian settlers were transported southeast toward Al-Salt, where they clashed with earlier settlers over the

[32] For a unique historical and evolutionary inquiry on the prevalence of malaria during the Circassians' second exile to the Mediterranean, and the evolutionary gene mutations it precipitated among the survivors, see: Mahmut C. Ergoren et al., 'The Story of a Ship Journey, Malaria, and the HBB Gene IVS-II-745 Mutation: Circassian Immigration to Cyprus', *Global Medical Genetics* 08, no. 02 (June 2021): 069–071.
[33] BOA, DH.MKT, 1666/25, 15 October 1889.
[34] Hamed-Troyansky, 'Imperial Refuge', 503. Another comparison would be that in the entire *province* of Beirut, comprising every single coastal settlement from Jableh to Caesarea in 1893, there were 2700 muhajirs in total. See: İzgöer et al., *Osmanlı belgelerinde Kafkas göçleri. 1.*, 500.
[35] BOA, DH.MKT, 1666/25, 15 October 1889.

allocation of lands and pastures. The lands abandoned by the settlers in Ghabisiyye did not remain empty for too long. The dead settlements adjacent to the town of Ghabisiyye were taken over by Jewish muhajirs within a decade, who would 'usurp the land' in a 'random fashion,' making it near impossible to procure the tithe from these illicit settlers.[36]

Ghabisiyye was one of many coastal settlements near port cities across the Syrian littoral, where hastily constructed camps suffered the calamity of contagious disease. They lacked the sanitary and medical infrastructure to survive the frequent visits of cholera and malaria throughout the many epidemics of the 1880s. Gratien details a series of similar complaints across the settlements in the Çukurova region further north, where petitioners bemoan unfamiliar climates that bring death and disease and ask to be relocated. Complaints about the weather were often code for the ecology of the Eastern Mediterranean which the settlers had to cohabit with disease-ridden insects and parasites. Gratien further argues that local malaria outbreaks contributed to the dissatisfaction and frustrations of newly arrived settlers, giving rise to illicit relocation attempts by refugees desperate to find their way into the higher plains of Uzunyayla.[37]



Figure 10: Yellow indicates routes and settlements of West Caucasian immigrants. Orange are settlements of Bosnian refugees, Purple are Jewish settlements which began under Ottoman jurisdiction, while Brown marks settlements belonging to Algerian settlers. Red marks ports of entry.

[36] BOA. DH. MKT. 391-68, 1 July 1895.
[37] Gratien, 'The Ottoman Quagmire'.

Mass deaths affected settlers of all ethnic and religious provenances, and Greater Syria was home to an incredible range of muhajir communities during the period. The post-Balkan refugees, especially those hailing from the Danube, had a remarkably diverse composition, which would be diversified further with the construction of newer settlements south of Beirut. From Ghabisiyye to Qunaitra, there was at least one Romanian Jewish settlement under Ottoman jurisdiction, whose inhabitants, by their own account, had a long history as Ottoman settlers before moving to Zammarin (currently Zikhron Yaakov) after 1878. It is likely that they were among the casualties of the Russo-Ottoman War and were from the few Jewish settlements constructed on the banks of the Danube across the city of Braila. In a petition to the French consulate in 1885, this group similarly recounted a calamity that wiped out more than half of their settlement between 1878 and 1882 — the exact timeline that the Ghabisiyye petitioners refer to in narrating the death of their settlement.[38] As Gratien points out, malaria spared no one.[39] It is further telling that in 1885 there were explicit orders sent across the Province of Syria that the fugitive muhajirs, who had left their assigned place of settlement should no longer be treated as muhajirs, putting further pressure upon the coastal settlers to choose between abandoning the land or facing potential death due to disease or hunger.[40]

The composition of 'Sunni-Muslim' settlers only added to the motley mix of nations and languages already *in situ* across the coast of Greater Syria. Post-1878 refugees comprised multiple settlements of Bosnian Muslims, fleeing their new imperial patrons of Austria-Hungary.[41] The North African settlers of primarily Algerian provenance also had a sizable presence both in the cities as well as agricultural settlements stretching from Galilee to Jabal Amil. Caucasian settlers had next to no familiarity with any of the aforementioned populations and barely any dealings

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[38] MAE Nantes, 92/A/PO, From Haifa Vice Consul Monge to the Consul General of Beirut, Patrimonio, 13 March 1886 (Petition attached, dated 31 January 1885). Rentier arrangements made by French landlords in Palestine would later subsume this settlement under their protection and thus, jurisdiction. The ongoing migration of Ashkenazim from Eastern and Central Europe would in the 1880s constitute the groundwork for the explicitly settler colonial project of the British Empire.

[39] Gratien, 'The Ottoman Quagmire', 584.

[40] BOA, DH.MKT. 1348/16, 16 September 1885.

[41] To see a local history of a prominent Bosnian settlement in Caesarea, Haifa, see: Li and Seferović, 'The Herzegovinian Muslim Colony in Caesarea, Palestine'. For an overview of Bosnian migrations into Ottoman Empire, see Dündar, *Hicret, Dîn ü Devlet*, 278-292.

with their fellow refugees historically. With such linguistic and social barriers, it is understandable that, instead of mixing among the other participants in this humanitarian enterprise, failing Caucasian settlements instead merged with the more successful Caucasian settlements of Transjordan to the south and Golan Heights to the North.

In his comparative and consummate study on the Ottoman immigration state, Fuat Dündar advances the argument that compared to the dispersed nature of settlements in Asia Minor, the more singular and sizable settlements of Greater Syria emerged out of a Hamidian design of divide and rule.[42] Relying on what is often a feature of Caucasian historiography in Syria, he argues that the difference was likely the result of regional realpolitik, wherein Caucasians were meant to domesticate the seditionist inclinations of their Druze neighbours. Dündar contrasts the positionality of the Caucasian communities in Asia Minor and Syria, writing that they were likely to be perceived as less than civilised by the inhabitants of Asia Minor, than that of Syria. He aptly points out that the position of Caucasians within the civilisational hierarchies of the Ottoman Empire was a historically and geographically contingent affair. However, regarding socio-physical settlement patterns, it is likely that environmental and social pressures forced the merging of inland settlements and disappearances of coastal camps in the earlier phase of settlement between 1878 and 1882, before the Hamidian regime, let alone a proactive immigration policy, were fully put in place.[43]

It is worth noting that the presence of Caucasian settlers was a decisive factor in the success of a settlement, even if the number of previous Caucasians was small. Given the unfamiliarity of the peoples and the environment, subsequent generations of refugees found it more convenient to expand existing settlements as opposed to building new ones. This is evidenced by Quneitra and Amman, the two most prominent settler cities of Greater Syria, which both have mythological founders that preceded the 1878 refugees. While it is difficult to explain the Caucasian presence in

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[42] Dündar, *Hicret, Dîn ü Devlet*, 254-255.

[43] François Georgeon, *Abdülhamid II, 1876-1909 : le crépuscule de l'Empire ottoman*, Biblis 161 (Paris : CNRS éditions, 2017), 161-162. It is a mistake to assume the Hamidian period comprised a singular regime. It evolved in phases, in reaction to international and domestic developments. The autocratic transformation of the regime was only made possible in the aftermath of the British Occupation of Alexandria, and the conquest of Tunis. Based on Georgeon's observations I find it hard to argue that the first constitutional period(1876-78) and the early Hamidian regime had any notion of a stable, proactive policy for immigration and settlement.

Quneitra or Amman before their exile from the Danube in 1878, it is unlikely that they arrived as state-sanctioned settlers. Rather, they likely moved directly from the Caucasus or took a more chequered route from Asia Minor as illicit migrants.

The Caucasian settlers acquired a noteworthy presence in Hauran in general, and the district of Quneitra in particular.[44] What began as a small settlement in the North-East of Hauran gradually expanded into neighbouring villages such as Al Mansoura, 'Ayun al-Suwan, al-Breika, Al-Jueizeh, and the smaller, newer settlements in Mukatt al-Jamusiyeh and Mumaseh by 1888, ten years into the settlement process.[45] Schumacher, in his expose of the Golan Heights, describes the settlements as built upon rich, fertile soil surrounding creeks and streams, with orderly streets leading up and from a Mosque. The Circassian settlements, particularly 'Ayun al-Suwan, provided a picture of 'industry, order, and cleanliness' in juxtaposition to villages of local *fellahin*, Arab peasants.[46] Schumacher describes the ambiguous modernity of the settler enterprise, where the villages and communes shone bright as exemplars of architectural and agrarian modernity, but the people who littered the streets greeted him with 'wild, forbidding, malicious faces, and a stranger scarcely ever receives a friendly greeting.'[47]

The Caucasian settlers, which primarily featured Circassians and a littering of Chechen immigrants, constituted a countervailing interest group for the regional and state actors to manipulate. The Druze circled the settlements of Circassians of Hauran north and south. The Christian Arabs, both merchants and peasants, shared their mills and water with the settlers. The 'urbān, the Arab Bedouins, shared their pastures with the settlers. Both land and water posed an ever-present danger of communal conflict. The environmental pressures of a demanding soil and weather kindled friction with the *ahali-i ḳadime*, the natives of equally diverse social and tribal formations. It is precisely due to such external pressures that the fears of sectarian conflict were

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[44] To date, there have been two theses that have proved to be the most definitive studies on Quneitra: Jawdat Ḥilmī Ṣāliḥ Nāshkhū, *Tārīkh ash-sharkas wa al-shīshān fī liwā'ī ḥawrān wa al-balqā' min 'ām 1878 - 1920* ('Ammān, 1990) and Gizem Kazzaz, 'A Glimpse into the World of Muhajirs: Circassians in Ottoman Syria' (M.A., Istanbul, Sabancı University, 2021).

[45] Gottlieb Schumacher, *The Jaulân : Surveyed for the German Society for the Exploration of the Holy Land / by G. Schumacher, ; Translated (...) from the Transactions of the German Society*, 1888.

[46] Ibid., 99-100. On the architecture of muhajir settlements and urban shantytowns, see: Taşbaş, *Halifenin Gölgesine Sığınanlar*, 395-99.

[47] Ibid.

realised, as the ethnically insular settlements merged into one another to comprise a more dense and formidable political formation.

Since the beginning of the settlement policy and the Hamidian regime, the Hauran region too was conceived as a landscape beyond civilization where peoples lived in a state of savagery. Circassian settlers were deployed to bring civilisation into Hauran, and to domesticate the violence and savagery projected onto the peoples therein. Yet violence only escalated and spread with the formation of muhajir settlements, bringing into question whether the Circassians themselves were 'civilised' enough to rise to the occasion. As the sectarian turfs emerged and hardened between the Circassians, the Druze, and the Bedouin of Quneitra, the Hamidian autocracy made education the centrepiece for the *mission civilisatrice* of the settlement policy. On 2 June 1904, orders were sent to the Grand Vizier Ferid Pasha for the opening of primary and secondary schools across the Hauran and in Quneitra in particular, so that the unruly inhabitants of the district - the settlers, the Druze, and the Bedouin - are all civilised into civic and Islamic conduct.[48] While the Ottoman education policy is beyond the remit of this chapter, it is worth highlighting that decades into the settlement of the Muhajirs, they were still conceived of as an irascible and volatile force that had to be civilised and assimilated into civilisation and Islam.

2.1.2. Domesticating Natives

Sectarianism, as a lens through which to perceive and govern diversity was a common affair between the Balkan and Syrian provinces of the Ottoman Empire. Inter-communal conflicts had mushroomed across the multi-confessional Balkans and Greater Syria since the dawn of the 19th century, starting with peasant rebellions in Serbia in 1805. Tanẓimāt reforms further cemented the provincial resistance to the advent of the capitalist state, whereby changing fiscal structures gave rise and reason to peasant revolts inspired the 'promise' of reform and justice.

Sectarian governance was about mediating material conflicts through representation, often but not always dressed in religious garb. Experiments with multi-confessional and autonomous governing structures began in Lebanon with the Double Kaimacamate and acquired transnational

[48] BOA. DH. MKT. 866-57, p.2.

gravitas with the civil war of 1860 and international humanitarian intervention in Mount Lebanon.[49] The resulting autonomous province of the Mutessarifat formed in 1861 became a blueprint for similar interventions and legal arrangements in the Balkans after the Russo-Ottoman war of 1876-78, in Cyprus in 1878, and in Crete in 1898.[50] Indeed, in the aftermath of the Russo-Ottoman war, the Armenian delegation at the Conference of Berlin aspired for the institution of an arrangement like the Mutessarifat for the Ottoman Armenians in the East, so as to protect them from the Kurds and Circassians settled there.[51] Communal conflicts over political rights and economic resources were often exacerbated by incorporation into a capitalist market and property regime, where class-based grievances were often met with identity-based resolutions that consular and imperial authorities hoped could contain what they understood as primordial, long standing enmities born of religious zeal.[52] Sectarian violence acquired a political gravitas as an antithesis of civilised conduct, whose solution almost always implicated humanitarian intervention and governance.[53]

The place of muhajirs within this emerging governance structure had been ambiguous from the start. In the Danube, Caucasians themselves had been an object of Midhat Pasha's government's 'civilising' mission. Economic criminality and indigenous slavery were a blight on the reputation of the exalted state, reflecting negatively on the Tanẓimāt reforms. Even as the state began to rely on Caucasians as a counterweight to the seditionist Bulgarians, the discussions surrounding Caucasian criminality and barbarity were often framed in culturalist terms — that the nation had to be assimilated and disciplined into proper, civil conduct.

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[49] Alexis Heraclides and Ada Dialla, 'Intervention in Lebanon and Syria, 1860–61', in *Humanitarian Intervention in the Long Nineteenth Century*, Setting the Precedent (Manchester University Press, 2015), 134–47. On the reforms and representative politics that followed, see: Ussama Makdisi, 'After 1860: Debating Religion, Reform, and Nationalism in the Ottoman Empire', *International Journal of Middle East Studies* 34, no. 4 (2002): 601–17; Makdisi, *The Culture of Sectarianism*.

[50] For a legal history of the doctrine of intervention, see: Davide Rodogno, 'European Legal Doctrines on Intervention and the Status of the Ottoman Empire within the 'Family of Nations' Throughout the Nineteenth Century', *Journal of the History of International Law / Revue d'histoire Du Droit International* 18, no. 1 (30 October 2016): 5–41; Alexis Heraclides and Ada Dialla, *Humanitarian Intervention in the Long Nineteenth Century: Setting the Precedent* (Manchester University Press, 2016) for a more detailed history of the case studies on humanitarian interventions in Ottoman Empire.

[51] Georgeon, *Abdülhamid II, 1876-1909*, 137.

[52] Makdisi, *The Culture of Sectarianism*.

[53] Ussama Makdisi, 'Ottoman Orientalism', *The American Historical Review* 107, no. 3 (2002): 768–96.

When positioning the Caucasian within the history of Ottoman modernity, the relationality of such binaries as civilised/barbarian becomes clearer from both a diachronic and synchronic perspective. Post-1878 North Caucasian refugee settlers in Syria were perceived as a 'civilising' influence on the neighbouring 'urbān and the Druze populations. Those who were relocated to Asia Minor, however, were dispersed as widely as possible so the Caucasian's new neighbours would assimilate and civilise them *even further* into Turco-Sunnite sociabilities. Their moral and civilisational credentials shifted in between their first and second exile, as their participation in the Ottoman *mission civilisatrice* became paramount.

The reputation of 'native' populations surrounding the more prominent Syrian settlements was composed of culturalist depictions of *ungovernability*, violence, and aggressive sectarianism — even more so than that of muhajirs. The two main communities with whom North Caucasians would develop diplomatic and economic relations were the Druze, dispersed from Majdal al-Shams to Jabal Amil and across the Golan Heights, and the 'urbān, semi-nomadic Arab communities living on the edge of expanding state infrastructure in Syria and Transjordan.

'Urbān and Indigenous Modernities

Nomadic and pastoralist communities of the Levant were the first to experience the modernising zeal of Ottoman statecraft. One of the first widespread applications of the internal settlement policy happened in Kozan, Adana, to serve the purposes of conscripting soldiers for the Turco-Russian War of Crimea in 1854.[54] The forced conscription, sedentarisation and registration of hitherto nomadic inhabitants of Cebel-i Bereket served as a violent precedent for the imposition of Ottoman reforms onto indigenous and non-state communities inhabiting the routes and lands between provincial capitals of Asia Minor. It took an armed campaign by a modern military experiment, the Reform Division (*fırḳa-i iṣlāḥiyye)*, to complete the sedentarisation of the tribal

[54] Dündar, *Hicret, Dîn ü Devlet*, 160-161.

affiliates (*'aşiret*) a feat that was detailed with wonder by the Ottoman statesmen, modernist-extraordinaire, and the author of Ottoman civil law *Mecelle,* Ahmet Cevdet Pasha.[55]

Whereas the early modern Ottoman state espoused an accommodationist approach to govern the nomadic populations of the empire, the advent of the modern state dictated there was only one way of living and being.[56] Contemporary scholarship on nomadism suggests that there was no such dichotomy of settled versus nomadic life, as nomadic communities habitually adapted to settled life for periods of time when the weather proved agreeable.[57] The nomadic communities now were deprived of this choice, as they all were gradually, and sometimes forcefully, deprived of their huts and pastures and were ordered for permanent settlement. One lesson that the Ottoman government learned from Kozan was that the farther away you settled the nomadic tribes, the better chance you had of assimilating them into capitalist modernity. That is why some hundreds of Turkmen, Afshar, Kurdish tribal members were forcibly removed from Asia Minor and settled further down in the hamlets of Syria in the 1870s. Their forceful sedentarisation was different from the less direct policy of appeasement toward nomadic Arab communities of Syria and Palestine, the *'urbān*.

Like the Kozan *'aşiret* who governed access to Alexandretta, Aleppo, and parts of northern Iraq, the Arab 'urbān ruled the routes and pastures of the Hauran, a regional breadbasket.[58] In the 1880 Almanack for the Province of Syria, the inhabitants of Hauran were thus described as living

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[55] Ahmed Cevdet Paşa, Tezâkir (translation by. M. Cavid Baysun), III (Ankara 1953-57), 108-188. On Cevdet Pasha's work on the reform division and the forceful sedantarisation in Cilicia, see: Gratien, *The Unsettled Plain*, 74-83. It is worth pointing out that the Ottoman civil law, Mecelle, still plays a dishonourable role in the dispossession of Palestinian bedouin in Nagev: Alexandre Kedar, Ahmad Amara, and Oren Yiftachel, *Emptied Lands : A Legal Geography of Bedouin Rights in the Negev* (Stanford, California: Stanford University Press, 2018). On the chequered path of Ottoman Land Code and its history under the British Mandate territories, see: Alexis Rappas, 'The Sultan's Domain: British Cyprus' Role in the Redefinition of Property Regimes in the Post-Ottoman Levant', *The International History Review* 41, no. 3 (4 May 2019): 624–49.

[56] Reşat Kasaba, *A Moveable Empire: Ottoman Nomads, Migrants, and Refugees* (University of Washington Press, 2009), 123; Yonca Köksal, 'Coercion and Mediation: Centralization and Sedentarization of Tribes in the Ottoman Empire', *Middle Eastern Studies* 42, no. 3 (2006): 469–91.

[57] William Lancaster and Fidelity Lancaster, *People, Land and Water in the Arab Middle East: Environments and Landscapes in the Bilâd Ash-Shâm* (Taylor & Francis, 1999), 30-31. On the distinct performance of nomadic and semi-settled tribal affiliates in Syria, see: Katharina Lange, ''Bedouin' and 'Shawaya': The Performative Constitution of Tribal Identities in Syria during the French Mandate and Today', *Journal of the Economic and Social History of the Orient* 58, no. 1–2 (10 April 2015): 200–235.

[58] On the Kozan tribe and their jurisdiction between Asia Minor and Greater Syria, see Kasaba, *A Moveable Empire*, 96-97.

in a 'state of savagery and nomadism' (*ḥāl-i vaḥşet ve bedeviyyet*). The lands of Hauran lacked settlements and civilisation (*ma'mūriyyet ve medeniyyet*), yet 'were blessed by nature with soil so fertile as one could hardly find lands as rich as Hauran in the world.'[59] The vast territory of unspoiled and unsettled land seemed a promising start for re-settling Muhajirs, who would serve as a benevolent presence to bring the 'urbān into the orbit of capitalist modernity. The Caucasian muhajirs were thus settled on pastures where the Ottoman government wanted to exert more influence and, ideally, gradually sedentarise the Bedouin into participating in the agricultural or industrial economy. On that, the government succeeded.

The role that the Bedouin played in the story of Ottoman modernity is conflictual. On the one hand, they were effectively states unto themselves, a nomadic community with 'their own alliances, a code of conduct, a system of arbitration and justice', ruled by what Benedetta Rossi cogently terms a *kinetocracy,* an utterly unsettled logic for the government of mobility.[60] They inhabited the periphery of the empire living and moving as a 'tribe'; beyond the pale of *ḥażarat*, the settled and urbane civilisation.[61] For British observers, they were a race to themselves, even, a pure and authentic expression of Arabness.[62] For the Tanẓimāt statesmen, their way of living and being was an obstacle 'to the consolidation of state power'.[63] Yet, in the district of Quneitra, which

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[59] Salname-i Vilâyet-i Suriye (Suriye : Suriye vilâyet matbaası, 1880[1298]).

[60] Benedetta Rossi, 'Kinetocracy: The Government of Mobility at the Desert's Edge', in *Mobility Makes States*, ed. Darshan Vigneswaran and Joel Quirk (University of Pennsylvania Press, 2015), 149–68.

[61] The word tribe and its Ottoman translations carry with them a racial, and at times romantic, connotation of a life lived as before the advent of modernity. The tribes viewed as thus did not 'have' or 'inhabit' modernity; Kurt Franz, 'The Bedouin in History or Bedouin History?', *Nomadic Peoples* 15, no. 1 (2011): 11–53. I would like to stress first how the tribes and tribalism as invoked by the imperial officers were often a modern and racial taxonomy; Nora Elizabeth Barakat, 'Making 'Tribes' in the Late Ottoman Empire', *International Journal of Middle East Studies* 53, no. 3 (August 2021): 482–87; Selim Deringil et al., *Ottoman Arcadia: The Hamidian Expedition to the Land of Tribal Roots (1886).* (Anamed, 2018). Moreover, the non-sedentary ways of living have endured among the Turkish and Kurdish nomads as well as Arab bedouin well into the 20th century as they adapted, evolved and constructed their own indigenous modernities; Dawn Chatty, *From Camel to Truck: The Bedouin in the Modern World* (Vantage Press, 1986); Dawn Chatty, *Nomadic Societies in the Middle East and North Africa: Entering the 21st Century* (BRILL, 2018); Kasaba, *A Moveable Empire*; Sarah A. Radcliffe, 'Geography and Indigeneity III: Co-Articulation of Colonialism and Capitalism in Indigeneity's Economies', *Progress in Human Geography* 44, no. 2 (1 April 2020): 374–88; Peter Wien, 'Tribes and Tribalism in the Modern Middle East: Introduction', *International Journal of Middle East Studies* 53, no. 3 (August 2021): 471–72.

[62] Seraj Assi, 'The Original Arabs: The Invention of the 'Bedouin Race' In Ottoman Palestine', *International Journal of Middle East Studies* 50, no. 2 (May 2018): 213–32.

[63] Yasemin Avcı, 'The Application of Tanẓimāt in the Desert: The Bedouins and the Creation of a New Town in Southern Palestine (1860-1914)', *Middle Eastern Studies* 45, no. 6 (2009): 969–83, 971.

was under a constant threat of insurrection by the Druze chieftains, the ʻurbān were simply the lesser of two evils. The sectarian turfs between the Druze on one side, and the Bedouin and Muhajirs on the other, drew the Quneitran ʻurbān further into the orbit of the central state by way of military conscription and armament as they defended themselves, their pastures, and cattle from the Druze incursions.

This alliance was not to last. From sharing a supposedly primordial, religious affinity with the settlers and after forming an alliance against the Druze, which was cemented by a war in 1895, the communities of Muhajirs and Bedouins diverged further and competed harder among themselves for land and resources.

A petition by the Circassian lord, Mohammed Rashid Bey, on behalf of the Circassian lords and landowners in the village of Mansoura, in Quneitra, lays out a conflict between the Bedouin's traditional usufruct rights and the settler's modern property rights, a distinction which is the cornerstone of modern property law.[64] Mohammed Rashid wrote that the ʻurbān would infringe on their fields in Mansoura, just north of Quneitra, and would not even hesitate to kill in their rapacious behaviour. Rashid claimed that the Circassian muhajirs were not safe even on the land deemed unsuitable for cultivation (which were likely the ʻurbān's traditional pastures). The case was taken to the Council of the State, who, upon further investigation, decreed that it was the Caucasian settlers who were guilty of the rapacious conduct in question, rather than the Al Fadl tribe of the ʻurbān.[65] However, the settlers had been living in Mansoura for nearly 30 years, and there seemed to be nothing awry in the allocation of land to each household. The verdict from the Council of the State thus favoured *more* land as a solution to the conflict for these rapacious settlers, giving orders that the settlers who felt the need for more resources should be allocated land accordingly, presumably away from the traditional pasture grounds of the ʻurbān.

The Hamidian government often privileged refugee settlers over indigenous communities in the process of land registration as a means to reinforce its jurisdictional integrity. Property was the basis on which the refugees became settlers, and settlers became Ottomans. Hindrances or

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[64] Terzibaşoğlu, 'Landlords, Refugees, and Nomads'.
[65] *'...bi'l-ʻakis baʻżı Çerkeslerin şunun bunun iġfālatına ḳaṣdederek ʻurbān-i merḳūmenin arāżisine tecāvuz ve...'* BOA, BEO. 2117-158750, p.3, 11 July 1903.

violent obstructions of this due process could draw international scrutiny and undermine Ottoman legitimacy abroad and at home. These upsets could result in an aborted humanitarian project, according to the Ottoman Empire, who reiterated the humanitarian gravitas behind the urgent settlement of muhajirs in a dispatch to the ports of coastal provinces across the Aegean and Mediterranean Seas.[66]

The policy of forced settlement as pertaining to the 'natives' envisioned the end of indigenous social and economic formations. It invited the natives to 'join the civilised fold' or participate in capitalist modernity.[67] It was a violent process of conscription and assimilation of people, which entailed the elimination of their way of life, and not necessarily their lives. The jurisdictional authority of the state expanded deeper into social relations and further across its frontier provinces. The provisions of agricultural and industrial infrastructure projects across the Syrian littoral thus served the ends of jurisdictional and capitalist expansion to forge a capitalist property regime based on exclusive and exploitative relations between capital and labour.

The expansionism of the settler enterprise was thus a fact that the 'urbān had to learn how to accommodate. In the areas of settler expansion like Mansoura, the 'urbān stopped their overt resistance to the state and the office of land registration, choosing instead to use the power of the law and the state against the expansionism of Circassian settlers. The 'urbān joined the grid of private property through a process of defensive registration, and established villages to participate in the regional economy of cereal production, which showed them actively engaging with the designation of types and tracts of property through the sharīʿa courts, the local government, and the office of land registration. They actively shaped law-making and administration in parts of Syria and Jordan, as they engaged with the sharīʿa courts and the provincial administration and the intrusive management of their animals as private property, while contesting the fiscal demands of the local administration.[68]

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[66] BOA, DH.MKT. 1899/102, p.1, line 6-7, 9 December 1891.
[67] Gratien, *The Unsettled Plain*, 78-79.
[68] Nora Barakat, 'Marginal Actors? The Role of Bedouin in the Ottoman Administration of Animals as Property in the District of Salt, 1870-1912', *Journal of the Economic and Social History of the Orient* 58, no. 1–2 (10 April 2015): 105–34.

The false choice that forced the hands of natives and settlers alike was that of liberty or justice — property at the cost of freedom of movement. Settlement of muhajirs and sedentarisation of the ʻurbān became coeval processes, undermining the indigenous economic, social, and political formations among the settlers and the semi-nomadic tribes of Turkmen, Kurdish, or Arab provenance, comprising the two subject populations of the Ottoman settlement policy. Sedentarisation also allowed the introduction of rentier arrangements into the pastoralist tribes, wherein the head of the prominent Al-Fadl tribe could settle into bourgeois comfort as a Damascene landlord while their lay members had to argue for their right to graze the pastures of Quneitra against the Circassian Muhajirs.

When the Circassians of Quinetra betrayed the Ruwallah tribe in 1909, religion had long ceased to be a connective and civic force mediating between the settlers and the natives. It was again the state, with the force of arms and promises, which brokered the alliance and mediated conflicts among the two communities.

Druze and Cultures of Sectarianism

The Druze of Hauran settled between Mount Hermon and Jabal Druze, to the north and south of Circassian settlers, were the most prominent community that clashed with the muhajirs over land and usufruct rights.

The historiography of Druze-Circassian conflicts often implicated a state-mandated policy of divide and rule.[69] It is possible that the earlier Circassian settlers of Golan Heights were perceived or received as a means of ethnic displacement. However, the displacement and resettlement of populations for production and industry was neither novel nor a particularly imperial import. The Druze *mukataji* (tax farmers) of Mount Lebanon had themselves displaced the local Shi'a population with import labour, settling in their place Christian Maronites to work for a burgeoning silk industry south of Mount Lebanon.[70] Theirs was a settlement policy that laid the

[69] Chatty, *Displacement and Dispossession,* 114.
[70] Fawwāz Ṭarābulsī, *A History of Modern Lebanon*, 2nd ed (London : New York: Pluto Press ; 2012), 8.

groundwork for the demographic changes and corresponding class grievances that escalated into a civil war between the Druze *mukataji* and Maronite peasantry in 1860.

The Druze of Hauran were no stranger to the plight of refugees either. A number of Druze refugees had arrived from further north and settled among the Druze surrounding the Hauran plains following the 1860 Civil War in Mount Lebanon. Like the Circassian settlements in Quneitra, the Druze of Golan Heights welcomed generations of immigrants from further across the coastal provinces of Aleppo, Beirut, and the Mutasarrifat of Palestine. Firro writes about the 'centripetal migration' of Druze from Western Palestine toward the Hauran plains, extrapolating from the few private records of an Ottoman tax collector, the Mu'adi family, that most immigrants seemed to comprise the landless peasants (*al-falatiyya*), presumably as refugees of poverty.[71]

For the growing settlements in Golan Heights, of both settlers and natives, it was scarcity of provisions and property which bred inter-communal resentments and turf wars. The Caucasian muhajirs certainly competed with the Druze over the resources of Mount Hermon and the volcanic plains of Lajat further east, as the economics of pasture and usufruct rights engendered seasonal competition among the settlers, natives, and everyone in between. The centripetal forces of migration within each ethnic community only added friction, giving rise to conflicts between different families, tribes, and creeds. By the 1890s, a decade of ceaseless communal violence across the Ottoman Empire, there was already bad blood between the Druze, the Caucasians, and the 'urbān affiliates. Each community had taken lives from one another over brawls of hunger and greed, anger, and fear. There was not yet a war of all against all, but it seemed close.

First came the rumours that arms and ammunition were circulating in Greater Syria; then came the guns themselves.[72] Sectarian politics of arms and violence dictated that if *any* community got a hold of arms, then everybody must. The rumours that the Druze and the Muslims had gotten hold of arms began an arms race across Beirut, Hauran, and Mount Lebanon. The Ministry of Police and Gendarmerie (*Zabtiyye Nazareti)* warned the palace about the production of

[71] Kais Firro, *A History of the Druzes* (Leiden: Brill, 1992), 168.
[72] BOA. Y. EE. 104/13, 29 January 1888.

ammunition and small arms in Mount Lebanon, some of which could be circulating around Majdal Shams and Jabal Druze further south.[73]

In early 1895, the ever-growing community of Haurani Druze demanded further autonomy from the Ottoman Empire and took the lands and pastures belonging to their neighbours, both Christians and Muslims, by violent means. The violence predictably spread further west into Quneitra, as one of the main North Caucasian settlements of Mansoura was raided by a Druze militia, some 3,000-strong. They received reinforcements of arms and militias from the Mutessarifat of Mount Lebanon to the North and the District of Jabal Druze to the South, cornering and outnumbering the Circassian settlements and their Bedouin allies.

It was at a decisive moment in the summer of 1895 that the Ottoman government invested in the Circassians of Quneitra the power of arms and military expertise to counter the Druze. The Circassians, supported by a mix of Turkish, Kurdish, and Arab tribes of Syria, the artillery of the state, and the military expertise of the veteran Mirza Wasfi Pasha, a Circassian general, delivered a terrible defeat for the Druze.[74] Many chieftains and militias from among the Druze of Hauran fled for Mount Lebanon, in a tragic imitation of history. Some of the fugitives returned after reassurances from the Sublime Porte that they would not be harmed if they were willing to put their arms aside - a promise betrayed later by the arrest and exile of Shibli Al Atrash, a prominent Druze leader and diplomat who mediated between the Ottoman Government and the insurrectionists, along with the arrest of 300 Druze fighters.[75] The Ottoman government moreover declared that reparations would be paid by the Druze of 128,000 piastres to be distributed to the injured Circassians in three instalments.[76] A second promise that was broken concerned the disarmament of the warring parties, as despite reassurances, the Sublime Porte did not disarm the Circassian and Bedouin deployed against the Druze.

The battles ended in a defeat for the Druze. However, the war continued in the realm of diplomacy and international law. In 1896, the Druze chieftains of Hauran contacted the consulate of France in Beirut, and petitioned the French Ambassador as well as Russian and British

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[73] BOA. I.MTZ.CL. 4/240, 4 April 1895.
[74] Hamed-Troyansky, 'Imperial Refuge', 260. On Mirza Wasfi Pasha, see also: Rogan, *Frontiers of the State,* 67-68.
[75] "Amal Mashkūr', *Thamarāt Al-Funūn*, 17 December 1895; BOA. Y.A. HUS. 345/83, 10 February 1896.
[76] 'Āstīfā' Garāmat', *Thamarāt Al-Funūn*, 7 May 1895.

authorities for the institution of a sectarian system of autonomous governance in Hauran analogous to that of Mount Lebanon.[77] The petition continued with the invocation of France's humanitarian duties toward the inhabitants of Lebanon and Syria - despite the fact that France had historically been the party who protected their rivals, the Maronites, through religious patronage.[78] The Druze further extended an active invitation of humanitarian intervention to institute sectarian governance, for it was only under international law that they envisioned the protection of their liberties and their property from the encroachments of Circassian settlers and Bedouin bandits. The Druze positioned themselves as the civilised victims of barbaric thieves, framing a battle over land and resources as that of a battle for civilisation, for which humanitarianism was the means to the end of ensuring their rightful autonomy.

The pleas of Druze chieftains garnered the sympathy of M. Souhart, the consul-general of Beirut, who insisted to the French Minister of Foreign Affairs, Gabriel Hanotaux, that the Druze had petitioned for the beneficence of the French Empire in the name of humanity.[79] However the petition of the Druze chieftains failed to move the Minister Hanotaux nor the Ambassador of France in Constantinople to act against the Ottoman Empire in any capacity. The Minister of Foreign Affairs explicitly advised the consul Souhart, newly arrived in the province of Beirut, to not listen to the Druze, these less than civilised, less than perfect victims of the Ottoman Empire. It is also likely that the French, Russian, and British observers, the latter of which were the traditional patrons of the Druze, did not act in favour of the Druze because their efforts and attention were directed elsewhere. As the Minister Hanotaux confided in Consul Souhart, many other nations in the Ottoman Empire regularly petitioned the French Empire for support in favour of their local autonomy.[80] The times were particularly volatile in the summer of 1896, as the Minister pointed out, for the past two years episodes of violence and pogroms had torn across the Armenian

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[77] Dispatch No : 75, Petition attached, 4 August 1896 in ʿĀdil Ismāʿīl, *Documents diplomatiques et consulaires relatifs à l'histoire du Liban : et des pays du Proche-Orient du XVII0 siècle à nos jours*, vol. 16 (Editions des œuvres politiques et historiques, 1975), 344-49.

[78] On the French presence in and affinity for the Maronite *millet*, see: Andrew Arsan, "There Is, in the Heart of Asia, … an Entirely French Population'; France, Mount Lebanon, and the Workings of Affective Empire in the Mediterranean, 1830-1920', in *French Mediterraneans: Transnational and Imperial Histories*, ed. Patricia M. E. Lorcin and Todd Shepard (Lincoln: University of Nebraska Press, 2016).

[79] Dispatch No : 74, 3 August 1896 in Ismāʿīl, *Documents diplomatiques et consulaires, vol.16,* 342-43.

[80] Dispatch No : 76, 12 August 1896 in Ismāʿīl, *Documents diplomatiques et consulaires, vol.16,* 349-50.

provinces of the Ottoman East.[81] This would be an apt comparison: Armenians of the Six-Provinces were barely armed, much less organised, and in dire need of help. The Druze of Hauran, in comparison, could very well take care of themselves.

The war was a humiliation for the comparatively better-organised Druze militias and an official endorsement for the Circassians. From thereon, the officialdom of the state, gendarme, and the military were wide open for the veteran fighters of 1895. The Circassian and Druze conflict was effectively institutionalised by the state and the military, a schism that endured beyond the dissolution of the Ottoman Empire and the formation of the French mandate.[82] Moreover, the circulation of an arms surplus across the Ottoman provinces irredeemably brutalised inter-communal relations along its most diverse frontiers in Balkans, Caucasus, and Syria.[83] Hitherto, communal identity had held no such a priori and self-evident power, yet the material structures in which it emerged —the international state system, the sovereign state, the religious orders, the notables — invested identity with the means of unprecedented material and symbolic violence. The laws and the arms of the Ottoman Empire helped confessional and ethnic identity acquire the discursive power to organise reality in its image, an image where the muhajir held a privileged place.[84]

2.1.3. Conclusion

The revisionist historiography of sectarianism locates the origins of inter-communal conflict over scarce and precious resources distributed unevenly according to political, rather than humanitarian motives. Hamed-Troyansky elaborates the arguments made by Gingeras and Terzibaşoğlu

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[81] Ottoman East refers to what used to be the East and South-East Anatolian provinces of the Ottoman Empire, which encompass what has historically been referred to as Western and Eastern Armenia, and Northern Kurdistan. For more on why the term is significant, see: Ali Sipahi, Dzovinar Derderian, and Yasar Tolga Cora, 'Introduction', in *The Ottoman East in the Nineteenth Century: Societies, Identities and Politics*, ed. Ali Sipahi, Dzovinar Derderian, and Yaşar Tolga Cora (Bloomsbury Publishing, 2016).

[82] Michael Provence, *The Last Ottoman Generation and the Making of the Modern Middle East*, 1st ed. (Cambridge University Press, 2017).

[83] Ramazan Hakkı Öztan, 'Tools of Revolution: Global Military Surplus, Arms Dealers and Smugglers in the Late Ottoman Balkans, 1878–1908*', *Past & Present* 237, no. 1 (1 November 2017): 167–95.

[84] Ibid.; Matthew Ghazarian, 'A Climate of Confessionalization: Famine and Difference in the Late Ottoman Empire', *International Journal of Middle East Studies* 54, no. 3 (August 2022): 484–504.

regarding the role that the settlers played in the ethnicisation of property conflicts, while modernising Ottoman administration of taxation and property rights.[85]

Further attention to the economic history of identitarian conflicts is warranted. Not only did the supposedly identitarian conflicts between Circassian settlers and Druze and Bedouin natives have structural and socio-economic causes, but intercommunal conflict almost always brewed alongside intra-communal class formation.[86] Within the chequered history of Ottoman borderlands, the reality was often that elite and propertied classes formed long-standing alliances, which consigned the betrayals by and alliances among the dispossessed to historical obscurity. This chapter was one such attempt to recover and reflect on the history of a band of Circassian youth and the curious history of a massive camel heist.

Even when we pay due attention to the discursive power of ethno-religious identity, historical evidence demands that one question the totalising narratives of ethnic and religious conflict. Sectarian and ethno-national narratives certainly have the power, once invested with material resources, to shape society and politics. Identity can and often is a causal force to be reckoned with. Nevertheless, it is precisely the unequal distribution of these material resources and power that weakens the imaginative chokehold of identity. Historical incidents of dispossession and criminality, which did involve cross-sectarian and cross-ethnic alliances, allow us a glimpse into how the dispossessed were (dis)affected by sectarian and ethno-centric fictions of loyalty.[87]

Settling people had more to do with extending jurisdiction within contiguous borders than with replacing native populations. The focus of Ottoman humanitarian policy was about an economic and legal infrastructure and the extension thereof. The tribal, stateless, and colonial subjects of competing Empires were contemporaneously assimilated into the legal framework for nationality acquisition and land ownership. Similarly, the Ottoman settlement policy and the application of Immigration Law in Syria was about the introduction of capitalist modernity. The

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[85] Ryan Gingeras, 'Notorious Subjects, Invisible Citizens: Circassian Resistance to the Turkish National Movement in Northwestern Anatolia, 1919-23', *International Journal of Middle East Studies* 40, no. 1 (2008): 89–108; Yücel Terzibaşoğlu, 'Landlords, Refugees, and Nomads: Struggles for Land around Late-Nineteenth-Century Ayvalik*1', *New Perspectives on Turkey* 24 (ed 2001): 51–82.

[86] Makdisi, *The Culture of Sectarianism.*

[87] On disaffection, structures of disloyalty and unfeeling; Xine Yao, *Disaffected: The Cultural Politics of Unfeeling in Nineteenth-Century America*, Perverse Modernities: A Series Edited by Jack Halberstam and Lisa Lowe (Durham, NC: Duke University Press, 2021).

muhajirs, who were woven into the social fabric of a multi-ethnic empire, shuffled the existing ethno-religious hierarchies in the process of capitalist transformation. Their privileged place in the institution of Ottoman agrarian capitalism positioned them as a bridgehead into indigenous, native communities in the Balkans and Greater Syria, hardening confessional, and ethnic boundaries.

2.2. The Unsettled

This chapter details the three escapes of Abu Shapsugh, an itinerant and 'unsettling' character among the early twentieth century Syrio-Circassians settlers.[1] His fictionalised biography was narrated to Elbruz Aksoy by Ihsan Chetaw, the grandson of one of Abu Shapsugh's most devout followers and brothers-in-arms.[2] Building on this semi-fictional narrative, I will eke out what is most resonant and more common about Abu Shapsugh's travails during the late 19th and early 20th century vis-a-vis the muhajir experience. The chapter will unfold in three sections, based on the three key themes in Abu Shapsugh's narrative: land, arms, and service. It will address the political economic factors and intra-communal exploitation which undermined the carceral ends of immigration settlements in Greater Syria, and the stories of those settlers who could not, or would not, be disciplined into a settled life.

Abu Shapsugh was 21 years old when he fled from home. He was the son of Circassian muhajirs, born in their second exile in a refugee settlement in Hama, Syria. He was also an orphan, a restless boy, living under the dicta of his uncle - his next of kin and the head of his household. He was one of many among the Circassian youth, these second-generation settlers, asphyxiated by the chokehold of the elders (*thamade*) and landowners who ran the settlements.[3] Circassian culture was known to be notoriously patriarchal. However, it is important to add that the economy of Ottoman agrarian settlements, based as they were around the institution of extended households, certainly did not help mitigate the traditional power of the elites and the elders in their inclusion into the Ottoman society.

His first escape led Abu Shapsugh further south from home, first toward Tripoli, where he got to see the sea from whence his parents came to Syria. He then crossed Mount Lebanon toward the Valley of Beqaa, where this lone Circassian boy had the misfortune of getting his horse stolen. It was only to be expected - Beqaa Valley was then a centre of smuggling and thievery, where goods and guns came and disappeared between Beirut and Damascus. Having left without his means of

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[1] Grant Farred, 'The Unsettler', *South Atlantic Quarterly* 107, no. 4 (1 October 2008): 791–808.
[2] Elbruz Aksoy, *Benim Adım 1864: Çerkes Hikayeleri*, 1. baskı, Bugünün Kitapları 228 (Fatih, İstanbul: İletişim Yayınları, 2018), 116-130.
[3] On Thamades as a social institution with penal and supervisory powers, see: Sunata, Hafızam Çerkesce, 122, 127-128, 149.

escape, or any means of self-defence, he took action. He bided his time, and at nightfall, he stole eight horses from a nearby village. The following day, he encountered a Druze merchant, from whom he bought guns in exchange for his stolen horses. Abu Shapsugh, this future smuggler and entrepreneur extraordinaire, had found his calling.

From the first moment Abu Shapsugh set his eyes on Damascus, he knew he had found his chosen home. That is also where he found his cherished patron and protector, Amir Jaimoukha, a Kabardin lord and ex-soldier, who found him clients among the mercantile elites living in Damascus. That is where he found a new family, when he rode a bit further into the suburbs until Majd al-Shams, where his mother's brothers had been settled. That is where he found himself an avid audience among both the Circassian elders and the disaffected, dispossessed youth. The younglings had nothing else to do and nowhere else to be but where Abu Shapsugh took them. He first conscripted seven youth among the Majd al-Shams settlers, and took them *al-Muhajirin*, the hills towering on the North-western suburb of Damascus. From then and there on, al-Muhajirin would be the centre of his delivery and smuggling enterprise.

One of his first and more influential clients had been a Bedouin Sheikh, called Qasim, leading a tribe whose pastures lay in the village of Otaiba in the Ghouta belt to the East of Damascus. The client not only had vast pastures to which they laid claim, but also a great mansion in Damascus, and a lucrative business in smuggling food and clothes between Haifa and Damascus, a job for which he needed to secure the delivery route against Druze and Circassian encroachment. This was a job for which Abu Shapsugh seemed bespoke. He had come to acquire this client through the mediation of Amir Jaimoukha, and once he established a reputation, many more clients followed suit. Within a decade, Abu Shapsugh ran the whole track between the port of Haifa, the Circassian settlements of Golan Heights, and the city of Damascus. He would recruit new youth into his services as he crossed through the Circassian settlements in Quneitra, one of whom was Chetaw Ismail of Mansoura. For Ismail, Abu Shapsugh was more than a boss. He was also a messianic figure, a protector, and a leader for Circassians hitherto insular and confined to their settlements.



Figure 11: A commercial camel caravan arriving in the port city of Haifa. Mount Carmel is visible in the background(1898-1946)(Source: Matson Photograph Collection, LoC: 2019712762).

The years following 1908 would prove a turning point for Abu Shapsugh and his coterie of thieves and smugglers. The Young Turk revolution of 1908 had toppled many a name in the officials and elite establishments, through the post-revolutionary climate of purges and political realignments in Damascus. A 1910 revolt led by the Tuqan al Atrash in Hauran undermined the cheap access to goods and services through the Haifa-to-Damascus commercial routes. Yet the harsher the political climate was, the more lucrative Abu Shapsugh's delivery business became. Having become intimately familiar with Circassian settlers and gendarmes stationed across the Druze territory, he was in a privileged position to take control of the commercial routes crossing the Golan Heights, and monopolise the smuggling services for food, clothes, and forbidden goods. The rising prices of his services ran him afoul of one of his first and best clients, Sheikh Qasim of Otaiba. In a bid to break the monopoly and the reputational credibility of Abu Shapsugh, Qasim engineered a raid and the killing of Abu Shapsugh's men in a field of orange trees in Sa'sa', Quneitra, by hiring Druze mercenaries. Having lost seven men to the raid, Abu Shapsugh, and his

patron, Amir Jaimoukha, would devise a revenge plan against Qasim, a feat that would see him dress up as Bedouin, and raid the gold reserves of Sheikh Qasim in Damascus, and kill a dozen Damascene men as a result. From then on, and for a few more years, Abu Shapsugh found himself in a self-imposed exile in Dayr Al-Zor. He had fled from Hama on his own will, but this time he was exiled from Damascus , his chosen home.

Chetaw Ismail followed Abu Shapsugh into his penultimate escape and would be one of the privileged few who would witness the remainder of his life and survive to tell the tale. Having fled to the east into the desert, the band of men would travel the route between Deir al-Zor and Raqqa, to stay with one of Amir Jaimoukha's brothers-in-arms from years back. The year was 1914, and the Great War had already broken out, when Abu Shapsugh landed a most dear client, the Sublime Porte itself. With an invitation by Cemal Pasha, a member of the ruling Triumvirate of the Committee of Union and Progress and the head of the Ottoman 4th Army, Abu Shapsugh 'made his pilgrimage' back to Damascus basking in the glory of Cemal Pasha's invitation.[4] He was received by Amir Jaimoukha and Cemal Pasha in secrecy, recounts Chetaw Ismail, in a communion to which he was not a party. Nevertheless, he followed Abu Shapsugh in all his future assignments and journeys, travelling between Damascus and Aleppo and Deir Al-Zor, assignments which included overseeing the Armenian deportations between 1915-1916.

The assignments came from *Teşkilat-i Mahsusa,* divines the grandson of Chetaw Ismail, a special organisation within the Ottoman Army which conscripted many Circassian muhajirs into its ranks, most notable among whom was the Circassian Eşref Kuşçubaşı, its founder. [5] Given the routes and travails of Abu Shapsugh and his men during the 1915-1916 and the intimation of their role in the massacres of Armenian deportees, it is likely that he was part of a chain of command that did begin with *Teşkilat-i Mahsusa,* , if not Cemal Pasha himself. Abu Shapsugh and his band of Circassian youth now exceeded 200 men, comprising a small army of fugitives and criminals.

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[4] Abu Shapsugh was not alone in making this journey. Cemal Pasha had built his own autocracy over Syria as separate from his role in the CUP triumvirate, where Arab notables from all around Beirut and Jerusalem had to make the trip to Damascus to be in his good graces. Cyrus Schayegh, *Ortadoğu ve modern dünyanın inşası*, trans. Gül Atmaca (İstanbul: İletişim Yayıncılık, 2021), 138-139.

[5] For Eşref Kuşcubaşı's biography, see: Benjamin C. Fortna, *The Circassian* (Oxford University Press, 2016). On Teşkilat-ı Mahsusa, see: Polat Safi, 'History in the Trench: The Ottoman Special Organization – Teşkilat-ı Mahsusa Literature', *Middle Eastern Studies* 48, no. 1 (1 January 2012): 89–106; Yücel Yiğit, 'The Teşkilat-ı Mahsusa and World War I', *Middle East Critique* 23, no. 2 (3 April 2014): 157–74.

They may have been one of many army irregulars and bandits who profited off the Armenian deportees by extorting money in exchange of protection; or they may have had a more direct role in the recorded instances of rape and murder in the route between Aleppo and Deir Al Zor. To my knowledge, his name or his reputation did not distinguish him among his contemporaneous band of Circassian irregulars in the existing archives and memoirs of the Armenian genocide.

Abu Shapsugh did rise again, with his back to the state, this time profiting off the machinations of war capitalism. Running a protection racket may have provided his band with a decent income, but by 1916 he would further draw power, influence, and money by investing in the single most important commodity in the times of war: supplying guns and ammunition to local governors and militias. He began to run the smuggling routes between Beirut and Damascus, the same track where he began to learn his craft. Again, though, he fell from grace. In 1918, he made the mistake of stealing from the ally, instead of the enemy. After his men conducted a raid on a German depot in Daraa, his diplomatic faux pas rendered him a *persona non grata* for his dearest clientele, the Ottoman government. This time around, he truly had nowhere to run, nor did he have a greater authority to seek refuge with. Abu Shapsugh went into his final exile knowing full well that the label he now carried with him, that of a *traitor*, signalled the end of his lucrative career, if not his life.

Time would soon prove him only half-right. The people who came to take his life did not care for whether he was a traitor, for they themselves had once been hunted down by Abu Shapsugh's men as traitors to the state. Several presumed members of Armenian Revolutionary Federation, the Dashnaktsutyun, pursued Abu Shapsugh a year into his final exile in Beirut, in 1919, where Abu Shapsugh and his closest associates were hard at work to squander the wealth they had amassed the past three years. The Dashnaks had arrived in Beirut ready with guns and ammunition, likely smuggled into their hands by the same routes which took Abu Shapsugh to his prime. They tracked him down into the dead of the night. Death found Abu Shapsugh and his men in a tavern in Beirut, at the hands of Armenian revanchists. Chetaw Ismail of Mansoura would be their sole survivor who would live long enough to tell the tale.

Abu Shapsugh's life is one that was lived along the fringes of society, perpetually living in the fugitive underground. His life was nevertheless shaped by the forces of historical change that would affect many of kin, his allies, and his enemies very much in the same vein. The stories of his

band of disaffected, dispossessed, and criminal youth, with no ties to the land, partook in the formation of larger estates and enclosures in the late Ottoman agrarian settlements. As a smuggler he effectively delivered services for one patron to another, serving the appetites of mercantile and war capitalism. His three escapes can be attributed to his failures to serve his patriarch - his uncle - , to serve capital - Sheikh Qasim - , and to serve the state - Cemal Pasha -. They comprise the three times he undermined the structures of labour and loyalty which kept the refugee settlers in check and in their place, both socially and physically.

The following three sections will discuss the themes of dispossession, of patronage, and of crime and service which figure prominently in the muhajir experience in Ottoman Syria. *Landless Settlers* will discuss the economies of rent, expropriation, and intra-communal conflict in the Hauran region, more specifically the Circassian settlements in Quneitra. *Armless Conscripts* will further discuss the economies of bribery, expropriation, and violence within the sectarian patronage system. *Homeless Servants* will give an overview of the kinds of service and labour arrangements to which indigent settlers were conscripted between the cities and the settlements.

2.2.1. Landless Settlers

The previous chapter discussed the legal and economic and causes of inter-communal conflict, and the sectarian and anti-indigenous expressions of the Ottoman immigration policy. This chapter will instead provide an overview of how land and aid scarcity, governmental corruption, and sectarian patronage each provoked *intra*-communal dispossession and conflict, with the district of Quneitra as my case study.

In the historiography of Ottoman Settlement Policy, and the settlement of Caucasian muhajirs, the role of intra-communal conflict is an under-researched but burgeoning topic of interest. Hamed Troyansky provides a detailed account of the short-lived settlement experiment in the Danube, and in doing so, he elaborates different factors which undermined the ends of imperial refuge in its early start.[6] He details the economic disparities engendered by the administration of the Immigration Law and how structures of caste and slavery played into the

[6] Hamed-Troyansky, 'Imperial Refuge', 54-112.

administrative pretexts of dispossession. He provides a counter narrative to the sectarian and ethno-nationalist accounts of the Russo-Ottoman wars of 1876-78, and the phenomenon of *bashibozouk* atrocities against Bulgarian seditionists by looking at the material forces that gave impetus to communal violence. It is important to show the socio-economic causes of intercommunal conflict. His counter narrative however demonstrates moments of incoherence and *intra*-communal conflict that show how the very notion of tribe, sect, ethnicity, etc... can easily fail as an explanatory framework for historical events.

Hamed-Troyansky further pays attention to class formation and intra-communal dynamics in ʻAmman and the role of mercantile and industrial capital in the formation of Caucasian settlements in Jordan. His is an exceedingly nuanced and dialectical history of Caucasian diaspora and how they integrated into Ottoman economic and social life. One question he leaves in the air, though, is how the formation of a mercantile and industrial class of settler capitalists co-existed with caste- and class-based expropriation in the agricultural settlements. The relations of class and caste are not elaborated further for the Syrian branch of the exile.[7] The question still begs asking, to what degree and in what form did intra-communal structures of exploitation and expropriation endured in their Syrian exile?

This is a difficult question to answer, primarily because of the administrative differences between the provinces of Danube and Syria in 1878. While the former had been administratively modernised and transformed very early on into the Tanẓimāt period, the Ottoman administration had no such hold over the interstices of Syrian ports and trading cities in 1878. Many coastal settlements in Syria, such as Jableh or Ghabisiyye, failed before there could even be a formal registration process.[8] Even in readily established muhajir settlements like Quneitra, ʻAmman and as-Salt, land registration was uneven and incomplete until the late 1890s. What we have then is a series of complaints and petitions, exemptions and court cases that intimate social conflict while leaving it to the historical imagination to estimate their scale. The next three sections will explore the sources of conflict and land disputes, which were corruption, rent, and accumulation of muhajir settlements over the course of four decades.

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[7] Ibid.
[8] Ibid., 507-09.

Corruption

The urgency of the 1878 refugee crisis eventually faded away, and each decade thereafter brought a new wave of Caucasian, Balkan, and North African muhajirs to settle the Golan Heights. State provisions and logistical support for the settlements remained less than functional, however, and often did not rise to its own ambitions. When a new wave of immigrants, who had settled *sans permit* in Damascus some four to five years ago by way of 'Caucasus, Anatolia, or Roumelia' were relocated to a less troublesome location, to a small hamlet of Quneitra, the gendarme involved in the transportation of refugees were graciously thanked, rewarded with a raise and honours.[9] This feat of logistics was not matched by any financial or administrative support as the housing aid, cattle, and grains that had been promised to the re-settlers were nowhere to be found six months into their umpteenth exile.[10]

One reason why humanitarian aid or welfare provisions on behalf of post-1878 refugees and settlers were often found lacking is widespread corruption. The disappearance of provisions as well as monetary support was reported throughout the 1880s and 1890s, yet the paper trails did not lead to any culprits.[11] The more profitable - and well documented - arrangements for governmental corruption, however, pertained to land deeds and tax farming, and not the one-off payments and aid coming from the central governments. Quneitra and the province of Hauran - which had been the 'breadbasket' of Greater Syria well into the 20th century - were suitable for regional and export-oriented agriculture, especially with the arrival and widespread settlement of muhajir farmers. [12] The export-oriented agriculture in grains suffered from the global recession in the 1870s, but the regional markets recovered by the 1880. Hauran was soon subject to speculation in and privatisation of land to the benefit of absentee landlords in Damascus and Beirut, local

[9] BOA. DH.MKT., 2458-50, 7 March 1901.
[10] BOA. DH.MKT., 24 June 1901.
[11] BOA. DH.MKT., 2306/42, 15 February 1900; BOA. DH.MKT., 2355/102, 6 June 1900; BOA. DH.MKT., 2488/128, 26 May 1901.
[12] M. Talha Çiçek, *War and State Formation in Syria: Cemal Pasha's Governorate During World War I, 1914-1917* (Routledge, 2014), 126.

notables, and extended muhajir households.[13] It is hard to say what favours and gifts were exchanged between landlords and Ottoman officers and governors, who oversaw the distribution of land and register of deeds. It is nonetheless clear just when and whom among the Ottoman officialdom joined in the scramble for Hauran.

A notable investor in Quneitra was Bedirhanzade Bedir Pasha, head of a Kurdish tribal family, who had served as both the governor of Quneitra and that of Hauran before reaching the highest echelons of the Ottoman officialdom, the Council of the State.[14] During his tenure in the 1880s, he began placing his family members in key positions in the treasury and tax registry, before he registered under his name the entire village of al-Harra, comprising majority Muslim and Arab peasants as a legally sanctioned tax farmer (*multezim).* The chain of nepotism spread around the other villages of Hauran, before complaints began firing into Damascus, the capital of the province. Complaining of oppression and infractions against the rights of Arab peasants (*ẓulm ve ta'diyat*), mainly the right of communal usufruct of pasture grounds, the petitions succeeded to procure an order that the Bedirhani family members no longer be eligible for positions in the administration of property.[15]

In the instance of Al Harra the damage had already been done. Bedri Pasha's first bid as a tax farmer did not prove as lucrative as it should have been. After the foundation of the Public Debt Administration in 1881, tax farmers were under increasing pressure from the government scrambling to pay off the foreign debt.[16] These circumstances forced Bedri Pasha to sell half his deeds to a Beiruti investor, Selim Frayj. Frayj seems to be a decent enough landlord, as there were no complaints of corruption, oppression, or infringements under his tenure. That is, until February 1905, when the people of al Harra sent a series of petitions to the Ministry of Interior with the mediation of their heads of village (*muḫtar*). The steward and guards of Bedri Pasha's

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[13] Hamed-Troyansky, 'Imperial Refuge', 152.
[14] Barbara Henning, *Narratives of the History of the Ottoman-Kurdish Bedirhani Family in Imperial and Post-Imperial Contexts: Continuities and Changes* (University of Bamberg Press, 2018); 187-188.
[15] BOA. DH.MKT., 1689/32, 13 January 1890.
[16] Nora Barakat, 'Underwriting the Empire: Nizamiye Courts, Tax Farming and the Public Debt Administration in Ottoman Syria', *Islamic Law and Society* 26, no. 4 (13 September 2019): 374–404. On the system of tax farming as an Ottoman response to the demands of modern finance, see: Nadir Özbek, 'Tax Farming in the Nineteenth-Century Ottoman Empire: Institutional Backwardness or the Emergence of Modern Public Finance?', *The Journal of Interdisciplinary History* 49, no. 2 (1 August 2018): 219–45.

estates were threatening the villagers, limiting their access to water and to land under threat of higher taxes. Moreover, Selim Frayj had decided to sell his share of the village to a French subject, Alfred Galavani, further driving the villagers out of their own homes and rendering them trespassers upon lands they had cultivated since time immemorial (*ḳadim zamāndan beri…mālik ve muteṣarrıf olduğumuz…).*[17] The villagers decided to get to the root of the matter. It was Bedri Pasha who had usurped their land, and then sold it off to the absentee landlords of Beirut and now, France. It was Bedri Pasha who had kept them indebted by demanding exorbitant amounts of their harvest.[18] It was Bedri Pasha who was to blame, and who needed to give them their lands back.

The villagers were indeed ignorant of the work of law, particularly of the Ottoman Land Code of 1858. Bedirhanzade Bedri Pasha had made sure that the lands of Hauran were officially registered and the land code was meticulously applied during and after his tenure. He produced the title deeds in accordance with the law of 1858 and discounting the peasantry's historical rights of usufruct upon Al Harra, had made himself the sole and exclusive owner of this village. The peasants, who had for generations lived and worked the lands of Al Harra did garner the sympathy of the officers of the state. The illiterate peasants were also righteous in their observation. Justice and the law did not align, for the injustice (*ẓulm*) they had been served by the hands of Bedri Pasha was entirely lawful.

Rent

The expanding rentier system actively disenfranchised the native fellahin as well as incoming settlers. One of the most illustrious landlords in Hauran was Emir Abdülkadirzade Ali Pasha, an Ottoman-Algerian, who came from the lineage of Algerian anti-colonial leader 'Abd al-Qadir Al Jezairi. By virtue of his lineage, he had the titles to land both in Hauran and Tiberias on both sides of the lake of Galilee. The complaints against Ali Pasha began in August 1898, as he began contemplating selling off his lands in Tiberias, to the French Baron Edmund de Rothschild.[19]

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[17] BOA. BEO., 2516-188629, p.4, 7 February 1905.
[18] Bedri allegedly demanded as high as 1/5th of the harvest. Legally speaking, he was not entitled to anything more than 1/12th.
[19] BOA. BEO., 1171/87818, 6 August 1898.

Rothschild had been a notable investor in lands north and south of Galilee, where he had settled Romanian and Russian Ashkenazim who were members of the first *Aaaliyah*. Rothschild's settlements in the coast of South Beirut were not favourable to agriculture, per se, as the only export-oriented production in the coastal settlements of Haifa had been in viticulture, producing wines with an earthy aftertaste - an acquired taste by any measure. Rothschild wanted to expand into the agriculture belt further west, whereon stood the agricultural settlements of Algerian muhajirs in Tiberias and across the Sea of Galilee, the Golan Heights.



Figure 12: View of Lake Tiberias from Safad, a prime location for Algerian settlers and agricultural colonies(1940-1946). (Source: Matson Photograph Collection, LoC: 2019704694.)

Algerian muhajirs had in 1870s abandoned their properties and lands in colonial Algeria and sought asylum in this land of justice (*emlāk ve arāżimizi terk ile diyār-i ma'delet-i 'Osmāniyyeye iltică' etmiş idik*).[20] They had indeed come to the Ottoman Empire to be the

[20] BOA. HR.TO., 597/57, p.1, line 4, 22 September 1912.

beneficiaries of Ottoman justice, where, as muhajirs, they would be eligible to own land on which to settle and to cultivate. In truth, the Algerian settlers were settled upon land which officially belonged to Sheikh ʻAbd al-Qadir, with whom the Algerian settlers had a relationship of spiritual and political patronage. Unbeknownst to the Algerian settlers, this was also a *rentier* relationship which would leave them in crushing debt upon ʻAbd al-Qadir's death in 1883. Under ʻAbd al-Qadir the settlers had willingly surrendered their share of the harvest to ʻAbd al-Qadir's stewards to be delivered to the state treasury on their behalf. To the Algerian settlers ʻAbd al-Qadir had simply been an intermediary. His successors, namely Emir Ali Pasha, saw himself as a landlord, instead, for whom his share of the rent was simply overdue.

By 1898, Jewish settlers and Algerian muhajirs were very much in the same economic position, under the patronage of Baron Rothschild and Emir Ali, respectively. Neither owned the lands on which they toiled. They held a different level of political leverage over their respective patrons, though, as Baron Rothschild was politically and ideologically invested in the expansion of Jewish settlements to the benefit of the first Aaliyah. Emir Ali had held no ideological attachments to the Ottoman settler enterprise beyond the capitalist incentives of extraction and rent. It was only with active state intervention by the Ottoman government that Emir Ali was legally barred from selling his lands to the Zionist enterprise.

Emir Ali was not a reluctant landlord. He made up for the profit he lost in other ways; he eventually increased the taxes collected from his settlements to one-fifth of the harvest in contravention of the law (*...yaḥṣulu minna al-khamis...fawq al-qānūn min dūn ḥaqq*), procuring his due with the force of hired soldiers (*al-ʿaskar...iʿdā ʿan al-tahdīd wa-l-ḍarb...yaḥṣulu...*)[21] He went on to buy and enclose the pastures of local Bedouin tribes in Quneitra. By 1912, settlers, peasants, and Bedouins from twelve different villages across the two sides of the sea of Galilee fired petitions against him in a bid to reclaim their lands, their taxes, and usufruct rights. The four muhajir settlements in Tiberias revolted against him. In order so that the Emir Ali and his men may stop usurping their gains and their lands, the Algerian villagers petitioned the Ottoman government. They declared that they had the receipts for what they owed to the state and to Emir

[21] BOA.DH.H., 35-32, p. 5, 10 August 1911.

Ali, and that they wanted the Ottoman Empire to ensure compliance with the due procedure for deeds and deposits, in the name of law and justice. Justice and the law remained askew however, for in less a couple of months, Emir Ali had cleared his hands off this conflict. In January 1913, Emir Ali auctioned off his lands in Tiberias to a French investor by the name of Henri Frank, this time with the Ottoman Empire's blessing.[22] The Algerian settlers of Tiberias were once again the French Empire's problem.

There were settler landlords as well as landless settlers living in an extractive system of rent and/or tax farming. The Haurani economy of export-oriented and regional agriculture did not have much regard for ethnic loyalties and allegiances. Indeed, as evidenced by the land disputes between Emir Ali and Algerian settlers, intra-communal conflict could prove to be particularly ruthless. The patriarchs and landlords of agrarian estates could be both natives and settlers, serving the interests of capital to the detriment of small farmers, peasants, and pastoralist communities of Hauran. This process of ad hoc registration and privatisation of land in Syria and Palestine initiated by foreign, muhajir, or local landlords, effectively dispossessed and disenfranchised the peasants working the soil by legitimating the violation of their traditional rights. Both within and outside the muhajir settlement, rapacious conduct of absentee landlords was rewarded by the provincial governments, as 'de facto land privatisation became de jure privatisation.'[23]

Centripetal Migration

One of the sources of intra-communal conflict and expropriation in Hauran is the cumulation of post-1878 muhajir settlements. The ongoing and chain-migration from the Caucasus toward Greater Syria, the centripetal migration of smaller, coastal settlements toward larger, older towns inhabited by Circassian pioneers sustained an ongoing tension between hosts and newcomers. Moreover, the continuing arrival of muhajirs from the Caucasus made it harder to fulfil the promise of the Immigration Law. This was not a new problem: since the 1860s, the West

[22] BOA. DH.ID., 155/5, 12 January 1913.
[23] Nadav Solomonovich and Ruth Kark, 'Land Privatization in Nineteenth-Century Ottoman Palestine', *Islamic Law and Society* 22, no. 3 (2015): 221–52.

Caucasian refugees had arrived in the Danube without due process or passports. Fleeing from state violence, their arrival and ad hoc registration as settlers was a chaotic affair, one which treated better the more privileged strata of the settler community. The ad hoc application of immigration law, and the illicit nature of ongoing migrations, added to the vulnerability of incoming immigrants vis-a-vis their predecessors. Still, until the end of the Hamidian period thousands of settlers arrived as *musafirin* (ar. and tr. guests and/or travellers) without official status or entry permits, which had to be acquired ad hoc after arrival with no time for identity checks, criminal records, and due process.[24]

The muhajirs who left their previous place of settlement were also called *musafir*, who, unless granted an ad hoc passport, would by default be subject to the Nationality Code Article 3, as foreigners whose naturalisation as Ottoman subjects would come pending five years of continuous residence.[25] Such differences in jurisdiction could easily create an extractive relationship between first- and late-comers. The allocation of property favoured still the notables, but also the lucky, as the failing settlements kept feeding into more successful ones, with their survivors often arriving as illicit musafirs, rather than legal muhajirs, with no right to own property, but to rent or steal it from those who arrived first.[26] In Quneitra, one of the better organised settlements, some arrivals from coastal settlements as well as those arriving from Asia Minor would be registered and distributed land as muhajirs a couple of years into this *rentier* arrangement, but only once the local administration admitted that they had no provisions for repatriating them (*i'ādeleri mūcib-i muşkilāt olacağı*).[27] Moreover, latecomers often received a much smaller allotment of land than that which was promised by the Ottoman government. In a Transjordanian settlement, al Rusayfa, the differences in the allotment of land per household could be as large as 110 dunum, between the 130 dunum for first arrivals, and the 19.4 dunum for the latecomers.[28]

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[24] The term misafir/musafir has had a curious revival with the Syrian refugee crisis of 2011. The notion of hospitality and reciprocity intimated by the term misafir/musafir were interpreted differently by both local and governmental actors. For an excellent ethnographic account of the politics of hospitality in Hatay, see: Dağtaş, 'Whose Misafirs?'
[25] BOA. DH. MKT., 1348-16, p.1, Orders to the Province of Syria, 16 September 1885.
[26] BOA. BEO., 301-22562. 29 October 1893, p.3, Petition by Yusuf, on behalf of the settlers in Quneitra.
[27] BOA. DH. MKT., 1471-89, p.1, line 3, Dispatch to the Immigration Commission, 25 December 1887.
[28] Hamed-Troyansky, 'Imperial Refuge', 170.

The formation of larger agrarian estates and the formal and permanent settlement of muhajirs were two processes that often ran counter to one another. Class and caste structures set the limits on who among the muhajirs could aspire to the status of absentee landlords, whose rights and settlements were inviolable and permanent. In the absence of prior capital or humanitarian aid, some Caucasian and Balkan refugees became travelling settlers, testing out the land and the soil of Greater Syria on behalf of the Immigration Commission, while having to relocate and resettle with every generation.

A group of Circassian muhajirs in Wadi al-Ajam, just south of Damascus, were thrice newcomers, who had to abandon their second settlement al-Buraq in 1888 for Quneitra, as the soil was hostile and hard to cultivate.[29] The Immigration Commission had to relay this case to the Council of the State, which formally discussed and approved of this resettlement in the abandoned estates of Quneitra (*arāżi-i maḥlūl*) and found a new settlement called Shawkatliyah. That same year, in a minor exchange of populations, 61 households of nomadic settlers of Afshar and Turkmen provenance were relocated from Quneitra to al Buraq instead.

The Turkmen settlers, like the Bedouin, comprised nomadic tribes who were part of the government's forced sedentarisation policy. They too were twice-newcomers to their settlements in al-Buraq. They had begun their journey in Asia Minor in 1875, where their huts and tents were confiscated and burned by the government, and from where they were forcibly relocated to Syria.[30] In 1888, they petitioned the government to resettle them somewhere away from Quneitra, as they could not get along with the fifteen families of Circassian muhajirs who were settled there in the village of Hamidieh (*'adem-i imtizāc*).[31] When they arrived in al-Buraq, however, they were disappointed to find out that the hardness of soil had not deterred or driven out every Circassian out of al-Buraq. There was one Circassian prince, a muhajir called Hadj Hikmet, who ran his estates in al-Buraq from Damascus as an absentee landlord.

It is understandable why Hadj Hikmet succeeded where the Circassian refugees failed in cultivating the lands of Wadi Al Ajam; as a Circassian prince he likely had prior capital and an

[29] BOA. İ. ŞD., 93-5555, p.3, Dispatch from the Grand Vizierate to the Council of the State, 12 November 1888.
[30] BOA. Y.A.HUS., 402-25, p.21, Petition by the Turkmen and Afshar muhajirs, 5 November 1898.
[31] BOA. BEO., 652-488449, p. 1, Petition by Ali bin Mehmed, representative of muhajirs, 6 July 1895.

extended household, thus acquiring a larger estate. It is likely that he also took the land that was better suited for agriculture from the Immigration Commission. His official allocation had grown from 130 dunum to 200 in the span of a decade, nearly three times the promised size to an average Circassian household.[32] Nonetheless, he wanted more. As the most formidable landlord in al-Buraq, he extended his claim to the entirety of the village, the 26.000 dunums of it all (*bi-l-tecāvüz ṣāḥib olmak teşebbüsünde olduğu...).* Chances are, it was Hadj Hikmet who had ran the previous Circassian settlers in al-Buraq out of the district, for that is exactly what he did to the Turkmen and Afshar settlers in the decade they spent trying to cultivate the lands of al-Buraq. Finally fed up with the rapacious behaviour of Hadj Hikmet, the settlers petitioned the Sublime Porte again, to be relocated back to Quneitra from whence they came, and if possible, find them 'a piece of land with no Circassians to be found upon it'(*Çerkes bulunmayan bir maḥalde iskānları istid'ā'sına ḥāvi*).[33] Their request was denied, however, as they were forced into an uneasy coexistence with this absentee landlord who did not cease to infringe upon their settlements and who conceived of himself as the rightful owner of the village in its entirety.[34] The land disputes between Hadj Hikmet and the Turkmen settlers continued for another four years, during which Hadj Hikmet expanded his real estate enterprise in the city of Damascus, as well as the settlements of Wadi Al-Ajam.

Some Circassians themselves shared the same sentiment with the Turkmen settlers, for they too were frustrated by the inequality and injustice that they faced within their own community. The chokehold of landlords and elders upon their households and estates drew successive generations of Circassian settlers away from the ethnically insular settlements and into the orbit of cities and of crime. Like Abu Shapsugh and his follower, Chetaw Ismail of Mansoura, the younger generations of landless settlers, disaffected youth, and fugitive servants and slaves fled the agrarian settlements for the possibility of a different life. The following two sections will try to reconstruct the narratives of cities and of crime that most resonate with the tales of Abu Shapsugh and will shed further light into the muhajir experience in post-1878 Syria.

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[32] BOA. Y.A.HUS., 402-25, Dispatch by the Grand Vizier, 14 December 1899.
[33] BOA. BEO., 652-488449, p. 1, Petition by Ali bin Mehmed, representative of *muhajirs*, 6 July 1895.
[34] BOA. ML. EEM., 338-85, Dispatch by the Grand Vizier to the Ministry of Finance, 18 April 1900.

2.2.2. Armless Conscripts

The expropriation of property and extraction of rent conjured a familiar regime of patronage and political corruption in Quneitra. The local officialdom of Quneitra was historically complicit in allowing for the usurpation and violation of individual and communal property rights. The aforementioned gifts of money and welfare provisions disappearing with no paper trail was alone a testament to long-standing culture of corruption dating back to the tenure of Bedri Pasha, but a moment of public reckoning came at the tail end of Hamidian autocracy and the beginning of the 1908 revolution.

The scandal came about by the grace of obstinate Circassian settlers who came together against the governor of Quneitra and his 'coterie of oppressors harmful to the subjects of God Almighty and to the Exalted State' (*Al-ẓālimīn al-maḍriyyin l'ībāli Allāhu t'eāli wa-l-dawla al-'alīyya*).[35] The settlers begin their petition to the Sultan by invoking the circle of justice, supplicating the Sultan as the shepherd of his flock, who is responsible for the wellbeing of his subjects (*kullu rā'i mes'ūlun 'an ra'īyatihi*), and who should not abandon them to the mercy of an oppressor (*lā tarkatū ila al-dhīni ẓulmū*). For the past year, starting with a secretive telegraph on behalf of Hadj Othman in 3 August 1907, the settlers had sent thirty or so petitions to the Sublime Porte, complaining about the governor Mohammed Jalaleddin, the chief jurist Ali Riza Effendi, The Commissioner Selim Effendi and the Colonel Caghfer Effendi, all to no avail, for their complaints kept falling on deaf ears.[36] According to the Circassian settlers of Quneitra, bribes and tithes (*al-ārtakābāt wā'l-a'shār*), and rifles and ammunition (*al-maraitin al-maḥnū'at wa-l-fishek al-maḥnū'at*), disappeared into the hands of high officials in this town of Quneitra. They had complained and complained again, because the previous prosecutors sent by the provincial capital had proved unreliable, eating and drinking and cohorting with the defendants day and night. The settlers were certain that, illiterate as they were, their testimonies and complaints must have been misrepresented by the prosecutors. Among those who testified were: Hadj Ismail Effendi the

[35] BOA. DH. TMİK. M., 270/65, p. 4, 5 October 1907.
[36] The first notice of the case against Mohammed Jalaleddin is here: BOA. DH. ŞFR. 385/72, 3 August 1907. The more substantial petition written by the Quneitran Circassians arrived later, on 5 October 1907.

Mukhtar of the village of Hamidieh, who stood witness that the governor took hold of 61 British rifles from his own home (Martini-Henrys); Hadj Othman who witnessed 52 rifles be delivered to the district court; Hadj Hassan who witnessed the delivery of 46 and 1 rifles into the hands of Sergeant Yavuz, on behalf of the governor, along with the ammunition.

The settlers had no one to complain to, and nowhere to go, for the governor Mohammed Jalaleddin corrupted every prosecutor sent their way. According to the chief and final prosecutor Ali, among his many misdeeds and his tyranny was that he had dominated the courts of the sharīʿa and courts of justice (*min jumlati afʿālehi wa istibdādihi tasalluṭu ʿala-l-muḥakamat al-sharʿīa wa-l-ʿadalīyya*), likely with the active collaboration of the chief Islamic jurist of Quneitra, Ali Riza Effendi.[37]

The Chief prosecutor Ali al-Kurani, who is the last and most important prosecutor assigned to this case, leaves no doubt, in his own petition to the Sublime Porte, that Mohammed Jalaleddin and his officers were corrupt to the core. It was under Jalaleddin's tenure that 'looting, theft, killings, injuries, clan disputes and gossip had run rampant', and 'not before'(*nahab al-ʾamwāl wa-l-sirqāt wa-l-qatilā wa-l-ʾajrūḥ wa munāzʿāt al-ʿashāʾīr wa qīlhum ʿala bʿaḍhum wa salabat rāḥa al-ahālī*). Jalaleddin and his officers took bribes and they usurped the tithes taken from the settlers. They hoarded guns and ammunition, a fact that they hid from the central government. They obstructed the path of justice, and moreover, refused to pay the Chief Prosecutor Ali his salary for four months. Besides the condemnation of the actions of Mohammed Jalaleddin, however, what I would like to glean from these two petitions - one by the Circassian settlers, the other by the Chief Prosecutor Ali - is the nature of state-society relations in a muhajir settlement, the economies of bribery and corruption, of arms and ammunition, and state and sectarian patronage.

Despite Ali al Kurani's claims to the contrary, we know there had been corruption among the state officers of Quneitra long before the arrival of Mohammed Jalaleddin into the district in 1907. Moreover, longer serving members of the District Council (*Meclis-i İdare-i Ḳażā'*) were much more likely to be the culprits rather than accomplices of a culture of corruption in

[37] For the petition by the Chief Prosecutor, see: BOA. DH. MKT., 1217/62, p.1, Undated.

Quneitra.[38] The Islamic Jurist Ali Rıza Efendi, who the petitioners targeted along with Mohammed Jalaleddin, had continuously occupied the position of a *Mufti* since at least 1891 and had a prominent place in the District Council.[39] We know from the previous section that in Quneitra, collusion between officers and landlords had been the norm, rather than the exception. Petitions from dispossessed settlers and land disputes with the 'urbān had accompanied land acquisition and usurpation by landholding elites of both muhajir and local provenance, along with the state officers themselves taking their stake in the land. This time, however, the petitions had not been written by the indigents and dependents but by landowners themselves. The petitioners were most certainly a notable cast of landed Circassians (*'āshrāf-i jerākise*), and witnesses amongst them included a village *Mukhtar* and several Hajjis, presumably Circassian elders.

What was it that Mohammed Jalaleddin did, which rattled the middling echelons of Circassian settlers in Quneitra? The charges of corruption and tax usurpation alone would have sufficed to indict and sack the governor of Quneitra. However, in the layout of the petition by Circassian notables, taxes and bribery are merely background information. The true focus of complaints and witness accounts were the rifles, Martinis, which Mohammed Jalaleddin had hoarded and kept to himself, giving up merely two or three rifles to the first district prosecutor who came to investigate the matter. But why did the Circassian notables in a far-off settlement have a hold of such a large number of rifles to begin with?

Martini rifles were an Ottoman reproduction of Martini-Henrys, a single-shot rifle invented by the British in 1871, and which entered into wider circulation within the Ottoman Empire during the 1877-78 war with Russia in the Balkans.[40] It is possible that some Circassian settlers had acquired the Martini rifles in 1877-78 as they were volunteering as army irregulars during the war with Russia, and took the rifles with them as they arrived in the ports of Greater Syria. Indeed, many army irregulars at the time of the Russo-Ottoman Wars of 1877-78, all

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[38] The place of local administrative councils in 'settling or unsettling' land disputes is paramount, as members of the council were often landowners and landlords themselves, operating within an extractive incentive structure: Özkan Akpınar, 'Making Property of a Marsh: Environment, Property, and Politics in Nineteenth-Century Ottoman Ioannina', *Middle Eastern Studies* 58, no. 4 (2022): 487–503.

[39] Salname-i Vilayet-i Suriye, (Suriye : Suriye vilâyet matbaası,1893[1311]).

[40] Abdullah Bayindir, 'Hanry Martiny Rifles in The Army of The Ottoman Empire', *Journal of History and Future* 8 (30 September 2022): 859–85; Serdal Soyluer, 'Tüfekhane-i Âmire'yi Mamur Kılmak: Osmanlı Tüfek İmalatında Avrupalı Uzmanların Rolü', *Osmanlı Araştırmaları*, 10 September 2018, 267–309.

Muslims, took the rifles home with them, a fact which would later contribute to the confessionalisation of armed conflict across the Ottoman East in 1890s.[41]

The widespread ownership of Martini rifles as late as 1909 was not likely due to a war which happened 30 years previously. The large-scale conscription of Circassian men during the 1895 Druze insurrection is much more likely to be the event that precipitated the widespread armament of the Circassian settlers of Quneitra. In 1895 the Ottoman forces led by Mirza Wasfi Pasha had defeated the Druze of Hauran and had overseen the disarmament of the Druze insurgents. To the chagrin of Druze insurgents, the other parties to the conflict were treated differently, as they were allowed to retain their arms and ammunition. The arms remained where they were, predominantly with the Circassian settlers, who were now under the sectarian patronage of the state as a bridgehead against the Druze of Hauran. From the purview of the provincial officers and the gendarme, it made sense that the Circassians retained their arms, as they could again be easily conscripted into the gendarme and the army, should the need ever arise.

When Mohammed Jalaleddin took away the arms of Circassian, he was breaching a symbolic - and sectarian - pact between the state and the settlers. Maybe the settlers took affront that an officer of the state took away their arms despite their proven loyalty to the Sultan. Maybe they thought it was an attack on their reputation, a revocation of their status as a bridgehead against the Druze of Hauran. The increase in traffic in arms around the region could have put the Circassian settlers on the defence, as a band of Druze from Quneitra had as recently as the previous year been busted with over 200 rifles and some 3000 ammunition, in a raid that had been organised by Mohammed Jalaleddin himself to widespread acclaim.[42] Maybe the Circassians were simply reacting against the possibility of further escalations of violence, one in which they could hardly fight back as armless conscripts.

There is another, more internal explanation for the gravitas of arms in Circassian culture. Arms were a symbol of freedom and of prestige, and a marker of caste identity. Arms ownership often served to differentiate between the free and unfree castes among the Circassian tribal affiliates - indeed, as one Circassian proverb puts it, 'arms make slaves.'(ad. Pshshil'ir

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[41] Ghazarian, 'A Climate of Confessionalization'.
[42] BOA. DH.MKT., 1167-72, p.1, From *Muhbir* Sadik to the Ministry of Foreign Affairs, 23 April 1907.

zighepshshil'irer 'ashe).[43] The Circassian slave owners had done their best to prevent their slaves from ever being conscripted by the Ottoman Empire in a bid to retain their authority over them, as another proverb claimed that the only thing a Circassian lord is scared of is a slave with arms in his hands (ad. Pshshil'ashem pshshir shsheshshte.)[44] Only an armless slave could be kept to their place in the caste hierarchy, for arms and conscription meant social and physical mobility, a privilege reserved for the free Circassians.[45] Yet what happens when the arms no longer delineate between the master and the slave, the landlord and the servant? What is it that upholds the order of things in the Circassian settlement, in the absence of arms?

There was one more complaint registered against Mohammed Jalaleddin, before he was forced to resign from his post by virtue of this scandal. Emir Hadj Suleyman and a number of Circassian princes of Quneitra contacted the Sheikhulislam Çelebizade Hüseyin Hüsnü Efendi, the head of religious affairs in the Ottoman Empire, to petition against Mohammed Jalaleddin and Ismail Fazıl Bey, the governors of Quneitra and Damascus, respectively.[46] The petition claimed that upon the 1908 revolution, Mohammed Jalaleddin had called for their slaves, telling them that from thereon they were free, and free to go wherever they wanted. He had let the slaves of Circassian princes run free and run away to Damascus, where they were being held away from their owners by the orders of Ismail Fazıl Bey. It is hard to estimate just how many slaves are in question in this petition. Maybe there were only four slaves for four slave owners who signed off on the petition - or maybe there were more. We will come back to this story of Hadj Suleyman and his slave(s) in the next chapter. What matters now, however, is that Mohammed Jalaleddin had evidently upturned the *social* order of things in Quneitra. For the local notables Jalaleddin's chief sins were not corruption or usurpation of taxes from the needy, but the fact that he took away the arms and slaves of Circassian landlords.

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[43] Mehmet Yasin Çelikkıran, *Çerkes atasözleri ve deyimleri* (İstanbul: Tümzamanlar yayıncılık, 1994), 194.
[44] Çelikkıran, *Çerkes atasözleri ve deyimleri*, 194. The decision to abstain from conscripting Circassian slaves was taken upon the insistence of Circassian slave-owners in Aziziye, Sivas, on 3 June 1889. The empire-wide policy of exception was only reversed on 15 August 1914, with the outbreak of World War I. See BOA. MV., 43-64, 3 June 1889 and BOA. BEO., 4305-322836, 15 August 1914.
[45] For some slaves, conscription in the Ottoman army was also one of the surest paths out of captivity, should they be able to escape their masters' scrutiny: Aksoy, *Beyaz Köleler*, 53.
[46] BOA. DH.MUİ., 7/24, p. 35-36, 18 March 1910, Petition on behalf of Hadj Suleyman and his fellow lords.

Mohammed Jalaleddin resigned soon after the corruption scandal, and his traces disappeared. The rifles did not find their way back to the Circassian landlords. It is a mystery to where the Martinis disappeared. How many of them ended up in the hands of smugglers and arms dealers? Was Abu Shapsugh one of them? Even if Abu Shapsugh did not get his hands on any of Quneitran arms, it is likely that he profited from it all the same. The black market in arms around Quneitra grew exponentially in the aftermath of the revolution of 1908 and with the insurrection of Tuqan al Atrash in 1910, just as Abu Shapsugh first rose to fame and infamy as a smuggler. The armless settlers of Quneitra likely increased the demand for and the prices of arms just as Abu Shapsugh increased the price of his services.

Within the economy of the agrarian settlements, arms construed relations of patronage and of domination. They were the physical proofs of just how much the Ottoman government was willing and able to share with its subjects its monopoly over violence. Circassian landlords, loyal and grateful as they were, were the privileged subjects who monopolised the symbolic and material economy of arms in Hauran during the Hamidian regime. However, with the fall of the Hamidian autocracy, their social order was turned upside down. Slaves were free to roam as they wished; arms were no longer under the hold of landed Circassian elites. This volte-face allowed for the rise of figures like Abu Shapsugh, whose itinerant lifestyle and mercantile appetite had proven him a worthy counterpoint to the rule of settled Circassian landlords. Abu Shapsugh was the exceptional proof that there were other ways to serve the state, to make oneself useful as a muhajir, without accepting the limits of a sedentary life and that of the agrarian settlement.

2.2.3. Homeless Servants

In the narratives of Abu Shapsugh, the city is often an aspiration. For disaffected youths and landless settlers such as him, cities of Greater Syria meant excitement, opportunities, and worldly experience. The city, be it Damascus or Beirut or Haifa, was imagined as a milieu of heroic purpose, a masculinist dream of fame and glory. The reality of Abu Shapsugh's urban escapades, however, along with the grim reality of the muhajir experience, belies his glorified accounts. For everything that he did, Abu Shapsugh was almost always drawn to serve higher powers - be it

merchants, militias, or the state. He was a glorified servant in the ranks of women and children, the disabled and the poor, living and travelling between the settlement and the city.

The urban history of the muhajir settlement is often confined to the history of 'Amman and their formative role in its growth as an extension of state power and infrastructure.[47] Their economic influence over industrial and mercantile capital is equally worthy of note, with Hamed Troyansky providing a detailed economic history of most foremost merchant families in the making of modern Jordan.[48] Comparatively, there is a relative lack of attention to the immigrant presence and experience in the already-established cities of Greater Syria, where as late as 1893, there were outstanding post-1878 refugees waiting to be settled. Some indigents were left behind in their ports of arrival because they had no head of household or next of kin with whom they could settle a piece of land in the agrarian settlements and found that the city favoured their survival. Some others actively fled their settlements and their households in favour of the city, for the city favoured freedom. Post-1878, the muhajirs were as much of a fixture of urban life as they were of Ottoman rural economy.[49]

In what would become the new coastal province of Beirut - which comprised nearly all ports of arrival in Syria, and very few of its agricultural settlements - , one tenth of every post-1878 refugee remained on a musafirin status with no communal settlement, and no property, to speak of in the first decade that they spent trying to rebuild their lives and their settlements.[50] Conversely, the more inland province of Syria, now separated from the province of Beirut by an administrative decree, there were almost none left to be settled. City-wide censuses and almanacks for Syria and Beirut also often subsumed the Balkan immigrants of Albanian or Bosnian provenance, Cretans, Algerians from North Africa, and Caucasian muhajirs under Sunni-Muslim headcount, intimating

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[47] Vladimir Hamed-Troyansky, 'Circassian Refugees and the Making of Amman, 1878–1914', *International Journal of Middle East Studies* 49, no. 4 (November 2017): 605–23; Eugene L. Rogan, *Frontiers of the State,* 70-94.
[48] Hamed-Troyansky, 'Imperial Refuge', 132-198.
[49] Ahmet Erdem Tozoğlu and Seda Nehir Gümüşlü Akgün, 'Settling down the Crisis: Planning and Implementation of the Immigrant Settlements in the Balkans during the Late Ottoman Period', *British Journal of Middle Eastern Studies* 48, no. 2 (15 March 2021): 215–40.
[50] Ahmet Zeki İzgöer et al., eds., *Osmanlı belgelerinde Kafkas göçleri. 1*, (İstanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2012), 499-501.

an increase in Sunni-identified migrants yet making it harder to trace their ethnic provenance.[51] International observers took notice of this demographic change, as well. The consul Campana of the French consulate in Beirut wrote a scathing report to the French Ministry of Foreign Affairs in 1907, on how the Christian world was losing Beirut, a Mediterranean bridgehead into the Ottoman Empire, to Muslim immigrants arriving from Syria and the Hauran.[52]

Below is an account of unsettled immigrants, often servants, reconstituted through a littering of court cases, petitions, and poor alms which indicate when and why destitute muhajirs could be found in the city as well as the agrarian settlement, working in households, on the streets, or in the brothels.

Since the beginning of the refugee settlement policy there was an institutional continuity between the humanitarian enterprise of settlement - *iskān*, and the welfare policies of employment and rehabilitation – *istiḫdām* and *iṣlāḥ*. The spectacle of a mass of itinerant *muhajir* women, children, and the disabled had appeared first in the port cities of the Black Sea littoral in 1864. In Kostence, a main port of entry in the Balkans, the office for the provincial branch of Immigration Commission was soon converted into housing for poor and refugee children, most of whom were later transferred to Rusçuk reformatory in 1866.[53] Comprising the two hands of modern Ottoman statecraft, welfare policies and humanitarian relief often went hand in hand.[54] They both generated similar effects in legitimating Ottoman authority and producing public order, in the name of justice and of humanity. The officers of the state thus had an obligation to protect and safekeep the

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[51] Leila Fawaz similarly notes but does not explain away the curious increase in the Sunni population of Beirut in *Merchants and Migrants in Nineteenth-Century Beirut*, Harvard Middle Eastern Studies 18 (Cambridge, Mass: Harvard University Press, 1983), 28-43.

[52] Dispatch No : 113, Beirut, 1 May 1907, printed in ʿĀdil Ismāʿīl, *Documents diplomatiques et consulaires relatifs à l'histoire du Liban : et des pays du Proche-Orient du XVII siècle à nos jours*, vol. 17 (Editions des œuvres politiques et historiques, 1975), 386-89.

[53] Bekir Koç, *Osmanlı Modernleşmesi ve Midhat Paşa : Tuna Vilayeti Meclisleri ve Yeniden Yapılanma Çabaları*, (İstanbul : Türkiye İş Bankası Kültür Yayınları, 2021), 223-225.

[54] Nazan Maksudyan, 'Orphans, Cities, and the State: Vocational Orphanages ('islahhanes') and Reform in the Late Ottoman Urban Space', *International Journal of Middle East Studies* 43, no. 3 (2011): 493-511; Nazan Maksudyan, 'Children as Transgressors in Urban Space: Delinquency, Public Order and Philanthrophy in the Ottoman Reform Era', in *Violences juvéniles sous expertise(s) / Expertise and Juvenile Violence : XIXe-XXIe siècles / 19th-21st Century*, ed. Aurore François, Veerle Massin, and David Niget, Histoire, justice, sociétés (Louvain-la-Neuve: Presses universitaires de Louvain, 2013); Nadir Özbek, 'The Politics of Poor Relief in the Late Ottoman Empire 1876-19141', *New Perspectives on Turkey* 21 (ed 1999): 1–33.

muhajir women and children, widows, and orphans, working and sleeping on the streets, and keep them from indulging in "the ugly act of begging' along with other 'disgraceful behaviour"[55]

As we discussed previously, humanitarian aid provisions to the settlements were scarce, as the provincial budget for humanitarian aid barely kept the settlers afloat as they began constructing the settlements. The muhajirs who either remained in or fled to the cities were often put on welfare provisions from the treasury of the local municipality as separate from the budget of the provincial Immigration Commission. In the city of Beirut, between the years 1888-1902, all but one *muhajir* who received poor alms from the local government were women and children, lacking a male head of household: such as Fatima bint Abdullah, eligible for a monthly salary of 25 gurush; Aisha bint Abdullah, 25 gurush; for the elderly Hanife and her granddaughter Behiye, 30 gurush; for the octogenarian Aisha bint Hussein and her sister Fatima, 30 gurush each; Zahra bint Qasim, eligible for 30 gurush; Emine Hatun, 30 gurush, Melike Hatun, 30 gurush, and so on... the Circassian Ali, the only man eligible for a salary from the municipal treasury, was a severely disabled *muhajir* lacking an arm and a foot, whose only job prospect was begging in the streets of Beirut.[56] It is also worth noting that this influx of muhajirs into the city of Beirut began in the year 1888, exactly a decade after the first construction of muhajir settlements. These poor and needy members of the muhajir communities likely began to immigrate into the cities once they were finally allowed to move outside the settlement.

The gendered distribution of poor alms had a lot to do with preventing women and children from engaging in 'disgraceful behaviours' and undesirable forms of work, such as sex work (*sū'-i ef'āl-i irtikāb* and *irtikāb-i fuḥş*).[57] It is a matter of speculation just how many muhajir women had to engage in sex work while settling the Ottoman Empire. We know that Muslim women were heavily discouraged from engaging in sex work and were immediately sent back to their household should they be found trading sex in the streets. We also know that Muhajir women who lacked a head of household, be it fathers or brothers, were more likely to engage in sex work in

[55] Ibid., 496.
[56] BOA. DH.MKT. 2580/118; DH.MKT. 2592/10; DH.MKT 351/27; DH.MKT. 628/34; DH.MKT. 2515/139; DH.MKT. 2025/49; DH.MKT.360/23; DH.MKT. 522/29.
[57] Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet: Siyaset, Iktidar ve Meşruiyet, 1876-1914* (Cağaloğlu, İstanbul: İletişim, 2002), 83-84.

the absence of a widespread provision of women's shelters.[58] In the immediate aftermath of the Russo-Ottoman war of 1877-78, and in the course of settling in Greater Syria, many muhajir women were widows and orphans, who lacked a head of household, or even a male relative, through whom they could find a home within the settlements. It is safe to say a certain number of them did engage in sex trade in the ports and cities of Greater Syria.

The reputational desirability of muhajir women, mostly comprising Caucasians, incited the demand for them in the empire's brothels as well as in the dynastic household, for the former as sex workers, and for the latter, as mothers and concubines. The perceived racial physiognomy of Caucasian women as pale and white made them a sought after commodity in the sex trade and slave trade; whereby the designation of a woman or a child as of Circassian or Georgian provenance could alter the price favourably.[59] Given the illicit context of sex trade, however, it would be impossible to verify whether the women in question were actually Circassians or Georgians, or whether this identification was a matter racial advertisement. The little information we have about publicly regulated sex work in Beirut - as opposed to clandestine, supposedly far more widespread sex trade - is from the year 1893, where around 200-225 women, foreigner and local, temporarily conducted their business in the 40 or so '*maisons de passe*' ran by Ottoman women. Boyer describes these women as 'Greeks, Muslims, Damascenes, Tripolitains and Alexandrites' - a great clue as to how many migrants were involved in the sex trade, but not very illuminating as to how many among them could have been muhajir women.[60]

Muhajir women, mostly Muslims, were actively disincentivised from engaging in sex work, and the young, abled bodied girls were encouraged to take up domestic work instead. However, sexual exploitation of young women and children remained common within the confines of

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[58] For the short-lived experiment of a singular exception, see: Gülhan Balsoy, 'The Solitary Female Refugees and the Widows' Asylum (Kırmızı Kışla) in Late Nineteenth-Century Istanbul', *Journal of the Ottoman and Turkish Studies Association* 6, no. 2 (2019): 73–90. Women's shelters aside, the influx of muhajirs in the aftermath of the Crimean War, for example, were foundational to the formation state-regulated brothels in Istanbul: Aslı Zengin, *İktidarın mahremiyeti: İstanbul'da hayat kadınları seks işçiliği ve şiddet*, (İstanbul: Metis, 2011); 22.

[59] Karamürsel, 'In the Age of Freedom', 113-114.

[60] Benoît Boyer, *Conditions Hygiéniques Actuelles de Beyrouth (Syrie) et de Ses Environs Immédiats* ((Lyon) : (Rey), 1897), 134-135.

domestic work.[61] Most of the women and children engaging in domestic work lacked - male - family members who would pursue the case on their behalf or provide a source of support. The Circassian girl called Fatima, working in an elite household in the city of Latakia was one of the few lucky ones, for she had two brothers who rose to the occasion to seek justice on her behalf.[62]

Mahmoud and Ibrahim did not have a house, the means, or the chance to take care of their sister Fatima. The three siblings were orphans, homeless, and trying to survive in the city of Latakia by any means necessary. While the brothers were old enough to find work on their own, they had had to give up their little sister Fatima as a foundling, *evlatlık*, to the newly arrived governor of Latakia, Mehmed Reşid Efendi in 1895.[63] They must have thought that it was great luck that they gave away their sister to an affluent household, an officer of the state no less. Mehmed Reşid, who was previously the governor of Draç in İşkodra, had only recently arrived in Latakia where he was to set up a new household, of which Fatima was now a member. Mehmed Reşid and Fatima's brothers had completely different ideas as to what kind of work would be expected from her, however. Fatima's brothers realised that they had effectively given away their sister as a concubine, when they learned that she had been raped and her virginity taken by Mehmed Reşid in their absence.

Mahmoud and Ibrahim decided to take away their sister, but Mehmet Reşid refused to give up this foundling child, a member of his household, his servant and according to him, his property. Desperate to get their sister back, the brothers then petitioned the governor of Beirut in June 1895 with the complaint that Mehmed Reşid had raped Fatima, and the request that their sister be released to them as soon as possible. The governor Reşid Pasha did face *some* consequences for his transgressions. He was reassigned and relocated as a governor to the Sandjak of Hama - where he would be responsible for many more burgeoning muhajir settlements - four months after an inquest was made to the truth of the charges against him.[64] We can hopefully presume that he was

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[61] Nazan Maksudyan, 'Foster-Daughter or Servant, Charity or Abuse: Beslemes in the Late Ottoman Empire*', *Journal of Historical Sociology* 21, no. 4 (1 December 2008): 488–512.
[62] BOA. DH. MKT., 386/20, 18 June 1895.
[63] As Fatima's case indicates, there was a continuity between practices of household slavery and informal adoption of children as foundlings. For a most decisive work on the institution of foundling and the legacies of household slavery in the governing of women's labour, see: Ferhunde Özbay, 'Fremde Töhter in Den Hausern: Cariyeler, Evlatlıklar, Gelinler', *Berliner Blatter*, 1 January 2007.
[64] BOA. İ. DH. 1327/13, 9 October 1895.

forced to let go of Fatima into the protection of her brothers, however unwillingly. We can say for certain, however, that if Fatima had not had brothers or any semblance of family, she would have been expected to serve Mehmet Reşid for the years to come. Assuming she had had the will to escape from captivity, she first would have had to choose between trading sex in the streets of Latakia and serving as a concubine in the household of Mehmet Reşid.

Orphans and foundlings similarly worked in the settler households of agrarian estates north and south of Beirut. It is hard to ascertain whether they were enslaved labour, or whether destitution and orphanhood had put them in dire circumstances. Nomenclature, as well as living relatives could indicate status and origin, but only to an extent. Ostentatious and Qur'anic names often singled out enslaved and orphaned children within the household.[65] An orphan by the name of Sultan was one such a servant in the French-funded Zionist settlement of Zikhron Yaakov in the summer of 1900. Zikhron Yaakov was a viticulture estate originally founded under Ottoman authority by Romanian Jewish muhajir from the Balkans in 1878. The needs of life had forced Sultan to serve in the house of Fischel Aaronsohn (*āl-ḍarūrah al-khayatī an akhadamu fī beyt Fīshel Aronzūn*), a prominent Jewish settler at Zikhron Yaakov and a notable family name in the Zionist establishment under the patronage of Baron Edmond de Rothschild and the protection of the French Empire. She was an orphan without a mother or a father, with no other indications of ethno-racial origin but her name, Sultan, a grandiose title often given to domestic servants of slave or slave-adjacent status.[66] As a girl of barely twelve years old she was not very fortunate. One of her masters' sons, named Zevi (*Ghaḍal*), had taken her virginity one night after forcefully entering her room (*azālu bakāratī*).[67] Upon the incident, Sultan had fled her place of service to seek out her

[65] Johann Büssow and Sarah Büssow, 'Domestic Workers and Slaves in Late Ottoman Palestine at the Moment of the Abolition of Slavery: Considerations on Semantics and Agency', in *Slaves and Slave Agency in the Ottoman Empire*, ed. Stephan Conermann and Gül Şen (Göttingen: Vandenhoeck & Ruprecht, 2020), 373–434.
[66] Ibid.
[67] *Ghaḍal,* Gazal or Gazelle is one of the synonymous names for Zevi in Hebrew, who likely indicates Zevi Aaronsohn, the brother of the notable agronomist Aaron Aaronsohn, and Sarah Aaronsohn, who founded the pro-British Zionist spy network *Nili* during World War I and was an active spy herself. Their little brother, Alexander Aaronsohn, was also political youth, founding the right-wing organisation Gid'onim to represent the aspirations of this second generation of settlers. For more, see Tammy M. Proctor, 'Family Ties in the Making of Modern Intelligence', *Journal of Social History* 39, no. 2 (2005): 451–66.

brother who lived and worked in Haifa, with whose help she sought justice for what had happened to her.

Upon the initiative of Sultan and her brother, the village *mukhtar* of Zammarin, a Youssef Ibrahim Efendi and a communal representative from the Jewish settlement, a Moshe Fixler (*Mūsa Feksler*) came together and agreed that Zevi should pay reparations for the removal of Sultan's virginity to a sum of 15 liras (roughly £13.5 in 1900, worth around £1300 in 2023).[68] The family of Aaronsohn, however, refused to oblige. Moreover, they then either threatened or persuaded Sultan's brother to drop the case. Despite being left alone on her own, Sultan would not let go. In her pursuit of justice, she took her complaint to the local governor of Haifa, which prompted the Aaronsohn family to similarly escalate the matter. Zevi's own brother Aaron went to seek the opinion of lawyers at Haifa. The lawyers' counsel urged Aaron to pay off the money, but Aaron continued to refuse to pay Sultan the price of her virginity.[69] Then, Sultan took the matter to the French vice-consulate at Haifa, under whom the family of Aaronsohn was registered. However, the vice-consulate refused to take her case on. Apparently, the dragoman of the French Vice-Consulate, Selim Effendi Mansour, had underhandedly ensured that the aforementioned Zevi was acquitted by the consular court in Haifa (*tawasuṭa liḥi mʿa zawā al-yed qararū berāʾāt Ghaḍal al-madhkūr*). One of the lawyers consulted on the case was sympathetic to the plight of young Sultan and believed that her justice was due. With his help, Sultan went a step further, and appealed to the Beirut Consul-General to demand the price of her virginity from Zevi Aaronsohn.

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[68] Zammarin is a village preceding, adjacent to, and later depopulated by, Zikhron Yaakov. See: Roy Marom, 'The Abu Hameds of Mulabbis: An Oral History of a Palestinian Village Depopulated in the Late Ottoman Period', *British Journal of Middle Eastern Studies* 50, no. 1 (1 January 2023): 87–106. On calculating the price of Sultan's virginity, see: Denzel, *Handbook of World Exchange Rates, 1590–1914*, 370, 394-95 and Bank of England, Inflation Calculator: https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator.

[69] On Aaron Aaronshon, see: Michael B. Oren, 'Zionism and Technocracy: The Engineering of the Jewish Settlement in Palestine, 1870–1918', *The Historical Journal* 37, no. 3 (September 1994): 757–59. It is worth noting that Aaron opposed the use of male Arab labour on collectivised farms under his jurisdiction.

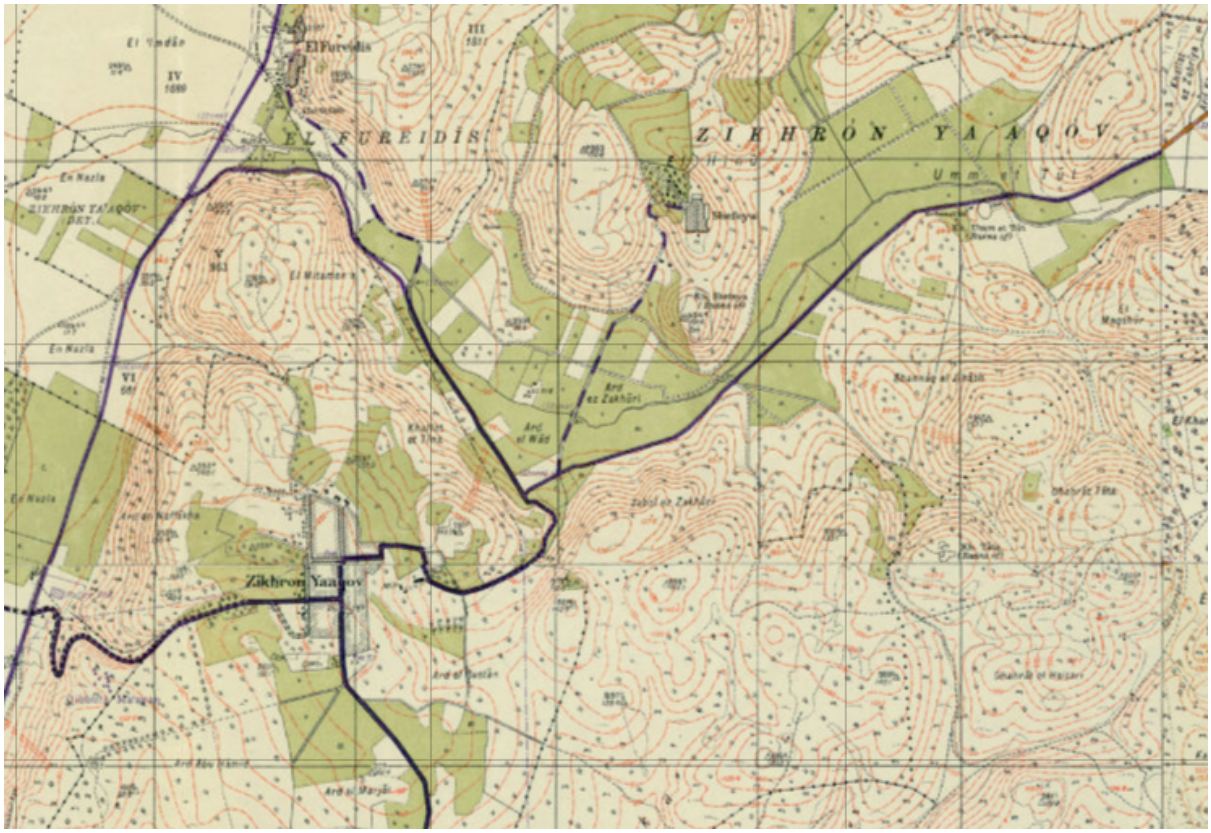


Figure 13: Historical Zikhron Yaakov, which includes the mansion of Beit Aaronsohn, is situated at the South-West. The Viticulture estates of Ashkenazim settlers grew north-ward from 1880 to 1940. (Source: Palestine Open Maps.)

Ottoman and European justice faced the same obstacles of patriarchal domination and sanctity of domicile in litigating against sexual assault and abuse within the household economy. Be it in the case of a manumitted slave seeking refuge at a European consulate under extraterritorial jurisdiction, or this abused servant seeking justice against a European subject under consular protection, the legal fiction of the household and the inviolability of domicile could obstruct the process of secular and criminal litigation. This spatio-legal fiction was a pillar of the conventions of extraterritorial jurisdiction whereby criminal cases were deferred to the law and jurisdiction of the defendant's state, to protect the European subjects and their households against arbitrary violations by the Ottoman government. On the rare occasions that a foreign defendant was pursued by an Ottoman plaintiff, it was a necessary condition of transnational criminal litigation that the defendant be charged with a crime legible in his country's penal code.

One reason why Zevi Aaronsohn was never tried at the consular courts could be a lack of synchronicity between the criminal codes for Ottoman and French subjects. For crimes that did not yet exist or were ambiguously defined, it was near impossible to constitute the legal defendant

in a mutually legible fashion, let alone decide upon the punishment. For rape and/or removal of virginity (*izale al-bikr*) the only correspondence between French and Ottoman criminal codes was that both lacked a clear definition of rape and had completely different implications as punishment. The Ottoman justice system often meted out punishments based on the character, class, and reputability of the defendant. As evidenced by the case of Mehmed Reşid previously, an officer of the state could get off as lightly as a change in office. In the French justice system, the most extreme cases of sexual transgressions, such as violent assault against minors younger than 15 were punishable by hard labour according to the French Penal Code, Article 332.[70] Compared to at least 5 years of forced labour, 15 lira demanded by Ottoman justice sounds like a minor hassle indeed.



Figure 14:The Aaronsohns. Fischel Aaronsohn, the patriarch to the left. Zevi is sitting at the very back.(The Source: Beit Aaronsohn Museum, at Zikhron Yaakov, Haifa, published online at ancestry.com.)

The reluctance of the consular court to deliberate Sultan's case against Zevi Aaronsohn is hardly surprising. The Aaronsohns were a family of high stature and laid claim to a degree of aristocratic patronage. It did not matter that Zevi was a twenty-two-year-old being accused of

[70] P. Reutenauer, 'The French Penal Law Relating to Criminal Assaults on Minors', *Journal of Comparative Legislation and International Law* 6, no. 1 (1924): 50–66.

abusing a twelve-year-old child. He was not a working class French migrant or colonial Algerian subject, whose misdeeds and 'perversity' could reflect badly upon the French imperial enterprise. If he were, he could have been denaturalised, or detained and repatriated to be tried in mainland France according to the French criminal edict of 1778, Article 82, which gave the French consulates the remit to detain and repatriate all those whose 'troubled conduct and intrigues threatened to cause harm to public good.'[71] He did not face any repercussions, however, nor did the French vice-consulate at Haifa give indication that the sexual exploitation of a child of twelve constituted troubled conduct. Neither the French nor the Ottoman criminal justice were 'blind' to the class of a criminal defendant.

It is hard to say why Sultan's brother dropped her case so easily, and so soon, long before she took it to the consul-general at Beirut. One reason could be for profit: Aaronsohn family was certainly not lacking in cash and could have easily paid him even more than the requisite 15 liras to drop the case. However, Sultan certainly trusted her brother enough to seek refuge with him, even as he failed to support her during the negotiations on the price of her virginity. Whether her brother was intimidated or bought off, it is likely the boy had had no ground on which to provide support to his sister - not where his own survival was a concern. If he had been in any position to be a solace or a refuge for Sultan, then she may never have needed to serve in the household of Aaronsohn to begin with.

The reproduction of the household economy and the larger estates necessitated labour arrangements from among the indigents of the community proper, as well as those from outside the community. People like Sultan were forced by the necessities of life to serve in the settlements, or, like Sultan's brother, abandon their village and find work in the city. The lives of two orphans, like the *muhajir* Fatima and her two brothers, were shaped between the settlement and the city, or, between household service and precarious, urban labour, as circuits of labour migration were gendered between the estates and the streets.

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[71] United States Department of State, *Extraterritoriality: A Letter to the Chairman of the Senate Committee on Foreign Relations Concerning the Judicial Exercise of Extraterritorial Rights Conferred Upon the United States* (U.S. Government Printing Office, 1882), 16-21.

Sultan's story is also a testament against the self-sufficiency of the 19th century ethno-settler enterprises, even and especially one as notoriously insular as those of the first *Aaaliyah,* the Zionist agricultural settlements of the Eastern European Ashkenazim.[72] The feminist literature which underlines the involvement of muhajir/settler women in the reproduction of the agricultural settlements would be sorely lacking if it does not take into consideration other forms of subaltern labour arrangements that reproduced the settler household.[73] The boundaries between the settler communities and the locals were necessarily porous, rendered so by the homeless servants serving whichever master was willing to provide them with a roof over their head. The settler colonial enterprise, too, relied on not only expropriation but exploitation of the native others.[74]

2.2.4. Conclusion

This chapter assembled histories of muhajirs whose trajectories deviated from the state-mandated settlements and the dictates of agrarian capitalism. Instead, these narratives point toward a more integrated history of settlers and natives, united by the experience of exploitation, exclusion, and expropriation. As the household was the primary unit of production within the agricultural colonies, instances of domestic exploitation were dealt with through the personal and civil courts. Complaints can thus be found in sharīʿa courts records, administrative decisions, criminal litigation, and consular court records involving rapacious conduct by masters, husbands, and patriarchs.

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[72] Liora R. Halperin, 'Trading Secrets: Constructions and Contexts of Two Middle Eastern Jewish Guards in The Early Petah Tikva Agricultural Colony', *International Journal of Middle East Studies* 51, no. 1 (February 2019): 65–86.

[73] Margalit Shilo, 'The Transformation of the Role of Women in the First Aliyah, 1882-1903', *Jewish Social Studies* 2, no. 2 (1996): 64–86.

[74] For a landmark article on the structural incentives of settler colonial enterprise, see: Patrick Wolfe, 'Settler Colonialism and the Elimination of the Native', *Journal of Genocide Research* 8, no. 4 (1 December 2006): 387–409. For an exploitation-centred critique of Wolfe's article, see: Sai Englert, 'Settlers, Workers, and the Logic of Accumulation by Dispossession', *Antipode* 52, no. 6 (2020): 1647–66. Kaminer puts these themes into practice in the historical ethnography of Arabah, a Zionist settlement, in Matan Kaminer, 'The Agricultural Settlement of the Arabah and the Political Ecology of Zionism', *International Journal of Middle East Studies* 54, no. 1 (February 2022): 40–56.

The question of the degree and quality of expropriation and exploitation within the agricultural settlements is hard to ascertain, one indication of which can be gleaned from narratives of urban flight. Urban flight was a silent, demographic phenomenon that undermined the settlements north and south. Traces of fugitive muhajirs, men and women, boys and girls, can shape and enrich the working class and urban historiographies of Greater Syria.

The nature of instituting a novel property regime necessitated the organisation of labour in service to it. As such, further research on other ethno-national settler enterprises would benefit from paying attention to labour relations within the settlement, and the role it played in the constructions of ethno-religious identity, and other mechanisms of othering. The narratives surrounding the agricultural settlements, regardless of the provenance of their inhabitants, take the homogenous composition and constitution of the settler society for granted. However, it is clear this supposedly purely ethnic and insular enterprise did rely on the presence of immigrant or indigenous forms of unfree labour.

III. Mahrem

Introduction

> 'To display intent of forbidding the sale of Circassian slaves, by the order of (Midhat Pasha) the officers of the state shall henceforth refrain from providing entry permits to (Circassians) *who can't prove their freedom*.'
>
> Order, Midhat Pasha, Governor-General of Danube, 27 November 1854[1]

> '...should the (Circassian) masters (*mevla*) further demand the submission of their slaves (*usera*), the matter should be adjudicated and decided upon immediately by way of sharīʿa (religious civil courts). On this matter it is the royal decree that no son of this land *who is free by the law of sharīʿa and by the law of ḳānūn*[2] should suffer the indignity of slavery.'
>
> Imperial Edict, 30 October 1909[3]

In March 1908, two men by the names of Oughourli and Yacoub took flight from the plains of Mount Hermon toward the city of Damascus. They used to be slaves working within the household of Circassian notables of Quneitra, who had for generations enslaved other Caucasian peoples and assimilated them into their laws and their culture. Now, they were foot soldiers in a quiet army of fugitives refusing servitude from far ends of the empire, from Salonica to Jeddah, from Sivas to Smyrna, joining in the roaring calls for liberty and equality that had toppled the master of their masters, the Sultan Abdülhamid II.[4]

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[1] BOA. HR.MKT., 93/45, 27 November 1854.

[2] There are three descriptors of *ḳānūn* as a legal culture: Secular, sultanic, and from 1908 onward, constitutional.

[3] The debates are registered in 12 Şevval 1327-28/1909-1910 in Düstur, Tertib-i Sani, İstanbul, Matbaa-i Osmaniye, 1327/27 October 1909. The resulting legislation (*irade*) was published on 15 Şevval 1327/30 October 1909. The debate is examined in Y. Hakan Erdem, *Slavery in the Ottoman Empire and Its Demise, 1800-1909*, St. Antony's Series (New York: St. Martin's Press, 1996), 150-51, 208n68.

[4] The nomenclature for slavery and servitude figures large in the Ottoman juridico-political culture, whereby being Ottoman and a subject of the Sultan is defined as service, loyalty, and belonging to the sovereign. A common plea for manumission in the sharīʿa courts was the desire to serve the sovereign before that of the master. On the centrality of the rhetoric of slavery and subjecthood - kulluk - in Ottoman political and legal culture, see Yavuz Aykan, 'L'esclave, de la chose a la personne,' in *Les Mondes de l'Esclavage, Une Histoire Comparée*, (Seuil: Paris, 2021), 165-166. For a dialogical account of this 'rhetorical slavery' between political rhetoric and economic practice, see Erdem, *Slavery in the Ottoman Empire,* 125-26.

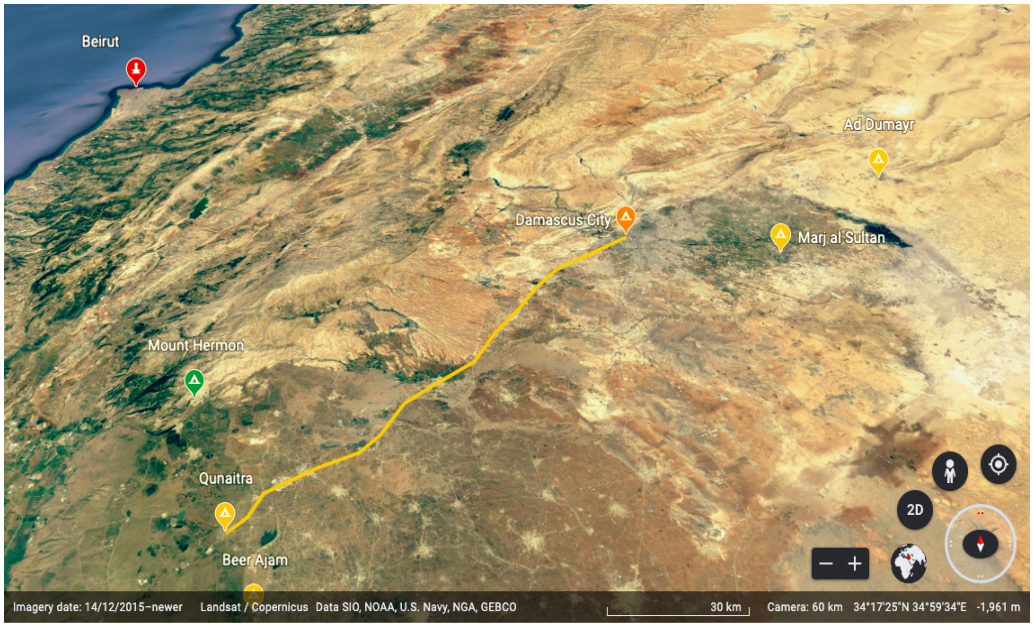


Figure 15: Oughourli and Yacoub's possible route of escape. Red marks ports of entry, Orange the provincial capital, Damascus. Circassian settlements are marked by Yellow.

The Young Turk revolution of 1908, which restored the 1876 Ottoman Constitution, had inspired a recurring series of slave petitions and flights to freedom, whose success would often depend on whether the master or his affiliates would survive the post-revolutionary purges that took place in the ranks of Ottoman officialdom. At this tail end of legal abolition, the fate of runaway 'property' was meted out in either secular and sharīʿa courts, be it in favour of the master or the slave, in ways that often revealed more about local rivalries and political conjuncture. Slave petitions sent for the Sublime Porte since before the 1864 exile prove how well versed the slaves were in the legal culture of sharīʿa courts, pleading for their freedom to serve as the subjects (*kul*) of the sultan rather than the subjects of their masters.[5] With the revolution of 1908, however, they often chose the way of secular *Nizamiye* courts instead of local sharīʿa courts, claiming their freedom as *rights*-bearing Ottoman citizens.[6] They believed that their masters' undue local

[5] Slavery has a ubiquitous and transitional nature in Ottoman political culture. In the ethico-political texts and iconography of the early Modern Ottoman empire, the condition of political belonging was determined between the binaries of 'authority' and 'docility.' The loyalty and the service of the slave toward the master was loyalty and service to the Sultan, whereby the former could - but did not always - free the slave to serve the Sultan directly as a free and loyal Ottoman: Hayri Gökşin Özkoray, 'L'esclavage Dans l'Empire Ottoman (XVIe-XVIIe Siècle) Fondements Juridiques, Réalités Socio-Économiques, Représentations' (Paris, l'École Pratique des Hautes Études, 2017), 555.
[6] Ceyda Karamürsel, 'Transplanted Slavery, Contested Freedom, and Vernacularization of Rights in the Reform Era Ottoman Empire', *Comparative Studies in Society and History* 59, no. 3 (July 2017): 690–714.

influence could only be countered through the power of the *ḳānūn* – secular constitutional law – rather than the sharīʿa-sanctioned *ādat* – Circassian customary law.[7]

Believing in the power of the law is one thing, but the two fugitives trusted no less than the might of imperial consuls, seeking refuge in the British consulate located in the western suburb of Damascus. Whether they thought the British had influence to exert over local affairs, or that the Damascene authorities would care enough for a diplomatic debacle, the two friends placed their bets in favour - and power - of international law. They had more at stake than some others who could wait out their verdict in a safe house or return to the Caucasus to start anew.[8] Both Oughourli and Yacoub had left families behind. Yacoub desired to save his parents, who had borne him into slavery. Oughourli was determined to free his wife who served the same master, and the children who, he believed, must not share the same fate.

The consul C. P. Devey received them with utmost caution, by his own account, asking only that his dragoman Faris al-Khoury help liaise with the local governor on behalf of the fugitive slaves.[9] Devey was in his right to be cautious. His diplomatic stature and safety depended on his delicate conduct concerning the domestic affairs of Ottoman subjects. In 1885, the death of British General Gordon in Anglo-Egyptian Sudan had completely undermined the British anti-slavery efforts in Africa. In the Ottoman Empire, diplomatic crises born of runaway slaves seeking asylum (*iltică*) within British consular premises had strained the relations between the Porte and the British government, and a recent British involvement in the manumission of Afro-Ottoman slaves further set a dangerous precedent.[10] The Ottoman Empire had argued that the British were acting *in contravention of capitulatory law* and thus, their own interests, for the slaves in question were under Ottoman jurisdiction and can only be manumitted by the conventions of Ottoman personal codes, of the exalted sharīʿa. The Ottoman Sultan would thus be in his *sovereign* right to act against the capitulations, deny the diplomatic immunity of British consular staff, and revoke the

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[7] Karamürsel, 'In the Age of Freedom', 90-91, 170-71.
[8] Ibid. 169. Hamed-Troyansky, 'Imperial Refuge', 386.
[9] Faris al-Khoury (1877-1962) Born in Kfeir, in modern-day Lebanon, to a family of Greek Orthodox provenance. Syrian lawyer, legal scholar, member of parliament, and prime minister. For more on Faris al-Khoury's anti-*istibdād* sentiments and support for the 1908 revolution and his activities within the consulate, see Ḥannā Khabbāz and Ḥaddād, Jūrj, *Fāris al-Khūrī: ḥayātuhu wa-ʿaṣruh* (Maṭbaʿat Ṣādir Rīḥānī, Bayrūt), 1952, 18-19.
[10] Bilal Kotil, 'Humanity and Its Others: Anti-Slavery, Islam, and Humanitarianism in the Nineteenth Century', Ph.D., New York, The New School (2018), 151-153.

capitulatory inviolability of their domestic affairs. Devey was conscious of how intervening into the affairs of the Ottoman household - be it the Sultan's or laymen's - would surely risk further retaliation by the Ottoman authorities into the affairs of European consuls and subjects. The fugitive slaves needed to pursue their case on their own volition, for 'encouraging' slaves to seek asylum in the consular premises would risk the inviolability thereof.

The consular route to freedom often proved to be a dead end for fugitive slaves. The *sale* of Caucasian and African slaves was prohibited by bilateral treaties, in 1854 and 1857, respectively.[11] However, religion was yet the only valid justification for the provision of political asylum. The fugitive slaves of various racial provenances did not have the rights accorded to non-Muslim Ottoman *multejī* (refugee, asylum seeker) who could and did enjoy humanitarian refuge applied by way of *ḥimāye* (extraterritorial protection). Only when the fugitive slave in question could prove beyond doubt that they were of Christian provenance that the European authorities did advance

[11] Hamed-Troyansky, 'Imperial Refuge', 73.



Figure 16:The courtyard of the British Consulate in Damascus, the premises to which both Oughourli and Yacoub escaped, and where they worked in the service of the British consul, Devey. (Source: Francis Bedford's Photographic Archives, 1862, LoC: 2021671049.)

their claim to the rescue of the slave, which was certainly not the case for Oughourli or for Yacoub.[12]

When the revolutionary cadres of the Young Turk movement reinstituted the Constitution, they also expanded the scope of secular and central jurisdiction over the provincial and religious courts. The provincial governor of Damascus, Ismail Fazıl Bey, was from the

[12] This principle of religious provenance becomes ever more pertinent when the children and refugees enslaved by the slave traders come from a Christian community. For the rescue of an Armenian child enslaved and sold as a Circassian slave, see BOA. HR. MKT, 143/79, 23 April 1876. Both Karamürsel and Aksoy mention instances where the religious provenance of black Africans was called upon to divine whether they had been enslaved. See the case of Katerin, an Abyssinian nun travelling from Alexandria, and held at customs in Istanbul under suspicion that she was being traded as a slave: BOA. ZB. 6/16, 20 August 1874. Document cited in Karamürsel, 'In the Age of Freedom', 118n24.

revolutionary cadre of Young Turks and favoured the side of the slave *multejīs*.[13] Ismail Fazıl promised the fugitives their manumission papers, asking them to patiently wait in Damascus until the post-revolutionary situation stabilised.[14] Oughourli was lucky enough that perseverance got him all he wanted. The consul Devey had given him a job as a gardener, providing him with a stable income, the aid and legal expertise of Faris al-Khoury, and through al-Khoury, a direct line of communication with the Governor, Ismail Fazıl Bey.[15] The political crises did not abate, for within the year there would be a counterrevolution by Islamists, followed by a coup d'état by the Committee of Union and Progress, the party organ of the Young Turk movement. Even as the political situation kept devolving, Ismail Fazıl Bey somehow managed to extract Oughourli's wife and children from the house of his ex-master, with no repercussions and no reparations – head money -- having been paid.

Within a month or so after he took flight from Quneitra, Yacoub was captured by the Damascene policemen, incarcerated, then extradited back to Quneitra to be tried at the local sharīʿa court. It was revealed that his master, Hadj Suleyman, had pursued criminal litigation against him. Following in the tradition of a great many slave owners before him, Hadj Suleyman argued that a wayward slave was categorically a thief.[16] On his way out of Quneitra, he had unlawfully taken something that belonged in Suleyman's household: himself. Yacoub's story thus devolved into a Kafkaesque nightmare. Hadj Suleyman, being a prominent Circassian prince (*emir*) of Quneitra, pursued his slave Yacoub endlessly.

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[13] Ismail Fazıl Bey similarly had a distaste for other customary practices rampant in the Hauran region. In 1911, he was dismissed from his post as governor for having failed to placate the Druze of Hauran. For more on Ismail Fazıl Bey and his dismissal, see: Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918* (University of California Press, 1997), 81.

[14] TNA, Foreign Office, 195/2342, p. 87 (February 12, 1910) G.P. Devey to the British Ambassador at Istanbul, Sir Gerard A. Lowther.

[15] Faris al-Khoury assumed the role of a legal advisor to Damascus municipality in the year 1910, working in the same building and inhabiting the same milieus as Ismail Fazıl Bey. We can deduce that the case of these fugitive slaves was one of many events that accredited al-Khoury for the position, one which he held for many years. Robin Bidwell, Dictionary of Modern Arab History (Columbia University Press: New York, 1998), 234.

[16] A similar tactic was rampant among the Istanbullite slave owners in the immediate aftermath of manumission. The Ministry of Interior records that after the flight or the manumission of African slaves, the Istanbullite slave owners would often prosecute their ex-slaves with theft, to try and force their return into service. See BOA. DH. MKT. 353/58, 16 March 1895.

Hadj Suleyman was an exceptionally obstinate and litigious master. What Yacoub owed to Suleyman by customary law – his head money – was likely the maize which he was accused of having stolen from his master. He was first incarcerated in the Damascus police station, then extradited back to Quneitra to be tried as a corn thief. Over the course of eighteen months, Suleyman pursued Yacoub in the courts of secular criminal law, of religious law, with further involvement by The Office of Legal Counsel (*İstişāre Odası*)[17], the secretariat of the Grand Vizierate (*Ṣadāret*), the seat of Sheikhulislam, and finally, the Council of Ministers (*Meclis-i Vukelā'*) of the Ottoman Empire.[18] Suleyman petitioned against the Damascene consul, C.P. Devey, who gave Yacoub refuge; he litigated against the local governor who let Yacoub go. [19] In the tail end of this pursuit of justice, he liaised with fellow Circassian notables of Quneitra to petition the Sheikhulislam, to extradite their runaway slaves, complaining that their religious and constitutional rights were being violated by consular and Damascene authorities.

Despite sharing similar beginnings and a journey together with Oughourli, Yacoub's freedom would come at the tail end of a chequered legal battle between his master Hadj Suleyman on one hand, the local government on the other, with the reluctant involvement of Devey and al-Khoury being accused of 'seizing by force, as if they were the same as black captives, (his) slaves, without deliberation, and against the exalted sharī'a, the constitution, and the [1909] royal edict'.[20] Once the legal edifice of *ḳānūn* proved deaf to their plight, Hadj Suleyman and his friends supplicated the seat of Sheikhulislam, the overseer of the application of Islamic Law. The Sheikhulislam did agree and *strongly suggest* to the Ministry of Interior that the unilateral manumission of the slaves was, indeed, not proper, and that the slaves in question be extradited back to their masters.[21] The curious thing was that even as the law was on the side of slave owners, the officers of this post-revolutionary state simply chose the way of doing nothing. The slaves who

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[17] BOA. HR. HMS. ISO. 44/23, 20 January 1910.
[18] BOA. BEO, 3720/278994, Dispatch from Prime Ministry to the Ministry of Interior, R: 7 Mart 1326 (M: 20 March 1910),
[19] BOA. DH. MUI. 61/51, p. 4, Petition by the Circassian *Emirs,* (M: 28 Ocak 1910)
[20] *'Köle olarak mālik olduğumuz maḥlūḳatlarımızı şer'i-i şerif ve ḳānūn-i esasiye ve ol bābdaki irāde -i seniyye-i aḥireye ḫilāf iderek gūyā userā'-i zenciyyeden 'adile ellerimizden bilā- muḥākeme ġaṣbına İngiltere devlet-i fehimesinin Şam konsolosuyla tercümanı Faris Effendi el Ḥūri...'* in BOA. DH. MUI. 61/51, 28 January 1910, p. 4. line 5-6.
[21] BOA. DH.MUI. 7/24, p.15, From Sheikhulislam to the Ministry of Interior, 14 April 1910.

had had the ability and desire to escape remained free, but those who were left behind remained in captivity.

Oughourli and Yacoub's paths diverged further and further in the wake of their escape. After leaving the service of Consul Devey, Oughourli settled in Salahieh with his wife and children. This north-western hill overlooking Damascus housed Kurds, Turkmens, and Caucasian immigrants of various ethnicities, in whose honour it would soon be renamed as al-Muhajirin in 1911. Unlike Yacoub, Oughourli seems to have had no fear of re-enslavement, and perceived no such danger for himself and his family in the Salahieh. After serving six months in prison and a lifetime in captivity, Yacoub came back to Damascus, and took over from Oughourli, to work as a steward in the Consular household of G.P. Devey. His elderly father Iskhak managed to flee and to join him in his exile, but his mother remained in the household of Hadj Suleyman, presumably for the rest of her life.



Figure 17: A view of Damascus from Salahieh, where Oughourli settles with his wife and two children(1898-1914). (Source: Matson Photograph Collection, LoC:2019698765.)

There is comparatively more written on the histories of Circassian indigenous slavery in the Danube Province, and the Black Sea shores, in their first phase of settlement (1864-1878).[22] However, the question of how and to what extent indigenous slavery persisted among those relocated to the Mediterranean littoral remains unanswered.[23] Reflecting on the travails of Yacoub and Oughourli, this part will explore how in its second phase of expansion (1878-1914), the Ottoman immigration policy continued to sanction the customary practice of Circassian slavery within the agrarian settlements, and sustained the juridical tension between justice and liberty through the fiction of the settler household.

In the third chapter titled *The Many Names of Slavery*, I explain the dual process in which participation in Ottoman modernity entailed the expropriation and exploitation of sections of West Caucasian settlers and legalised their existing bonds of dependence and enslavement on Circassian elites. I elaborate the relations of domination and exploitation that were constructed through the patriarchal household, and the justifications thereof by the administration of immigration law and by the disjuncture between the jurisdiction of the constitution and the religious courts. I argue that liberty and autonomy were recalibrated through juridical participation in a capitalist property regime, wherein one could either be a participant in it or subservient to it.

In the fourth chapter, *Vernaculars of Race*, I explore the domestic politics of anti-slavery legislation as an extension of the Ottoman settlement policy, and the project of 'civilising' the Circassian nation. I further argue, based on the legal justifications for and against slavery after the Great Exile of 1864, how integration into a regime of private property changed the idiom and ideology within which Circassian slavery operated. I discuss the rhetorical and material intersections of race, gender, and unfreedom. I argue that the formation of a – white – nation of Circassians excluded, by biological lineage and socio-economic inheritance, the labouring caste of

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[22] The most definitive account would be in Hamed-Troyansky, 'Imperial Refuge', 54-112.

[23] Hamed-Troyansky notes the fleeting presence in the Circassian-Jordanian family archives the figure of the cariye (domestic slaves): Hamed-Troyansky, 'Imperial Refuge', 388. Regarding whether and to what extent did slavery exist in the Circassian settlements in Jordan, he proposes that the scope for slavery was certainly greater than what is accounted for. However, he also indicates that the Jordanian settlements received more muhajirs who arrived from Russia post-1878, unlike Syrian muhajir camps which primarily comprised Circassian settlers who had arrived from the Balkans. Thus, it is likely that Russian anti-slavery measures had taken effect by the time Russian Circassian settlers arrived in their Jordanian settlements. Vladimir Hamed-Troyansky, Personal Zoom Meeting, 10 October 2022.

slaves within the Circassian settlement. Racialisation of the Circassian nation, and of the Circassian women, as *white* served to obscure the relations of dispossession and exploitation within the settler household, between white Circassians and their 'non-Black' slaves.

3.1. The Many Names of Slavery

One indigenous, Caucasian nomenclature for fugitive slaves, *byramyty,*[1] intimates a vernacular legal transaction. It refers to the head money that is owed to the master – *Psheh*[2] – by the masters' man – *Pshitl'*[3] – that is the price of their liberty. The introduction of the practice of self-purchase to Circassian customary laws was of relatively recent past. From the beginning of the nineteenth century, Ottoman and Russian empires had laid the debt of slavery upon the slaves themselves, in a bid to encourage Circassian lords to give up their rights over their slaves. Redemption payments, head-money, or *mukātebe* were the various names given to this practice of self-purchase.

In the Ottoman case, the practice of *mukātebe* came as a resolution to the petitions and freedom suits by insurgent slaves and enslaved freemen, beginning in the town of Silistre, Danube (1863),[4] and then the more coastal settlements of Babadagh, Tulcha (1871).[5] The Ottoman government had had a conflicted role in this face-off, and it was interested only in keeping the Circassian settlers in check and *in their settlements*. On the one hand, local officials – like the notable founder of Albania, Ismail Qemali of Vlorë – allied and liaised with Circassian notables, relying on them to discipline the indigent and the enslaved among the immigrant population.[6] On the other hand, the Sublime Porte had a vested interest in placating slaves, to prevent their return to Russia and safeguard the reputation of this novel, humanitarian undertaking. The Council of Ministers who took the decision to impose the blanket solution of *mukātebe* hoped that a bilateral self-purchase agreement registered by the sharīʿa courts would both safeguard the legality of slavery while gradually ending agrarian slavery within the Circassian settlement.[7]

The capitulatory sanctity of intimate space, one which was upheld by Ottoman and European powers alike, delegated the jurisdiction of manumission to Islamic law as a matter to be resolved between the master and the slave, as part of the same local and ethno-linguistic

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[1] Mehmet Yasin Çelikkıran. 'Kaçan Köle'. In *Türkçe-Adigece Sözlük*, 95. Maykop, Russia, 1991.
[2] Ibid. 'Prens', 118.
[3] Ibid.,'Köle', 95.
[4] BOA, MVL 964/64, 1280.M.18 (5 July 1863).
[5] On the minor Tulcea insurgency, see Hamed-Troyansky, 'Imperial Refuge', 70.
[6] Toledano, Ottoman Slave Trade, 177; Qemali, Memoirs, 69.
[7] Ibid., 164-66.

community, whose customary laws would be upheld and deferred to in sharīʿa courts. Ottoman state officials were tasked to encourage the masters to accept manumission, sometimes even providing financial encouragement for them to do so, albeit only in instances of outright mistreatment or slave insurgency.[8] In the protracted and generational process of slavery's abolition, the enduring of master-slave relations were delegated to the realm of civil and personal jurisdiction, acquiring political and legislative gravitas only in moments of public disorder and revolutionary rupture.

The legal pluralism of the Ottoman Empire co-opted a rich and indigenous culture of legal practice and nomenclature. In the tradition of Ottoman statecraft, the legal co-optation of Circassian customary practices was no exception. On the matter of unfree labour, the more chequered subject of negotiation, Circassian customary practice was more complex than what the sharīʿa accounted for. The pre-modern and pre-Exile forms of unfree labour in the Caucasus had been trifold; *Wuneuty*, captives of war and plunder, often designating women, always designating property; *Pshitl'*, families of enslaved peasants and serfs; and *Ogi*, a 'transitional stage to freemen, exempt from land service and serving the functions of a steward.'[9] In the aftermath of the Great Exile of 1864, and in the course of settling the Ottoman lands, this trifold structure of unfree labour had been reduced to two. The Arabo-Ottoman jurisprudence recognised and legitimised two forms of servitude within the Circassian household economy, between *ābid-i ḥür,* the free servant and *ābid-i memlūk*, the slave-as-property, which were regulated by customary laws and the hereditary principles of caste.

One can chart the linguistic and cultural changes to the practice of slavery by way of archival documents as well as oral histories, which contain many names but analogous roles for the caste of slaves within the Circassian settlement. Drawing from Karamürsel work, I first discuss how *Tanẓimāt* and *İstibdād* states came to a political settlement with the local and settler elites to

[8] On the practice of *mukatebe* and the efficacy of mistreatment as a sheri' argument, see: Toledano, *The Ottoman Slave Trade*, 165. Rubin elaborates another case of mistreatment in Avi Rubin, 'The Slave, the Governor, and the Judge: An Ottoman Socio-Legal Drama from the Late Nineteenth Century', in *Society, Law, and Culture in the Middle East 'Modernities' in the Making* (Berlin, Boston: De Gruyter, 2015), 96-97. On a contemporaneous account of slave insurgency and state-sanctioned manumission in the Danube province, see Ismail Qemali, *Memoirs*, 70.
[9] Hamed-Troyansky, 'Imperial Refuge', 71.

legalise household slavery and sanction the relations of exploitation within.[10] I argue that the institution of the settler household as the legal fiction of a protected body (*vucūd-i maḥrūse*) sustained the contradictions of international law and extraterritorial jurisdiction, of what is public and private, of that which is criminal and that which is humane. I discuss the two types of unfree labour sanctioned within the Circassian settlement, which reproduced the settler household. I explain how Circassian slavery interacted with local nomenclature and practice, which reproduced relations of exploitation and dispossession under the novel terms of a capitalist agrarian regime. In doing so, I frame the debate on the humanitarian abolition of slavery through the tension between liberty and property, between aspirations and tradition, which came to negate freedom under capitalism.

3.1.1. Vucūd-i Maḥrūse, or the Protected Body

In 1880, the Ottoman Office of Legal Counsel (*İstişāre Odası*) delineated the spatial jurisdiction of the Anglo-Ottoman Treaty on the suppression of African slave trade (1879), as well as the bilateral treaties of 1854 and 1857, as that which could *only* liberate the slaves found aboard the ships entering the Ottoman ports, beyond which the *Ottoman police themselves* had no territorial jurisdiction to detain and liberate an *ownerless* slave.[11] The customary ownership of slaves among the Circassian refugees thus posed a legal and political draw between the conventions of international and municipal law. Domestic *space,* as a political and patriarchal construct, was protected by the very conventions of extraterritorial jurisdiction through which humanitarian norms took effect. Their right to intervene into the Ottoman affairs depended on the *inviolability of domicile*, a mercantile capitulation that promised the safe and untouched passage of foreign ships across the Ottoman ports, and the safety and inviolability of foreign subjects domiciled

[10] Karamürsel, 'In the Age of Freedom', 97. İstibdād refers to the period of Hamidian autocracy between the suspension of the Constitution in 1878, and the restitution of the Constitution with the Young Turk revolution of 1908.

[11] '*Conformément à un ferman impérial, l'administration de la police a toujours libéré les Nègres esclaves qu'elles pouvait trouver à bord des navires qui entrent dans le port.*' HR. HMŞ. İŞO (Ministry of Foreign Affairs, Office of Legal Counsel) 163/96, 24 January 1880.

within.[12] Indeed, the Anglo-European anti-slavery enterprise had only the right to surveille and curtail the maritime trade in slaves – which, in the final decades of 19th century, were coded as solely *black*.[13] The fugitive slave thus brought forth two legal disjunctures in the adjudication of manumission. First, between maritime and municipal jurisdiction; and within municipal -- Ottoman – law, between the secular authorities, such as the provincial governors, and the sharīʿa courts. Drawing from Iza Hussin's work, I would argue that such 'treaty moments" and the administration thereof allowed: '...(T)he fiction of the preservation of both local elite authority and of Islamic practices in law and state to continue, while making critical redistributive changes in elite hierarchies and roles, legal content and institutions, power distribution and legitimacy.'[14]

Within the dominion of the Ottoman Sultan, humanitarian abolitionism recognised and legitimated patriarchal authority over the household as that which was beyond the purview of international humanitarian legislation. Denial of international and secular jurisdiction therefore generated and legitimated the fictions of intimate space and the settler household. In Quneitra, a marginal town in the sub-Province of Hauran comprising several agrarian refugee settlements, the fictions of intimate space and the sanction of customary law heavily favoured the Circassian lords and their authority over their slaves. The slaves' Islamic and indigenous provenance from within the Caucasus rendered them beyond the purview of humanitarian asylum and rescue based on religious jurisdiction. Under the domestic guardianship (*velīlik*) of their masters (*mevlā*), the Circassian slaves were no more entitled to a full, transnationally recognised autonomy than were women and children. Indeed, as Hadj Suleyman and his friends explained, as they requested the post-revolutionary government to issue the delivery of their slaves, '*under no circumstances are our slaves held captive, for we treat them and live with them as if they are our own children*.'[15]

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[12] Kenneth R. Simmonds, *Cases on the Law of the Sea* (Oceana, 1976), 118.

[13] They moreover had to argue their humanitarian case against not only Ottoman authorities, but Austria-Hungary and its shipping enterprises: Alison Frank, 'The Children of the Desert and the Laws of the Sea: Austria, Great Britain, the Ottoman Empire, and the Mediterranean Slave Trade in the Nineteenth Century', *The American Historical Review* 117, no. 2 (4 January 2012): 410–44. Inviolability of domicile did aid and abet the trade in African slaves, before a more comprehensive and international agreement could be put into place with the 1889-1890 Brussels Congress on the Suppression of African Slave Trade.

[14] Iza Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (University of Chicago Press, 2016), 63.

[15] '*Diyānet-i İslāmiyyeden beri kölelerimiz var ise de ḳat'iyyen esāretde değiller biz kölelerimizi kendi çocuklarımız gibi terbiye ve ittifāḳ ediyoruz.*' BOA. DH. MUI. 61/51, p. 4., 28 January 1910.

Hadj Suleyman and his fellow lords continue to plead their case based on sharīʿa, '*...for by sharīʿa our property and our consorts are one and the same, and so do we declare by law that we are one protected body* [*vucūd-i maḥrūse*].' This argument works two ways. First the claim that the slaves share the same status as property and as consorts belies the previous statement that the slaves are like the children of the lords. They may inhabit the same, familial space as the full-blooded children of the lord, but like consorts, they were familial strangers, of someone else's blood and lineage. Secondly, it is the space itself that is stressed as the domain of the Circassian patriarch, a space which is sacred and protected by law, beyond the jurisdiction of consular staff as well as secular authorities, like the governors of Damascus and Quneitra, who let the slaves of Hadj Suleyman escape and roam free in Damascus.

There are extensive debates on the remit of inviolability of domicile in matters of penal and humanitarian jurisdiction. Inviolability of domicile was given as the grounds on which to obstruct humanitarian or criminal litigation, by both Ottoman and European authorities. The fugitive slave, between seeking refuge at a consulate, and being the property of an Ottoman household, would bring to clash two mutually exclusive jurisdictions. This conflict was resolved over the late half of 19th century with a draw, in which the final verdict on domestic slavery was meted out in Ottoman religious courts. The consular authorities had had the initiative to liaise for the benefit of the fugitive slave, and pressure the political authorities – the Municipality, or the Provincial Governor — to persuade the masters toward manumission. However, they had no authority or law to substantiate their initiative other than through tacit diplomacy. British and European anti-slavery enterprises worked within the conventions of international law, upholding the intertwined inviolability of state sovereignty and of domicile.[16]

It is important to note that the subject of slavery is not uncontested within Islam, as there is more than one jurisprudential tradition of what 'just slavery' means, and how just it could be. For more on the juridical debates regarding the conditions of just slavery in a West African context, see Marta Garcia Novo, 'Droit islamique et esclavage dans les Reponses d'Ahmad Baba' in *Droit et Esclavages : Théorie et Pratiques en Afrique at dans les Amériques (XVe - XIX siècles)*, (Karthala : Paris, 2022), 28-31. For a contemporaneous and Arabo-Ottoman justification of Islamic slavery based on anti-blackness and civilisational empire, see : Aḥmad Shafīq, *L'esclavage au point de vue musulman* (Le Caire : Imprimerie nationale, 1990(1892)). For the parallel debates on Christian antecedents of enslavability on the basis of religion and civilisation, see Laury Belrose, 'Être esclave dans le royaume chrétien d'Éthiopie : condition et statues juridique, XVIII-XIX siècles' in *Droit et Esclavage : Théorie et Pratiques en Afrique et dans les Amériques,* eds. Annie-Fitte Duval (Karthala : Paris, 2022), 117-19.

[16] Kotil, 'Humanity and Its Others', 138-139.

Hadj Suleyman and his fellow lords acted in accordance with international conventions and the sharīʿa. The Consul Devey and Faris al-Khoury acted in accordance with international law and the secular *ḳānūn*. Ismail Fazıl Bey, the governor of Damascus, simply refused to do anything. Within this legal quagmire the decisive actions belonged to the slaves, Yacoub and Oughourli, and their refusal to abide by the rules of religious, secular, or capitulatory law. By escaping their house of service, they declared themselves apart from this protected body of the household. They claimed their own identity before the law, not as property, consorts, or children, but as persons. They refused to assume the roles and duties assigned to them at birth. The following two sections will discuss the legal history of these two roles, that of slavery and indentured servitude, which shaped the lives of Yacoub and Oughourli, respectively.

3.1.2. ʿĀbid-i Memlūk, or Slave-as-Property

The porous and mutable caste system common to the West Caucasus is difficult to describe accurately. The lack of written primary sources and archives predating the Russian colonisation of the Caucasus means that one relies on the archives of imperial outsiders - Ottomans, Russians, Safavids – and Orientalist expertise of European provenance. As such, the extant ethnographic and historical literature on the caste-based organisation of Circassian society often has the quality of mythology rather than history. Moreover, there is a selective bias in the literature. Earlier ethnographic research on the Caucasus concentrated on the Northwest of the mountain range and was further focused on select sedentary tribes and caste-based societies settled above the Kuban River. Few European ethnographers and travelogues on the West Caucasus before the Great Exile of 1864 depict a diversity of religion and race, often instead extrapolating from a single tribe, an ethnicity, a nation, with uniform customs and social – caste – formation.[17]

In counterpoint to the diplomatic ethnographies and military intelligence on the Caucasus, a singularly important work on the ethnographic history of the West Caucasus comes from the pen

[17] With such political and historical oversight, it is nonetheless remarkable that a decade after the Great Exile and the extermination of a vast number of Circassians, the noted American explorer George Kennen could wonder how such a 'collection of tetters, ends, and odd bits of humanity ever blended into one coherent and consistent whole(...)George Kennan, 'The Mountains and Mountaineers of the Eastern Caucasus', *Journal of the American Geographical Society of New York* 5 (1874): 169–93, https://doi.org/10.2307/196488.

of Şora Bekmurze Noghumuka, an Abzakh-Circassian historian, teacher, and judge stationed in the Russian army during the colonisation of the Caucasus. Noghumuka began writing his history of the Circassian peoples after he resigned from the Russian officialdom in 1843, and it was later discovered and translated into German by the notable orientalist scholar Adolph Bergé.[18] Noghumuka provides us a bipartite scheme of feudal castes, comprising the rulers and the ruled. The ruling nobles are assigned five different titles, two of which survived past the Great Exile of 1864: Phseh and Worq.[19] The serving caste is divided into four, of which three remained within the diasporic vernacular: The Pshitl', The Ogi, and the Wuneuty.[20]

While slavery was universally practised in Caucasus, we can discern from early ethnographies that inter-caste relations of exploitation differed across geography and tribal affiliation. In a compilation of early modern ethnographies on the Caucasus by Leberdinsky, select authors use an array of names to describe ruling and serving classes, the latter of which was often *but not always* described as a caste of slaves.[21] Another crucial distinction is that property was not the basis on which slavery was instituted as a caste relation, but war and conflict. There were two ruling castes, the lords and the notables, but it was the former who *supplied* servile labour by instigating war and plunder. This would procure for the service of notables the war captives, the wuneuty, who would join and reproduce among the enslaved peasants and serfs, the pshitl'.[22] The land and servile labour was governed by the more numerous notable families and not, as would be the case post-Exile, by the lords.

It is hard to know the extent to which existing ethnographies of the early modern Caucasus accurately describe the relations between castes, the racial dimensions – if any – of enslavement, or the extent of slavery within each select tribe. However, they intimate an insider/outsider distinction often found in the pre-modern and pre-capitalist cultures of slavery, a distinction that

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[18] Vasfi Güsar, 'Şora Bekmurze Noghumuka', in *Adige-Hatikhe Çerkes Tarihi*, by Şora Bekmurze Noghumuka (İstanbul: Baha Matbaası, 1974), 13–14; the original text in German is Shora-Bekmurzin-Nogmov and Adolph Bergé, *Die sagen und lieder des tscherkessen-volks: gesammelt vom kabardiner Schora-Bekmursin-Nogmow* (O. Wigand, 1866).
[19] Ibid., 138.
[20] Ibid., 139.
[21] Iaroslav Lebedynsky, *Témoignages anciens sur les Tcherkesses : les Adyghés-Tcherkesses-Kabardes à travers les récits des voyageurs occidentaux, XVIe-XIXe siècles*, Voix du Caucase (Paris : l'Harmattan, 2009).
[22] On the marriages between wuneut and pshitl', and forced reproduction to produce slaves for sale, see: Aksoy, *Beyaz Köleler*, 32, 278-279; Hamed-Troyansky, 'Imperial Refuge', 228.

was upheld by the patriarchal authority of notable families.[23] This insider/outsider dichotomy would legally regulate the enslavability of people and would protect the members of a community from degradations of slavery based on religion, on linguistic or tribal affiliation, or ethnicity. Slave trading nonetheless was a key factor in the incorporation of a pre-capitalist, early modern Caucasus into the capitalist world economy. Inter-tribal and -communal warfare in the West Caucasus served a mercantile appetite for war and for captives in the Black Sea region, whose 'white' merchandise always fetched a higher price in the Mediterranean ports down south.[24]

Caste relations were neither immutable nor uncontested in the decades leading up to the Great Exile of 1864.[25] There had been slave rebellions and tribal experiments in the West Caucasus which, in 1792, posed the first serious challenge to the feudal caste system by expelling the Shapsugh slave-owning elites, before it was brutally suppressed by the Cossack brigades sent by Tsarina Catherine II.[26] Further peasant and slave rebellions among the Shapsugh and the Abzakh tribes led to experiments in egalitarian communes, which continued to co-exist with and challenge the feudal West Caucasian tribal regimes well until their final expulsion into the Ottoman Empire.[27] It is hard to gauge the success of anti-feudal insurgency among the tribal affiliates. However, they seemed remarkable enough that in 1864, the Russian military officer Feodor Feodorovich Tornou, stationed in the Caucasus, chose to divide the twelve Circassian tribes into two: between those who submit to the feudal lords living above the Kuban River, and the 'free, self-governing' Circassians living below; the Shapsugh, the Abzakhs, and the Oubikh.[28]

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[23] For the centrality of patriarchy in protecting the 'insiders' from slavery, see: Kurtynova-D'Herlugnan, *Tsar's Abolitionists,* 177-178. For a similar, 'ethical' reasoning on the legality of slavery in an ethno-tribal context, see Olatunji Ojo, 'Ordonner le désordre : aspects légaux et 'éthiques' de l'esclavage en pays Yoruba' in *Droit et Esclavage : Théorie et Pratiques en Afrique et dans les Amériques*, eds. Annie-Fitte Duval (Karthala: Paris, 2022), 54-55, 64-66.

[24] Barker, The Most Precious Merchandise, 110-11.

[25] Seteney Shami, 'Historical Processes of Identity Formation: Displacement, Settlement, and Self-Representations of the Circassians in Jordan', *Iran & the Caucasus* 13, no. 1 (2009): 141–59.

[26] Aksoy, *Beyaz Köleler*, 40-42.

[27] On the genesis of egalitarian communes in Circassia, a most recent contribution to this relatively unknown period and topic in Circassian history is Samir Khotko, 'Genezis jegalitarnyh obshhestv («so prisjazhnyh bratstv», «psuho») v Zapadnoj Cherkesii v XVIII — pervoj treti XIX v.: faktory razvitija, voprosy tipologii', *Journal of Caucasian Studies*, 31 May 2023, 25–56.

[28] Feodor Fedorovich Tornau, *Erinnerungen eines Offiziers des Kaukasischen Corps. Bd. 1* (Berlin: Otto Janke, 1868), 181-183, particularly read 'Freie Sicherfessengemainden' in page 182.

In the aftermath of Russian colonisation and the Great Exile of 1864, two administrative pretexts for the settlement of Circassian muhajirs legalised and institutionalised caste system and slavery into a more rigid social formation. Slavery had been a pre-modern construct, a caste relation that while extractive and exploitative was certainly more porous and mutable than its Turco-Circassian iterations came to be. The extent of indigenous slavery among Circassian settlers expanded because of their expulsion and extermination; however, it *persisted* by way of legal fixtures instituted by the settlement policy and international treaties. For nearly half a century of exile, the slave caste did not have rights; they had obligations that were upheld, against their wish, by the local courts and Circassian notables overseeing their own interests.

It began with mobility restrictions. Anti-slavery measures decreed by the bilateral treaties with Britain in 1854 and 1857 to curtail the maritime trade in slaves deprived lower-caste and enslaved Circassians of their right to free movement – ironically, by insisting on their proof of freedom.[29] The decision to demand proof of freedom had been introduced into Ottoman law along with the abolition treaty during the Crimean War of 1854, to attain the alliance of British and French against Russian encroachment. The 1854 Treaty aspired to stop the slave trade in Caucasian – mainly 'Circassian' and 'Georgian'– refugees of war.[30] Further orders from regional governors, such as Midhat Pasha, the then-governor of Danube, prohibited the boarding of Circassian men and women onto ships if they 'could not prove their freedom'.[31] The bilateral treaties that were supposed to prevent the *sale* of destitute children and women were delegated to provincial and maritime jurisdiction, to 'prevent their embarkment upon the ports where [slave

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[29] There is something to be said here about the paradoxes of paternal humanitarianism and the British anti-slavery enterprise. A thorough critique can be found in Radhika Viyas Mongia, *Indian Migration and Empire: A Colonial Genealogy of the Modern State* (Durham: Duke University Press, 2018), 32-35.

[30] It is a matter of debate whether they were ethnically Circassian or Georgian. There are no easy answers on the matter. The best approximations we have of ethno-racial origins in the matter of slavery often comes from the science of *firāset-* physiognomy - whereby physical characteristics are used to divine the morals and mental states one other provides us the historical clues with which ethnic and racial taxonomies were deliberated. For the role of firasat in shaping and structuring the demand and price of Ottoman slaves, see Özkoray, *L'esclavage dans l'Empire Ottoman*, 560-66. In the 19th century, the notoriety of Georgian and Circassian women as white, submissive, and loyal was thus an incentive on the part of slave traders to claim their merchandise were of Circassian and Georgian provenance, which sometimes - not always - proved to be false advertisement. For more, see Schlick, *Çerkes Guzeli,* 79-83; Aksoy, *Beyaz Köleler*, 64-65, Cevdet Türkay, 'Esircilerle ilgili bir Belge', *Belgelerle Turk Tarihi Dergisi*, 11(1968): 60.

[31] BOA, HR.MKT, 93/45, 27 November 1854.

trade] is practiced.'[32] Yet the 1854 arrangements were silent on the fate of those *already* enslaved, beholden to their Circassian lords.

Throughout the 1850s, and during escalating tensions in the West Caucasus, the Circassian elites themselves easily bypassed Ottoman consular staff and border agents at the Caucasus; some could even afford to charter their own ships, which, on arrival in Ottoman ports, would be registered as their extended households.[33] The notable and princely families who had precipitated the migration towards the Ottoman West before the final exile of 1864 had certainly had the time and the means to arrange the delivery of their slaves with them, which Hamed-Troyansky intimates likely occurred under coercion.[34] Lacking papers and means for autonomous movement, enslaved men and women could only register and travel as a notable's dependents. One can argue, though, that the slaves who travelled with their lords may have chosen the lesser of two evils.

In the first half of 19th century, the Russian military colonisation of the northwest Caucasus had made the slave trade the most profitable and, occasionally, the only means of subsistence.[35] The rumours of free Circassians being kidnapped and sold by the slave traders capitalising on a refugee crisis did reach the Sublime Porte, which philanthropically allowed for the enslavement of destitute children being sold by their own parents.[36] Moreover, the Circassian slaves who refused to leave with their masters risked the prospect of rape and pillage by the Russian military regiments or being re-enslaved and sold to Arabo-Ottoman and Iranian households, whose language and customs were foreign to them. Even without the active coercion of Circassian elites, the slaves who faced the volatile circumstances of Russian colonisation may have favoured the devil they knew.

The Ottoman border policing early on during the refugee settlement thus expressed the perennial paradox of free movement in the wake of slavery's abolition, in demanding proof of

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[32] For the full text of 1854 treaties in French translation, see George Young, ed., *Corps de Droit Ottoman: Recueil Des Codes, Lois, Règlements, Ordonnances et Actes Les plus Importants... de l'empire Ottoman*, vol. II (Oxford: Clarendon Press, 1905), 172-73.
[33] Karpat, *Ottoman Population, 1830-1914*, 69.
[34] Hamed-Troyansky, 'Imperial Refuge', 73n59.
[35] Kurtynova-D'Herlugnan, *Tsar's Abolitionists,* 178.
[36] Toledano, The Ottoman Slave Trade, 157-59.

freedom while withholding freedom of movement.[37] Similar problems afflicted transnational labour migrations throughout the 19th century. The demands for proof of freedom as entry/exit permits strained the logistics of imperial settlement projects, whereby the movements of settlers and workers generated new forms of 'proof of consent' (i.e., indenture contracts) and travel documentation (i.e., passports).[38] In the course of 19th century, transnational migration regimes became more and more securitised, restrictive, and exclusionary. Often the restrictions were imposed based on entry, as in the British colonies and the Americas. Other times they were imposed based on exit, as with continental powers like Imperial Russia and the Ottoman Empire.[39] Such restrictions actively shaped the imaginative contours of imperial and national polities; and the racial, gendered, and classed exclusions therefrom.

Administrative pretexts in the reception and settlement of West Caucasian refugees helped expand and modernise the institution of slavery by further empowering the patriarchal authority of the refugee elites and restricting the mobility of their slaves. The refugee settlement, by the Article 9 of Immigration Law, restrained the mobility of settlers to the confines of the settlement. No one would be allowed to leave the settlement for up to 6-12 years, until they were provided the means - like nationality papers, internal passports, conscription draws - with which to do so. Most slaves lacked the means with which to leave, even as their masters attained the coveted nationality status. Their right to movement was curtailed not only within the limits of the state-allocated lands, but by the patriarchal household on which their status, their rights and duties depended.

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[37] Mongia further centres the role of international labour migration in shaping the contours of modern contract law. For more proof of freedom and of consent in 19th century Indian Migrations, see: Mongia, *Indian Migration and Empire,* 37-39.

[38] Radhika Viyas Mongia, 'Race, Nationality, Mobility: A History of the Passport', *Public Culture* 11, no. 3 (1 September 1999): 527–55.

[39] British commonwealth and the US settler colonialism are the centrepiece of existing literature on the securitisation of political borders, and border imperialism, from 18th century to the present. For field-defining work on the British Empire and oceanic migrations, Mongia, *Indian Migration and Empire*; Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Durham: Duke University Press, 2018).
On the internal passport restrictions and exit-based restrictions in Ottoman Empire and post-Ottoman states, see: David Gutman, 'Travel Documents, Mobility Control, and the Ottoman State in an Age of Global Migration, 1880–1915', *Journal of the Ottoman and Turkish Studies Association* 3, no. 2 (2016): 347–68; Gerasimos Tsourapas, 'The Long Arm of the Arab State', *Ethnic and Racial Studies* 43, no. 2 (26 January 2020): 351–70; Gerasimos Tsourapas, 'Global Autocracies: Strategies of Transnational Repression, Legitimation, and Co-Optation in World Politics', *International Studies Review*, accessed 14 October 2020.

The refugee crises had in effect not only restrained the mobility of slaves within the land and the household of slave-owning elites, but also prevented slaves from formally registering as Ottoman subjects. Especially pertaining to the registration of men for purposes of conscription, the land-owning, slave-holding elites kept the servile male population out of population registers (*nüfus sicilleri*) to retain more power over them. Furthermore, the ongoing re/productive labour of the *pshitl'* families in the master's household gave time and opportunity to young Circassian men of noble birth to pursue positions in the military and Ottoman officialdom, as Hadj Suleyman of Quneitra himself did – receiving in 1898 the title of *colonel*.[40]

The reliance on Circassian notables for the administration of the settlement policy had a conspicuous role in expanding the caste of slaves within the refugee population. The haphazard application of the immigration law from before the mass influx of refugees in 1864 meant that the Porte lacked the infrastructure to incorporate and settle such a diverse crowd of people. In the early phase of the refugee settlement, ruling castes among the Circassians were given oversight regarding the registration of land, deed, and individuals in population registers.[41] The Circassian notables had assumed disciplinary and administrative powers while settling the Ottoman provinces, whereby they had the means to disenfranchise the freeborn refugees during land allocation and registration.[42] As the free peasantry would arrive with and register under the household of a Circassian lord or notable, they would *de facto* and *de jure* have the same status as that of *pshitl'*. The motions of capital created a reserve army of landless, unfree Circassians as the land concentrated at the hands of the few.

The paternal and institutional collisions between the Porte and refugee elites in the application and institutionalisation of Immigration Law had in effect hindered the inclusion of the more indigent sections of the settlers into the Ottoman *re'āyā* as equal participants. This rendered

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[40] BOA. DH. MKT. 2164/17, H 18/09/1316 (30 January 1899). Hayriye Melek Hunç, the foremost Circassian feminist, implies as such in her indictments of Circassian slave system. Calling out to the lords, she stipulates that prohibiting the conscription of pshitl' only serves to centre the institution of slavery: '*Tarım, ticaret ve güzel san'atları geleceklerini kendimiz belirlemeğe kalktığımız insanlara, askerlik ve memuriyeti de kendimize uygun kabul etmek, köleliği kurumlaştırmaktan başka bir işe yaramaz.*' in 'Beylik-Kolelik' published in Ghuaze(1911-1914), no: 10, 8 June 1911.

[41] Hamed-Troyansky, 'Imperial Refuge', 68-69.

[42] Hasan Kanbolat and Erol Taymaz, 'Kafkas-Osmanlı İlişkileri ve Köle Ticareti', *Tarih ve Toplum* XIV, no. 79 (1990): 35–44.

a substantive section of immigrant settlers beyond the purview of the secular (*ḳānūn*) law, insofar as they were allocated no property, they were de facto under the guardianship of the lords, and further removed from the jurisdiction and the protection (*muḥāfaẓat*) of the state. Enslaved and destitute Circassians arrived in the Ottoman Empire as *less than* who they were before; completely isolated in a foreign land, unable to speak the language, legally dependent on their lords and notables.

Refugee crisis brought on by the Russian colonisation of the Caucasus, the escalation of war into ethnic cleansing in its western plains, rendered the primary articles of the immigration law null. There had been no process of vetting (Article 12 and 13), no consular oversight over the requisite wealth of immigrants (Article 13 and 14); let alone a chance to register an 'oath of loyalty' (Article 1). Becoming Ottoman was an ad hoc process primarily based on land registration in the camps and settlements, whereby property itself determined one's juridical, and thus, international status. Being abandoned by the Porte and being excluded from the political transaction that is property for loyalty, meant that there were no legal barriers to the return migration of stateless slaves back to Russia. Unlike fellow Circassians and Caucasian immigrants at large, the slave caste could not acquire any property while settling the Ottoman lands, nor were they usually registered as Ottoman subjects. As landless refugees and slaves, the fugitive Circassians seeking to return to Russia could not be *legally* barred from re-entry into Russia in the aftermath of their expulsion.

Return migration by the enslaved, however arduous the path, left multiple accounts of disputed jurisdiction in the borderlands between Russia and Ottoman Empire. As Ottoman *property* they were liable to be pursued as such; yet they were not considered Ottoman *subjects* by the Tsarist government for their failure and inability to acquire land in their Ottoman sojourns. Their stateless status allowed for Russian 'meddling' in favour of Circassian slaves in the Russo-Ottoman borderlands, where their status as Ottoman subjects was easier to contest. Even in case of 'leftover slaves,' the Russian anti-slavery efforts would unilaterally manumit and pay the head-money(or redemption payment) for the Circassian slaves who remained under their jurisdiction, should their absentee masters sought to repatriate them and take them back to Ottoman muhajir

settlements.[43] As such, illicit re-immigration was the most successful strategy available to the stateless slave moving between competing jurisdictions.

The success of return migration also reveals how the rhetoric often followed in the wake of reality. Reports by the Russian consul in Trebizond claimed as early as 1854 that landless Circassians who were 'tricked, robbed, and dragged to the West by the dictates of their lords' were now seeking refuge back in the Caucasus.[44] The causes of return and the conditions of returnees affected the border regime being constructed in the Russian Caucasus; mainly that the border agents needed to tell apart the *insurgent* from the *indigent*. In 1861, the Russian military stationed at the border took a decision to detain and deport the returning mountaineers to Siberia.[45] However, when another slave by the same of Oughourli fled back home to the city of Nalchik in 1862, he mentioned that 'he was not stopped by anyone on his way [t]here.'[46] Despite the Russian General Milyakov ordering the wholesale evacuation of Circassian tribes in 1864, the Russian border regime soon adjusted its return policies 'in accordance with its evolving perceptions of threat or benefit,' – or given how well the number of destitute returnees served their colonial claims over the Caucasus and their humanitarian credentials.[47] The tsarist government thus welcomed - in rhetoric - the return of indigent Circassians and slaves as a vindication of Russian rule over the Caucasus.

One could argue that the tragedy that ensued during the Great Caucasian Exile, and in the Tsarist pursuit of 'reluctant' abolitionism, was the expansion of servitude it sought to abolish. Russian anti-slavery activism celebrated, to a degree, the slaves who broke away from their masters, while bringing about a calamity that only added to their growing numbers. That the Russian government welcomed fugitive slaves back into the Caucasian *auls* thus sound hollow, for their

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[43] Toledano, *Ottoman Slavery*, 174-79.
[44] We have on historical record a select group of Abkhazian royalty and notables also indicate as such, that they had fled the Caucasus decades before the final exile and extermination of 1864. For more, see Leyla Açba, *Bir Çerkes Prensesinin Harem Hatıraları*, L&M Kitaplığı (2004), 21-24.
[45] Personal Correspondence, Vice-General Zokov to the Commander of Notukhai Okrug. Murat Topçu-Papsu (translator)'Archival Documents from Russian Archives,' *Journal of Caucasian Studies*, 4, 7-8 (2019): 183.
[46] Excerpt translated and cited by Hamed-Troyansky, 'Imperial Refuge', 388.
[47] On return migration and Russian-Ottoman politics of citizenship, see: James H. Meyer, 'Immigration, Return, and the Politics of Citizenship: Russian Muslims in the Ottoman Empire, 1860-1914', *International Journal of Middle East Studies* 39, no. 1 (2007): 15–32. On the humanitarian concerns on an open-border policy for Circassian returnees, see: Hamed-Troyansky, 'Imperial Refuge', 410.

liberation was only celebrated at the tail end of their journey, once they succeeded in coming back home from which they were exiled. Russian anti-slavery activism, like its European counterparts, devolved into a self-congratulatory enterprise.

Self-purchase - or *mukātebe* - had been the Ottoman government's resolution to the political conflict that had grown between the slave-owners and the slaves (of *malikler ve memlūkler*) in their first decade of exile.[48] What had been a time of administrative chaos and upheaval in the 1870s had given a modicum of leverage to the insurgent and the fugitive slaves. The stalemate between the interests of the state, and the wills of two opposing classes resulted in mukātebe, self-purchase, as the agreed upon solution, promising liberation to the slaves with their masters' consent. They were now allowed to purchase their freedom, *pending the blessings of their master*, and for a price *agreed upon* by their masters. Mukātebe in fact had further legalised the sharecropping arrangements between the lord and the slave, while promising nothing if lacking the master's consent.[49] In any case, Hadj Suleyman had never given any indication that he was willing to let go of Yacoub, nor did any of his fellow Circassian lords wish to exercise such generosity.

The pleas of slave owners that their slaves be repatriated back home, despite their extensive circulation across the provincial and central government, fell on deaf ears. The matter of slavery had been extensively debated in the parliament at the beginning of the legislative calendar some ten months before, just as Yacoub and Oughourli had taken their first steps towards freedom.[50] On 16 April 1909, a motion was proposed to the Ottoman parliament for adding a clause to the constitution, enshrining as an individual right (*ḥuḳūḳ-i efrād*) to not be enslaved. The cohort of men who were elected to the parliament and were privileged to be the first among their generation to taste the freedom for self-governance, comprised over 53.8% the Ottoman religious clerics (*'ulemā'*), landlords, and notables (*eşrāf*).[51] The majority of the MPs in the parliament had never been personally owned, sold, employed, or exploited.

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[48] BOA. ŞD., 2872/30, p.8, 15 May 1872.
[49] Ehud R. Toledano, *The Ottoman Slave Trade and Its Suppression: 1840-1890* (Princeton University Press, 2014). 165-166.
[50] Meclis-i Mebusan Zabıt Ceridesi(MMZB), 27 Mayis 1325(9 June 1909), 223-224.
[51] Fevzi Demir, 'Bir Siyaset Okulu Olarak Meclis-i Mebusan', in *2. Meşrutiyeti Yeniden Düşünmek,* ed. Ferdan Ergut (Istanbul: Tarih Vakfi Yurt Yayınları, 2009), 247.

Yorgo Bey, who proposed the motion had only done so in imitation of European constitutions. However, an MP from Smyrna, arguably *the* centre of hereditary African slavery in the Ottoman Empire, had vehemently opposed the proposal, arguing that there were no more slaves being bought and sold in the Ottoman Empire.[52] Moreover, by treaty law the Sublime Porte had signed the 1890 Convention on the Suppression of African Slave Trade, and the *Mecelle* – civil law – had enshrined the individual freedoms of Ottomans, and even by *sharīʿa* – religious personal codes – the *sale* of free men was now forbidden, so 'why were the Ottoman MPs even debating this matter?' Armenian and Kurdish MPs of the Ottoman East protested and claimed that the sale of – free – people and of children in their provinces was still ongoing calamity. Despite their pleas, the motion to enshrine a slave's right freedom in the Constitution was denied by two to one (*sulüsān-i ekseriyyet reddetti.).*[53] As Selim Effendi of Konya concluded the debate, 'by the constitution, all Ottomans are born free' (*Osmanlılar hürdür*). However, if by the law of *sharīʿa* they were indeed *not* born free, who were they really?

The revolutionaries of 1908, who believed themselves to be slaves liberated from the Hamidian autocracy were at a loss as to what to do with the actual, ongoing reality of slavery. Now that they established the constitution and abolished their (rhetorical) slavery, the parliamentarians of the day believed that there were no longer slaves but *citizens*, be it citizens that toil under the *conditions* of slavery.[54] For the purposes of Ottoman revolutionaries and parliamentarians the Ottoman slave was an oxymoron, for no Ottoman could be born as slaves. The Council of Ministers, a small compartment comprising the more royalist sections of the parliament, did not record any decisions regarding the petition of Quneitran notables, even as the matter had been delegated to them by the Grand Vizierate; there is no record of a debate or a decision pertaining to Quneitran slaves.

Through the patriarchal bargain between Circassian beys and the Ottoman government, and by the limitations of capitulatory law pertaining to the inviolability of domicile, the conditions

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[52] On the African community and its history in Smyrna, the biographical work of Olpak is referential: Mustafa Olpak, *Kenya-Girit-İstanbul: köle kıyısından insan biyografileri* (Ozan Yayıncılık, 2006).
[53] MMZB, 27 Mayis 1325 (9 June 1909), 224.
[54] On the liberal notion of equality used as arguments against labour rights in the Ottoman parliament, see MMZB, 12 Nisan 1326 (25 April 1910) discussed in Karamürsel, 'In the Age of Freedom', 162.

of domestic and agricultural slavery remained beyond the purview of both international legislation and domestic secular law. Within the well protected domains of the Hamidian regime, the right to people *as property* was also preserved by the courts. The ravages of the Russo-Circassian Wars of 1764-1864 were compounded by the subsequent participation of Circassians in an agrarian property regime based on individual and exclusive ownership. The juridical participation of Circassian refugees in Ottoman modernity disenfranchised both freemen as well as the destitute, non-Circassian immigrants into the landless, ethnically ambiguous, anonymised caste of *pshitl'*, the lord's man.

The paper trail that followed in wake of Yacoub's escape is fragmented but consistent. There are petitions and court decisions, consular correspondence and finally, an exasperated account by the governor Ismail Fazıl on what was going down in this small town of Quneitra.[55] Each step of Yacoub's journey reiterates rather than resolves the tension between liberty and justice, and the role of property rights therein. As Karamürsel argues, this tension was sustained by two distinct legal systems, two overlapping jurisdictions of the *ḳānūn* and the *sharīʿa*, of the secular and şer'i courts, the former of which protected from enslavement those persons born free, and had little to no say about the freedom of those born as property.[56] The aporias of freedom in the Ottoman Empire persisted; for you were only free so long as you could disprove otherwise.[57]

3.1.3. ʿĀbid-i Ḥür, or Free Servant

I would like to go back to the consular notice on the escape of Oughourli and Yacoub, the former of whom left no paper trail but this single mention in Consul Devey's correspondence with the British Ambassador. I believe juxtaposing their stories post-escape can reveal more about their conditions of captivity before they left Quneitra. Their diverging paths can reveal, in what is

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[55] BOA. DH. MUI. 61/51, 6 February 1910.

[56] Karamürsel, 'In the Age of Freedom',170-73. More on the parliamentary debates, see: Karamürsel, 'The Uncertainties of Freedom: The Second Constitutional Era and the End of Slavery in the Late Ottoman Empire', *Journal of Women's History* 28, no. 3 (2016): 138–61.

[57] For the colonial and mystical ways in which the modern law accords and withdraws humanity from slave-subjects, see: Samera Esmeir, 'At Once Human and Not Human: Law, Gender and Historical Becoming in Colonial Egypt', *Gender & History* 23, no. 2 (1 August 2011): 238-39.

undone and what is unsaid, a difference in legal status but also labour conditions, opening a discussion about the trajectories of unfree labour before and after the Great Exile of 1864.

It is without a doubt that Oughourli was working under extremely exacting conditions, for a master who made life impossible to bear as it was. It is certain that he feared for his wife and children, and that they were forced to stay and serve in his master's household. It is nonetheless unclear whether *he* was legally a slave, as this domineering master would not pursue a case against him. Unlike Yacoub, Oughourli was not mentioned in any other Ottoman correspondence by name or by reference. In fact, the Governor Ismail Fazıl's account of slave *multejis* mentions that there was only one slave, Yacoub, who had sought refuge in British consular premises.[58] Maybe Oughourli simply had a less obstinate master who simply could not be bothered. What is more likely is that he and Yacoub belonged to two different classes of servants.

It was long recognised by the Ottoman courts that the customary law (*ādat-i ḳādime*) of Circassian legal culture was made of rights and duties organised along hierarchies of caste, between lords, notables, freemen, and slaves. According to a legal opinion by the Ottoman Council of State in the year of 1872, this final caste of unfree labour comprised *two* classes of slaves; *ābid-i ḥür* and *ābid-i memlūk.*[59] Ābid-i memlūk, or slave-as-property is the conventional definition of a slave as the property of another, whose status as property negated their aspirations for freedom. Ābid-i ḥür or free servant/slave, is a harder concept to define, the descriptions of which leave much to the imagination. The distinction between the two seem more akin to serfs or indentured servants as opposed to slaves. In the Otto-Circassian agrarian settlement, both ābid-i ḥür and ābid-i memlūk worked as sharecroppers on the notables' land; both could not move beyond the confines of the household and act beyond the jurisdiction of their master. The one crucial difference was that the Circassian notables had the right to sell ābid-i memlūk as their property.

It is important here to note that the terminology of the two classes of slaves comes from an Ottoman translation of a petition by an anonymous slave, and that the Caucasian and diasporic vernacular for serfs/slaves differed from Arabo-Ottoman nomenclature, just as the Caucasian

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[58] *'...(y)alniz Yakup nāmında birinin seyis ḫidmetiyle ücret muḳābilinde ḫayli zamandan beri konsolos nezdinde mustaḥdem olduğu ve konsolosḫānenin simdiye ḳadar bu mes'eleye mudāḫalesi olmadığı gibi ilticā'edenler bulunur ise de ḥukūmetce redd ideceğini konsolos ifāde etmişdir.'* DH. MUI. 61/51, p.11, 06 February 1910.
[59] BOA. ŞD., 2872/30, p.8, line 3, 15 May 1872.

customary laws - *ādat* - differed from, while deferring to, the courts of sharīʿa.[60] The distinction between ābid-i ḥür, and ābid-i memlūk would fit in the pre-Exile nomenclature for *wunauty*, war captives, and *pshitl'*, the enslaved peasants and serfs. However, by the time of the Great Exile the first two classes of slaves, wuneuty and pshitl' had completely blended into one another, by marriage, by heritage, and by law as that which designated the Ottoman name for slave - köle.[61] Thus, it is likely that ogi, the free servant who fulfilled the functions of a steward, is the better approximation for *abid-i ḥür*.

The ʻazeb, another equivalent of ogi and ʻābid-i ḥür, is a recurring figure in the history of Circassian diaspora in the Ottoman Empire and post-Ottoman states, often serving the functions of a steward in notable households, often but not exclusively men. The etymology has its roots in Arabic for single men, while the terminology canonically refers to navy recruits in the early modern Ottoman Empire serving several different functions: as foot soldiers, watchmen, or seamen serving in the galleys and shipyards. This idiom for the itinerant man charted different paths across the wide stretch of Ottoman lands. In Asia Minor, Northern Syria, and in North Africa the ʻazeb is the name for agricultural workers and servants, whereas in Egypt, the ʻazeb remained an urban presence centred in Cairo, mingling among the craftsmen and artisans.[62] ʻAzeban military regiments were no doubt present during and after the conquest of Black Sea ports as well as North African shores, whose enduring nomenclature indicates that the decommissioned soldiers sometimes stayed on, finding work in villages across the Ottoman lands. Some Circassian refugees most likely adopted the term as an equivalent to Ogi, to refer to a class of free servants composed of foreign, single men. By the oral history accounts, the ʻazeb were not accepted into the bloodline of respectable families, often marrying among the destitute and the enslaved.[63] ʻAzeb thus introduced another foreign, migrant element to the ethnically heterogeneous caste of pshitl', and who, unlike the pshitl', could not be bought or sold at whim.

The enduring presence of the ʻazeb brings into question inter-ethnic and class relations across the Caucasian world both in the homeland and its many diasporas. According to oral history

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[60] BOA. HR. TO., 246/3, 28 February 1871.
[61] Aksoy, *Beyaz Köleler*, 51.
[62] Michael Winter, *Egyptian Society Under Ottoman Rule, 1517-1798* (Routledge, 2003), 244.
[63] Sunata, *Hafızam Çerkesçe*, 130-131.

accounts, in the Balkans and Asia Minor, the cadres of 'azeb would be filled with the indigents of different Circassian tribes, with local minorities, from Turkmens to Kurds, Chechens and Azeris, and later, from the 1910s onward, 'rescued' Armenians.[64] While Oughourli also sounds like a Turcophone name, there is in fact a notable Abkhazian line carrying the same name.[65] One can find both settlers and slaves who carry the family name Oughourli in the historical record, which would further attest to how enslavement across Circassian tribal affiliates had become indiscriminate during and after the exile of 1864. It is possible that Oughourli came from a family of Abkhazians enslaved by another Circassian tribe, either during an armed conflict or as a punishment, and sold into slavery in Syria – an event of which there is already a historical record.[66] It is nonetheless *likely* he was considered a free servant, an 'azeb or an equivalent, a steward who had married into a slave family, and sought to have a clean start for both himself and his wife.

The formation of a class of migrant, nominally free labour certainly merits more research in the labour history of Caucasus. The emergence of the ogi and 'azeb has implications for the study of feudal *auls* and mercantile cities in the Caucasus, and across the Ottoman Mediterranean. Moreover, the introduction of the 'azeb into the economy of agrarian households imply the scale to which the number of slaves necessitated a steward's work, and the hierarchies that organise agrarian labour. Quneitra especially can be a very productive case study about agrarian capitalism, land tenure, and labour relations. The muhajir settlements of Quneitra partake in the formation of large estates in Syria beginning with the application of the Ottoman land code of 1858, until the application of Agrarian reform law of 1958.[67]

The roles that Oughourli and Yacoub assumed in the settler households of Quneitra can help us reflect on the literature on similar sharecropping arrangements in Asia Minor, Syria, and Iraq. It invites comparison on the similar roles and hierarchies that endured in the 20th century agrarian relations, between the agawat (kr./ar. elder brother) and the fellahin (ar. peasantry) in the

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[64] Ibid.; Aksoy, *Beyaz Köleler*, 264-68.
[65] R.K. Kermov, *Abaza na Severnom Kavkaze*, 1648-2020, 281, accessed 14 November 2022.
[66] Hamed-Troyansky, 'Imperial Refuge', 388. For Adige-Abkhazian relations and conflicts in between, see Hasan Kanbolat and Erol Taymaz, 'Kafkas-Osmanli İlişkileri ve Köle Ticareti', 36-37.
[67] Large estates figured as much as 45 percent of irrigated land in post-Ottoman Syria, which intimated a feudal social pattern of land and labour relations. Eva Garzouzi, 'Land Reform in Syria', *Middle East Journal* 17, no. 1/2 (1963): 83–90.

households of Akkar, Lebanon, or between the *dayı* (tr. uncle) and the *ırgat* (gr. worker) further north in Çukurova.[68] A comparative lens would also address the question of *just how free* the fellahin were under the landlords of Ottoman Syria and the colonial bourgeoisie of the mandatory Syria and Lebanon.[69] Local sharīʿa courts in Greater Syria often did record the abuses of the sharecropping system, and attest to judicial attempts to protect the fellahin from landholders. Sabrina Joseph specifically points out how local jurists as well as religious scholars opined in favour of the fellahin, specifically to protect their freedom of movement, a point of contrast to the mobility restrictions imposed on Circassian slaves within the muhajir settlement.[70] Gilsenan on the other hand takes note of the violence that subjugated the Akkari fellahin to the 'will, pleasure and acts of the great lords' in the early 20th century, an arbitrary power and servitude from which it was painful to escape.[71] Should such 'narratives of coercion' and escape resonate with that of enslaved Circassian fugitives of decades past, what does that imply about juridical freedom under agrarian capitalism?

The figure of ābid-i ḥür, or the free servant, invites a broader conversation to be had on the entanglements of capitalism with slavery, as a matter of continuity rather than rupture. As David Graeber persuasively argues, that among all the anthropological traits shared between the two 'modes of production' is an *ideology* of freedom that 'historically tends to emerge from societies with extreme forms of... slavery, essentially as a point of contrast'.[72] 'Azeb within the Circassian workforce thus finds their place adjacent to that of the wage labourer as someone who contains the

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[68] On the Household - Beit - economy and how it organises the fellahin therein, see: Michael Gilsenan, *Lords of the Lebanese Marches: Violence and Narrative in an Arab Society* (University of California Press, 1996), 31.
On the region of Cilicia and labour relations therein, see: Deniz Duruiz, 'Erasure and Affect in Race-Making in Turkey', *Project on Middle East Political Science* (blog), 16 September 2021; Meltem Toksöz, *Nomads, Migrants and Cotton in the Eastern Mediterranean: The Making of the Adana-Mersin Region, 1850-1908* (Boston, United States: Brill, 2010).

[69] For further distinctions and hierarchies among the Syrian peasantry, especially pertaining to the distinctions organised by clans/extended households see Batatu, Syria's Peasantry, 22-19. On the relations between peasantry and mandatory bourgeoise, see: Amel, *Arab Marxism*, 40-41; on the 'burden of exploitation' on the peasantry in non-Western contexts, see ibid., 70. On the oral histories of the Syrian fellahin on the life and demise of feudalism, see: ʿAbd Allâh Ḥannā, *Al-fallāḥūn wa mullāk al-arḍ fī Sūriya al-qarn al-ʿishrīn: dirāsat tajmaʿ bayn al-tārīḫ al-shafahī wa al-tārīḫ al-maktūb* (Bayrūt: Dār al-Ṭalīʿat, 2003), 27-50.

[70] Sabrina Joseph, *Islamic Law on Peasant Usufruct in Ottoman Syria: 17th to Early 19th Century* (Brill, 2012).167-169.

[71] Gilsenan, *Lebanese Marches*, 109, 133-34.

[72] David Graeber, *Possibilities: Essays on Hierarchy, Rebellion, and Desire* (Oakland, CA: AK Press, 2007), 105.

very contradictions of modern liberty; who, by dictates of hunger, has the liberty to sell their own freedom.[73]

3.1.4. Conclusion

Quneitra, as the foremost muhajir settlement in Greater Syria in its time, provides an example to the insurmountable odds and tribulations of liberty within the constraints of masters' justice. In this chapter I discussed how the Ottoman immigration policy created and sustained this tension between justice and liberty through the very institution of private property. I explained how the relations of domination and economic exploitation within settler society were constructed through the patriarchal household, by the administrative pretexts of immigration administration and the contractual exclusions of Ottoman nationality law.

The invisible migration of landless Circassians – namely, fugitive slaves – generated uncertainty regarding the possibility of consular interventions and disputed personal codes which would undermine the jurisdictional integrity of the Sublime Porte. The case study at hand presents a similar dilemma, of two fugitive slaves seeking refuge at the British consular premises. Yacoub and Oughourli of Quneitra reveal the overbearing structures of exploitation that existed therein, and how and why their hopes were invested elsewhere than the state-dictated settlements. They reveal, in their moment of respite, that the settlement was a less than a perfect success, one which sustained the modern conflicts of class, of patriarchy, and of racial othering.

Within the constraints of municipal and international law, domestic and agricultural slavery did continue among the Circassian settlements. Access to private property conditioned the inclusion of Circassian elites in the Ottoman nation, in exchange of which they promised to spend ten years of labour to cultivate the land. However, it was the labour of their dependents, among

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[73] Ibid. Graeber delineates a legal anthropology of slavery in Europe from Ancient Greece and Rome onwards. His claims about the nature of free will and slavery as paradoxically intertwined are further supported by the classical literature, as Gamauf notes, that 'Slaves were expected to work more willingly and effectively when they made their own decisions.' Richard Gamauf, 'Slavery: Social Position and Legal Capacity', in *The Oxford Handbook of Roman Law and Society*, ed. Clifford Ando, Kaius Tuori, and Paul J. du Plessis (Oxford: Oxford University Press, 2016), 389; M. I. Finley further remarks how individual freedom and chattel slavery were the Janus face of life in the city-state: 'Was Greek Civilization Based on Slave Labour?', *Historia: Zeitschrift Für Alte Geschichte* 8, no. 2 (1959): 145–64.

whom were a class of slaves, that upheld the end of the transaction underwriting the immigration law and nationality acquisition. They worked the land they did not own, raised children they did not bear. On occasion, caste exogamy mitigated the law of exploitation and expropriation they had inherited from their parents. On other occasions, the scarcity of land and the abundance of cheap labour - both Caucasian and otherwise - only served to harden the boundaries between the master and his men.

3.2. Vernaculars of Race

In his treatise called *the Condition of Circassian Women in the Ottoman Society* published in 1914, the preeminent Circassian intellectual Mehmet Fetgeri Şoenü not-so-delicately reflects on the abolition of black slavery in the Ottoman Empire with an affect of envy: 'These negro *lalas*, and eunuchs from the Sudan and Abyssinia who were deprived of their manhood for this contemptible grandeur…Even they rid themselves from slavery. But the unfortunate children of the Caucasus still bear the burden of this shameful trade…'[1]

This is an exemplary fragment on the rhetoric on African Slavery from the pen of Circassian elites, that bring forth from the margins the image of an emasculated Black slave, only to centre the sufferings of Circassian women enslaved because of their own desirability. The utter emasculation and de-sexing of the Black man stands out in relation to the sexualisation of the white, innocent Circassian woman who is an object of, and is enslaved by, men's 'despicable lust.' Here Şoenü mistakenly draws out a contrast through un/desirability to explain why the liberation and dignity that was denied the (desirable) Circassian women for so long was given away to the (undesirable) African slaves so much sooner, in reference to the international Brussels congress on the Suppression of African Slavery of 1889-1890.

Şoenü intimates but does not elaborate the different 'genres of desirability' that provoke this *greedy madness of humanity* to enslave and dominate one another. Nonetheless, he presents desirability as its own gilded cage, and undesirability as a respite, mistakenly privileging one over the other. Drawing from the insights of Zelika U. Ibaorimi, a contemporary theorist of sex work, I would argue that desirability and race intersect in this very act of comparison, whereby the desire *to* humiliate and mutilate the black flesh is dismissed in comparison to the carnal desire *for* the unmutilated, white body of Circassian woman.[2] The temporal hierarchy between the freed black man and the enslaved white women is upended in this act of comparison, for *how* could the former be entitled to freedom before the latter?

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[1] Mehmet Fetgeri Şoenü, *Osmanli 'Alem-i Ictimā'isinde Çerkes Kadınları*, excerpt translated by Karamürsel, 'In the Age of Freedom', 185.

[2] 'Undesirability is also a genre of desirability.' in Zelika U. Ibaorimi, '(Ho)Ly Ontology: Black Visual Cultural Geographies of the Sexually Illicit' (Youtube, Zoom Presentation, 8 October 2020).

In this chapter I would like to discuss how the interactions of humanitarian abolitionism and Circassian anti-slavery activism deliberated different vernaculars of race. A comparative rhetoric permeates the discussions surrounding anti-slavery activism, both domestic and transnational. The affect of envy that burgeons in the very act of comparison unveil the imaginative hold of black captivity over the debates surrounding white – Circassian – slavery as they took place between 1890-1914. Two pieces of international legislation set the terms of debate for this chapter, between the 1890 *Congress on the Abolition of African Slave Trad*e, and the 1904 '*Arrangement International relatif à la répression de la traite des blanches*', which were deployed as points of reference to argue both *for* and *against* the practice of Circassian slavery.

Race is a contentious and overlooked topic in the legal histories of North Africa and West Asia, even as it is a contemporary topic of political debate. While there is now an academic consensus on the socially constructed nature of race (albeit with the occasional opposition by eugenicist contrarians) the question of just *how* it is socially constructed shapes contemporary research. The role of law and of science in constructing racial paradigms of taxonomy has been the primary focus of scholarly inquiry, looking at the role of anthropology, biology, medicine, and lately, social sciences. The debate is vibrant yet charged with the political gravitas of the present; for how are we to discuss racism without (reifying) race?[3]

It is no longer a contentious argument that modern international law, influenced as it was by imperialism, operates within a racial epistemology. The legal scholars like Martti Koskenniemi and Anthony Anghie point out the role of positive international law in building the structures of colonial domination.[4] International histories of the law of nations demonstrate the productive role of law in the taxonomic and hierarchical ordering of peoples within an international system of sovereign states.[5] International Law itself has come under critical inquiry by scholars like Ntina

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[3] Sarah Mazouz, *Race*, Le Mot Est Faible (Paris : Anamosa, 2020), 18-19. This question is especially pertinent with regards to law and legal activism against racially-motivated crimes : Abdellali Hajjat and Mathias Moschel, 'Racisme en procès', *Marronnages : les questions raciales au crible des sciences sociales* 1, no. 1 (29 November 2022) : 8–12.
[4] Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, Cambridge Studies in International and Comparative Law, N.S. 37 (Cambridge: Cambridge Univ. Press, 2005); Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge University Press, 2001).
[5] Musab Younis, 'Race, the World and Time: Haiti, Liberia and Ethiopia (1914–1945)', *Millennium* 46, no. 3 (1 June 2018): 352–70.

Tzouvala and Umut Özsu for its instrumental role in capital accumulation and nation-making.[6] Tzouvala further argues that humanitarian arguments based on racial constructs such as *civilisation* and *civilisational parity* provided the legal means and mechanisms for the expansion of capitalist modernity.[7] To that end, I would like to question to what extent did the racial epistemology of positivist international law permeate and calibrate social relations between stateless Circassians in their unequal participation in the Ottoman nation and agrarian property regime. I would like to question how juridical identity – nationality and/or citizenship – calibrated the Circassians' caste-based taxonomies and hierarchical orderings *in the process of* becoming Ottoman settlers.

I believe that providing a relational and dialectical history of race is also theoretically important.[8] Scholarly debates aside, even a critical articulation of what race and racial identity *is* often ends up being an exercise in 'political metaphysics'.[9] I borrow the term from Ben Kies, a South African trade unionist and anti-colonial activist, for whom 'political metaphysics' designates the imperial quest to lay an epistemological - or rather, 'mythological' - foundation for race and racial civilisation.[10] It is a metaphysical exercise, in so far as race is an ethico-political assertion to justify and render timeless the material conditions of domination and exploitation. It is crucial to look at how race and civilisation are historically contingent constructs, whose modern articulations are inextricably intertwined with the variegations of capitalism and colonialism. A relational and dialectical history of race should also account for how the oppressed themselves can become the

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[6] Umut Özsu, 'Fabricating Fidelity: Nation-Building, International Law, and the Greek–Turkish Population Exchange', *Leiden Journal of International Law* 24, no. 4 (December 2011): 841-42; Tzouvala, These Ancient Arenas, 1161-65.

[7] Tzouvala, *Capitalism as Civilisation*, 44-54.

[8] By doing so, I would also like to stress that this is not an ontological inquiry into race and anti-black racism. For a debate on this important distinction, see: Muriam Haleh Davis, "Incommensurate Ontologies'? Anti-Black Racism and the Question of Islam in French Algeria', *Lateral* 10, no. 1 (1 March 2021).

[9] Kies, Ben. 'The Contribution of the Non-European Peoples to World Civilisation'. Cape Town: Teachers' League of South Africa, 1953, 29 September. Available Online: https://www.tinyurl.com/KiesContribution (Accessed 5 April 2022), 8. On Ben Kies, see: Josh Platzky Miller, 'From the 'History of Western Philosophy' to Entangled Histories of Philosophy: The *Contribution* of Ben Kies', *British Journal for the History of Philosophy*, 20 April 2023, 1–26.

[10] Or as Claude-Olivier Doron put it, there is no 'neutral basis' on which subjects are racialized, 'Histoire Épistémologique et Histoire Politique de La Race', *Archives de Philosophie* 81, no. 3 (2018): 477–500. On white mythologies and the 'analytics of racial modernity', Hesse's article proves insightful: Barnor Hesse, 'Racialized Modernity: An Analytics of White Mythologies', *Ethnic and Racial Studies* 30, no. 4 (1 July 2007): 643–63.

oppressor, threading a history of the 'global colour line' that is far less straightforward, and infinitely more chequered, outside the conceptual edifice of Anglo-centric race theory.[11]

Another historical problematic of racial capitalism is whether we analyse concepts such as race, caste, and class as distinct identities; or rather, whether we see these identities as separate *effects* instead of causal factors and processes.[12] The question of rhetoric and identity becomes ever more pertinent when we venture away from hegemonic model of Atlantic capitalism and slave trade, and begin questioning the legal entanglements of capitalism, race, and unfreedom in Asian or African contexts. Drawing insights from the corpus of Critical Legal Theory and Black Radical Thought, I will take race as the modality through which capitalist exploitation, expropriation, and expatriation is justified i.e., mythologised as the just and timeless order of things**.** I will analyse how racial capitalism modulates pre-modern relations of exploitation and expropriation, reflecting on the juridical articulation of Circassian peoples into a capitalist world system and the Ottoman agrarian property regime through the patriarchal household.[13]

By comparing the words of Circassian landholders and intellectuals, I will explore how the push and pull between consular and local authorities, capitulatory law and municipal law, and between *ḳānūn* and *sharīʿa* were the grounds on which a vernacular of blackness and whiteness was deliberated. I will try to elucidate how race is the framework through which the indigenous slavery within the Circassian settlement, exogenous slavery of Circassian women within the non-Circassian households, and African slavery each are apprehended by the Circassian elites. My approach here is to look at the productive use of rhetorical comparisons in the making of a racial

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[11] I believe that Anglo-centric race theory would benefit from seeking for 'vernaculars' of race and racial oppression within its history proper. Local and comparative histories of race prove most instructive as to the formation of blackness and black identity through variegations of the experience of manumission and freedom: Alejandro de la Fuente and Ariela J. Gross, *Becoming Free, Becoming Black: Race, Freedom, and Law in Cuba, Virginia, and Louisiana*, Studies in Legal History (Cambridge: Cambridge University Press, 2020). For another case to be made about the relationality of race and its cross-history with slavery in world history, see: Aurélia Michel, *Un Monde En Nègre et Blanc: Enquête Historique Sur l'ordre Racial*, Points. Essais 881 (Paris: Éditions du Seuil, 2020), 31-47. On the intersectionality of race and indigeneity in the United States, see: David R. Roediger, *Class, Race, and Marxism*, Paperback edition (London: Verso, 2019), 101-114.

[12] Racial identities are indeed the *products* of racism. The scientific and legal constructions of race are inextricably tied to their political and epistemological role in justifying and rendering timeless the conditions of slavery and racial capitalism. Eric Williams, *Capitalism and Slavery* (London: Penguin Books, 2022), 5-26.

[13] Luxembourg. Bruce J. Berman, 'The Concept of 'Articulation' and the Political Economy of Colonialism', *Canadian Journal of African Studies / Revue Canadienne Des Études Africaines* 18, no. 2 (1984): 407–14.

Weltanschauung.[14] Rather than trying to repudiate the rhetoric to recover reality, I instead think 'along the grain', examining how rhetoric shapes law and affects the jurisdiction thereof.[15] To that end, I try to answer some questions: What do such comparisons do? What notions of whiteness/blackness result in the act of comparison? I reflect on how the rhetoric of Circassian elites devolves into what Momteza Mehri calls a 'bordering of thought' which I argue is the bordering between the historical articulations of these three types of unfree labour. Following Ezgi Çakmak, I look at these interstices to find the obfuscations, denials, and sins of omission that construe vernacular notions of whiteness/non-blackness/blackness.[16]

3.2.1. Race, Gender, and Slavery

The experience of slavery in the Ottoman Empire, particularly that of household slavery, was an intensely gendered affair. As Madeline Zilfi argues, in the 19th century specifically, the ratio of female to male slaves was as high as 10 to 1.[17] The question of unfreedom was always entangled with the remit of patriarchal domination, social reproduction, and household economy, which kept the processes of production and reproduction physically and legally separated.[18] The source of slaves for the dynastic, elite, and landed households in the Ottoman Empire drew people from an axis between the Caucasus in the north, gathering Circassian, Daghestani, Abkhazian and

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[14] German: Welt - Anschauung, world-perception. A cognitive orientation of a person or a group toward culture and society.

[15] Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009).

[16] Ezgi Çakmak, 'The Roots of the Silence: Encounters with Blackness in the Early Turkish Republic' (Zoom Presentation, Keyman Modern Turkish Studies Program, 15 May 2021).

[17] Madeline C. Zilfi, *Women and Slavery in the Late Ottoman Empire: The Design of Difference*, Cambridge Studies in Islamic Civilization (New York: Cambridge University Press, 2010), 197.

[18] Ehud Toledano provides a crucial elaboration of the 'enslavement-household' nexus in Middle East and North Africa in Ehud R. Toledano, 'An Empire of Many Households: The Case of Ottoman Enslavement', in *Slaves and Households in the Near East*, ed. Laura Culbertson, Indrani Chatterjee, and University of Chicago (Chicago: Oriental Institute of the University of Chicago, 2011). Social reproduction theory is most instructive when analysing how household slavery is an articulated mechanism for racial capitalism's reproduction and expansion. For an inimitable study on race, gender and social reproduction that were constitutive of capitalism, see: Silvia Federici, *Caliban and the Witch*, Second, revised edition (Brooklyn, NY: Autonomedia, 2014). For a broader survey of social reproduction theory, see: Tithi Bhattacharya and Liselotte Vogel, eds., *Social Reproduction Theory: Remapping Class, Recentering Oppression* (London: Pluto Press, 2017). On the separation of processes of re/production, Federici again proves most cogent: Silvia Federici, *Le capitalisme patriarcal* (Paris: la Fabrique éditions, 2019), 20-21.

Georgian women through the ports of Batumi, Anapa, and Sochi, and East Africa from the south, procuring for service Abyssinians, Nubians, the Sudanese, and occasionally, central African peoples, both men and women.[19]

Both the Caucasus and East African peoples had a tradition of indigenous slavery and domestic slave trade, whereby war captives would exchange hands regionally between the elite households. In the Caucasus, the slaves formed their own caste as the lord's men, chattel in the house of the lord, who were forbidden from carrying arms. In contrast, the East African forms of indigenous slavery conscripted male slaves into an array of roles in the military and the state administration, as well as in the household.[20] The surplus of captives in both the Caucasus and East Africa fed the appetites of mercantile capital from the 12th century onwards, as the trans-Caucasian and trans-Saharan slave trade expanded to supply slave labour to *exogenous* communities such as Ottoman and Arab households, as well as Genoese and Venetian merchants.[21] What I refer to as indigenous and exogenous slavery throughout this chapter would be intertwined by the machinations of mercantile capitalism.

Blackness, Whiteness, and gradations of servitude were determined not only by the colour of one's skin, but their religion, lineage, and tribal/ethnic affiliations. Whiteness did not provide a protection from enslavement, but it was a necessary albeit insufficient requirement for ascending through the ranks of dynastic and elite households, especially in the case of military slavery of the Memluk or Ottoman *devşirme* system, the state administration.[22] White women, especially those

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[19] It is worth noting that Black Sea, Red Sea, and the Mediterranean slavery each had their own internal dynamics and ways in which they were integrated into the capitalist world-economy. On the Black Sea slavery, see: Barker, *That Most Precious Merchandise*; Dariusz Kołodziejczyk, 'Slave Hunting and Slave Redemption as a Business Enterprise: The Northern Black Sea Region in the Sixteenth to Seventeenth Centuries', *Oriente Moderno* 25 (86), no. 1 (2006): 149–59; Christoph Witzenrath, *Eurasian Slavery, Ransom and Abolition in World History, 1200-1860* (Routledge, 2016). For a wonderful survey of domestic and regional East African slavery, see: Medard et al., *Traites et Esclavages En Afrique Orientale et Dans l'océan Indien* (Karthala, 2013). The most decisive inquiry into the experiences of those enslaved south and north of the Mediterranean remains: Eve M. Troutt Powell, *Tell This in My Memory: Stories of Enslavement from Egypt, Sudan, and the Ottoman Empire* (Stanford University Press, 2012).

[20] For a broader survey on types of African slavery and the trans-Saharan trade in slaves, see: Mahmood Mamdani, 'Introduction: Trans-African Slaveries Thinking Historically', *Comparative Studies of South Asia, Africa and the Middle East* 38, no. 2 (2018): 185–210.

[21] Michel, *Un Monde En Nègre et Blanc*. 57-62; Zilfi, *Women and Slavery in the Late Ottoman Empire*, 191.

[22] Rāsim Rushdī, *Miṣr Wa-l-Sharākisat: Ṣafāḥāt Min Tārīkh Miṣr al-Ḥadīth* (al-Qāhīra: al-Maktaba al-'Arab, 1948); M'hamed Oualdi, 'Mamluks in Ottoman Tunisia: A Category Connecting State and Social Forces', *International Journal of Middle East Studies* 48, no. 3 (August 2016): 473–90.

designated as Circassian, Ruthenian, and Georgian, could aspire to the rank of favoured concubines and royal mothers, and masters of their own slaves.[23] Black men and women were similarly valued differently based on their perceived physiognomy, where Abyssinians were priced higher than their neighbouring peoples. African societies themselves were striated by their own vernaculars of race which privileged the Christian Ethiopians vis-a-vis the African slaves under their rule.[24] Between whiteness and blackness, there were other markers of status and relative privilege that rendered certain members of Caucasian and African peoples more desirable than others.

Ports and routes of departure were equally crucial to the formation of racial ideas and identities. Semantics of blackness and slavery changed between the Arab and Ottoman Mediterranean.[25] In North Africa and West Asia, the nomenclature for black slaves included *abid, raqiq,* and *zenji*, the latter referring to the island of Zanzibar where slaves often exchanged hands, while in the Ottoman nomenclature, the black slaves in the household were often referred to as *zenji* and more often, *arabs,* because they were procured through Arab merchants in East and North Africa.[26] Blackness was a slippery concept that nevertheless unequivocally implicated a slave or slave-adjacent status. Becoming *zenji* implicated in no uncertain terms the erasure of lineage, with which the black captives sold in the ports of Mediterranean or Red Sea lost social and cultural

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[23] Gabriel Baer, 'Slavery in Nineteenth Century Egypt', *The Journal of African History* 8, no. 3 (1967): 417–41.
[24] Laury Belrose, 'Être esclave dans le royaume chrétien d'Éthiopie : condition et statues juridique, XVIII-XIX siècles', in *Droit et esclavages : théorie et pratiques en Afrique et dans les Amériques, XVe-XIXe siècles*, ed. Annie Fitte-Duval, Esclavages (Paris Aubervilliers: Karthala CIRESC, 2022); Yonas Ashine Demisse, 'Bringing the Slaves Back In: Captives and the Making and Unmaking of the Premodern Ethiopian State', *Comparative Studies of South Asia, Africa and the Middle East* 38, no. 2 (2018): 261–79. The legacy endured until the 20th century and interacted with the Anglo-American vernaculars of race and whiteness. An Ethiopian delegation who came to America to celebrate Haile Selassie's coronation famously considered themselves to be a race apart from 'negroes.' Cedric J. Robinson, *Black Marxism: The Making of the Black Radical Tradition*, Revised and updated third edition (S.l.: Penguin Books, 2021), 400n169.
[25] Or, for that matter, in the West African/Atlantic context. For example, the use of the term 'captives' rather than 'slaves' in French West Africa helps us trace the origins of the stock in slaves: Walter Johnson, 'Possible Pasts: Some Speculations on Time, Temporality, and the History of Atlantic Slavery', *Amerikastudien / American Studies* 45, no. 4 (2000): 485–99.
[26] Abdul Sheriff, 'The Zanj Rebellion and the Transition from Plantation to Military Slavery', *Comparative Studies of South Asia, Africa and the Middle East* 38, no. 2 (2018): 246–60; Ümit Bayazoğlu, *Arap kızı camdan bakıyor: Türkiye'nin 'siyah'ları*, Aras 273 (İstanbul: Aras Yayıncılık, 2022); Zavier Wingham, 'Arap Bacı'nın Ara Muhaveresi: Under the Shadow of the Ottoman Empire and Its Study', *YILLIK: Annual of Istanbul Studies* 3 (30 December 2021): 177–83.

capital they may have had access to before their capture. The nomenclature itself was a means of cultural dispossession and social alienation.

This chapter presents a discussion about the nature and types of slavery from within a Circassian perspective. It discusses three types of slavery. The first is indigenous slavery in the Caucasus, whereby Circassian lords and notables enslaved other Caucasian and Eurasian peoples for service inside the community. Exogenous slavery refers to the slave of white women from the Caucasus into elite and landed households in the Ottoman and Arab Mediterranean. African slavery refers to a class of sub-Saharan Africans sold into slavery through the trans-Saharan slave trade in the ports of Red Sea and North Africa. In the following section, *Black Captivity*, I discuss the juxtaposition of indigenous Circassian slavery to African slavery in the petition by Emir Suleyman and his fellow Circassian lords through the idiom of paternal care and control. In the final section of this chapter, *White Dignity,* I discuss the juxtaposition of Black Captivity to the exogenous slavery of Circassian women in the elite Arabo-Ottoman households. I then discuss what is left unsaid about the indigenous slavery within the Circassian community as the Circassian elites themselves politicised the slavery of their own, Circassian women, as an affront to their racial - white - dignity.

I argue, throughout the following two sections, that gender and race act as 'articulated categories' through which the pshitl', the black captive, and the Circassian *cariye* (female domestic servant) each experienced their servitude, and how each of them were positioned vis-a-vis the patriarchal, white, property-owning Circassian men.[27] The pshitl' and the cariye were both subjects of paternal care and control, in contradistinction to the black captives, who receive no such *care,* setting as a race apart. Both the pshitl' and the cariye were part of the patriarchal Circassian household and the nation, respectively, and were depicted in a similar position of passivity. Yet the Circassian nation that is embodied by the travails of the Circassian cariye is often equivocal about the place of pshitl' in this white nation. The racial construction of nationhood centred Circassian

[27] I burrow the term 'articulated categories' from Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 4-5, where she stresses how race, gender, and class are not experienced in separation but 'come into existence through relation to each other.'

womanhood and set pshitl' as a race apart from the Circassians, as their ambiguous whiteness/non-blackness delegated them to the margins of Circassian society and history.

3.2.2. Black Captivity

Hadj Suleyman and his fellow petitioners both invoked and rebuffed the remit of British anti-slavery legislation as they explain the injustice that they had been served by the hands of the Governor, Ismail Fazıl Bey, and by the British consul, Devey. To negate the humanitarian premise of this consular 'meddling', the petitioners begin with a rhetorical comparison between the pshitl' and their own children, and by contrasting the 'familial' status of indigenous slaves to the inimitable degradation of black captivity.

> While we have had slaves since the time of Islam, they live under no terms in captivity (*esāret*) *for we treat them and live with them as if they are our own children* [emphasis mine]...for by sharīʿa our property and our consorts are one and the same, and so do we declare by law that we are one protected body (*vucūd-i maḥrūse*). For sure the consul of Britain, Devey and his dragoman Faris Efendi Al-Khoury have seized by force, without due process and in contravention of the glorious sharīʿa, the constitution and the [1909] Imperial Edict, our slaves over whom we have ruled as princes (*mālik*)[28] for generations, *as if they are one and the same with black captives* [emphasis mine]...

I would like to discuss these two rhetorical moves in depth, first to explore the contrast between black captivity and indigenous slavery, and then to elaborate the figure of the indigenous slave as a familial stranger, whose estrangement is conditioned by the juridical foundations of the Ottoman immigration state. I believe that the comparative rhetoric in this petition does a lot of conceptual work in trying to draw distinctions between slavery and captivity, whiteness and blackness, and the gradations of oppression in between. I would like to explore what privilege did it accord pshitl' to be not-Black nor quite-Circassian, or the utmost state of dehumanisation and isolation did captivity (*esāret*) entail for the black captives, *usera'-i zenciyye.*

Conjuring the image of the Black Captive, first and foremost, is a juridical strategy that invokes attempts at transnational humanitarian intervention by the likes of Consul Devey.

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[28] Hadj Suleyman and his friends are invoking not only their rights to property-ownership when they invoke the word *malik,* but also their status as Circassian princes and the members of a ruling class. *Malik* thus invokes a status as well as economic ownership.

Curiously, this is based on a misrepresentation of the degree to which British or French authorities had any say over the manumission of the black captive to begin with. European authorities had no right to grant Africans their manumission papers; for the right and the duty to grant Africans their freedom lay squarely within the jurisdiction of the Sublime Porte. European anti-slavery advocates and consular officials had the complete dominance of the shipping industry and maritime jurisdiction within the Eastern Mediterranean, through which they could surveille and if need be, curtail the movement of African men and women, *should* they be lacking their manumission papers. Thus, maritime journeys and cross-port connections became the sites of jurisdictional intervention, targeting the transnational *trade* rather than the domestic practice, and rendering the practice of household slavery not only clandestine, but beyond the purview of international jurisdiction.

The inviolability of domicile, which protected consular and commercial premises belonging to European subjects, became a contested capitulatory precedent. Whether real and rumoured, the idea of fugitive criminals and slaves hiding therein often set off debates concerning the principle of 'inviolability of domicile', more specifically, whether the inviolability of space were one and the same with the immunity of persons. By the Hamidian period, this was the capitulatory precedent that set the limits to which humanitarian oversight would be allowed over municipal - Ottoman - jurisdiction, whereby dynastic and domestic space were sectioned off legal scrutiny. Paternal humanitarianism established domestic space as its most important unit in a language that was mutually legible to Ottoman and European authorities, for the extraterritorial protection of European subjects depended on a mutual respect of patriarchal authority. European consular authorities *did* cross the lines often, but by capitulatory law had no more 'duty' to save Ottoman women and children, slaves or foundlings, then the Ottoman Empire had the 'right' to violate and enter without permit foreign commercial or consular premises.

Modern anti-slavery activism by British and European governments were often diplomatic pretexts for humanitarian intervention – and with regards to sub-Saharan Africa, for colonial occupation.[29] The British invested in a rescue industry for African slaves in the Eastern

[29] Matthew Unangst, 'Manufacturing Crisis: Anti-Slavery 'Humanitarianism' and Imperialism in East Africa, 1888–1890', *The Journal of Imperial and Commonwealth History* 48 (2 September 2020): 805–25.

Mediterranean and the Red Sea basin, by waging of liberal warfare and humanitarian activism. However, any consular intervention on behalf of fugitive slaves was eschewed in favour of maritime domination.[30] The consular officers of European nations were profoundly aware that the slave owners and their slaves comprised 'a guarded body' (*vucūd-i maḥrūse*), a legal fiction that ensured the very safety of European subjects and ships themselves. Ottoman and European humanitarianisms shared a mutually legible paternalism, one which held space for the continuation of slave trade and hereditary slavery within the Ottoman settlements. The rescue industry concerning the slave trade, and the rehabilitation of manumitted slaves occurred within the flows of maritime circulation between the Red Sea and East Mediterranean, skirting around the domestic, as well as dynastic, threshold of well-protected domains.

Hadj Suleyman and his friends were thus preaching to the choir when they invoked, denounced, and then failed to substantiate the rapacious activities of consular authorities or the complicity of local authorities – indeed, the Ottoman Council of Ministers seems to have favoured the governor Ismail Fazıl's counsel that they ignore Hadj Suleyman's accusations entirely. Suleyman's accusations nevertheless register a shift in the semantics of blackness after the abolition of slave trade. Here I am thinking with Afifa Ltifi's work on constructions of race and blackness in the aftermath of Tunisian abolition of slavery (1846-48), and the conceptual works of Wanger and Peterson, whereby the manumitted Africans become marked and excluded as 'genealogical isolates,' rendering slavery an 'adjunct to blackness'.[31] I believe a similar assemblage between blackness and captivity occurs with the rhetorical decoupling of the pshitl' from the usera'-i zenciyye. *Esaret*, or captivity, is imagined as a *public* spectacle on display for the Anglo-European observers, as a condition of utter inhumanity and anonymity; a state which the Black African can be said to inhabit to the exclusion of a Circassian slave. Hadj Suleyman's wilful misunderstanding regarding Anglo-European public opinion and involvement in African slavery only serve to reiterate the domesticity and *intimacy* of indigenous slavery. The counterpoint of the *zenji*

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[30] Domestic slavery was thus perpetuated within the colonial British jurisdiction in East Africa: Taj Hargey, 'Festina Lente: Slavery Policy and Practice in the Anglo-Egyptian Sudan', *Slavery & Abolition* 19, no. 2 (1 August 1998): 250–72.

[31] Afifa Ltifi, 'Disarticulating blackness or the semantics of (anti)blackness in Tunisia', Blog Post; Patterson coins the term 'genealogical isolates' in Orlando Patterson, *Slavery and Social Death* (Harvard University Press, 1985).

becomes the indigenous slave, the familial stranger - whose inviolability is the precondition of Hadj Suleyman's right to justice.[32] There were no familial obligations or *care* that protects *usera'-i zenciyye* the way Circassian masters would hold their slaves safe and protected; for did they not inhabit *the one and the same body?*

Hadj Suleyman and his peers did not have the mitigating excuse of ignorance with regards to the juridical status or the ongoing extent of African slave trade.[33] The sub-province of Hauran which Quneitra was a part of stood at the crossroads of the provincial capitals of Beirut, Damascus, and the Mutessarifat of Jerusalem. Until the 1880s, Hauran had been a stopping point for the 'caravan trade' stretching through the Hedjaz, selling Africans, mostly children, into private hands. According to British reports, in the immediate aftermath of Anglo-Ottoman covenant on suppressing the African slave trade in 1880, Hauran rose to prominence as the crux of the trade in African slaves, where the 'stock' of slaves would be kept hidden to be distributed to urban households in Damascus, Beirut, and Jerusalem. The African children sold as such grew into adulthood in the service of local notables and officers, raising future generations of Arabo-Ottoman elites well into the 20th century.[34] Even as newcomers to the Hauran region, the notable Circassians of Quneitra would have seen and been served by African slaves as they dined with local notables, or as they liaised with Arabo-Ottoman officials.

Moreover, it is entirely possible that Hadj Suleyman and some other Circassian lords of Hauran were themselves involved in procuring and trading in slaves. In some of the few oral history accounts we have, compiled by Elbruz Aksoy, there are testimonies from Quneitra and Damascus, at least two of which point fingers to Circassian lords for their involvement in procuring slaves and enslaving free Circassians.[35] In one specific testimony from 2005, a Damascene Circassian man of 69 years of age and from 'a freemen caste' describe the overarching fear the free peasantry had toward landowning lords: 'The free peasants constantly lived with their

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[32] Karamürsel, 'In the Age of Freedom'.
[33] FO/ 226 / 1201, 'Extent of Slavery in Syria', Dispatch no :134 from Vice Consul Jugo to the British Ambassador at Constantinople, 10 February 1880.
[34] Johann Büssow, *Hamidian Palestine: Politics and Society in the District of Jerusalem 1872-1908* (Brill, 2011), 165n132.
[35] Aksoy, Beyaz Köleler, 278-279.

finger on the trigger, with the fear that their families could be kidnapped and enslaved in the middle of the night.'[36]

Hadj Suleyman invoked his rights over his intimate space to justify the relations of domination within the patriarchal household, wherein the slaves are not-quite-but-almost their own children, not-quite-but-almost their own blood. The caste and class domination that justifies this *not-quite* state of being and feeling is rendered self-evident through the idiom of paternal care and individual property, for the notable and princely Circassians accorded them, by the conventions *sharī'a,* the same juridical status as that of their land and their consorts. Yet such paternal affections for the wellbeing of Circassian slaves belies the circumstances of their enslavement, and the justifications thereof, as the enslavement of indigenous slave was socially and juridically conditioned by anonymisation, dispossession, and exploitation, by which I mean the erasure of lineage, appropriation of the self as property, and exploitation in the household economy. For the sake of comparison, I would like to focus on the legal mechanisms of anonymisation and dispossession as that which racialised the relations of exploitation between the notable and land holding families and their slaves as a relation between two, mutually exclusive, ethno-racial identities based on socio-biological heritage.

Circassian elites saw the matter of *exogenous* slavery, or the sale of Circassian women into non-Circassian households, as a matter of race and racial sensibility in no unequivocal terms. However, the historical record is often silent or ambivalent on the question of whether the caste-based *indigenous* slavery, the sale of Caucasian peoples into Circassian households, which to common understanding and by the historical accounts expanded during the Great Exile, took on the quality of a racial relation of exploitation. To what extent were the Circassian 'whiteness' and culture was construed in exclusion of this caste of slaves? To what degree did the ideology of settler identity and property ownership justify the exploitation and exclusion of slaves from Circassian society? Did the lack of lineage and anonymisation which construed the caste of pshitl' provide a socio-biological ground for racism? While these questions are harder to qualify for the time before the Exile of 1864, there is much that can be said about what happened after.

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[36] '*Hür köylüler, bir gece baskınında kendi aile fertlerinin de bu çeteler tarafından kaçırılıp köleleştirilebileceği endişesiyle, sürekli el tetikte bir hayat sürüyorlardı*.' Ibid, 278.

Circassian slavery, like most processes justified based on 'customary laws', was a juridically modern phenomenon. Russian and Ottoman sources both helped create an ahistorical, standardised law for a diverse group of West Caucasian tribal affiliates. The codification of customary law served the ends of imperial governance; be it to accommodate it or to co-opt it, as was the case with both the Ottoman Empire and Tsarist Russia. In both instances, the very legality of Circassian slavery and customary law can only be read through the lens of Russian as well as Ottoman imperialism, derived from the ethnographic invention of a national character (*narodnyi kharakter*) and from self-interested disinformation by the Circassian elites.[37]

The word of the elites, rather than of the community, gained the force of codified law through legal opinions issued by the Ottoman Council of the State.[38] Circassian settlers justified the practice of indigenous slavery based on religious precepts from 'the time of Islam,' for it was by the law of Islam that they had their own right to *war captives*. For the landed Circassian elites, the pshitl' had once been wuneuty*;* Caucasian 'outsiders' of Kazakh, Ukrainian, or Georgian provenance, *heretics* who inherited their captivity from their ancestors. They were ambiguously white and certainly not Black.[39] They ostensibly lacked lineage and had no family name with which to relate to one another.[40] They were distinct and essentially excluded from the rights and duties accorded by the newly Ottomanised ādat. The land scarcity only exacerbated the social distance between those who belonged to recognised tribes and families, and the pshitl' who belonged to the household. The socio-legal boundaries between the two castes came to be jealously protected under the dictates of class interests and ethno-racial purity.

The pshitl', the masters' men, formed their own caste as 'genealogical isolates', men of dubious provenance, who could only marry their fellow slaves in service of their patriarch.[41] They

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[37] See Jersild, *Orientalism and Empire*, 93, 91 on self-orientalism and orientalising Russia.
[38] Toledano, *The Ottoman Slave Trade and Its Suppression*, 172.
[39] There are only conflicting accounts on *pshitl'* and their skin colour, both within and without the community proper. While some European ethnographers, such as Lucy Garnett, designate the Circassian slaves to be much darker, some oral history accounts provide a more confused picture where both darkness and paleness are respectively associated with the *pshitl'* or *wuneuty*: Lucy Mary Jane Garnett, *The Women of Turkey and Their Folk-Lore* (London, 1890). As such, I have designated the caste of pshitl' to be categorically, ethnically heterogeneous, non-Black, ambiguously white.
[40] Sunata, Hafizam Çerkesce, 164.
[41] Patterson, *Slavery and Social Death*, 319-320.

were familial strangers, outsiders of unknown heritage. Their historical assimilation to Circassian culture and language, rare but certain cases of caste-exogamy, did little to make up for their lack of family lineage and tribal affiliation. Depending on the regional conditions, inter-marriage and cate-exogamy with the indigenous slaves were deemed *unthinkable*, which created the conditions whereby the two identities were perceived as essentially, socially incommensurate.[42] Moreover, the property, liberty, and autonomy of the exiled notables as Ottoman subjects depended on exploiting *and* policing intra-communal boundaries on the basis of biological and social heritage, as the increasing number of destitute orphans and women after the Great Exile were seen as sufficiently anonymised, categorically enslavable.

This liminal aspect of familial stranger figures large in the numerous accounts of oral history conducted and compiled by Elbruz Aksoy and Ulaş Sunata. Those who remember the *pshitl'* or the *'azeb* remember them as the insider-outsiders, someone in the household but not of it, whose estrangement is occasioned by colour ('some *were dark, too dark,* almost *like Negroes'),* by emaciation ('*they used to work for the price of starvation')*, through space ('*they worked the door... slept outside the door... sat and stood at threshold of the house.*').[43] As for the remembrance of slaves themselves, already far and few in between, one recounts a world on the move, marked by exile from exile from exile. Their memories provide a glimpse of what life looked like beyond the threshold of the *bey's* house; of being locked outside in the cold or fleeing from their house of service into anonymity. In one of the more poignant accounts, a French-Circassian man of *pshitl'* provenance narrates the utter humiliation of trying to find his way back to the Circassian Diaspora with a single identifier; having no lineage and no family name, he uses the name of those who used to own his ancestors. He encounters a Circassian elder in a friend's wedding in 1998. As the

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[42] The ultimate endpoint of indigenous slavery among Circassians is still a matter of rumours, debates, and educated guesses. The most convincing arguments regarding what and when its end appeared in sight has to do with the material conditions themselves. Eiji Miyazawa suggests that the changes property codes in 1950s Turkey itself could have given way to widespread and final manumission of hereditary slaves, however, research in the wider middle eastern diaspora and local contingencies are sorely needed for a comparative and vigorous understanding of histories of forced labour. , Eiji Miyazawa, 'The Past as a Resource for the Slave Descendants of Circassians in Turkey', in *The Past as Resource in the Turkic Speaking World*, ed. Ildikó Bellér-Hann (Ergon Verlag, 2008), 59–84.

[43] Sunata, Hafızam Çerkesce, 157-158, 164. Colourism is a contentious matter. Did the pshitl' and wuneuty always look alike? How were they different? The skin tone of slaves is seldom marked by the oral histories, but this could be a matter of colourism and classicism which distinguish between a labouring class darkened by the sun, and an elite household that privileged whiteness and leisure as markers of prestige.

Circassian elder declares that he is familiar with his slave-owning family, the narrator breaks out in sweat and tears. After being 'forced to face up to his enslavement' and admitting that he descends from their *pshitl'*, he too flees from the house of free Circassians with a profound sense of distress and deprivation.[44]

Within the paternal collaboration of the Ottoman officials and the Circassian elites, the dispossessed, enslaved, and anonymised refugee was excluded from the political society as a rights-bearing subject. The conditions of Immigration Law and conventions of nationality acquisition implied a mutual exchange of obligations. A promise was made that the loyalty of the Circassian patriarch would be rewarded with privilege of settling and tending to Ottoman lands. Slaves were a silent party to this transaction, whose inclusion into Ottoman lands and Ottoman justice was contingent on their masters. The caste of slaves and increasingly destitute freemen were expropriated through the administrative pretexts of immigration law, whereby they could qualify neither for entry permits, nor for individual property, on their own. Their juridical status as dependents meant that they did not have the rights and autonomy to argue their case against their masters on equal footing. From its very foundation, the immigration settlement was an enterprise based on the capitalist incentive to enslave, expropriate, and accumulate based on a selective inscription of juridical identity. It is this economic incentive that justified the formation of this ambiguous, anonymous, caste of *not-quite* Circassians, not-quite settlers.

This historicist construction of a Circassian culture and nation partook in what Aslı Iğsız calls historicist humanism, a post-Enlightenment ideology which construed cultural and biological lineage as the basis of racial taxonomy and identity.[45] I argue that the means and limitations in the allocation of property racialised the domestic and agricultural labour needed to reproduce the settlement, hardening intra-communal boundaries between caste and class, and making a white nation - a Circassian ethno-racial identity - the pre-condition of property and political rights. In their integration into capitalist modernity, the co-eval processes of anonymisation, dispossession and exploitation created a caste of 'non-Circassian,' non-Black slaves living amongst Ottoman Circassian notables and elites, who themselves were well versed in claims to racial identity and

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[44] Aksoy, *Beyaz Köleler,* 300-301.
[45] Iğsız, *Humanism in Ruins*, 15-16.

white dignity. Insofar as the *pshitl'* were part of no such nation, with no lineage or cultural inheritance, their purported and *occasionally* celebrated whiteness expressed little more than their non-Black skin; it certainly was not the basis of their political rights, nor would it justify their demands for liberty.

3.2.3. White Dignity

In May 1904, an international congress of Anglo-European powers was held in Paris to come to a belated agreement on a matter of utmost importance: the '*Arrangement International relatif à la répression de la traite des blanches*'.[46] The arrangement sought to implement a transnational governance for the surveillance of women and children in the ports of signatory states so as to prevent them from being deceived or kidnapped by nefarious persons with the intent to sexually abuse them. The victims of this transnational crime of *traite des blanches* were categorically white, presumably European. The participating governments had come together over a shared concern for the future mothers of their nations, who had begun working, toiling, and mingling among the peoples of colonised nations in increasing numbers. Among this concert of concerned European men there was a notable absence of any participants from the Ottoman government.

Absence implied guilt according to the European observers who were concerned with the disappearance and degradation of European women and children in the Ottoman lands. The more fantastical narratives produced by European commentators assumed white women would grace the harems of the Red Sultan, Abdülhamid II, or some other eminent Pasha in his inner circle. The more hysterical accounts painted the alleged victims as prostitutes, peddling sex in the brothels of Levantine ports.[47] Both narratives maintained a hold over European imagination and public opinion, which confounded the reality of working-class European women in the Ottoman Empire

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[46] 'International Agreement for the Suppression of the 'White Slave Traffic,' Signed at Paris, March 18, 1904', in *League of Nations: Treaty Series and International Engagements with the Secretariat of the League of Nations*, vol. 1, 11 (London: Harrison and Sons, Ltd, 1920), 86-88.

[47] Malte Fuhrmann, "'Western Perversions' at the Threshold of Felicity: The European Prostitutes of Galata-Pera (1870–1915)', *History and Anthropology* 21, no. 2 (1 June 2010): 159–72; Malte Fuhrmann, 'Down and out on the Quays of İzmir: 'European' Musicians, Innkeepers, and Prostitutes in the Ottoman Port-Cities', *Mediterranean Historical Review* 24, no. 2 (1 December 2009): 169–85.

and evoked a primordial disgust of racial miscegenation. The legislation proved to be a precedent for the interwar movement for the abolition - and effective criminalisation - of sex work and the beginnings of a transnational rescue industry for 'fallen women.'[48]

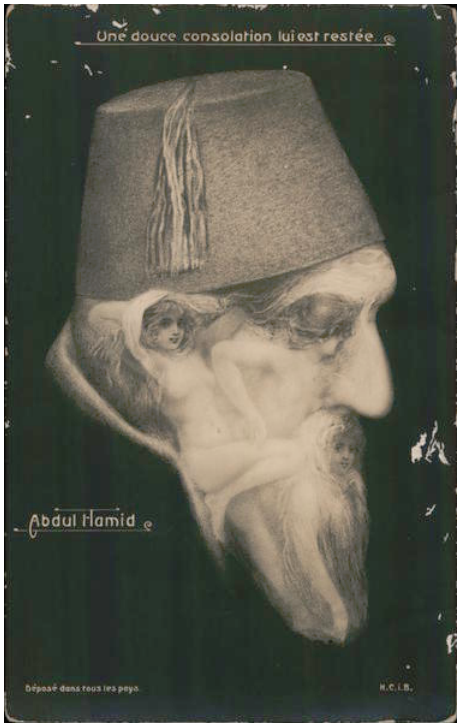


Figure 18: '*Une douce consolation lui est restée*'. Postcard depicting the profile of Abdülhamid II as a collage made up of his harem of slaves. Printed in Paris, H.C.i.B (Source: *Irvin Cemil Schick,* Çerkes Güzeli: Bir Şarkiyatçı İmgenin Serüveni *(Istanbul: Oglak Yayinlari, 2022), 129*)

There were, however, other observers of Circassian provenance who desired to hold this Turkish Empire (*l'empire turc*) to account on behalf of *their* white women and children. Theirs reflected not the moral panic of a European bourgeoisie but a paternal concern for the real victims of dynastic and household slavery in the Ottoman Empire. Living in exile in Paris, a Circassian by the name of Dr Ismail Kemal self-published a commentary on behalf of the women of his nation in response to the 1904 congress. In the text, he claimed that the long-suffering victims of this crime of *traite des blanches*, the Circassian women, were being used and abused to 'serve the passions of

[48] It is worth noting the prescriptive and patriarchal nature of this early precedent for anti-trafficking legislation. For more, see Malte Fuhrmann, "I Would Rather Be in the Orient': European Lower Class Immigrants into the Ottoman Lands', in *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*, ed. Ulrike Freitag and Malte Fuhrmann (London: Routledge, 2011), 228–41.

another' whereby in the single household of Abdülhamid II, 300 Circassian women lived in such degradation. Ismail Kemal claimed that the absence at the Congress of the Sublime Porte was not incidental but a 'conscious abstention,' and advised the Congressionists not search 'far and wide (for perpetrators) among the lower classes' because it was among the official cadres that the crime of *traite de blanches* flourished with impunity.[49]

Dr. Kemal's pleas against the enslavement of Circassian women evokes a long history of ambivalence regarding the place of the Western Caucasus in the European imagination. The image of Circassian women as a domestic slave is a notorious fixture of the dynastic household as depicted in art and history. In his book *The Circassian Beauty,* Schlick traces the history of Euro-Circassian women and the trope of Circassian domestique from the early modern period to the end of 19th century, depicting the titillation and the terror that the image invoked among the European literati.[50] Schlick further describes how this image of the exotic other allowed for 'scientific' articulations of whiteness for European ethnographers and eugenicist thinkers - including the now-famous J.F. Blumenbach, the Prussian ethnographer who designated the 'Caucasian' phenotype to be the foundation of the white race.[51] Schlick discusses the art and literature centred around Circassian whiteness, which draws contrast to the brown and black bodies that surround the Circassian women at the *harem*. This contrast was how normative whiteness was aesthetically exoticized in the figure of the white Circassian woman. Renouncing white slavery was thus renouncing miscegenation between white women and Oriental men.

Schlick is avowedly silent on the racial status of Circassians in non-European settings. One can argue that the financial and aesthetic values accorded to Circassian slaves reflects the colourism of Ottoman and West Asian elites during the early modern period, with very little concern about their ethno-tribal origins.[52] Heritage and lineage only seem to matter endogenously, among the

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[49] 'Ce n'est pas dans les basses classes, mais bien dans les sphères officielles, dans les sphères gouvernementales que fleurit impunément ce honteux négoce.' Dr. Ismail Kemal, *La Traite de Blanche en Turquie*, p.1 in AH II, DU, Box 26, Ministry of Interior, 233-36.

[50] See Schick, *Çerkes Güzeli*, 73, 76-77, 84-85, 91.

[51] Ibid.

[52] In the Early Modern Black Sea littoral, the West Asian and North African elites - who demanded this human merchandise - valued the highest the whitest of the children coming from the Caucasus. The enslaved women and children were at times defined by the ethno-linguistic community of the slave trader who sold them. The colourism that structured the Black Sea trade can thus blur, in the historical record, the identities of perpetrators and victims of

Circassian communities proper. The earliest ethnographies of West Caucasus insist that women sold into dynastic slavery were often *wunaut* - captives of war and plunder, and not from within the 'Circassian community proper'. It is further noted across oral history accounts and in early modern ethnographies that Circassian slavery was based in customary laws, which ensured the concurrent protection of 'insiders' and the permission to enslave 'outsiders.[53] This customary practice of enslavement expressed an anthropological trait common to legal cultures of enslavement, which is the alterity of the enslaved.[54]

The ethnic and tribal schisms in the early modern Caucasus served the demands of an economy of war and bondage, with men and women sold to foreign communities like Safavid Iran or Mamluk Egypt, in exchange for arms, other times for horses. It is with the introduction of mercantile capitalism in the 15th century, the colonisation of the Caucasus throughout the 17th-18th, and the rapid impoverishment of exiled refugees in the 19th, that the practice of enslavement acquired an indiscriminate character, applied without regard to tribal and ethnic affiliations. Thus, one can claim that the slaves procured from the Caucasus began to include ethnically Circassian women, just as 'Circassians' came to be coded as racially white, in the 19th century proper.

During the 19th century and the Russo-Circassian wars of 1763–1864, the image of the Circassian women as a slave and as a refugee became a fixture of anti-autocracy propaganda among West European literati.[55] From the very beginnings of the exploration of West Caucasus, European missions and ethnographers expressed an equivocal affinity towards the Circassian nation. Their ambivalence is best represented by the travails of the Circassian woman, this 'loveliest bird of *frangistan'*: *of* the race of Europe, yet captive in the lands of the orient.[56] The captivity of this

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slavery into one another. Hannah Barker, *That Most Precious Merchandise: The Mediterranean Trade in Black Sea Slaves, 1260-1500*, *That Most Precious Merchandise* (University of Pennsylvania Press, 2019).

[53] Julius Klaproth, 'Voyages au mont Caucase et en Géorgie, Chapter XIII' printed in Iaroslav Lebedynsky, *Témoignages anciens sur les Tcherkesses : les Adyghés-Tcherkesses-Kabardes à travers les récits des voyageurs occidentaux, XVIe-XIXe siècles*, Voix du Caucase (Paris : l'Harmattan, 2009), 52-53.

[54] Annie Fitte-Duval, 'Introduction : L'esclavage saisi par le droit' in *Droit et Esclavage : Théorie et Pratiques en Afrique et dans les Amériques*, eds. Annie-Fitte Duval (Karthala: Paris, 2022), 15-16.

[55] Schick, *Çerkes Güzeli*. McLean, T. 2003. 'Arms and the Circassian Woman: Frances Browne's 'The Star of Atteghei''. *Victorian Poetry.* 41 (3): 295–318.

[56] Lord Byron, Eastern Tales, Corinna Wagner, *Gothic Evolutions: Poetry, Tales, Context, Theory* (Broadview Press, 2014). On other histories of Circassian women informed by British romanticism and orientalism, see: T. McLean, 'Arms and the Circassian Woman: Frances Browne's 'The Star of Atteghei'', *Victorian Poetry.* 41, no. 3 (2003): 295–318.

concubine, a figure both exotic and familiar, affected a self-righteous desire for diplomatic and humanitarian interventions on the part of West European authorities, both against the encroachment of Russia into the Caucasus and the Balkans, and against the participation of the Ottoman Empire, a semi-colonial entity, in the concert of Europe. Furthermore, as is the case for the oft-cited poem by the romantic Lord Byron, the bondage of this lovely bird in her gilded cage was itself an allegorical call to liberate white, European nations – namely, the Greeks – from Oriental despotism.[57]

In truth, each European empire had vested interests in liberating the white woman from the degradations of captivity. One of the many justifications for the Russian war on the West Caucasus between 1763-1864 was their absolute conviction that they were liberating the shores of Black Sea from savages and the savagery of slavery.[58] To great effect, Russian anti-slavery propaganda depicted the Circassians as the nation who sold their own sons and daughters into slavery in the Orient. The women who needed to be saved from the barbarism of their patriarchs eroticised and romanticised this *mission civilisatrice* for the Russian literati and the intelligentsia as another excuse for colonial expansion.[59] Needless to add, such justifications of war did not

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[57] This ambivalence endured long after the liberation of the Caucasian nations from 'Russian despotism'. After the fall of the Soviet Union, geopolitical interests, war capitalism, and oil politics has once again 'Europeanised the Caucasus' ', delineating the region as the violent edges of a Euro-centric geography.
This partakes in the long history of the Europeanisation of the Caucasus. For the oft repeated confusion between Greeks and a Greek-centric depictions of Asia Minor and the Black Sea cultures, see Schick, *Çerkes Güzeli*, 98-99. Homer's Turk further explains the imaginative role of the ancient Greek world in shaping European intellectuals and colonialism: Jerry Toner, *Homer's Turk: How Classics Shaped Ideas of the East* (Harvard University Press, 2012). Hanna Barker further remarks the enduring migratory connections between Mediterranean and the Black Sea, 'from ancient Greek colonies to human trafficking networks in the present day.' Barker, *That Most Precious Merchandise*, 2.
[58] For the most definitive engagement on the topic of Abolitionism in the Caucasus, see Sergey Salushchev, 'Reluctant Abolitionists: Slavery, Dependency, and Abolition in the Caucasus (1801-1914)' (California, University of California, Santa Barbara, 2022; Liubov Derluguian, 'The Unlikely Abolitionists: The Russian Struggle against the Slave Trade in the Caucasus, 1800-1864' (1997). On Russian Orientalism see: Austin Jersild, *Orientalism and Empire: North Caucasus Mountain Peoples and the Georgian Frontier, 1845-1917* (McGill-Queen's Press - MQUP, 2002); for the geopolitical logics of Russian abolitionism, see Liubov Kurtynova-D'Herlugnan, *Tsar's Abolitionists: Languages of Rationalization and Self-Description in the Russian Empire* (Boston, United States: Brill, 2010), 171-73; On the Russian *mission civilisatrice* vis-a-vis the Caucasus, see: Mikail Mamedov, 'From Civilizing Mission to Defensive Frontier: The Russian Empire's Changing Views of the Caucasus (1801–1864)', *Russian History* 41, no. 2 (2014): 142–62.
[59] Lidia Saladinovna Zhigunova, 'Empire's Erotic Conquests: Circassian Women in Russian Romantic Literature', *Горизонты Гуманитарного Знания*, no. 6 (29 December 2018). A most potent example is the story of Circassian woman Béla, who had the misfortune to fall in love with Lermontov's Bryonic hero, Pechorin, in Mikhail Lermontov, *A Hero of Our Time* (A. A. Knopf, 1916).

elaborate further how Russian colonisation created the conditions wherein the social death of slavery was preferable to the death dealt by the Russian army.

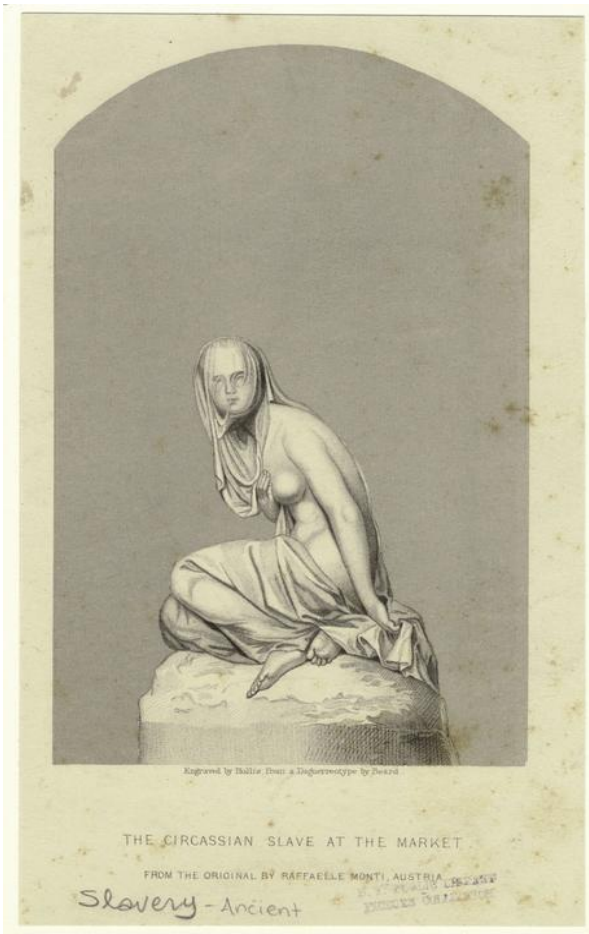


Figure 19: The pictorial depiction of a Circassian slave in the slave market. (Source: The Miriam and Ira D. Wallach Division of Art, Prints and Photographs: Picture Collection, NYPL Digital Collections: 807811.)

Ismail Kemal, like many progressive Circassians of his time, believed that the cause of abolition was fundamental to the liberation and dignity of his exiled nation. Mehmet Fetgeri Şoenü would further claim in 1914 that the enslavement of Circassian women was a blemish in Circassian history, providing a modern narrative of historical decay from a glorious past toward universal infamy, as a 'wretched people, dealers in young girls.'[60] Şoenü is more self-critical than Ismail Kemal in his account of Circassian people, whom he depicts as both victims and perpetrators of exogenous slavery. It is important to point out this tension in his thought on slavery, for he sought not only to liberate the Circassian slave in Sultan's household – one of whom

[60] Karamürsel, 'In the Age of Freedom', 185.

was his own sister – but to 'rethink, reformulate, and reconcile ways of being Ottoman and Circassian' – or being the perpetrator and the victim – 'all at once.'[61]

Finally, unlike Hadj Suleyman and like Mehmet Şoenü himself, Ismail Kemal evokes the figure of the African eunuch and the 1890 abolition of African slavery to bolster his arguments *for* European and consular intervention, on behalf of Circassian women. His rationale for doing so is interesting, for he posits that the enslavement of Circassian women is temporally prior and thus the causal basis for the mutilation of the African men. Before going on a descriptive detour on the process of castration, he begins by describing the sex act between the imperial sovereign and the Circassian slave:

> No women who have been honoured by the imperial caresses can know any other, and that there are over six hundred women at the harem whom their imperial lover is incapable of fully satisfying. One must keep them away from temptation; and thus, the existence of their eunuch guardians.

After spending three paragraphs on the castration of African boys, he ends his gratuitous aside to conclude that '*This* is what *Traite de Blanche* is, consummated by the martyrology of blacks.' He, too, brings forth the black African from the margins, only to accentuate his descriptions of the dynastic harem with another kind of slavery, another kind of crime. He presents the emasculation of the Black man as additional evidence of cruelty to attest to the indignities of dynastic slavery. He takes the matter of *traite des blanches* to be legally *and* politically prior to that of African slavery, a racial comparison that he evokes to prioritise the suffering of the *white*, Circassian woman. He stakes a claim in the whiteness of Circassian women to appeal to the racial sensibilities of anti-trafficking advocates, concerned primarily with the sexual purity of white women, rather than their contemporaneous anti-slavery activists, who were primarily concerned with rehabilitating enslaved Africans.

The juxtaposition of white slavery to black captivity is not incidental but is a transnational trope common to humanitarian abolitionism. Abbé Castelli, a controversial figure of the French clergy stationed at Martinique, invoked the matter of *traite des blanches* in 1844, specifically referring to the trade in Circassian slaves, in the introduction to his program for the gradual

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[61] Ibid.

abolition of racial separatism in the French West Indies.[62] Reflecting on this phenomenon that merits the 'indignation of Europe in their entirety', he takes a moment in his conclusion to celebrate the inimitable successes of the European anti-slavery movement, for 'while the *traite negrière* is entirely banned and criminalised in all European legislation, in Turkey, the government themselves traffic in WHITE WOMEN!'[63] Castelli's exclamation mark alone served to arrest and bracket the critical debates about abolition, in an attempt to exalt European humanitarianism.

However, Castelli's arguments also go further to justify European (Christian) anti-slavery activism as a humanitarian project whose success is only guaranteed by the colonial (Christian) rule of law, not only in a post-emancipation Martinique, but also in the *Orient* – presumably including the insurgent Algeria of 1840s – for 'The People of the Orient... need Christianity; and with it they will know, as we do, the truth, civilisation, peace and liberty.'[64] Cardinal Lavigerie, a more famous anti-slavery activist of the 1890s similarly uses humanitarian abolitionism to justify European *politique des races* over Africa, as that which would liberate Africans from the hands of Arabs and Turks, for only the force of colonialism would 'guard[s] the peace between such diverse races.'[65] When Dr. Ismail Kemal, a Circassian intellectual, appealed to the Congressionists in the 'name of all humanity' to mitigate the suffering of his people under Turkish rule, he was very much operating within a racial *Weltanschauung* that rendered his cause legible to European humanitarians, just as his cause legitimated European imperialism.[66]

Dr. Ismail Kemal published this anti-*İstibdād* propaganda in direct contravention of his own interests, whether he realised it or not. According to Ottoman consular intelligence in Paris,

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[62] For more on Abbe Castelli, see: Lawrence Charles Jennings, *French Anti-Slavery: The Movement for the Abolition of Slavery in France, 1802-1848* (Cambridge University Press, 2000), 129.

[63] ' Dans toutes les législations européennes, la traite des Noirs est un crime puni de peines afflictives et infamantes, et en Turquie, le gouvernement lui-même pourrait faire la traite des Femmes Blanches !' Pierre Paul Castelli, *De l'esclavage en général : et de l'émancipation des noirs, avec un projet de réorganisation de l'action religieuse ...* (Comptoir des imprimeurs-unis, 1844), 218.

[64] 'Pour sortir de l'abîme il leur [peuples d'Orient] faut ce qu'ils avaient perdu, ce qu'ils n'ont plus, *le Christianisme* [emphasis mine] ; et avec lui ils auront comme nous la vérité, la civilisation, la paix, et la liberté.' Ibid., 65. Castelli appeals to the Christians to save the nations of the Orient, for only under Christianity would they know the benefits of civilization and liberty. While in the history of Christianity he is not alone in expressing such sentiment, the time in which he wrote this expose is not innocuous; it was an explicit justification of French counter-guerrilla wars in Algeria.

[65] Jean-Claude Coiller and Ivan Page, *Histoire de La Société Des Missionnaires d'Afrique : Les Sources Écrites Internes à La Société*, Société Des Missionnaires d'Afrique 5 (Paris, 2004), 87.

[66] Kemal, *La Traite de Blanche en Turquie*, p.4.

the funding and logistical provisions of his 'propagandistic literature' was 'financed from London and Cairo.'[67] Most of Ismail Kemal's personal and political publications were confiscated and destroyed in a raid on his publishing press at the fifth *arrondissement* of Paris – the centre of Arab, Armenian and Ottoman anti-Hamidian organising –, co-organised by the French police and Ottoman intelligence sometime before 1907.[68] However, this single copy of his pamphlet in the archives of the Khedive Abbas Hilmi II's personal archives in Durham, next to correspondence from a Parisian spy referred to simply as Ismail, gives cause to the rumour that Dr. Ismail Kemal was recruited into the expansive coterie of Khedival spies operating between Paris, Cairo, and Istanbul sometime after he fled the Hamidian regime in his early twenties.[69] He seems to have fallen from grace at some point after the raid on his home, for he did not thereafter receive any more funds for his publishing enterprise. His dismissal is understandable given how his indictments of dynastic slavery personally implicated the Khedive Abbas Hilmi II's household and his personal secretary himself, Ahmed Shafiq.[70]

The trope of white slavery, established early in the 19th century, found more nativistic expressions among the Otto-Circassian intelligentsia who used the same rhetorical and literary device to argue for the liberation of their *own* white women, in contradistinction to that of enslaved Africans. This racial and gendered tension defines the climax of the foremost Ottoman

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[67] BOA, Y..MTV. 298/37, p.1, line 7, 21 May 1907.
[68] Ibid., line 12-15.
[69] For the letter of the Parisian spy Ismail trying to get back in Khedive's good graces, see: DUL, AH II, HIL/26, 266, 22 August 1907. What purpose he served in the spy network is not so clear. After his fall from grace, Ismail Kemal nevertheless succeeds in abusing his Egyptian connections for his personal and national interests. The *mukhabarat* of the Paris Consul suggest that one of the people he embezzled during his transnational sojourns was Mustafa Kamil Pasha, a protégé of Abbas Hilmi II, a preeminent Egyptian politician, and the founder of the National Party. For more on the Khedival spy network, their formation, and politics, see: Aaron Jakes, *Egypt's Occupation: Colonial Economism and the Crises of Capitalism* (Stanford, California: Stanford University Press, 2020), 72-77.
[70] Shafiq himself had famously written a pamphlet a decade before – in French and for a French audience – for a civilisational justification of slavery as enshrined in Islamic Law. He explicated that slavery helped to bring under civilisation the non-believing Africans, and that this civilisation would be brought about by the Anglo-Egyptian condominium. While Ahmad Shafiq responds to Cardinal Lavigerie in matters of African slavery and abolition thereof, both Lavigerie and Shafiq share the sentiment that the paternal care of household slaves sanctioned by Islamic law was somehow better, *doucer*, to the Atlantic model of plantation slavery: Coiller and Page, *Histoire de La Société des Missionaires d'Afrique',* 195; Shafiq, *L'esclavage au point de vue musulman*. It is unfortunate that this comparison is still a common refrain when discussing the legacies of slavery in West Asia and North Africa, as it is assumed that non-Atlantic models of slavery, particularly household slavery, was somehow *nicer.* I would like to point out that such a comparison can lead one down the rhetorical path of arguing that there somehow exists an ethical model of slavery.

anti-slavery novel, Samipaşazade Sezai's *Sergüzeşt,* published in 1888. The novel follows the travails of a Circassian slave, Dilber, taken from the Caucasus, and sold into successive households in Istanbul and Cairo. Two of her owners desire Dilber, a Turk and an Arab, respectively. She falls in love with the former and is terrorised by the latter. In the climax of the novel, Dilber the *cariye*, flees to liberty on the shoulders of a black eunuch, Cevher, who gives up his own life and liberty for hers, as he lives and dies in his timeless captivity. In the literary imagination, white (in)dignity becomes once again a rhetorical device conjured to depoliticise the cause of abolition, to normalise the conditions of black captivity, and to consign black men and women to wait for their belated liberty. One could argue, along with Zavier Wingham, that the centrality given to the 'Circassian slave' in the historiography of Ottoman slavery often intimates a devaluation and dismissal of African slavery and historiography, whose presence and relevance often remain peripheral to the craft.[71]

By the turn of the 20th century, dissident intellectuals of Circassian provenance had organised between the urban axis of Cairo and Istanbul. They founded their anti-*Istibdād* propaganda journal, The Unity Gazette – *Ittiḥād*– in Cairo in 1889 and officiated their organisation under the umbrella of the *Circassian Society for Union and Reform* in post-revolutionary Istanbul in 1908.[72] The abolition of dynastic and domestic slavery soon became the society's defining ambition. This humanitarian cause prized manumission, education, and employment for the liberation of *all* Circassian slaves, serving in the households of both exogenous and indigenous communities. However, their mission by no means reflected the position of landed aristocracy within the Circassian settlements, nor did it do much to undermine existing power structures or disrupt the restrictions of gendered and labour mobility therein.

Circassian anti-slavery activism had a lot in common with their European counterparts, both in terms of their ends, more so in terms of their means. Europeans and Circassian activists both supported a hollow notion of liberty, one where it was the slave owners who needed to be compensated for the injury of manumission rather than the enslaved themselves.[73] They supported

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[71] Wingham, 'Arap Bacı'nın Ara Muhaveresi'.
[72] Hamed-Troyansky, 'Imperial Refuge', 361-63.
[73] On the subject of manumission and the "pro-slaveholder bias" evidenced by the compensation of slave owners, see: Liat Kozma, 'Black, Kinless And Hungry : Manumitted Female Slaves In Khedival Egypt', in *Race And Slavery In The*

schooling and training for manumitted slaves of Circassian provenance, taking after the retraining homes for manumitted African slaves opened in Cairo and Alexandria by the British anti-slavery societies.[74] Moreover, the progressive intellectuals who convened in exile in Cairo or Paris believed in the abolition of indigenous slavery as a means to the end of their moral emancipation, taking their place among a humanitarian, civilised society of nations.

Hayriye Melek Hunç, a Circassian feminist and second-generation settler deeply involved with Circassian activism in post-revolutionary Istanbul elucidates both the strength of argument and lack of ambition in the Circassian anti-slavery agenda. In 1911, she addressed Circassian lords in a journal article called 'Lords and Slaves' which likely circulated far and wide between Istanbul and even Quneitra, warning the lords that slavery alone is the evil that 'prevents the Circassian nation to exceed and take their place among the civilised nations', a vice that obstructs 'justice, entrepreneurship, and fraternity of men.'[75] Hunç proposes a 'mutual sacrifice' (fedakarlık); for slaves to let go of their hatred, and for lords to abrogate their 'property', for the unity and betterment of the Circassian nation. Hunç alone takes this most radical position among all her compatriots, by explicitly disavowing lineage and social heritage and by tendering the pshitl' their place in the Circassian nation.[76] Her argument takes racial humanitarianism to its logical conclusion; for if the end of *white* slavery is the precondition for Circassian participation among the civilised nations, then there can be no civilisational – i.e. racial – claim to dignity without the manumission of non-Black, nominally white, pshitl'.

The Hunç family, on the other hand, were not exemplary abolitionists in the matter of African slave trade. Hunç's brother, the soldier and future general Ali Sait Pasha had acquired 50

Middle East: Histories Of Trans-Saharan Africans In 19th Century Egypt, Sudan And Ottoman Mediterranean, Kenneth Cuno And Terrance Watz (Cairo: Cairo Press, 2010); Kris Manjapra, *Black Ghost of Empire: The Long Death of Slavery and the Failure of Emancipation* (New York: Scribner, 2022), 69-93; Salushchev, 'Reluctant Abolitionists', 300-304.

[74] For more on the British initiatives to found 'Home for freed women', see: Joseph G. Alexander, *Sixty Years against Slavery : A Brief Record of the Work and Aims of the British and Foreign Anti-Slavery Society, 1839-1899 : With an Article on the Abolition of the Legal Status of Slavery / by Joseph G. Alexander.* (London : British and Foreign Anti-Slavery Society, [1900?], 1900), 2-3.

[75] Hayriye Melek Hunç, 'Beylik-Kolelik' published in Ghuaze(1911-1914), no: 10, 8 June 1911.

[76] Ibid. See also: Cemile Atli, 'Hayriye Melek Hunç'un Yazılarında Çerkes Milliyetçiliği, Feminizm ve Kölelik (Circassian Nationalism, Feminism and Slavery in the Writings of Hayriye Melek Hunç)', *Journal of Caucasian Studies(JOCAS)* 6, no. 12 (31 May 2021): 183–208.

Abyssinian slaves during his captivity in Yemen as part of his political marriage to a daughter of the Yemenite leader, Imam Yahya, and is known to have distributed them to landed households among the muhajir settlements in Manyas where the family is settled, in the Southern shores of the Marmara Sea.[77] One can ask if Hunç's abolitionist arguments in favour of national liberation did account for the ongoing sale and servitude of Black Africans to which she herself was a witness in her time in the palatial service. In her journal article where she narrates a world history of slavery, it is a narrative that begins with and harkens back to slavery under Roman Empire as a model for Circassian slavery and the liberation thereof. Other, more contemporaneous forms of - racial, African - slavery are not assumed to be as relevant.

While it did receive considerable pushback from Circassian landed elites, the anti-slavery program of manumission, education, and employment did nothing to upend the unequal distribution of property within the settlement, or caste-based discrimination in the Circassian nation. Oral history accounts collected by Ulaş Sunata and Elbruz Aksoy on the Circassian diaspora, the inimitable ethnography of Eiji Miyazawa among Circassians in Asia Minor, and Circassian-Jordanian scholar Seteney Shami all suggest that the conflict between the notables and the pshitl' only ended with national land reform, which was implemented by the Democrat Party in Turkey from 1954, and in Syria by the Quwatli government from 1958.[78] The role of property as means of production was crucial to maintain the power that Circassian landed elite held over their slaves; and no amount of retraining, rehabilitation, and employment provided by Circassian anti-slavery advocates could or would change the material disparity in between the two castes.[79]

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[77] Elmas Zeynep Arslan, 'Circassian Organisations in the Ottoman Empire (1908-1923)' (M.A., Istanbul, Boğaziçi University, 2008), 5-6.

[78] On Turkish Land Reform, it is interesting that the Circassian settlements were expended in favour of slave-farmers and sharecroppers. Eiji Miyazawa points to electoral politics as the cause of *pshitl'* support for the Democrat Party: Miyazawa, 'Memory Politics'. This is still a very curious argument as by all accounts, for land reform in Turkey was infamously never successful.

[79] Furthermore, I would argue that rural-to-urban migration patterns that became prevalent in the 1950s provide another explanation for the end of indigenous slavery within the Circassian settlements of Turkey and Syria. I would make an educated guess based on two factors. First, it is still a matter of debate just how successful were the 1950s land reforms in breaking down large estates and distributing property among the landless peasantries. In Turkey, land reform has been unequivocally unsuccessful, whereas in Syria it has affected a relatively more substantive change in breaking the hold of agrarian bourgeoisie: Eva Garzouzi, 'Land Reform in Syria'. However, the co-habitation of the *pshitl'* with their masters in the same settlements would have undoubtedly perpetuated caste-based discrimination based on lineage. Secondly, the oral history accounts by the people of *pshitl'* background often feature internal and

To the extent that they engaged with the transnational anti-slavery legislation and debates, the Circassian activists and intellectuals positioned exogenous slavery as a distinct cause to that of indigenous slavery, a rhetorical and strategic move that allowed Circassians to plead their case as civilised victims, and not as uncivilised perpetrators. The racialisation of one's nation through *white dignity* allowed Circassian elites and intellectuals to remove themselves from the suffering of African slaves *and of their own.* Members of the conservative landed elite as well as urbane, cosmopolitan intellectuals perceived the same boundaries between indigenous and exogenous slavery, between white Circassians and not-quite-Circassian pshitl', a bias betrayed in rhetorical comparisons.

The rhetoric of white innocence and the symbolism of national (in)dignity weighed heavily on Circassian women, the traditional victims of exogenous slavery, for generations to come. The lords and elders of successive generations further constrained the roles and scripts available to Circassian women to preserve their innocence and *whiteness*. Within the Circassian settlements and among the lay settlers, the status of Circassian women, especially the daughters of the landed families like the Hunç, was of paramount importance. The reputational politics of sex and miscegenation policed the conduct of Circassian women within the settlements, with whom they were allowed to talk, to engage, or marry. The extreme prohibitions on ethnic exogamy and sexual restraint figure large in the oral histories of Turco-Circassian women, who narrate the de-sexing of their bodies and stifling of their personal conduct for the sake of purity, reputation and marriageability.[80] In contrast, the *unmarriageable,* de-sexed figure of the pshitl' or the 'azeb men also litter these narratives, as familial strangers, whose emasculation, emaciation, and ethnic ambiguity safely relegated them to the margins of both Circassian society and their histories.[81]

The enduring phenomenon of slavery did not affect Circassian settlements to the same degree. There were instances where ethnic endogamy necessitated caste-based exogamy for the preservation of a Circassian language and culture.[82] Regardless, the caste-based system and

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external migration stories and narratives of flight, whose departure from their 19th century muhajir settlements roughly fall between 1940s-60s; the same period in which land reforms would be implemented.

[80] For some of the more telling narratives, see Sunata, *Hafızam Çerkesçe*., p, 136-139, 146-149.

[81] Ibid.

[82] Hamed-Troyansky, 'Imperial Refuge', 354.

prohibitions, which were variably enforced against both patri- and matri-linear caste exogamy still provide the grounds for biological inferences about enslaved Caucasians. Just as the Circassian meta-ethnic identity came to be debated in the context of whiteness, biological and cultural inferences about the indigenous slaves devolved into a 'bordering of thought,' one which allowed the Circassian landed and urban elites to suspend the contradictions between *Circassian* demands for dignity and pshitl''s pleas for liberty.[83] By the centring of exogenous slavery as an affront to their nation, they carved out an ethno-racial identity to the categorical exclusion of indigenous slaves, and in contradistinction to that of the black captive.

3.2.4. Conclusion

In this chapter, I elaborated the conceptual and social histories of race and caste from the perspective of white, land holding Circassian elites, comprising both conservative Quneitran notables and progressive, anti-*İstibdād* Circassian literati. I discussed the ideology and the idioms with which they compared and il/legitimised three types of slavery, one against the other. I argued that the urbane progressives organised in between the Istanbul/Cairo axis centred exogenous slavery as the target of their reforming ambitions, a national indignity to be addressed by European and Ottoman authorities. They advanced their cause as distinct from not only Black slavery but indigenous slavery, which they viewed as purely a construct of an *ancien régime* that education and rehabilitation would wish away, without changing the material forces of economic inequality and socio-biological heritage.

The ethnic cleansing in the West Caucasus was not just a humanitarian debacle to be addressed by the provision of refuge and land. It engendered, in separate but interlinked ways, a familiar debate on the sale and buying of indigent women and children across the Black Sea shores, now littered with derelict ships and makeshift camps. This debate on the enslavement and

[83] Momtaza Mehri, 'The Consensus of Seasons', Shubbak - London festival of contemporary Arab culture, 23 June 2021, https://www.shubbak.co.uk/the-consensus-of-seasons/. {Updating}

trafficking of victims of war became – now, permanent -- fixture of the modern humanitarian enterprise in the Middle East, inextricably intertwining the histories of the *refugee* and the *slave.*[84]

Widespread enslavement of women and children beget further exclusions within the refugee settlements. The settler elites sanctioned and contained these exclusions through force of arms and of law. Property became the condition of alterity, creating an anonymised and dispossessed class of labourers. Anti-blackness, on the one hand, and white purity, on the other, made histories of capitalist property and forced labour interlinked with that of race. Like the anonymisation of the Black African as zenji, the pshitl' were dispossessed of land and lineage based on ethno-racial othering. The socio-biological heritage became the grounds on which mutually exclusive identities between Circassians and the pshitl' were constructed, wherein property and liberty were accorded to the former at the deprivation of the latter.

I argue that race was made in the deprivations of property: loss of land, loss of autonomy, and loss of identity. Race is an effect of the legal epistemology in which the rights-bearing subjects were constructed, be it within the framework of humanity, nationality, or citizenship. The participation of Circassian elites in Ottoman legal modernity and agrarian regime reveal *an* aspect of racial statecraft, as the settler household assumed a key role in the construction of the Ottoman legal and agrarian regime. The vernaculars of whiteness as well as blackness were constructed through the settler household, its socio-economic, gendered, and racial disciplinary structures that tried – and failed – to contain the desire for freedom.

[84] Karamürsel, 'In the Age of Freedom', 240-242.

IV. Muvatın

Introduction

> '...We have also drafted a special section pertaining to the governments of Hive and Bukhara and China and Afghanistan and Baluchistan and Morocco [to receive settlers from], for they have signed no capitulations (*mu'āhede*) with the Sublime State and they have not their own missions here in Istanbul.'
>
> Office of Legal Counsel, Draft Resolution for the Immigration Law, 11 March 1902[1]

> 'Regarding the matter of Russian Armenians seeking to immigrate into the exalted lands, it is crucial to maintain the prohibition that those [Armenians] who carry the borrowed names of Islam and bear strangers' likeness be conclusively barred from entering therein.'
>
> Mehmed Said Pasha, 26 March 1902[2]

During the cold winter months of 1901-2, dozens of Russian Muslims from the South and East Caucasus began to arrive in the Ottoman Empire with no passports nor permission. With the arrival of the spring, their numbers had risen to thousands, enough to overwhelm the military forces stationed across the Russian frontier to maintain the border. These irregular migrants, called *musāfirs,* had already settled among the Muslims and the Armenians in nearby towns to wait for a designated place of settlement. Their illicit arrival was very much an administrative burden upon the local population, as well as the Ottoman officialdom. The governor of Erzurum, Mustafa Nazım, came to the defence of Ottoman military forces, insisting that nothing short of armed violence (*isti'mal-i silāḥ*) could and would disallow fugitives from crossing the border.[3]

There were many reasons to fear that the incoming Caucasian migrants would be a political liability. The hackneyed narratives of sectarian violence between Muslim settlers and the Armenian peasantry exerted a hold over the judicial decisions taken by the Ottoman government, military, and the Immigration Commission. The settlement of Circassian muhajirs in the Caucasian border towns and the six Armenian Provinces (*Vilayet-i Sitte*) was explicitly banned in 1878 by Article 61 of the Berlin Treaty, a clause that the European consular authorities had since

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[1] Y. A. RES., 115-57, p.13, 11 March 1902.
[2] Y. A. RES., 115-57, p.1, 26 March 1902.
[3] BEO. Y.PRK.UM., 58/42, line 3-4.

been vigilant in enforcing.[4] As it happened, an immutable, inflammable conflict between Circassian Muslims and Christian Armenians was not the danger espoused by governor Mustafa Nazim's reports during this minor refugee crisis of 1902. Indeed, Nazım even feared a potential *collaboration* between *Russian* Muslims and *Ottoman* Armenians to circumvent this increasingly militarised border.[5] The real trouble, according to provincial officers' reports to the imperial high office, was the vexatious task of telling apart the Muslim from the Armenian.

Ottoman border intelligence had gotten wind of rumours that some Caucasian immigrants were Armenians in all but their names and attires. 'They came with borrowed names, and strangers' likeness,' warned the Grand Vizier Said Pasha, in his dispatch to the chancery of the imperial council.[6] There were several assumptions underlying this conspiracy of apostasy. Said Pasha and his coterie of royalist ministers supposed that a number of Russian Armenians had converted to Islam, stealing across the border to become *Muhajir* to steal land from the Ottoman Empire. They presumed that these Armenians were willing to eschew their own kin and kind and swear their loyalty to Abdülhamid II as per the foremost clause of immigration law — despite Abdülhamid II's now notorious reputation as a butcher of Armenians.[7] Said and the members of the consultative council reiterate that it is urgent that the Sublime Porte promulgate yet another resolution to reform the 1857 Immigration Code in light of the political predicaments of the day, with the aim to further securitise the territorial borders and juridical boundaries of the Ottoman nation.

There seems to be little to no correspondence between the actual reasons and feared repercussions of trans-Caucasian migrations. An undisputed majority of incoming settlers were

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[4] This is also one of the reasons why further immigration from the Caucasus after 1878 was redirected toward Syria instead. Y. MTV, 36/103, 1 January 1889. For a report on the post-1878 settlement of Islamic muhajir in Armenian provinces and in Syria, see MAE Nantes, 92PO/A Beyrouth, Dispatch no:86, *Colonisation en Armenie,* from the Beirut Consulate to the French Ambassador at Istanbul, 10 September 1893.

[5] BEO. Y.PRK.UM., 58/42, p.1, line 10-12, 27 April 1902.

[6] '*Rusya Ermenilerinin İslam nām-i musteʿārıyla ve suver-i sā'ire ile memālik-i şāh-āneye hicret etmek istediklerinden cihetle...*' Y. A. RES., 115-57, p.1, l. 2. 26 March 1902.

[7] Local unrest and conflict between state-sponsored Kurdish militias and Armenian peasantry and community leaders had sparked a series of Armenian pogroms in 1894, which would endure for three years. The Hamidian massacres, as they were called, would mark a watershed moment in the history of Hamidian autocracy and forever undermine the reputation thereof: Ronald Grigor Suny, 'The Hamidian Massacres, 1894-1897: Disinterring a Buried History', *Études Arméniennes Contemporaines*, no. 11 (15 October 2018): 125–34.

Russian Muslims, often immigrants of Circassian and Dagestani provenance. A subsequent petition by Karachai Circassians in 1903 provides an oft-repeated push factor for seeking refuge in the Sublime Porte: as Muslims under the Tsarist government, they had found themselves besieged by Christians, complaining that their coloniser had come to force their children into Christian schools and conscript their men to Christian armies.[8] From the Caucasus to Central Asia, prospective Muslim muhajirs sent petitions to Yıldız Palace asking for land and protection from the Caliph, Abdülhamid II. The colonised Muslims' pleas often took up the same refrain: they did not desire to live and serve as colonial subjects, and they migrated as a means to contest the colonial order.[9]

Juridically speaking, the only problem at hand was the correspondence between Russian and Ottoman nationality laws. Both imperial systems espoused a migration regime indexed to restricting emigration, which made the illicit arrival of Russian muhajirs a chequered affair, be it they were Muslims or not. The Minister of Foreign Affairs, Ahmed Tevfik Pasha, issued a reminder that the Russian government subscribed to the principle of 'enduring nationality (*ebedi ṭabi'iyyet*),' meaning that the new arrivals from the Caucasus who came without notice or passports could, legally, still be considered Russian subjects under Russian protection. On the orders of Said Pasha, the Office of Legal Counsel under the Ministry of Foreign Affairs prepared a draft resolution to fully complement the Russian migration and nationality codes governing the nations *in situ* and abroad.[10] The new resolution would synchronise Russian and Ottoman

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[8] Y. PRK. AZJ., 48/46. Petition by Osman Togan, as representative of Karachai Circassians, 30 August 1903, transcription published in Ahmet Zeki İzgöer et al., eds., *Osmanlı belgelerinde Kafkas göçleri. 2*, (İstanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2012), 370-71. On Christian education serving as a push factor for emigration, see: Seteney Shami, 'Prehistories of Globalization: Circassian Identity in Motion', *Public Culture* 12, no. 1 (1 January 2000): 183. It is also important to note that this was a transnational process in which all Empires began to invest in their colonial and subject populations by way of education and conscription policies, from the French Empire vis-a-vis their Algerian subjects, Russian Empire vis-a-vis Caucasians, and for that matter, Ottoman Empire with regards to its subject populations: Michael Provence, 'Ottoman Modernity, Colonialism, and Insurgency in the Interwar Arab East', *International Journal of Middle East Studies* 43, no. 2 (2011): 205–25.

[9] Salma Hargal, 'Émigrer en contexte colonial : La vague de départ des fellahs du Constantinois en 1910', *Revue des mondes musulmans et de la Méditerranée*, no. 147 (12 October 2020), https://doi.org/10.4000/remmm.14471.

[10] *'Duvel- sā'irenin ve bilhassa Rusya ḥukūmetinin memleketlerince mevżū' ve cāri ḳavānin ve niẓāmāt-i dāḫiliyyelerine dair (...) bizce icrā'si lāzim gelen mu'āmeleye dā'ir İstişāre Odasınca eṭrāflı bir ḳānūn lāyiḥası tanẓimi...',* Y. A. RES., 115/57, p.3, l.4-6, Sadrazam Said and members of the consultative assembly (*Meclis-i Maḥṣūṣa*)*,* 26 March 1902.

migration policies to thread a seamless border, wherein ethno-religious *nations* would remain confined within the religious hegemony of each respective empire[11].

It is at this juncture that the Armenian Muslim came to embody the political menace of cultural promiscuity.[12] The competing hegemons had reduced the process of conversion and apostasy to a question of jurisdiction and de/nationalisation, whereby assimilation into the dominant religious orthodoxy paved the way for full membership within the political society. Both Russian and Ottoman imperium resisted the dual processes of conversion and apostasy to maintain the imperial hierarchies as the normative basis for vernaculars of justice and equity. The ability to confer and withhold confessional identity thus authorised each empire to act as 'arbiters of conversion,'[13]. It allowed the state to return the final verdict on when and where conversion was authentic, appropriate, and legitimate and where was likely to induce an 'imperial headache'.[14]

Rumours of Armenian conversion thus sparked a long debate in between the Office of Legal Counsel, the Grand Vizierate, and the consultative assembly of Abdülhamid II. Ottoman Armenians were placed at the crux of questions of nationality and jurisdiction by the force of international law. They were under international jurisdiction and Russian protection, a subject enshrined in the Article 61 and 62 of the Berlin Treaty (1878) in what became a legal precedent on a series of minority treaties chartered by the League of Nations in the aftermath of WWI.[15] It is the contractual premise of both positivist international law and extraterritorial protection that made *Muslim* Armenians an unthinkable, incommensurate entity: under whose jurisdiction, and

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[11] On nations and nation-making under the imperium of Tsarist Russia, see: Ronald Grigor Suny, 'Nationalities in the Russian Empire', *The Russian Review* 59, no. 4 (2000): 487–92; On Ottoman *millets* between confessional and secular-national models, see: Richard Antaramian, 'Confessionalism, Centralism, Armenians, and Ottoman Imperial Governance in the 18th and 19th Centuries', *International Journal of Middle East Studies* 54, no. 2 (May 2022): 319–37; Aylin Koçunyan, 'The Millet System', 59. On specifically the controversial topic of conversion and apostasy, see Suny(2000); Selim Deringil, *Conversion and Apostasy in the Late Ottoman Empire* (Cambridge: Cambridge University Press, 2012); Vladimir Hamed-Troyansky, 'Becoming Armenian: Religious Conversions in the Late Imperial South Caucasus', *Comparative Studies in Society and History* 63, no. 1 (January 2021): 242–72.

[12] Julia Ann Clancy-Smith, *Mediterraneans: North Africa and Europe in an Age of Migration, c. 1800-1900*, The California World History Library 15 (Berkeley: University of California Press, 2011), 62.

[13] Hamed-Troyansky, *Becoming Armenian*.

[14] Deringil, *Conversion and Apostasy*.

[15] Eric D. Weitz, 'From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions', *The American Historical Review* 113, no. 5 (1 December 2008): 1313–43; Heather J. Sharkey, 'History Rhymes? Late Ottoman Millets and Post-Ottoman Minorities in the Middle East', *International Journal of Middle East Studies* 50, no. 4 (November 2018): 760–64.

protection, would they be? By the precepts of paternal humanitarianism, their very presence undermined the jurisdictional integrity of the Ottoman government. Whether or not their rumoured conversion was authentic was beyond the point, for the law of nations placed these hypothetical converts well beyond the pale of the Caliph's ummah and under the supervision and scrutiny of the Concert of Europe.

In this section, I discuss the entangled histories of race and religion in the making of the settler-citizen. I discuss here the political borders of Ottoman national territory (*vatan*), and the migrants who cross these political borders illicitly and illegally, in counterpoint to Part I and Part II, wherein I focused on the carceral structures of the refugee settlement and the settler household, respectively. By looking at who was allowed to cross the border and settle in the Ottoman Empire (*tavattun*) and who was not, I delineate the imaginative and juridical contours of an Ottoman nation. This part will comprise two chapters which lay out the laws and processes by which fugitive migrants (*firāri*) became citizens (*muvaṭın*), and citizens became fugitives.

This section explores further the legal entanglements of race and religion in the age of empires. In doing so, it draws on the work of Cemil Aydın, who argues that the modern constructions of the notion of ummah, and the corresponding political project of the Caliphate, are the products of a 19th-century imperial world order.[16] Within this scheme, the nineteenth century iteration of the ummah was a racial, subaltern identity over which European and Ottoman empires claimed their stake. Ottomanism, as an alternative ideological project and a diplomatic modus operandi, tried to institute a non-European hegemony of the Caliphate. Drawing on Aydın's work, I detail how the Ottoman Caliphate did not contest but indeed further articulated the racialisation of confessional identity within and beyond its borders.

Chapter five 'Paths Well Travelled' details the global scope of the Hamidian immigration state and how the subaltern ummah was called to settle and work the lands of the Ottoman Empire. Moving from the 1902 Resolution to the Immigration Law of 1857, I will describe three legal routes into the empire, from the licit muhajirs to the illicit arrival of the musāfirs, to the

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[16] Cemil Aydın, "'The Muslim World' Question during the Interwar Era Global Imaginary, 1924-1945', *New Global Studies* 10, no. 3 (2016).; *The Idea of the Muslim World: A Global Intellectual History*, *The Idea of the Muslim World* (Harvard University Press, 2017).

unilateral naturalisation, *sans* property, of the subaltern Muslim subjects. I will explain their conditional and differential inclusion into the Ottoman polity as a reflection of the polity's legal and racial fault lines.

The final chapter, 'The Ports Close on Exit', will put the 1902 Resolution, which reformed the Ottoman immigration code, in its legal and regional context to explore the dialectics of conditional inclusion and contractual exclusion in the Ottoman immigration state. This chapter situates the anti-Armenian rumours that provoked the 1902 Resolution and the debates surrounding its preparation from within the legal history of Armenian (e)migrations in the Hamidian and CUP period. I will explain the historical tenets of anti-Armenian legislation and further explore their repercussions as the contractual exclusion of Armenians from the emerging nation of Ottomans. I will thus position the Ottoman attempts to procure settlers from across the global ummah within the politics of race- and nation-making in an imperial world order.

In conclusion, I argue that the late 19th-century Ottoman legislation on immigration and nationality appropriated the racial epistemology of contractarianism. The Ottoman pursuit of an immigration state delineated a juridical identity — *Ottoman nationality* — that was categorically majoritarian and contractually exclusionary because of, and not despite, its cosmopolitan aspirations. I will argue that racial sovereignty conceived in the image of a global ummah found *a* territorial expression in the Ottoman Empire, to the categorical exclusion of non-Muslims, predominantly Armenians; the *conditional* inclusion of subaltern Muslims; and the tacit rejection of Black Africans.

4. 1. Paths Well Travelled

The scale of trans-Caucasian migrations during the winter of 1901-1902, where some three thousand refugees were stranded at the border town of Pasin, provoked a reappraisal of the existing immigration law and policy in the Ottoman Empire.[1] The foremost jurists of Ottoman international law was called upon to work out the jurisdictional folds between Russian and Ottoman immigration and nationality codes. The veteran jurist of the Office of Legal Counsel, Gabriel Noradunkiyan, the notable scholar of Ottoman *Mecelle,* Mehmed Ali, and the future Grand Vizier Ibrahim Pasha together drafted a consummate resolution to revise the Immigration Code.[2] In their prolegomena to the draft resolution they delineate both a lineage and a futurity to the Ottoman Immigration Law, between its original text of 1857, and its 1902 reiteration:

> According to the research conducted by our ministry of foreign affairs, the [Immigration Law] was drafted by the High Reform Council in response to the pleas of some Prussian subjects to settle by their own volition in the exalted lands and to assume Ottoman nationality [*memālik-i şāhāneye hicretle iḫtiyār-ı iḳāmet ve ḳabūl-i ṭabi'iyyet*] and that the said Law was dispatched to the consulates of the Exalted State on 9 March 1857... It is clear with regards to our legal opinion that [aforementioned laws] had solely anticipated the arrival of non-Muslims from various European estates, whereas today it is only the Muslim settlers [*muhajirin*] who arrive in and are welcomed by the exalted lands. As such the new order has been inspired by previous laws but necessary changes were made in light of this matter.[3]

The Immigration Code of 1857 procured and processed settler families, able of body and capable of reproducing themselves, to expand agricultural production and promote agrarian capitalism across the Ottoman Empire. At the beginning the settlement policy had been a cross-confessional, secular, and economic enterprise that served the ends of imperial developmentalism.[4] The Prussian subjects who applied to settle in the Danubian basin, the Hungarian and Polish revolutionaries settling in as asylum seekers, had been the first, experimental subjects of the

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[1] BOA. MV., 103-27, 5 December 1901.
[2] Raymond Kévorkian, 'Gabriel Noradounghian — Extraits Des Mémoires Recueillies Par Aram Andonian', *Revue d'Histoire Arménienne Contemporaine* I (1995).
[3] Y. A. RES., 115-57, p.13, lines 11-18, 11 March 1902.
[4] Hamed-Troyansky, 'Imperial Refuge'; Fuat Dündar, *Hicret, Dîn ü Devlet: Osmanlı Göç Politikası (1856-1908)*, 1. baskı, Araştırma-İnceleme Dizisi 509 (İstanbul: İletişim Yayınları, 2021).

Immigration Law and settlement.[5] Later, the escalation of imperial wars engendered a pattern of forced migration from the Caucasus (1854-1864) and the Balkans (1876-78), whose predominantly Muslim refugees were categorically treated as prospective settlers, turning a humanitarian calamity into an political and economic opportunity for the Sublime Porte.

Despite its cross-confessional beginnings, Ottoman immigration policy had begun to acquire an exclusionary character during the regime of Abdülhamid II (1876-1909). The discriminatory immigration legislation had limited jurisdiction with regards to place and persons. For example, the Jewish victims of pogroms in Ukraine, Romania, and Russia remained eligible for Ottoman settlement policy in the Syrian provinces including Beirut and parts of North Palestine well into the 1880s, and Asia Minor until 1892, when 849 Jewish immigrants from the Pale of Settlement were settled thereon under Ottoman authority.[6] Nonetheless, Jewish migration to the Mutessarifat of Jerusalem was also the first to be curtailed in light of their participation in British settler colonies in North Palestine. Jewish immigrants were excluded from the Ottoman Settlement policy in Palestine and Syria and banned from property acquisition as early as 1888.[7]

A more important population of concern, Armenians, were implicitly banned from acquiring citizenship and property in the Ottoman Empire between 1896-1902, under a corpus of anti-Armenian legislation that explicitly targeted Armenian im/migration.[8] The 1902 Resolution was thus the final piece of anti-Armenian legislation pertaining to Armenian immigration during

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[5] Fuat Dündar, *İttihat ve Terakki'nin Müslümanları Iskân Politikası, 1913-1918*, 1. baskı, Araştırma-Inceleme Dizisi 112 (Cağaloğlu, İstanbul: İletişim, 2001), 57-58; Gülsoy, 'Osmanlı Topraklarına Avrupa'dan Muhacir İskanı.

[6] Y.A. HUS., 277-136, p.3, column 1, row 17, 14 July 1893. There is also a matter of chain migration, as Jewish immigrants from the Pale of Settlement were allowed to join their relatives, assume Ottoman citizenship, and settle upon land granted to them in the district of Eskişehir as late as 1910: BOA. DH. MUI. 68-1-35, transcribed and published in Ahmet Zeki İzgöer et al., eds., *Osmanlı belgelerinde Kafkas göçleri. 1*, (İstanbul: T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2012), 265-75. On Jewish migrations under Ottoman jurisdiction, see: Karpat, *Studies on Ottoman Social and Political History,*146-168.

[7] DH.MKT.1530/17, 7 August 1888. Mandel mistakenly dates the ban on Jewish settlements as early as 1882, which, however, does not seem to have affected the formation of the first Aaliyah. Neville J. Mandel, 'Ottoman Practice as Regards Jewish Settlement in Palestine: 1881-1908', *Middle Eastern Studies* 11, no. 1 (1975): 33–46.

[8] David Gutman, *The Politics of Armenian Migration to North America, 1885-1915: Sojourners, Smugglers and Dubious Citizens*,(Edinburgh University Press, 2022); Hazal Özdemir, 'Osmanlı Ermenilerinin Göçünün Fotoğrafını Çekmek: Terk-i Tâbiiyet ve Pasaport Politikaları', *Toplumsal Tarih*, April 2019, 82–90; Sinan Dinçer, ''Ya Sev Ya Terket'in Ermenicesi: Osmanlı Devletinde Tabiiyet ve Sınırdışı Uygulamalarından Bir Fasıl', in *Sınır ve Sınırdışı*, ed. Didem Danış and İbrahim Soysüren (İstanbul: Nota Bene Yayınları, 2014), 322–54.

the Hamidian Era, the history of which is detailed in the next chapter. The 1902 Resolution was also the legal benediction of migratory ties that bound the Ottoman nation and the global ummah, as the breadth of Hamidian immigration policy was explicitly expanded from across the Balkans-to-Bengal axis.[9]

The Ottoman immigration state under the Hamidian rule aspired to eschew ethnic and cultural differences under religious unity. The Hamidian Government, as an expression of its hegemonic aspirations for the Caliphate, began to actively reach out to and settle dispossessed Muslims from across the European colonies, just as previous governments had extended consular invitations to non-Muslim settlers in the continental metropoles from the first half of 19th century. The ports and provincial capitals of Greater Syria welcomed immigrants from across North Africa to Russian Caucasus, South Asia, and British Indonesia. This chapter will discuss the settlement of these Muslim subalterns, their travails, and trajectories toward the Eastern Mediterranean. I will describe the (il)legal routes through which they charted a path toward the well-protected domains and their differential inclusion into the Ottoman nation. I argue that not all who landed in the Levantine shores enjoyed the entitlements of property and protection promised by the Ottoman immigration state. The provenance of immigrants, the legality of their arrival, and the racial fault lines running through the global ummah each set the terms of their inclusion in the Ottoman nation, or their tacit exclusion therefrom.

4.1.1. Islamisation of Immigration

The historical entanglements between the Ottoman Mediterranean and Indian Ocean, arguably the demographic centre of the global ummah, is an emerging field of interest and study.[10] The

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[9] The term is borrowed from Shahab Ahmed, *What Is Islam? The Importance of Being Islamic* (Princeton ; Oxford: Princeton University Press, 2016).

[10] For an excellent survey marking the ascent of this literature, see: Fahad Ahmad Bishara, 'Ships Passing in the Night? Reflections on the Middle East in the Indian Ocean', *International Journal of Middle East Studies* 48, no. 4 (November 2016): 758–62; Nile Green, 'The View from the Edge: The Indian Ocean's Middle East', *International Journal of Middle East Studies* 48, no. 4 (November 2016): 746–49 and most importantly, the majestic volume on comparative imperialisms and Islam by David Motadel, ed., *Islam and the European Empires* (OUP Oxford, 2014). For a comparative take, see: Leila Tarazi Fawaz, C. A. Bayly, and Robert Ilbert, eds., *Modernity and Culture: From the Mediterranean to the Indian Ocean* (New York: Columbia University Press, 2002).

intellectual currents that run between them are explored in depth by the work of Shehab Ahmed, Faiz Ahmed, Seema Alavi, Cemil Aydın, and more recently, Esmat Elhalaby.[11] The political and mobile history of Islamic Law is further enriched by the work of Iza Hussin showing the instrumental role that the British Empire played in its dissemination and codification.[12] The work on circulation of officers, of intellectuals, and of military and scientific expertise between the Ottoman Empire and Asia is also of emerging interest.[13] Yet these paths well-travelled were traced by subaltern migrants, whose belonging and loyalties were subject to competing imperial interests. While the works of Can, Aydın, Laffan and Low discuss how the Indian Ocean became a contested zone of influence in which 'Muslim lives and loyalties' became political – and juridical – currency, Lewis, Todd, and Saaïdia each deliberate how the French Empire sought to govern the

[11] Ahmed, *What Is Islam?;* Faiz Ahmed, 'Istanbul and Kabul in Courtly Contact: The Question of Exchange between the Ottoman Empire and Afghanistan in the Late Nineteenth Century', *Osmanlı Araştırmaları* 45, no. 45 (9 March 2015): 265–96; Seema Alavi, 'Siddiq Hasan Khan (1832-90) and the Creation of a Muslim Cosmopolitanism in the 19th Century', *Journal of the Economic and Social History of the Orient* 54, no. 1 (1 January 2011) and : 1–38 and "Fugitive Mullahs and Outlawed Fanatics': Indian Muslims in Nineteenth Century Trans-Asiatic Imperial Rivalries', *Modern Asian Studies* 45, no. 06 (November 2011): 1337–82; Aydın, *The Idea of the Muslim World*; Esmat Elhalaby, 'Empire and Arab Indology', *Modern Intellectual History* 19, no. 4 (December 2022): 1081–1105.

[12] Iza Hussin, 'Circulations of Law: Cosmopolitan Elites, Global Repertoires, Local Vernaculars', *Law and History Review* 32, no. 4 (November 2014): 773–95, and *The Politics of Islamic Law: Local Elites, Colonial Authority, and the Making of the Muslim State* (University of Chicago Press, 2016).

[13] Ahmed, *Istanbul and Kabul in Courtly Contact*; On Barak, 'Infrastructures of Minoritization', *Comparative Studies of South Asia, Africa and the Middle East* 41, no. 3 (2021): 347–54; Michael B. O'sullivan, "The Little Brother of the Ottoman State': Ottoman Technocrats in Kabul and Afghanistan's Development in the Ottoman Imagination, 1908–23*', *Modern Asian Studies* 50, no. 6 (November 2016): 1846–87.

faith and fate of North African Muslims.[14] The Ottoman Empire, and the Ottoman Caliphate, was not alone in claiming a stake in the global ummah.[15]

The role of European colonisation is of utmost importance in the emergence of the well-connected world of the Muslim subaltern, and the aspirational notion of an ummah. The invention of the steamship, the development of printing press and the increasing pace of communication across the colonised world invigorated an intellectual community of Muslim scholars, ideologues and revolutionaries to assemble together novel ideas about Islamic law, colonial politics, and Muslim identity.[16] In the second half of the 19th century, informed by the political tribulations of the Sublime Porte, a new internationalism of anti-imperialist intellectuals began to converge around the figure of the Ottoman Caliph. This convergence of ideas and intellectuals came to constitute a material and financial force, for the first time, around the Russo-Ottoman Wars of 1877-78, enduring and evolving through the invasion of Tripoli by Italy in 1911, the Balkan wars of 1912-13, and the Great War of 1914-1918 to form the pan-Islamic *Khilafat* movement.[17]

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[14]Aydın, *The Idea of the Muslim World*; Lâle Can, 'The Protection Question: Central Asians and Extraterritoriality in the Late Ottoman Empire', *International Journal of Middle East Studies* 48, no. 4 (November 2016): 679–99; Michael Francis Laffan, *Under Empire: Muslim Lives and Loyalties Across the Indian Ocean World, 1775–1945*, *Under Empire* (Columbia University Press, 2022); Michael Christopher Low, *Imperial Mecca: Ottoman Arabia and the Indian Ocean Hajj*, *Imperial Mecca* (Columbia University Press, 2020).
Moreover, the Mediterranean was a 'colonial sea'; Manuel Borutta and Sakis Gekas, 'A Colonial Sea: The Mediterranean, 1798–1956', *European Review of History: Revue Européenne d'histoire* 19, no. 1 (1 February 2012): 1–13. On colonialism and jurisdictional politics, see: Mary Dewhurst Lewis, 'Geographies of Power: The Tunisian Civic Order, Jurisdictional Politics, and Imperial Rivalry in the Mediterranean, 1881–1935', *The Journal of Modern History* 80, no. 4 (December 2008): 791–830.; David Todd, *A Velvet Empire: French Informal Imperialism in the Nineteenth Century*, *A Velvet Empire* (Princeton University Press, 2021).; Oissila Saaïdia, 'Islam et ordre colonial dans les empires britannique et français : Entre collaboration et contestation', *Histoire, monde et cultures religieuses* 25, no. 1 (2013): 75–105 and 'L'invention du culte musulman dans l'Algérie coloniale du xixe siècle', *L'Année du Maghreb*, no. 14 (28 June 2016): 115–32. Britain, too, claimed its stake in the Mediterranean. On the British Mediterranean, see: Sakis Gekas, 'Colonial Migrants and the Making of a British Mediterranean', *European Review of History: Revue Européenne d'histoire* 19, no. 1 (1 February 2012): 75–92.

[15] Nor was the Ottoman sultan the only man to claim a stake in the Islamic Caliphate. Universal and millenarian claims to universal Islamic sovereignty were advanced by Ottoman and non-Ottomans alike during the late 19th century. Eyüp Öztürk, *II. Abdülhamid Döneminde Bir Mehdilik Iddiası: Halepli Bir Köylünün Sıra Dışı Hikâyesi*, 1. basım, İnsan ve Toplum Dizisi 92 (İstanbul: Kitap Yayinevi, 2019); Lidwien Kapteijns, 'Mahdist Faith and the Legitimation of Popular Revolt in Western Sudan', *Africa: Journal of the International African Institute* 55, no. 4 (1985): 390–99.

[16] Cemil Aydın, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought* (Columbia University Press, 2007); James L. Gelvin and Nile Green, *Global Muslims in the Age of Steam and Print* (Univ of California Press, 2013).

[17] On the formative role of the war of Tripoli mobilising Muslim students, see: Jonathan Conlin and Filiz Yazıcıoğlu, 'The Libyan War and Student Pan-Islamism: The Edinburgh Declaration of 1911', *International Journal of Middle*

Muslim intellectuals and religious scholars amplified the reputational power of the Ottoman Caliph, whose political ends resonated with the man himself. Abdülhamid II's defensive imperialism acquired a pan-Islamic veneer, despite the fact that his personal affinity with the global ummah had less to do with 'culture' (Abdülhamid II was well known in the palatial circles for having an exquisite taste in and preference for all things European) and everything to do with geopolitical influence.[18] In line with the Islamically minded diplomacy of Abdülhamid II and the sectarian framework of European humanitarianism, the immigration policy in the Ottoman Empire gradually acquired an identitarian character.

Ottoman and European empires shared an identitarian framework within which they conceived of themselves and each other which structured their place in an international system of states.[19] Just as the international state system devolved into spheres of imperial influence, each imperial state calibrated a bifurcated society composed of citizens, whose rights were contractually protected, and subjects, whose rights were conditionally granted.[20] The subaltern Muslims were racialised subjects of competing European Empires, whose claims to the land were being challenged and undermined by the colonial administrators at every turn.[21] Within this juncture of

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East Studies 54, no. 2 (May 2022): 387–93. On the Indian Muslim involvement in the Balkan Wars of 1912-13, see: Syed Tanvir Wasti, 'The Indian Red Crescent Mission to the Balkan Wars', *Middle Eastern Studies* 45, no. 3 (2009): 393–406. On the Khilafat movement, see: Mushirul Hasan and Margrit Pernau, *Regionalizing Pan-Islamism: Documents on the Khilafat Movement* (Manohar, 2005); Syed Tanvir Wasti, 'The Political Aspirations of Indian Muslims and the Ottoman Nexus', *Middle Eastern Studies* 42, no. 5 (2006): 709–22.

[18] Denise Gill, *Melancholic Modalities: Affect, Islam, and Turkish Classical Musicians* (Oxford University Press, 2017), 38; Ayşe Osmanoğlu, *Babam Abdülhamid* (Güven Yayınevi, 1960),74-78.

[19] Syria was particularly affected by the racialisation of confessional identity through the politics of international patronage. See; Andrew Delatolla and Joanne Yao, 'Racializing Religion: Constructing Colonial Identities in the Syrian Provinces in the Nineteenth Century', *International Studies Review* 21, no. 4 (1 December 2019): 640–61; Makdisi, *The Culture of Sectarianism*. Kezheya provides an excellent critique of histories of race that centre external, European actors but looks at the paths of racialisation and unequal allocation of resources in Lebanon: Alice Marie Kezhaya, 'Racialization in Lebanon' (M.A., Beirut, American University of Beirut, 2017). More on racial-imperial hierarchies and the international state system, see: Younis, 'Race, the World and Time'; Alexander D. Barder, 'Empire within: International Hierarchy, Imperial Laboratories and State Formation' (Ph.D., Ann Arbor, United States, 2013).

[20] On the philosophical critiques of the social contract theory on a historical, gendered, and racial basis, see: Carole Pateman and Charles Mills, *The Contract and Domination* (John Wiley & Sons, 2013). For a detailed account of European societies themselves were bifurcated based on class, race, and gender, see: Patrick Weil, *Qu'est-ce qu'un Français? histoire de la nationalité française depuis la Révolution*, Éd. revue et augmentée, Collection Folio Histoire 134 (Paris: Gallimard, 2005).

[21] On a crucial new piece of work on racialisation of religion and the constructions of racial capitalism in colonial Algeria, see: Muriam Haleh Davis, *Markets of Civilization: Islam and Racial Capitalism in Algeria* (Durham: Duke University Press, 2022).

high imperialism, as more and more of the global south fell under the influence if not the authority of Great Powers, the bonds between people and their lands were being severed by agricultural colonisation and the global settler movement. The subaltern Muslim, expropriated and exploited by the machinations of colonial capitalism, had been left with a simple choice, between selling their labour, and seeking land elsewhere.[22]

The bilateral agreements, treaties, and covenants of late 19th century international legislation presumed the principle of universal nationality, a mutually exclusive juridico-political identity that delineated the world into zones of imperial authority and influence. Lâle Can succinctly illustrates the difference between nationality and citizenship as two modalities of juridical identity, whereby the former 'represented the fullest form of state membership' while the latter 'was primarily a form of legal identification and a tool of international law that defined rights and protections of subjects'[23] The social fact of migration was at odds with the notion of a world juridically carved out of nations.[24] Just as the emerging field of international law universalised the principle of single nationality, the cultural promiscuity and hyphenated identities which had long defined the borderlands of empires became both a legal aberration to be settled and a political opportunity to be claimed.[25] Claiming jurisdiction over itinerant peoples became a zero-sum game to extend jurisdiction within contiguous borders (for the receiving country) or transport of authority across borders (for the sending country).[26]

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[22] Arthur Asseraf, *Le désinformateur* (Paris : Fayard, 2022), 86.

[23] Lâle Can, *Spiritual Subjects: Central Asian Pilgrims and the Ottoman Hajj at the End of Empire* (Stanford, California: Stanford University Press, 2020),16-17.

[24] The 19th century, especially, was a time when being out-of-place was the norm which complicated the imposition of singular nationality: Christopher A. Casey, *Nationals Abroad: Globalization, Individual Rights, and the Making of Modern International Law*, Human Rights in History (Cambridge: Cambridge University Press, 2020).

[25] 'Principes relatifs aux conflits de lois en matière de nationalité (naturalisation et expatriation)', Institut de Droit International, Résolutions - Session de Cambridge, 1895. First and Second Principles: No one should be without nationality. No one can simultaneously have two nationalities. For more on the age of universal nationality, see: Hanley, *Identifying with Nationality*, 280-96.

[26] Zero-Sum game is a mathematical expression in game theory. It is a relative *win-or-lose* situation whereby a player can either win or lose; and the two players cannot simultaneously win, nor lose. I have adapted the language of jurisdictional accumulation, into that of a political game, in which an actor's transport of authority across a political border is diametrically opposed to the extension of authority by the actor's opponent on the other side of the political border. For more on zero-sum games in politics, see; Lin Liu and Yi Yang, 'Is Power Zero-Sum or Variable-Sum? Conceptualizing a Context-Dependent Answer to a Century-Old Debate with Two Game Theoretic Experiments', *Political Science. Volume 72:Number 1 (2020); Pp 38-57*, 2020. Regarding jurisdictional accumulation, see: Pal, *Jurisdictional Accumulation*.

Abdülhamid II personally invested in promoting an open-entry immigration policy and an expansive application of Ottoman nationality law, opening up his well-protected domains as a means to further extend and legitimise his authority, both at home and abroad.[27] The settlement policy, further institutionalised and expanded after the wreckage of the Russo-Ottoman war of 1877-78, acquired its explicitly Islamic character under Abdülhamid II's tenure as an extension of his Pan-Islamic diplomacy. This was a significant departure from the liberal-cosmopolitan notion of the *Tanẓimāt* state projected by his erstwhile nemesis Midhat Pasha.[28] The settlement policy endeavoured to lure the dispossessed subjects of competing Western Empires with the promise of property-ownership and religious liberty, invoking the oft-repeated promise of settling in the lands of Islam (*dār al-islām*).[29] All the prospective settlers had to do was to abide by the requirements of Immigration Law; swear loyalty to the Caliph, as per article 1; show moral character, as per Article 13; and work the land for 6-12 years, *in situ*, as per Article 14. The muhajirs who heeded the call served to refashion the reputation of the Caliphate within the international order of empires, not as the land of autocratic persecution but of security and protection – justifying the oft repeated idiom of *memālik-i maḥrūse,* the well-protected domains.[30]

The stakes involved in the making of the immigration state had both defensive and offensive elements working within the logic of jurisdictional politics. Within its proper borders, the Ottoman Empire sought to extend its authority by settling the unsettled land across the Arab provinces. The Balkan refugees from the Russo-Ottoman War of 1877-78 had provided the groundwork for successive settlement schemes involving further immigration from the Caucasus, from North Africa, and South and Central Asia. With the 1902 resolution, the Immigration Law aspired to regulate the immigration from the Anglo-Russian borderlands from Afghanistan to East Turkestan, involving Pashtuns, Balochis, Kashmiris, Uzbeks, and Turkmens. The Second Article of the 1902 Resolution featured an implicit call for European vassal states and stateless nations

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[27] A. Ebru Akçasu, 'Migrants to Citizens: An Evaluation of the Expansionist Features of Hamidian Ottomanism, 1876–1909', *Die Welt des Islams* 56, no. 3–4 (28 November 2016): 388–414.
[28] On the concept of the Tanẓimāt state and the Tanẓimāt statesmen, see: Selim Deringil, *Conversion and Apostasy in the Late Ottoman Empire* (Cambridge: Cambridge University Press, 2012), 28-38.
[29] Dündar, *Hicret, Dîn ü Devlet*, 74-75.
[30] Ibid., 217-219; Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire 1876-1909* (I. B. Tauris, 2011).

who, lacking in any sovereign representation or correspondence with the Porte, were nonetheless encouraged to settle the well protected domains with the mediation and approval of the government to which they were subject.

By the end of the Hamidian regime, the provinces of Greater Syria were running short of even semi-arable land on which to settle immigrants, whereby the incoming migrants were instead incorporated into local labour or sharecropping arrangements. There are recurring references to Afghanis, British Indians, and East Africans in consular correspondence from the provinces of Greater Syria and the Hedjaz, not as prospective settlers or landowners but as peddlers and sharecroppers. By 1911, a report on the muhajir settlements in Syria and Beirut by the consul C. P. Devey describes the sorry condition of recently arrived North African settlers, of Algerian provenance, who failed in the protean task of cultivating the desert. Devey criticises the Pan-Islamic immigration policy, *still* in place three years after the Young Turk revolution of 1908, for aspiring above its means.[31] In the context of the year 1911, just short of the Italian invasion of Tripoli and with further influx of refugees from the Balkans, the Immigration Commission under the Young Turk regime was certainly running short of land. The Arab provinces, especially Syria, seemed less and less hospitable with the 1909-1910 unrest in Hauran led by the Druze, and the Arabist resistance to foreign immigration into, and native emigration from, Syria.[32] However, it is interesting to note that the ends of settlement policy did not alter in the immediate aftermath of Abdülhamid II's fall. The Pan-Islamic scope of immigration law was not curtailed by the more ethnically oriented CUP policy until the promulgation of a new resolution to the Immigration Law in 1913.[33]

It is undeniable that religious identity served political ends for the successive regimes that governed through the Sublime Porte. However, it is too facile an argument that Abdülhamid II's Pan-Islamism was one and the same as the CUP's Muslim populism. The pan-Islamism of foreign policy and Islamism of popular sovereignty emerged at different historical junctures and were not

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[31] TNA, FO195/2371, No: 44, Consul of Damascus G.P. Devey to Ambassador-General Lowther, 22 August 1911.
[32] On the Arabist politics and party organisations leading up to the Great War, see: Andrew Arsan, '"This Age Is the Age of Associations": Committees, Petitions, and the Roots of Interwar Middle Eastern Internationalism', *Journal of Global History* 7, no. 2 (July 2012): 166–88.
[33] With the CUP addendums to the massive, the scope of immigration law and property acquisition continued to prioritise Ottoman refugees from the seceded territories in the Caucasus and the Balkans.

contemporaneous to one another.[34] European imperialism championed the racial epistemology of international law, enshrined in the Berlin Treaty of 1878 as the minority/majority dualism, which provoked – and some would later argue, necessitated – demographic engineering as a dictate of statecraft.[35] This dualism shaped Hamidian immigration policy and left an indelible mark upon the 1902 reform to the immigration law and the debates that preceded it, as an expansionist, imperial enterprise promising the conditional inclusion of stateless or colonial Muslim subjects *and* a national, contractual exclusion of non-Muslim minorities, primarily Armenians. Abdülhamid II's immigration and humanitarian policy institutionalised majoritarianism as a *defensive* strategy against European legal encroachments on Ottoman territory. It was only in the fall of Abdülhamid II in 1909, following a countercoup by Islamists, that Islamic populism became a popular – and proactive – force in domestic politics. The CUP regime was well aware that religion was an invaluable instrument to hold together a multi-ethnic empire and quiet the dissenting voices rising from Albania to Arab provinces. [36]

The expansionist aspect of pan-Islamism under Abdülhamid II involved constructing a religious hegemony of the Caliphate across the colonised world, such that the Ottoman Caliphate would undermine the balance of power politics between the colonial powers. While his predecessors had long contemplated and invoked the ties that bound the Islamic world together to the Caliph, Abdülhamid II was the first to 'put in place a veritable politics of the caliphate.'[37] The diplomatic scrutiny of the Yıldız Palace pertaining to the Asian and African colonies (*asya ve afrika müstemlekeleri*) attest, in theory if not in practice, an imperial ambition to the scale of

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[34] On the emergence of Muslim populism in the Ottoman Empire, see: Y. Doğan Çetinkaya, Özgür Bircan, and Y. Doğan Çetinkaya, *Osmanlı'yı Müslümanlaştırmak: kitle siyaseti, toplumsal sınıflar, boykotlar ve milli iktisat (1909 - 1914)*, (İstanbul: İletişim, 2015); Y. Doğan Çetinkaya, 'Atrocity Propaganda and the Nationalization of the Masses in the Ottoman Empire During the Balkan Wars (1912-13)', *International Journal of Middle East Studies* 46, no. 4 (2014): 759–78. Regarding politics of populism through the military conscription and wartime mobilisation, see: Mehmet Beşikçi, 'Mobilizing Military Labor in the Age of Total War: Ottoman Conscription before and during the Great War', in *Fighting for a Living*, ed. Erik-Jan Zürcher, A Comparative Study of Military Labour 1500-2000 (Amsterdam University Press, 2013), 547–80.

[35] Iğsız, *Humanism in Ruins*; Weitz, 'From Vienna to Paris'.

[36] Nor was this a process confined only to the Ottoman Empire. The decades leading up to World War I the organising principle of population became the basis of sovereignty over that of territory, whereby populism and war capitalism became intertwined. According to Weitz, 'WWI was a watershed that concentrated and expanded all the tendencies toward population politics. What started as a war between states swiftly also became a war among peoples,' Ibid., 1323.

[37] Georgeon, *Abdülhamid II, 1876-1909*, 262.

geopolitical influence. The foundation of schools and provision of educational, often religious, material across the colonial world – from Cape Town to Kabul to further East in 'Chinese Turkestan' –, the dispatch of Ottoman diplomatic service and engineering staff to provide expertise in Central and South Asian protectorates, all attest to a soft-power politics which traded in information and religious influence.[38]

The role of information networks and rumour mills cannot be understated in connecting the Ottoman State to the discrete parts of the global ummah. The symbolic power of the Ottoman Caliphate, when invoked across the colonised world, was keenly observed by Ottoman consular intelligence, whose reports would be gathered and presented to Abdülhamid II by his palatial staff, the Yıldız Intelligence Office. Moreover, the Bombay Consulate was strategically staffed not only to accumulate information, but also to disseminate counterpropaganda among British Muslims. In a private dispatch to Abdülhamid II, the anonymous author suggests organising British Muslims in Bombay to agitate against the British government during key negotiations on the Armenian question. Notwithstanding whether this counter-propaganda policy ever took place, the dispatch draws an interesting parallel between transposition of the power of the Caliphate across the South Asian colonies as a tit-for-tat to the British interventions on behalf of Ottoman Armenians.[39] It was certainly a salient counsel regarding the racial mathematics of extraterritorial jurisdiction.

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[38] For more on a compilation of 'humanitarian' and religious aid by the Ottoman Empire across the world, see: Muzaffer Albayrak et al., eds., *Cihan-Penâh: Osmanli'dan Günümüze İnsanî Diplomasi*, Osmanlı Arşivi Daire Bakanlığı Yayınları (İstanbul, 2016), 161, 177, 179, 189, 195, 197. On the exchange of experts and expertise between Ottoman Empire and Afghanistan, see: Michael B. O'sullivan, "'The Little Brother of the Ottoman State'. See Kadi for a critique of Abdülhamid-centric histories of the Ottoman-South Asian connections and the 19th century histories of the global ummah: İsmail Hakki Kadi, 'The Ottomans and Southeast Asia Prior to the Hamidian Era: A Critique of Colonial Perceptions of Ottoman–Southeast Asian Interaction', in *From Anatolia to Aceh: Ottomans, Turks, and Southeast Asia*, ed. Andrew Peacock and Annabel Teh Gallop (British Academy, 2015). Kadi's critique also applies to Ottoman-East Turkestani relationship: M. Akif Erdoğru, 'The Khoqandi Envoys in Ottoman Istanbul', *Central Asiatic Journal* 52, no. 1 (2008): 1–10; Tsing Yuan, 'Yakub Beg (1820-1877) and the Moslem Rebellion in Chinese Turkestan', *Central Asiatic Journal* 6, no. 2 (1961): 134–67; Kemal H. Karpat, 'Yakub Bey's Relations with the Ottoman Sultans: A Reinterpretation', *Cahiers Du Monde Russe et Soviétique* 32, no. 1 (1991): 17–32.

[39] BOA. Y.PRK.ESA. 46/16, 24 June 1904. On British involvement in the Armenian question, see: Robert F. Zeidner, 'Britain and the Launching of the Armenian Question', *International Journal of Middle East Studies* 7, no. 4 (1976): 465–83. For an interesting perspective on the British involvement in the Armenian question, and the geopolitics of humanitarianism, see: Matthew P. Fitzpatrick, "'Ideal and Ornamental Endeavours': The Armenian Reforms and Germany's Response to Britain's Imperial Humanitarianism in the Ottoman Empire, 1878–83', *The Journal of Imperial and Commonwealth History* 40, no. 2 (1 June 2012): 183–206.

The Immigration Law gave Ottoman consulates further remit and permission to proselytise among the prospective settlers as part of their diplomatic activities. Consular invitations in service of the immigration state would serve as transports of authority across the colonised world on behalf of the Ottoman Caliph. Turning subaltern Muslims into settlers meant that the consulates were acquiring the loyalty and labour of British, French, and Russian subjects on behalf of the Ottoman sultan. It was an indirect way to deprive each western Empire of their authority upon their own subaltern Muslims. The soft-power politics at play in Hamidian Pan-Islamism was fully legible to the colonial powers stationed in South and East Asia, who sought to obstruct and delegitimize Ottoman consular activities among their colonial subjects.[40]

Further research into everyday activities and engagements of Ottoman diplomatic staff abroad, especially in the global south, is sorely needed to understand how the immigration law and the promise of Ottoman rule was perceived by prospective settlers. Emre Gör's work records that the consular staff stationed in British and Dutch Asia, between British Bombay (Maharashtra), Rangoon (Burma) and Calcutta (Bengal), and Dutch Batavia, played a key role in gathering military and foreign intelligence, reporting on the relationship between Christian sovereigns and their Muslim subjects, and recording the sufferings of the subaltern Muslim across the colonial world.[41] Yet we can safely claim that the consular authorities were much better at gathering information than disseminating it, as a great many incoming migrants, illicitly arriving in the Ottoman Empire, either had no idea of the procedure to be followed to become a settler or did not care to abide by them.

The 1902 Resolution provides a very state-centric reading of jurisdictional politics in the age of late imperialism, yet the individual trajectories of immigrants reveal a logic beyond that of the preservation and extension of Ottoman authority in the making of the immigration state. Migratory narratives from the Global South however contain a richness of local history and circumstance that can't be explained away by the geopolitical calculations of imperial states. A proper subaltern history of the migrant ummah requires that we read the 1902 Resolution in

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[40] Ibid., 330.

[41] Emre Gör, *Abdülhamid Döneminde Istihbarat: Mutlakıyetten Meşrutiyete İmparatorluğun Haber Alma Faaliyetleri 1876-1909* (Kağıthane, İstanbul: Kitap Yayınevi, 2019), 328-29.

tandem with provincial reports and petitions regarding subaltern settlers to further elucidate the pull factors that drove them to the Ottoman Empire: the promises of agricultural land, exemption from conscription, and of religious liberty. While one is tempted to stress the economic factors to explain the settlement numbers and patterns, religion nevertheless played a role, albeit one that is not as simple as that of a universal hijra or a 'clash of civilisations'. It is worth paying as much attention to local itineraries as international politics.

The global ummah was not just the result of an imperial policy, but the work of a connected world of migrants, of small journeys taken by people of different creeds and ethnicity who had been invested less in notions of Ottoman or Islamic sovereignty, and more in the possibility of a good life. The role of *tariqas* and Sufi networks in arranging the logistics of migration as well as acting as conduits of information can't be understated for the past or for the present.[42] The Qadiris from South Asia, the Naqshibendis from Central and East Asia, were connective and catalysing forces for transregional and transnational migration.[43] While the Ottoman Caliphate surely had an imaginative hold over the politics of the ummah, it would be historically inaccurate and intellectually jejune to reduce it to be all of Pan-Islamic politics. Religious orders, itinerant workers, pilgrims, and soldiers had long connected disparate parts of the Muslim world, creating a rich and diverse Islamic cosmology inhabited also by saints, scholars, and revolutionaries, myths, and legends, as well as the political figure of the Ottoman Caliph.

The Islamic cosmology of 19th century migrants, which contain anti-colonial and liberationist imaginaries, has a depth and richness surpassing political narratives of civilisational warfare centring Ottoman - or Islamic - sovereignty. Some of the muhajir itineraries follow in the

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[42] Anne Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860-1925* (Routledge, 2004); Clinton Bennett and Charles M. Ramsey, *South Asian Sufis: Devotion, Deviation, and Destiny* (A&C Black, 2012); Fatima Zehra Bilgrami, *History of the Qadiri Order in India: 16th-18th Century* (Idarah-i Adabiyat-i Delli, 2005); Dale F. Eickelman and James Piscatori, *Muslim Travellers: Pilgrimage, Migration and the Religious Imagination* (Routledge, 2013); Eva Evers Rosander, *In Pursuit of Paradise : Senegalese Women, Muridism and Migration* (Nordiska Afrikainstitutet, 2015); Oleg Yarosh, 'Globalization of Redemptive Sociality: Al-Ahbash and Haqqaniyya Transnational Sufi Networks in West Asia and Central-Eastern Europe', *Journal of Eurasian Studies* 10, no. 1 (1 January 2019): 22–35. Nor was this confined to Muslim sacred itineraries; see Michael Francis Laffan and Anne M. Blackburn, eds., *Belonging across the Bay of Bengal: Religious Rites, Colonial Migrations, National Rights* (London Oxford: Bloomsbury Academic, 2017).

[43] Lâle Can, *Spiritual Subjects*, 117, 161; 'Connecting People: A Central Asian Sufi Network in Turn-of-the-Century Istanbul', *Modern Asian Studies* 46, no. 2 (2012): 373–401.

steps of local saints and leaders – and did not necessarily congregate around the figure of the Ottoman Caliph. The Qadiri patron saint of Abdul Qadir Jilani had mythologically travelled across the South Asia in the 11th century to preach the tenets of heterodox Islam, while his religious order maintained migratory networks between South Asia, Middle East, and North Africa for centuries after his death. His Baghdadi tomb had had a corresponding shrine built in the early 1800s in Kashmir to venerate him as the *Dastegeer Sahib* of Srinagar, forming a nexus of faith and of migration between the Punjabis and Kashmiris who arrived in Baghdad by the 1880s.

From further West, the anti-colonial leader and son of the Qadiri sheikh Muhyiddin, *Emir* ʻAbd al-Qadir al-Jazaʼiri, charted another axis of migration between his native Algeria and his Syrian exile. The venerated leader of Algerian resistance had chosen to settle in Damascus by the 1850s in the aftermath of his defeat and expulsion by the French Empire, his sojourns in Morocco, and his penultimate exile in Ottoman Brussa. There had been North African migrants in Greater Syria before ʻAbd al-Qadir, exiles and criminals removed to Transjordan under Ottoman rule, most notably a band of mercenaries who settled in Irbid around 1812.[44] However, with the formation of Algerian settlements in Southern Beirut/North Palestine, ʻAbd al-Qadir and his Damascene household became a reference point and power-brokers between the settlers and the Sultan, whose complaints and petitions would be legitimated by, and in turn empower, the lineage and reputation of ʻAbd al-Qadir al-Jazaʼiri as the patron of Algerian settlers.

[44] Hind Ghassān Abū al-Shaʻr, *Tārīḫ Sharqī al-Urdun fī al-ʻahd al-ʻuṯmānī : 1516-1918* (ʻAmmān: Al-Laghnat al-ʻulyā li-kitābat tārīḫ al-Urdun, 2001), 107. For a survey of Algerian out-migrations in the aftermath of the French conquest of Algeria, see: Kamel Kateb, 'La Gestion Administrative de l'émigration Algérienne Vers Les Pays Musulmans Au Lendemain de La Conquête de l'Algérie (1830-1914)', *Population (French Edition)* 52, no. 2 (1997): 399–428.



Figure 20: Photograph of ‘Abd al-Qadir al-Jaza’iri, taken in Damascus (1862).(Source: Photographic Collection of Francis Bedford, LoC: 2021671050.)

A petition in 1895 by the sons of ‘Abd al-Qadir clearly showed the stakes of this mythological patronage clearly, while reiterating once again the juridical connection between land and loyalty. Destitute Algerian immigrants in Safed, denied land and deprived of aid, were supposedly approached by the French consular agents to re-assume French nationality.[45] The Algerians claimed that they would undertake no such decision ‘without the counsel of our Seyyid Emir ‘Abd al-Qadir’s heirs.’ The sons of ‘Abd al-Qadir, Mohammed and Muhyiddin, were thus empowered to reproach Abdülhamid II about promises made toward these Muslim Subalterns, laying bare the transactional assumption that land should be received in exchange for loyalty. Indeed, their message was unequivocal about how ‘(their) promises toward the settlers had born no results.’[46] It sheds further light on the reputational politics of Hamidian autocracy that promises were so often broken; that land was not so easily available, that aid was lacking, that Ottoman agrarian capitalism could not offer the Algerians what the French took away from them.

[45] BOA. Y. PRK. MYD. 16-79, p.4.
[46] ‘*Ẕāt-i ‘alilerinizin muhacirin ḥaḳḳındaki va‘diniz bir sey intāc etmedi.’* Ibid., lines 24-25.

The following section will discuss this breach of promise, and the reasons as to why *some* members of the migrant ummah could not attain their promised lands and religious liberty. I will discuss how and why requests to settle by refugees and immigrants of African and Asian provenance were received, discussed, or rejected. I will argue that there were classed and racial cleavages that rendered some members of the ummah unsuitable to participate in the Ottoman agrarian property regime. Between the expansive application of Ottoman Nationality Laws in counterpoint to the more restrictive jurisdiction of the Ottoman Immigration Law, the troublesome (*müşkil*) and objectionable (*maḥẓūr*) members of the migrant ummah were unilaterally naturalised *sans* the entitlements accorded to immigrants of Caucasian and Balkan provenance.

4.1.2. The Pale of Ummah

Since the Immigration Law of 1857, muhajir had been an exclusionary category for processing immigration into Ottoman Empire. The legal conditions involved in becoming a settler and acquiring land had always been indexed to gender, class, and ability, whereby the inclusion of women, the indigent, and the disabled persons was contingent on them being a part of an able-bodied man's household. A household's admission into the ranks of agrarian settlers were based on its suitability to land ownership and cultivation - meaning that as per the Article 13 of Immigration Law, they needed to show proof of *some* wealth to be eligible for a settler status - a 'capital that exceeds 60 liras or 1350 francs,' a sum that is worth roughly £7740 in 2023.[47] The Article 13 intimates further conditions for the allocation of property, for each family would be 'granted land according to their capabilities (*ḳudret*)' and their 'qualities and craft.'

The Immigration Law assumed a rhetoric of functional borders, whereby Ottoman consular authorities would properly vet prospective settlers on their socio-economic status and their character (Articles 12 and 13), before issuing their requisite passports – which, in the late 19th century, meant entry permits. The permits would be granted to the head of each household,

[47] Marcus A. Denzel, *Handbook of World Exchange Rates, 1590–1914*, 370, 394-95 and Bank of England, Inflation Calculator: https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator.

registering their dependents, and would sanction their arrival at their designated place of settlement. Russian colonisation across the Black Sea region, which hastened in the aftermath of the Crimean War of 1854 and the defeat of West Caucasian militias in 1864, caused an influx of refugees which changed both the religious demographic of immigrants as well as the procedural execution of Immigration Law. What had originally been a category for processing voluntary migrants into an agrarian settlement scheme had, with the influx of refugees, acquired the humanitarian urgency of settling entire peoples in motion.

The arrival of a steady stream of persecuted minorities, refugees of poverty and refugees of war, overwhelmed the infrastructure of the Ottoman Consular staff abroad. The institutional edifice of the Immigration Law had to accommodate the reality of porous borders and volatile times. Most would-be settlers did not arrive in the Ottoman Empire as legal settlers, the muhajirs, but as they were often called, as *musāfirs* (guests, travellers) who had to be regularised and registered on an ad hoc basis. The consular authorities thus had a secondary role in processing immigration applications to the provincial authorities from Beirut to Baghdad, whose intelligence reports trickled up to the Office of Legal Counsel as legal opinions, before reaching up to the Council of the State as legislative decisions. Where the migrants came first, the law followed.

Oftentimes muhajir was an aspirational category for the illicit, irregular immigrants who arrived in the Ottoman Empire in the late half of 19th century. The members of the migrant ummah were reported to show up with no notice and no passports across the provinces of the Ottoman Empire. A substantial number of them arrived as pilgrims and decided to stay on as European protégés. Some arrived as refugees in the Mediterranean or Red Sea ports fleeing the colonial wars tearing across sub-Saharan Africa. Others arrived as peddlers, seeking work, aspiring for wealth. The operative categories of the Immigration Law were challenged and negated with each new arrival in the well-protected domains; to explain its differential application, I will 'put motion at the centre' of this legal history of the Immigration State.[48]

Settlers-in-Waiting

[48] Mawani, *Across Oceans of Law*, 7.

Waiting was a near universal experience for the prospective settlers of the Ottoman Empire. The bureaucratic infrastructure for the immigration policy regularly failed to process applications in due time. Even as the vetting period was extended from two to six months with the 1902 Regulations, the immigration law prescribed a finality that the state infrastructure failed to deliver. The muhajirs who abided by the word of the law and applied for permission *before* migrating to the Ottoman Empire were not always rewarded accordingly, as the vetting period could easily extend into three years. Those who chose to wait were either stuck back home, frustrated by delays, giving others further incentive to bypass the Ottoman consulates and take the next ship to the Ottoman Empire. By hearsay or by urgency, most immigrants arrived in the well-protected domains to apply for settlement after landing.

The process of regularising the status of these visitors, the *musāfirs,* was often long, unequal, and unforgiving. Even if Muslim immigrants were not facing possible deportation but certain settlement, the certainty did not abate the misery of waiting. There were unequal waiting regimes, or *chronographies*, that kept prospective settlers arrested in motion, in a state of temporal and spatial suspension.[49] There are several factors that affected different waiting times in Ottoman provinces. The provincial authorities needed to gather information about the prospective settler households, run the information through their corresponding Ottoman consulate back from their port of departure, ensure the religious and ethnic provenance of each immigrant - and make sure they were not Armenians - and designate a place of settlement. Throughout this process, the provincial authorities also needed to keep the immigrants alive, if barely.

The regularisation of the status of musāfirs that was to take place in the province of Erzurum, the borderland between Russia and the Ottoman Empire, was a particularly drawn-out process. In late August 1902, thousands of Russian Muslims who had arrived in the border town of Pasin the previous winter were still waiting, *nine* months later, facing yet another hostile winter in the high plateaus of Erzurum Province. Unable to settle or cultivate land in their purgatory, the prospective settlers had been surviving on military provisions (*ta'yinat*) before that aid, too, was cut off, leaving some migrants to 'wither by starvation' (*açlıktan telef oldular*). In a petition to the

[49] Christine M. Jacobsen, "They Said Wait, Wait – and I Waited': The Power Chronographies of Waiting for Asylum in Marseille, France', in *Waiting and the Temporalities of Irregular Migration* (Routledge, 2020).

Prime Ministry and the Immigration Commission, a Circassian bey speaking on behalf of 700 immigrant families begins by distinguishing themselves, for '(they) had migrated to seek asylum at the enduring domains of our compassionate lord the Padishah for the protection of our *unmistakable* Islamicity [emphasis mine].'[50] Insisting that they were Muslims (and indeed, not Armenians), the Circassian bey further implores the 'name of Islam and of Justice' that his compatriots are settled in Syria where their relatives reside as soon as possible, so that they could be 'saved from such beggary and destitution.'[51]

The ongoing migrations from the Caucasus, especially toward the ever-growing settlements in Greater Syria had by the beginning of 20th century delivered the desired ends of internal colonisation. It allowed for the expansion of the infrastructural power of the Hamidian State to extract from and dominate what had previously been a deserted, 'uncivilised' landscape beyond the Porte's direct jurisdiction. However, the reputational diplomacy of the Caliphate had drawn migrants from further afield to Greater Syria and Eastern Mediterranean shores in ever increasing numbers, often without notice and due process. The unpredictable and irregular immigration toward Syria often revealed the lack of provisions and logistical facility for the transfer of large numbers of settlers. The Russian Muslims petitioning for settlement in Syria were told by Rıza Pasha, the head of the Islamic Immigration Commission, that they could do so only if they could charter a ship to Beirut by their own means.[52] The 'certainty' of settlement and regularisation of status were attained at the end of discrete and unequal timelines, which could be cut shorter, or made more bearable, by pre-existing capital.

Regularisation of travellers into settlers was not only a logistical feat but was often contingent on bilateral juridical negotiations taking place between the sending and receiving country. The prospective settlers who departed their homeland as fugitives left traces within the imperial and colonial archives; a series of consular records and legal opinions debating capitulatory privileges and nationality exchanges between their respective imperial patrons and the Ottoman government. The Ottoman Immigration Commission, more specifically its provincial branches,

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[50] BOA. A. MKT. MHM., 520-8, p.3, lines 2-3, 17 August 1902.
[51] BOA. A. MKT. MHM., 520-8, p.3, lines 9-10, 17 August 1902.
[52] BOA. A. MKT. MHM., 520-8, p.5, 10 September 1902.

were lenient toward fugitive immigrants, so long as they were willing to eschew their previous nationality (*terk-i ṭabi'iyyet*). Nevertheless, *tebdil-i ṭabi'iyyet*, a formal change of nationality, required further permission from the sending country. Immigrants arriving from French and British colonies faced fewer restrictions on departure, and less reluctance changing their nationality to Ottomans. Immigrants arriving from Russian colonies in Caucasus and Asia (*asya müstemlekeleri*) faced far more restrictions and reluctance from the Tsarist government to cede jurisdiction over them.

Both Ottoman and Russian border regimes were indexed to restricting *emigration* and controlling internal migration, which made the migratory trajectories in between the two imperial powers juridically chequered. Immigrants arriving from French and British colonies faced fewer restrictions on departure, and less reluctance changing their nationality to Ottomans. The Russian Muslims seeking to come to the Ottoman Empire, however, faced more restrictions and crossed harsher borders than other members of the migrant ummah.[53] The change of nationality to be affected between Russian and Ottoman subjects required far more time, effort, and *legal work* than would be the case for French and British subjects seeking to migrate to the well-protected domains. The juridical boundaries between the Ottoman and Russian nations were thus far less porous - indeed, nearly seamless - compared to those woven between the Ottoman Empire and European colonies in the Mediterranean and South Asia.[54]

It is harder to gauge the time, effort, and work it took the French and British Muslim subjects to arrive in the Ottoman Empire, to leave their previous nationality, to be designated a place of settlement, and to settle thereon. The consular records and correspondence with Ottoman provincial authorities in Greater Syria register the failings rather than the successes of the settler enterprise: when the prospective settlers complain of the lack of aid, lack of land, leave of settlement, and resistance to the military draft. What emerges is a picture where the privileges of

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[53] Meyer, 'Immigration, Return, and the Politics of Citizenship,' 16.

[54] On the modern history and the nearly seamless nature of Russo-Ottoman borders, see: Will Smiley, 'The Burdens of Subjecthood: The Ottoman State, Russian Fugitives, And Interimperial Law, 1774–1869', *International Journal of Middle East Studies* 46, no. 1 (February 2014): 73–93; On the question of protection, jurisdiction, and imperial subjecthood in Central Asia, see: Can, Lâle. 2016. 'The Protection Question: Central Asians and Extraterritoriality in the Late Ottoman Empire'. *International Journal of Middle East Studies* 48 (4): 679–99.

settlement seem less than certain; and the duties conferred by the status of nationality far less tolerable for the members of the migrant ummah.

The failed settlements and disaffected settlers further kindled fears of jurisdictional dispute between the provincial authorities and European consulates. Throughout the 1880s-90s French authorities in Beirut registered recurring requests pertaining to their North African subjects who failed to acquire land and property in Ottoman Syria, that they desired to be repatriated back to France, or to reclaim their French nationality.[55] The designation of nationality, and by extension, the duties and obligations of the subaltern Muslim, required a biographical inquiry so as to when and whether the European colonial subject had become an Ottoman national. *De jure* nationality was determined based on whether the subaltern Muslims had *de facto* assumed the duties and privileges of an Ottoman national, such as if they arrived in the Ottoman Empire with French or Ottoman passports; if or when they served time in the Ottoman military or the French regiments; and if or when they acquired and settled on Ottoman property.

The designation of nationality was further complicated when the subaltern Muslims were subject to the duties of Ottoman nationals without enjoying any of the privileges that they had been promised as Muslim settlers. Some were naturalised, sometimes unilaterally, as Ottoman subjects under Ottoman jurisdiction with no land or entitlements thereupon.[56] The unilateral naturalisation of and conscription drafts that would be served to Algerian settlers in Syria and Northern Palestine rattled the more destitute among them to reach out to the French consulates and their provincial powerbrokers. In 1888, the aforementioned 'Abd al-Qadir's son Muhyiddin had petitioned the Sultan to grant Algerian immigrants land in Hauran, and allow them to cultivate the land for ten years *before* serving them their conscription draws, as per the Article 5 of Immigration Law and addendums thereof pertaining to the settlement policy in Syria.[57] Given the context, Muhyiddin was effectively petitioning *against* the unilateral naturalisation and conscription of North African migrants under the Hamidian government. The settlers' complaint registered by the petition of Muhyiddin laid open the correspondence between the failures of the

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[55] MAE. N., 92PO/A, Box 162, Petition by Mustapha Mohammed to Consul General of France in Beirut, 15 February 1895; Box 227, No: 785, Petition by Constantini Hassan ben Mohamed, 1908.
[56] MAE Nantes, 92PO/A, 227, No: 821, Petition on behalf of Omar Khodair by his wife Fathmé, 4 June 1907.
[57] BOA. Y. EE., 11-23, p.8, 25 July 1888.

immigration policy and the imposition of Ottoman nationality laws. Failed settlers, to no fault of their own, found themselves without entitlements but saddled with duties and expectations that they did not want to uphold.

Unilateral naturalisation of unsuccessful settlers is primarily a failure of logistics, laying bare the lack of care and lack of aid that often characterised the Ottoman immigration policy at the provincial level. Nevertheless, there is a pattern of dispute and complaint with French and British Muslims that register far less often with illicit settlers from the Caucasus or the Balkans. Geographic, cultural, and ethnic provenance of the settlers did matter for the success and support of Muhajir settlements. The application of immigration policy reveals quite a bit more about the functions of provincial politics. It reveals the limits of the cosmopolitan aspirations of the ummah, as not every immigrant was able or eligible to acquire the aspirational status of a settler with a claim to Ottoman property and on the Ottoman nation. The disjuncture between who attained the aspirational status of muhajir, and who did not, gives us an indication of the fault lines of class and race that construe the Ottoman notions of the ummah.

Dying States, Undesirable Subjects

In the year of 1885, Minister of Foreign Affairs, Said Hilmi, took on the matter of an Afghani subject called Hadj Habib. Hadj Habib had illegally settled in Baghdad city thirty-five years ago while the Emirate of Afghanistan was still an independent government.[58] After the second Anglo-Afghan war of 1878, and the Treaty of Gandemak in 1879, Afghanistan had come under the British imperium and was now a British protectorate. Less than a decade later, Hadj Habib was revealed to be a pretender of double nationality who claimed the capitulatory privileges that came with being a British subject *and* the protections afforded by the Caliph, and the problem was that he was one of a great many. Said Hilmi notes that his case needs to set a precedent for a pervasive problem, as there were many more migrants in the province of Baghdad from the 'troublesome

[58] BOA. ŞD., 2505-15, p.3, 21 April 1886.

lands" (*memleket-i müşkile*)- of 'Bukhara, Kashgar, and Baluchistan" whose status needed to be regularised.

There are two levels of interpreting just what kind of troubles (*müşkile*) are brought about by Asian or North African migrants into the Ottoman Empire. The more overt meaning of trouble is that of a juridical nature, whereby claimants of double nationality could invite European protection and ergo, intervention, into the domestic affairs of the Hamidian government. Such troubles had less to do with French and British consulates rapaciously seeking to extend their influence upon Ottoman territory. Indeed, it was often their colonial subjects who would actively solicit their protection and engage with jurisdictional politics to further their own interests.[59] In the 19th century, invoking extraterritorial protection could benefit 'both the protector and the protected in different ways; the former by establishing jurisdiction through consular courts and the presence of particular groups in strategic economic and political arenas, the latter by obtaining preferential status.'[60] Both French and British subjects threaded the fine line between pursuing Ottoman nationality and property only if and when it proved more profitable than extraterritorial protection conferred on to them as European subjects.

In the decades before 1902, from Beirut to Baghdad, the Ministry of Foreign Affairs recorded instances where French subjects from North Africa, and British subjects from the Indian princely states and Asian protectorates were creating trouble, demanding land, and resisting draft, refusing to deliver their end of the political transaction at the heart of Ottoman immigration policy.[61] The juridical troubles were compounded by the expansionist logic of late imperialism; as the British and French acquired new colonies, the status of new colonial subjects became a source of conflict. As with the above-mentioned case of Hadj Abdullah, who had settled in Baghdad as an

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[59] Ziad Fahmy, 'Jurisdictional Borderlands: Extraterritoriality and 'Legal Chameleons' in Precolonial Alexandria, 1840–1870', *Comparative Studies in Society and History* 55, no. 2 (April 2013): 305–29; Will Hanley, *Identifying with Nationality: Europeans, Ottomans, and Egyptians in Alexandria* (Columbia University Press, 2017).
[60] Can, *Spiritual Subjects*, 15.
[61] BOA, HR. MKT., 820-58, 12 February 1874. On South Asian labour migrations to Ottoman and Mandate Iraq, see: Julia Stephens, 'An Uncertain Inheritance: The Imperial Travels of Legal Migrants, from British India to Ottoman Iraq', *Law and History Review; Cambridge* 32, no. 4 (November 2014): 749–72; Stefan Tetzlaff, 'The Turn of the Gulf Tide: Empire, Nationalism, and South Asian Labor Migration to Iraq, c. 1900–1935', *International Labor and Working-Class History* 79, no. 1 (ed 2011): 7–27.

Afghan subject, became a claimant of British nationality only with the dissolution of the Afghani Emirate under the British imperium.

The life and death of states across the colonised world was integral to the question of jurisdiction in so far as it pertained to the immigration process.[62] In the notable Ottoman scholar Hasan Fehmi's history of international law, the fiction of sovereign personhood (*devlet sıfatı*) is accorded to entities built upon settlements (*mesken*), ruled by a government (*ḥukūmet*), and recognised as equal and sovereign by a concert of states (*duvel-i sā'ire*).[63] The special designation for non-sovereign governments of Afghanistan and Bukhara and Hive and Baluchistan, and grouping them together with the nominally sovereign albeit semi-colonised lands of China and Morocco is telling for how Ottoman jurisprudence interpreted the principle of sovereignty, and the lack thereof, while designating the juridical identity and jurisdiction of their subjects. The Ottoman jurists of the Office of Legal Counsel accorded the governments of Afghanistan, Baluchistan, Hive, and Bukhara the quality of statehood, in contravention of imperial claims upon their territories, and their lack of international recognition.

There is much to be said about the language of Article II of the 1902 Immigration Resolution, especially when the word *government* is substituted by that of *state*, and the discussions thereupon. However, the imaginative and juridical *effects* of the said law are clearer than its intentions. By conferring life on to stateless governments, the Sublime Porte effectively pre-empted the subaltern subjects of Great Powers from claiming foreign protection or double nationality by bracketing the imminence of conquest or colonisation. This granted a futurity to dead and dying states across the colonised world, a projection of sovereignty that is still an aspiration for the many peoples subsumed into the jurisdictional fold of this juridical ummah.

Despite this metaphysical generosity, the peoples of these troublesome lands were also variously coded by class and by race, rendering some of them an 'undesirable class' who deserved neither European protection, nor the benefits of Ottoman justice. Ibrahim, the sixteen year old son of Abdullah bin Hasan bin Mohammed of Lahore was one such migrant, an alleged thief, who found himself in a jurisdictional tug-of-war between Ottoman and British authorities in Beirut at

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[62] Can, Spiritual Subjects, 8-10.
[63] Hasan Fehmi, *Telhis-i Hukuk-i Düvel*, (İstanbul: Mahmud Bey Matbaası, [1326]1908), 46-52.

the turn of 1911.[64] His father, Abdullah, and mother, Aisha, had registered at the British vice-consulate in Adana, and his father's peddling business took them both to the Levantine shores further south. When the boy was caught with a rich merchant' silk in his hands in a Souq downtown, he was directly taken into custody and interrogated, during which he claimed – to the disbelief of many – that he was a British subject.

A photo of downtown Beirut is removed for copyright reasons. The owner of the copyright is Badr Al-Hage.

Figure 21: A street view from Downtown Beirut in 1915 showing shop owners, denizens, workers, beggars, and children. (Source: Badr Al-Hage, *Bayrūt ḍū' 'ala warq 1915-1850* (Beirut: Kutub, 2014), 114.)

The police interrogation and the verdict of the judge presiding over the case took on the risk of a diplomatic faux pas, for the defendant was found bearing a 'dark skin and gypsy dress', the

[64] TNA., FO 195/2371, No: 63, Consul of Beirut Cumberbatch to Ambassador-General Lowther, 24 October 1911.

affective markers of race and class which disqualified him from being a British subject.[65] The consul Cumberbatch reacted fast to come to the aid of Ibrahim, seeing his arrest as evidence of a worrying pattern of Ottoman officials unilaterally treating British - and French - Muslim subjects as their own in direct contravention to capitulations. A couple of days later, Ibrahim's father appeared at the police station, to claim his son and bring proof of his own nationality as a British Indian. The fact that Abdullah had failed to register his kids as his dependents raised concerns, however, that the boy Ibrahim may be usurping British nationality, as the Adana Vice Consul Shoukry expressed his concerns that 'the Indian subjects in these shores (were) wont to do.'

The British saw their Indian subjects as a juridical commodity, a means to exert their legal authority and demonstrate, in the case of the child Ibrahim, moral superiority in the Ottoman courts of law. Yet the British Consul Cumberbatch soon concluded, along with Vice-Consul Shoukry, that Ibrahim belonged to an 'undesirable class,' whom he would not be proud to represent in any capacity. Given that Ibrahim's family had registered in the Ottoman Empire a decade past, and had been in continuous residence since, it would have been possible to establish, beyond all doubt, that this thief of 16 years was a British Muslim subject. Reading Cumberbatch's own correspondence, it is probable to suggest, however, that he believed Ibrahim simply wasn't worth the effort.

There are recurring instances of British and French Muslims being coded as working class or *less than,* as 'undesirable' subjects. They were members of a class of migrants that the consular authorities were not proud to represent in the Ottoman courts of law, whose protection did assign moral or juridical capital to their sovereign.[66] Nevertheless, they had already become part of the provincial labour force, conscripted into irregular agrarian labour arrangements. Afghani migrants were present as wage labourers from the orange plantations of Jaffa to the settlements of Hama and

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[65] On the history of Roma people and the historiography of legal discrimination against them, see: Eyal Ginio, 'Neither Muslims nor Zimmis: The Gypsies (Roma) in the Ottoman State', *Romani Studies* 14, no. 2 (1 December 2004): 117–45; Sinan Şanlıer, *Hukuki düzenlemeler ışığında Osmanlı Çingeneleri* (İstanbul: Doğu Kütüphanesi, 2013). For the contemporary politics of citizenship anti-Roma sentiments, see: Selin Önen, 'Citizenship Rights of Gypsies in Turkey: Roma and Dom Communities', *Middle Eastern Studies* 49, no. 4 (2013): 608–22.

[66] Hanley, *Identifying with Nationality*, Merve Ispahani, 'Building Sovereignty in the Late Ottoman World: Imperial Subjects, Consular Networks and Documentation of Individual Identities' (New York, Columbia University, 2018).

the cotton fields of Adana in the first decade of 20th century.[67] Algerians were integral to the workings of French capital and companies in Beirut and Syria, filling the ranks of the manual labourers that ran the ports, the railways, and infrastructure financed by the French shareholders. Key figures rose through the ranks to assume the role of middlemen, occupying positions of relative privilege and power. Personages such as Mohammad Al Jack Farghal went from running a cafeteria at the port of Beirut to organising a smuggling ring comprising the French-Algerian stevedores, moving arms and people in and out of Greater Syria.[68]

The French and British Muslims who caused trouble for their imperial patrons were easily abandoned as subjects. The aforementioned Mohammed Farghal was rendered stateless by the French consulate in 1910, along with his entire family, forcing them to either naturalise as Ottoman citizens or seek protection elsewhere.[69] Ibrahim bin Abdullah, the runaway thief, was effectively incarcerated as an Ottoman subject the moment the Consul Cumberbatch declared him *undesirable*. The *desirability* of the Subaltern Muslim was thus indexed to class and bourgeois respectability. The working-class criminality and lack of perceived respectability placed the subaltern Muslims well beyond the pale of what was acceptable and desirable in a colonial subject, rendering their status an adjunct to the stateless. Their juridical status, or lack thereof, informs a global history of statelessness, and provides a much-needed perspective into the history of international law from the standpoint of the 'ordinary and…the weak.'[70]

The global ummah was a racial *and* classed construct, a political terrain on which migrant Muslims served as moral and juridical capital. In the background of the gradual exclusion of Armenians from the Ottoman polity and territory, the Hamidian government pursued a humanitarian and expansionist policy that sought to refurbish the Empire as a refuge for the colonial subjects of European Empires. The Ottoman Empire explicitly invited, and received, Asian and North African Muslims as settlers albeit not always as unconditionally as Caucasian or Balkan refugees. The equivocal treatment of settlers of Asian and North African provenance

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[67] Nadi Abusaada, 'Building Urban Palestine: Jaffa and Nablus 1870-1930' (Cambridge, University of Cambridge, 2021), 108n246.
[68] MAE Nantes, 92PO/A, Box 227, No: 975-978 and *P.A. Mohamed Fargal*, 1910.
[69] Ibid; MAE Nantes, 92PO/A, Box 246 Affaires Judiciales Varies, *Incident des Farghals*, February 1910.
[70] Will Hanley, 'Statelessness: An Invisible Theme in the History of International Law', *European Journal of International Law* 25, no. 1 (1 February 2014): 327.

paralleled the geopolitics played upon the terrain of the Islamicate world, revealing the fault lines of race and class, beyond which the Subaltern Muslim served no purpose to the competing imperial projects claiming a stake in the global ummah.

White Settlers, Black Captives

The imaginative geography of an Ottoman ummah stops curiously short of covering the entire stretch of the Islamic world. Under the Hamidian government, where the breadth of settlement policy expanded across the North African and Asian colonies of European Empires, sub-Saharan Africa, or the *Bilad al-Sudan*, lay beyond the pale of ummah from where prospective settlers would be drawn. In this final section I discuss how and why Black Africans failed to qualify as refugees, let alone as settlers, the few times they supplicated the Sublime Porte. I will argue, based on the migratory trajectories of Black Africans in the Ottoman Empire, that the sub-Saharan African could only register as *userā'-i zenjiyye*, as black captives, to be rescued and rehabilitated into labour arrangements, rather than as muhajirs, refugees and prospective settlers, who could enjoy the entitlements of wealth and property promised to the other members of the (non-Black) ummah.

East Africa certainly registered within the Ottoman - and Egyptian - imperium as a sphere of influence.[71] Eve Troutt Powell has pioneered the study of race, slavery, and Turco-Egyptian imperialism in East Africa.[72] More recently Mustafa Minawi brought forth a consummate study on the infrastructural and diplomatic investment that Sublime Porte had in the East Africa and Red Sea basin and how Sub-Saharan Africa figured large in the Hamidian 'diplomatic imperialism.'[73] The Sublime Porte extended claims of territorial jurisdiction over the Lake Chad basin as an

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[71] Alice Moore-Harell, 'The Turco-Egytian Army in Sudan on the Eve of the Mahdiyya, 1877–80', *International Journal of Middle East Studies* 31, no. 1 (February 1999): 19–37; Heather J. Sharkey, *Living with Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan* (University of California Press, 2003); Muḥammad Fū'ād Shukrī, *Miṣr wa-al-Sūdān : tārīḫ waḥda Wādī al-Nīl al-siyāsiyya fī al-qarn al-tāsi' 'ašr* (al-Qāhira: Dār al-kutub wa-al-waṯā'iq al-qawmiyya, 2011).

[72] Eve Troutt Powell, *Tell This in My Memory: Stories of Enslavement from Egypt, Sudan, and the Ottoman Empire* (Stanford University Press, 2012); Eve Troutt Powell, *A Different Shade of Colonialism: Egypt, Great Britain, and the Mastery of the Sudan*, Colonialisms 2 (Berkeley: University of California Press, 2003).

[73] Mostafa Minawi, *The Ottoman Scramble for Africa: Empire and Diplomacy in the Sahara and the Hijaz* (Stanford, California: Stanford University Press, 2016).

extension of the Ottoman Province of Tripolitania, inserting itself into the proxy wars between the French and the British taking place there. Moreover, The Office of Legal Counsel registered further *extraterritorial* claims to protect Ottoman subjects settled outside the Tripolitania province, like the Yemenites in the Ethiopian Empire, or Ottoman mercantile communities crossing into the French Sudan.[74] Ottoman merchants and officers present in the Hedjaz, Egypt, and Tripolitania recorded and responded to the political and military conflicts happening across the Bilad al Sudan, yet the casualties of which often escaped their notice.

There are barely any records of African refugees or muhajirs in Ottoman and British correspondence from the Red Sea basin or East African ports, arguably the two most involved authorities there. Absence of evidence itself is telling for the three decades in which the European and African empires broke themselves in the war fields of East and Equatorial Africa. The Mahdist State, a millenarian and expansionist movement that sought to found their own Caliphate, raged against the Anglo-Egyptian condominium and the Ethiopian Empire in the 1880s.[75] As the Mahdist state broke apart under the joint forces of Britain and Ottoman Viceroyalty of Egypt, the power vacuum left at its wake led to the formation of the proxy kingdom of Darfur, the rise and fall of the empire of Rabih Al-Zubeyr in Central Africa,[76] and the proxy wars between the French

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[74] BOA., HR. HMŞ. İŞO. 150-58, p.1, 14 February 1910.

[75] R. A. Caulk, 'Yohannes IV, the Mahdists, and the Colonial Partition of North-East Africa', *Transafrican Journal of History* 1, no. 2 (1 July 1971): 23–42; P. M. Holt, 'The Sudanese Mahdia and the Outside World: 1881-9', *Bulletin of the School of Oriental and African Studies, University of London* 21, no. 1/3 (1958): 276–90; Hassan Ahmed Ibrahim, 'Mahdist Risings against the Condominium Government in the Sudan, 1900-1927', *The International Journal of African Historical Studies* 12, no. 3 (1979): 440–71; G. N. Sanderson, 'Conflict and Co-Operation Between Ethiopia and the Mahdist State, 1884-1898', *Sudan Notes and Records* 50 (1969): 15–40; Iris Seri-Hersch, ''Transborder'' Exchanges of People, Things, and Representations: Revisiting the Conflict Between Mahdist Sudan and Christian Ethiopia, 1885-1889*', *The International Journal of African Historical Studies* 43, no. 1 (2010): 1–IV.

[76] Lidwien Kapteijns, 'Mahdist Faith and the Legitimation of Popular Revolt in Western Sudan', *Africa: Journal of the International African Institute* 55, no. 4 (1985): 390–99, ;. A. Adeleẹ, 'Rābiḥ B. Faḍlallāh And The Diplomacy Of European Imperial Invasion In The Central Sudan, 1893-1902', *Journal of the Historical Society of Nigeria* 5, no. 3 (1970): 399–418; Michael M. Horowitz, 'Ba Karim: An Account of Rabeh's Wars', *African Historical Studies* 3, no. 2 (1970): 391–402, . For a contemporaneous and exceedingly colonial account of the rise and fall of Rabih Al Zubeyr, see: Émile Gentil, *La Chute de l'empire de Rabah : Ouvrage Contenant 126 Illustrations d'après Des Photographies et Une Carte Tirée Hors Texte / Emile Gentil ; (Lettre-Préface de M. Alfred Mézières,...)*, 1902, . Britain's role in exacerbating the Mahdist refugee crises by way of withholding grain and aid from Sudanese refugees of famine is worth noting Steven Serels, 'Famines of War: The Red Sea Grain Market and Famine in Eastern Sudan, 1889-1891', *Northeast African Studies* 12, no. 1 (2012): 73.

and British Sudan. However, the casualties of these conflicts did not register as refugees, not even as an afterthought, with some notable exceptions.



Figure 22: A rare glimpse into the refugee crossings during the Mahdist Wars. 'Boat with Dervish Refugees' on the Nile, Khartoum, 1898, by Francis Gregson.(From Royal Collection Trust, RCIN 2501777.)

An undated report from the Hedjaz arrived in the Yıldız Palace in the months leading up to the war of Suakin of 1888, warning about the illicit arrival of Mahdist refugees in the port city of Rabigh in Ottoman Hedjaz.[77] The Mahdists had won a military victory against the Anglo-Egyptian condominium forces a few years earlier, in 1885, when they captured the capital city of Khartoum

[77] BOA, Y..PRK.ASK. 261/48 (Undated); based on the context, the report must have been written between 18 November and 22 December 1888.

and killed the British commander, the celebrated imperialist and 'humanitarian' Gordon Pasha.[78] This time however, the Mahdist State was about to suffer its first defeat at the hands of the condominium. The foremost Mahdist general, Othman Digna,[79] was barely holding on to military control over his hometown, the port of Suakin, when the British decided to evict him from the city once and for all. During the military escalations, some dozens of Sudanese immigrants from Suakin crossed the Red Sea into the port city of Rabigh in Hedjaz. The immigrants in question were refusing repatriation, insisting that they wanted to reside from now on in the Hedjaz, and that they could no longer return to their homeland, effectively declaring themselves refugees from the Mahdist Wars. While the number of refugees counted barely a hundred, their very arrival in the Hedjaz was a disquieting event. The escalating conflict in the Sudanese waterfront spoke of further refugees to come, and the fact that they could seek refuge in the one province that had been strictly off limits in the application of the Ottoman settlement policy.

The Hedjaz, housing the two holy cities of Islam, had been the symbolic capital of the Caliphate. The largely desertified province inhabited by semi-nomadic and mercantile communities had never been susceptible to agrarian cultivation or the institution of land reform.[80] The yearly pilgrimage that would draw peoples from all corners of the global ummah also rendered the province a particularly cosmopolitan landscape, one susceptible to jurisdictional disputes between the Ottoman government and the European consulates stationed at the port of Jeddah overseeing the interests of their Muslim subjects. The subjects who gave the Ottoman state the most trouble were those 'pilgrims...who settled in the Empire', while retaining their foreign nationality and allowing their imperial patrons to 'expand their economic interests in the Empire.'[81] Deringil points out that non-Ottoman Muslims were seen as a potential 'fifth column,' incentivising their imperial patrons to 'garner much of the real estate and property in the region.'[82] In order to arrest the recurring disputes born of capitulatory privileges, the 'spiritual subjects' of

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[78] On a contemporaneous take on the reputational politics of the Mahdi vis-a-vis Gordon Pasha, see: Charles Chaillé-Long, *Les trois Prophètes : le mahdi, Gordon, Arabi / Chaillé-Long-Bey ; traduction et appendice de A.-O. Munro*, 1886.
[79] "Uṯẖmān Diḳna'. 2012. *Encyclopaedia of Islam, Second Edition*.
[80] William Ochsenwald, *Religion, Society, and the State in Arabia: The Hijaz under Ottoman Control, 1840-1908* (The Ohio State University Press, 1984).
[81] Can, *Spiritual Subjects*, 15
[82] Deringil, 'They Live in a State of Savagery,' 329.

the sultan were often prevented from acquiring property in the Hedjaz or assuming Ottoman nationality in case they became pretenders of foreign nationality and engaged in juridical promiscuity.[83] With the Hedjaz province sectioned off from the more open-entry policy applied in other Ottoman ports, the commander of the Red Sea navy brought news to Bekir Nafız Pasha,[84] the governor of Basra province, that the Hedjaz provincial authorities regarded the prospect of allowing residence to the Sudanese refugees somewhat objectionable (*maḥẕūr*) , and their quick repatriation (*i'āde*) highly desirable.[85]

Regardless, Bekir Pasha issued a memorandum to serve as an order to acquire further information on the numbers and intent of Sudanese immigrants found in the Rabigh, and intelligence as to the quality of Ottoman navy and ground forces stationed in the Red Sea coast of Hedjaz. The information requested on the eighty or so refugees disembarked upon Rabigh seemed quite innocuous: 'In what conditions had they left Suakin? When and why and by which route had they arrived in the Hedjaz? *Were they men capable of war and fight, and did they think to go among the Bedouins and live with them in a state of nomadism*? [emphasis mine]' Or were they 'young men and women incapable of fending for themselves? And how many were they, and how many households did they comprise?''[86]

In truth, there were very specific concerns which provoked the above-mentioned questions. The arrival of the Sudanese refugees had likely been preceded by an undated military dispatch to the Yıldız Palace informing the government that some five thousand Sudanese soldiers, including some *eşkiya* (ar. given the context, irregular soldiers) serving under the internationally experienced Sudanese general Faraj Bey Azzazi were in Suakin, with the warning that the Ottoman navy should further take precautions against any potential assault onto the shores of Hedjaz.[87] In 1888, the Ottoman government was expecting the Sudanese to cross into the Hedjaz, not as

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[83] Can, *Spiritual Subjects*, 177

[84] BOA. I.DH. 1108 - 86741, p.1, 18 November 1888.

[85] BOA, Y..PRK.ASK. 261/48 (Undated), p.1, line 4, '*bunların iḳāmetlerinde ba'ż maḥẕūr muṭāle'a kılınmasına mebni ṣūret-i i'ādeleri...*'

[86] BOA, Y..PRK.ASK. 261/48 (Undated), p.1, lines 6-10.

[87] BOA, Y..PRK.ASK., 50/85, p.3, 26 September 1888. On a short biography of Faraj Azzazi, see: David E. Long and Sebastian Maisel, *From Slavery to Independence: The Global Military March of Southern Sudanese Troops. Centered on a Translation of Umar Tusun's Heroism of the Egyptian-Sudanese Battalion in the War of Mexico* (Frank & Timme GmbH, 2021), 111-113.

refugees, but as soldiers - as such, when Bekir Pasha received news of Sudanese trespassers in the port city of Rabigh, he wanted to make sure that they were the former, rather than the latter.

A subsequent report to the palace does not mention what the inquiry revealed about the suspected 'militancy' of these Sudanese refugees. However, the report does affirm that most of them had been repatriated back home by 22 December 1888, on the eve of the defeat of Othman Dikna at Suakin. Some of the Sudanese immigrants evaded repatriation by saying that they wanted to conduct a pilgrimage to the holy cities. Their declarations aside, the anonymous dispatch to the palace suggests that the Sudanese who stayed on to do the pilgrimage likely did so under the pretence that they had no home to go back to. If the Sudanese stayed on and 'stayed among the 'urbān' they would 'likely spread corruption (*fesād*).'[88] It was imperative that the Sudanese would no longer be allowed to travel in large numbers, and that the Ottoman navy be careful and resolute in protecting the shores of the Hedjaz from any further attempts to cross the Red Sea.[89]

The shores of Hedjaz remained well protected in the decade to follow, as the wars continued, and the Mahdist State began its descent. There were no further attempts by the Sudanese to cross the Red Sea and try to settle among the Arab Bedouins - at least, none which caught the eye of imperial officers. There is only one other attempt by the Sudanese to settle in the well-protected domains, a petition registered at the Mutessarifat of Jerusalem in the year 1900, which marks the death of the Mahdist state. Signed by Ali and his companions on behalf of some 150 Sudanese families, the petition declared that they had been waiting for settlement for 'an extended time,' complaining of the neglect and troubles that they had suffered while being stuck in a bureaucratic purgatory. The supplicants requested that they be allowed to cultivate the empty lands in the Mutessarifat of Jerusalem and earn their living. The petition was forwarded to the Islamic Immigration Commission, who issued the caveat that they could settle in Jerusalem, *pending* the approval of the Sultan, and an inquiry into whether the Sudanese muhajirs had abided by the due procedure - which, by virtue of their illicit arrival, they obviously hadn't. The

[88] BOA. Y. PRK. BŞK., 14-80, p.1, 22 December 1888

[89] Which they did, with further help from the bedouin sheikhs conscripted into securitising the maritime borders of Hedjaz. BOA. DH. MKT. 1598-110, p.1, 26 February 1889.

prospective settlers of Sudanese provenance remained suspended, awaiting the belated arrival of their Caliph's mercy.

We can discern that the Sudanese refugees, when they aspired to the status of settlers, were seen as more likely to live in 'a state of nomadism' than to cultivate the land. We know that the Ottoman military forces tried and probably succeeded in disallowing further refugee arrivals into the Hedjaz. There are no records of the Sublime Porte reaching out to procure or receive settlers among the Muslims in Sub-Saharan Africa. These are among the very few instances when the human cost of Mahdist Wars, its refugees, found their way into the Ottoman archives and the history of Ottoman settlement policy, barely as an afterthought.

The Black Africans crossing the Mediterranean ports from the 1890s and onward did not find their way into the historical record as 'refugees' or 'muhajirs'. But they were present in the historical record under many other names, and in similar circumstances. Indeed, the maritime mobility of sub-Saharan Africans was an extremely visible and humanitarian affair, one that was categorically treated as a matter of humanitarian abolitionism. According to the Brussels Congress on the Abolition of African Slave Trade (1890), the signatory states would 'liberate' the Africans setting foot in the maritime ports and routes, which were surveilled by European consular and maritime officers, for no African men or women would be allowed to travel or disembark in the Mediterranean ports without their manumission papers.

However, manumission was only partly a solution. In the winter of 1889, at the eve of the Brussels Congress on the Suppression of the African Slave Trade, there were so many free Black Africans in the ports of Tripolitania that they had completely overrun the streets and were causing issues like petty crime and vagrancy.[90] The government cautiously approved the dispatch of freed women to Smyrna and Istanbul to allocate them work - presumably, domestic work - and the draft of African men into the Ottoman army, with the caveat that such displacement should not be construed or perceived as punishment, and that the freed Africans should *want* to board the ships and head for Ottoman ports.[91]

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[90] BOA. DH.MKT. 1603/29, 9 March 1889.
[91] BOA. DH.MKT. 1559/110, 31 October 1888.

The year of the manumission crisis was also when the European empires subdued the Mahdist state in East Africa, and the ascent of the empire of Rabih al-Zubeyr in Equatorial Africa. It is likely that the casualties of these imperial wars were *taken by force* along the existing routes of slave trade to be sold off at the ports of Benghazi and Tripoli and were liberated by anti-slavery activists and officials there. What is also equally likely is that the sub-Saharan Africans arriving at the ports of Tripolitania were *refugees*, just like the above-mentioned Sudanese who arrived in Rabigh in the Fall of 1888, barely three months before. It is possible that the slave trade routes that stretched from modern Chad and Western Sudan toward the ports of Tripolitania had by the 1890s transformed into what we now recognise as trafficking and smuggling networks, one which profited from the desire of sub-Saharan Africans to *flee* colonial encroachment and proxy wars raging through their home.[92] The East and Central African refugees arriving through the caravan route into the ports of Tripolitania were *liberated* therein by consular agents and Ottoman officials, for to travel any further they required proof that they were free men and women - their manumission papers. Their papers were their freedom, allowing them to travel the Mediterranean ports, to find work or find family.

What emerges then is a familiar story like that Radhika Mongia has evoked in her work on the invention of the passport in British dominions, as a form of contract for indentured Indian labour. Passports were meant to prove an Indian's 'liberty' while at the same time surveilling and curtailing their movement across the British Commonwealth.[93] Similarly, the true locus of the abovementioned congress and subsequent efforts at abolition in the African Mediterranean was the *ıtıkname*, the manumission papers, that was meant to police the mobility of Black men and

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[92] On the distinction between slave trade and trafficking, and the historical transformation in-between, see: Julia O'Connell Davidson, 'The Right to Locomotion? Trafficking, Slavery and the State', in *Revisiting the Law and Governance of Trafficking, Forced Labor and Modern Slavery*, ed. Prabha Kotiswaran (Cambridge: Cambridge University Press, 2017), 157–78. See Bilal Kotil on the ports of Libya and slave trade: 'Humanity and Its Others', 132-133.

[93] Mongia, *Indian Migration and Empire*. For the political history of indentured labour, see: Jonathan Connolly, 'Indentured Labour Migration and the Meaning of Emancipation: Free Trade, Race, and Labour in British Public Debate, 1838–1860*', *Past & Present* 238, no. 1 (1 February 2018): 85–119. For a similar but Anglo-European history of the passport and technologies of surveillance, see: John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge University Press, 2000). Histories of indentured labour in the context of the French empire is a less studied aspect of unfreedom in the post-abolition period. For a beautiful exception, see : Céline Flory and Catherine Coquery-Vidrovitch (préface), *De l'esclavage à La Liberté Forcée : Histoire Des Travailleurs Africains Engagés Dans La Caraïbe Française Au XIXe Siècle* (Karthala, 2015).

women in the Mediterranean and Red Sea basin in accordance with the regulations mandated by the Brussels Congress. It was thus not the *conditions* but the mobility of unfree African labour that came under surveillance, as an itinerant African without her papers was categorically treated as an unfree person. The imaginative and linguistic vernaculars of race thus constrained the historical - and historiographical - roles available to the Black Africans crossing the Mediterranean ports.[94]

The conflation of slavery with blackness was a feature of administrative life across the Ottoman ports. Black Caucasians themselves, notably the small but notorious Afro-Abhkazians living on a stretch of the Black Sea from Batumi up to Sokhumi, confounded the Ottoman officials operating on the Black Sea. The muhajirs from the South Caucasus had arrived in the Ottoman Empire in February 1907, and had since been protesting the attempts to 'liberate them', insisting that they were already free.[95] They had applied to the Islamic Immigration Commission for land to be settled upon. However, Rıza Bey, the head of the Islamic Immigration Commission, explicitly discharged the Sokhumi immigrants from the due process for settlement (*muʿāmelāt-i iskāniyeden muteʿallik bulunmadığı...*), *unless* their freedom could be proven under the investigation of the provincial authorities - namely, the governor and the chief judge of the sharīʿa court at Izmid.[96] The free *zenji* registered as an anomaly, one for which there was no due process (*ne gūne muʿāmele edilmesine lazım geleceğine dā'ir elde bir emir ve niẓām olmadığına...*).[97] The unutterable and the unthinkable *whiteness* of the Ottoman settlement enterprise was betrayed in between these lines. With the Ottoman *'takhayyul'* of the ummah, blackness and unfreedom remained adjunct, a racial composite that would *tacitly* exclude black subjects from partaking in the Ottoman agrarian regime and would render sub-Saharan Africans beyond the pale of this juridical ummah.[98]

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[94] For an excellent historiographical essay on what roles were/are available to the Black African in the Ottoman history and historiography, see Wingham, 'Arap Bacı'nın Ara Muhaveresi', 177–83. Gubara also draws attention to the problematic and ubiquitous conflation of African-ness with slavery in Islamic and African studies: Dahlia E. M. Gubara, 'Revisiting Race and Slavery through 'Abd al-Rahman al-Jabarti's 'Aja'ib al-Athar', *Comparative Studies of South Asia, Africa and the Middle East* 38, no. 2 (2018): 230–45.

[95] DH.MKT. 1152/46, p. 2, Dispatch to the Ministry of the Interior from the Governor of Izmid, 10 February 1907.

[96] Ibid., p. 8, line 5, and p. 13. Correspondence between the Ministry of Interior to the Governor of Izmid, 17 May 1907 and 10 June 1907.

[97] Ibid., p. 2, line 4-5. Dispatch to the Ministry of the Interior from the Governor of Izmid, 10 February 1907

[98] Sertaç Sehlikoğlu, 'Imaginative Landscapes of Islamist Politics,' History and Anthropology, forthcoming.



Figure 23: An Afro-Abkhazian man wearing traditional gear [1870-1886]. Inscribed on the back is the phrase 'Karabakhski 'Arab' Negro Mountaineer.'(Source: George Kennan Papers, LoC: 99615616.)

4.1.3. Conclusion

This chapter has explored the chequered paths taken by subaltern Muslims, their travails, and their trajectories toward the Ottoman Empire. It has examined how migration animated the legal imagination and political aspirations of the Ottoman immigration state, one which subsumed the fiction of a juridical ummah into that of an Ottoman nation. This process was indexed to the desirability of the Muslim subaltern: their ethno-racial provenance and bourgeois respectability.

Their inclusion into the Ottoman nation and partaking in the Ottoman agrarian regime was thus *conditional,* contingent, and the process of which was often incomplete.

I have detailed how ordinary migrants become contested sites of juridico-moral capital between municipal – Ottoman – and consular – European – authorities: for the former, a means to extend Ottoman sovereignty within its territorial borders, and for the latter, to transport European authority onto Ottoman soil by way of capitulatory supervision. I focused on the context and the politics of the 1902 resolution to the Immigration Law of 1857, which further securitised Ottoman borders and juridical boundaries by expanding the period of vetting from two to six months, requiring further collaboration between the receiving and the sending states and expanding the scope for procuring settlers from among the Muslim Subaltern across the French, Russian, and British colonies.

This chapter delineates the boundaries of the Ottoman nation and the striations of the juridical ummah, often by attending to what was illicit, illegible, unsayable, and *unthinkable* in official Ottoman correspondence, law, and the legal imagination. By following the paths of Ottoman muhajirs, a juridical category that itself construed *settlers* out of fugitives and refugees, asylees and exiles, I have attempted to delineate an entangled history of the global ummah converging around the Ottoman State.

4.2. The Ports Close on Exit

> '...From now on, Armenians intending to go to America and similar locations ostensibly to find work, but with the real intent of devoting themselves to the service of sedition [*fesād*] or such pernicious objectives must not be granted passports and must be fully prohibited from departing the empire.'
> Imperial Edict, March 1888[1]

> 'Ottoman Armenian subjects who have emigrated under false names and by diverse means have returned to Turkey with foreign passports will not be recognized as foreign subjects, nor will they be allowed to live in any part of the Empire.'
> Imperial Edict, September 1896[2]

> ' ...It is paramount that Armenian seditionists [*erbāb-i fesād*], who assume under false pretences the title of Muslim settlers (*muhajirin-i islamiyye),* are prohibited from partaking in the exalted lands.'
> Order, From the Grand Vizier to the High Commission for Immigration, 20 February 1904[3]

In August of 1894, an Armenian man took to the seas on a French steamboat, *Senegal*, from the city of Marseille, and tried to step foot on the port of Beirut.[4] He was tall, fearsome, with dark eyes, dark hair, and dark skin. This anonymous Armenian carried a Russian passport, according to Ottoman intelligence. The first time he tried to step foot on Ottoman soil, he was repatriated back aboard Senegal. The second time he tried to do so, in the port of Alexandretta, he was not alone. He was with a handful of other Armenians from Harput (today's Elazig), along with 200 Lebanese and Syrian Arabs who hopped on to the ship with no passports, nor permission. When questioned as to his destination, the anonymous man had finally had it with the border police. Losing his temper, he threatened that he would step on whichever Ottoman port as he pleased. He was probably only a frustrated traveller, but to the Ottoman police who came to check the travellers aboard he was a prospective *mufsid,* a seditionist Armenian, who had come to cause trouble for the Sublime Porte with such troublesome demands for equality and for liberty.[5]

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[1] BOA, .I.DH 1075/84332, Yıldız Palace, Office of the Chief Scribe, 30 March 1888.
[2] Document 896 in *Papers Relating to The Foreign Relations of The United States, With the Annual Message of The President Transmitted to Congress December 7, 1896, And the Annual Report of The Secretary of State,* (Washington: Government Printing Office, 1897).
[3] BOA, A. MKT. MHM, 524/29, From the Office of Grand Vizier to the Ministries of Interior and of Foreign Affairs and to the Immigration Commission, 20 February 1904.
[4] BOA. DH. MKT. 277/47, p.3, 16 August 1896 and p.17, 29 August 1984; from the Governor of Beirut, Halid Baban Bey, to the Ministry of the Interior; p. 19, 23 October 1894, From the Ministry of the Police to the Ministry of Interior.
[5] BOA. DH. MKT. 277/47, p. 19, 23 October 1894, From the Ministry of the Police to the Ministry of Interior. On the surveillance of Armenian fugitives in Beirut, see: İlkay Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde: II. Abdülhamid*

The port police took notice of his conduct, along with a whole host of other matters: that all around the East Mediterranean ports there were small-scale smuggling operations being run by boatmen, port workers, policemen, and even coffee-makers (kahveci) stationed aboard the French steamships; that aboard Senegal there were 200 Lebanese fugitives being smuggled *out* of Ottoman ports; and that some Armenian fugitives from Harput, who had left the Ottoman Empire, and since 1893 were *explicitly* banned from returning, were being smuggled back *into* the well-protected domains.[6]

This chapter will explore the selective denaturalisation of Ottoman Armenians from among the 19th century Ottoman emigrants during the Hamidian autocracy.[7] The chapter begins by examining the legal and fiscal infrastructure underlying the governance of class and ethnic inequality in Ottoman provinces. I lay out the legal precepts for discriminatory legislation against Armenians and describe the political circumstances under which the Armenian nation was assembled and minoritized within the structures of modern Ottoman governance. I then put in context the objective causes and subjective reasons for the illicit emigrations from and into the ports of Greater Syria. I argue that the very act of migration was conceived as dissent within the ideological edifice of the Immigration State. I thus espouse a broader and vernacular notion of

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Döneminde Güvenlik Politikaları, Mürur Tezkereleri Pasaportlar ve Otel Kayıtları, Birinci basım (İstanbul: Tarih Vakfı Yurt Yayınları, 2014), 183-184.

[6] BOA. DH. MKT. 277/47, p. 27, From the Grand Vizier Ahmed Cevad Sakir Pasha to Abdülhamid II, 14 January 1895. For the administrative decree banning Armenian return, see: BOA.Y.PRK.ZB 12 17, Yıldız Palace Office of the Office of the Chief Scribe of the Grand Vizier, 16 August 1893.

[7] On Ottoman emigration to the Americas, the differential racialisation of Ottoman Syrians, Lebanese, and Armenians, and the formation of national-diasporic groups, see: Earlene Craver, 'On the Boundary of White: The Cartozian Naturalization Case and the Armenians, 1923-1925', *Journal of American Ethnic History* 28, no. 2 (2009): 30–56; Kemal H. Karpat, 'The Ottoman Emigration to America, 1860-1914', *International Journal of Middle East Studies* 17, no. 2 (1985): 175–209; Nora Lessersohn, 'A Life of Longing and Belonging: The Ottoman Armenian American Worldview of Christopher Oscanyan (1815–95)', *Journal of the Ottoman and Turkish Studies Association* 4, no. 2 (2017): 261–85. For more, see: Stacy D. Fahrenthold, *Between the Ottomans and the Entente: The First World War in the Syrian and Lebanese Diaspora, 1908-1925* (Oxford University Press, 2019); Anthony Gorman and Sossie Kasbarian, eds., *Diasporas of the Modern Middle East: Contextualising Community* (Edinburgh: Edinburgh University Press, 2015); Sarah M. A. Gualtieri, *Between Arab and White: Race and Ethnicity in the Early Syrian American Diaspora*, American Crossroads 26 (Berkeley: University of California Press, 2009); Céline Regnard-Drouot, *En transit: les Syriens à Beyrouth, Marseille, Le Havre, New York, 1880-1914* (Paris: Anamosa, 2022); Brenda Gayle Plummer, 'Race, Nationality, and Trade in the Caribbean: The Syrians in Haiti, 1903–1934', *The International History Review* 3, no. 4 (1 October 1981): 517–39; Randa Tawil, 'Routes of Race: Migrations Between Greater Syria, Mandate Lebanon, and the United States 1881-1945' (Yale University, 2020); Bedros Torosian, 'Ottoman Armenian Racialization in an American Space (1908–1914)', *Mashriq & Mahjar: Journal of Middle East & North African Migration Studies* 8, no. 2 (6 July 2021): 31–58.

political dissent to better grasp the marginalisation and criminalisation thereof. I explain the legal rationale for the selective marginalisation and minoritisation of Ottoman Armenians, in contrast to the Ottoman Lebanese and Syrians with whom they took the same routes. In the chapter's final section, I analyse the substantive law of discriminatory legislation regarding Armenian mobility. I show how the differential treatment of Ottoman Armenians relied on the legal arguments on *fesād*, a recurring casuistry which justified Anti-Armenian legislation and racialised the Armenians as the insurgent enemy, the *mufsid*. I argue that casuistic tenets of discriminatory legislation concerning Armenian migrations were key to their gradual, and contractual, exclusion from the Ottoman nation.

The study of Ottoman diasporas begins in the shadow of Hamidian autocracy, with the intertwined tales of smugglers and fugitives connecting the Empire's ports cities.[8] The authoritarian regime of migration control that was instituted during the 1880s rendered the prospect of legal emigration near impossible, denying passports and travel permissions on the basis of arbitrary measures and often, of class.[9] For an authoritarian government that built its legitimacy off of those who sought refuge in it, any misguided subjects that sought work elsewhere threatened the legitimacy thereof. There were material and demographic concerns as well; in an 'era of demographic scarcity', emigration meant impoverishment.[10] The emigration of Ottoman subjects, including and especially non-Muslims, did not bode well for the demographic prospects or the international reputation of the Sublime Porte.[11] The broader phenomenon of illicit emigration that ensued in the late half of the nineteenth century, especially during the tribulations of the Hamidian economy in the 1880s, threatened the material foundations of the immigration state and the just and humanitarian reputation of Abdülhamid II.

In between the securitisation and selective criminalisation of migration, people moved. In the absence of freedom of movement, the only means of movement were flight. One can first notice in the numerous reports of the port police the patterns of irregular flight, deserters,

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[8] David Gutman, *The Politics of Armenian Migration to North America,* 55-60.
[9] For a decree ordering the prevention of Ottoman emigrations to South Asia should the emigrants 'lack capital' or if they are not part of the 'merchant class', see BOA. HR. ID. 22/53, 04 March 1890.
[10] Thomas and Thompson, 'Empire and Globalisation', 147; Aristide R. Zolberg, 'Managing a World on the Move', *Population and Development Review* 32 (2006): 222–53.
[11] Dündar, *Hicret, Dîn ü Devlet*, 122-123.

conscript and tax evaders, and the occasional slaves, servants, and wives. However, most of those fleeing West or North were landless peasants forsaking Ottoman protection - and obligations - at their own peril. Often, they could not pay for the full journey; absent any linguistic familiarity they were primed for deceitful smugglers leaving them off at convenient ports of Western Mediterranean.[12] The condition of Ottoman migrants in metropolitan Europe begged the question of consular authorities, just how much worse was it for the innumerable Syrians, Lebanese, or Armenians in the Ottoman Empire, that they would seek such destitution in the ports of Europe?

Vernacular notions of justice across the Ottoman Empire were about people giving and getting their due. They intimated a transactional society delineated by territory, upheld by mutual obligations between the state and its subjects, whereby the former promised not to exploit the latter beyond their ability to self-reproduce.[13] When the Hamidian government declared bankruptcy in 1881, The Commission for Public Debt that was founded by European creditors severely restrained the Porte's ability to keep to that promise. The attempts to mitigate sovereign debt weighed heavily upon the state budget and the demands of taxation upon the Ottoman peasantry.[14] The government could neither retract its fiscal demands from the general population; nor mitigate the appetites of global capital to which it was indebted.

The subjects of well-protected domains were neither well-fed nor well-protected from the adversities of famine, inter- and intra-communal dispute, competition over lands and resources, and at its most extreme, communal violence.[15] The abovementioned fugitives paving their way out of Beirut and ports of the Mediterranean revealed the insecurities of the Hamidian regime, that its Islamically-minded Ottomanism was being undermined by charges of cruelty and neglect. Where the Sublime Porte sought a cyclical rejuvenation of a just and humane order, its subjects saw *ẓulm*,

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[12] MAE Nantes, 72 PO/2/10, Barcelone, Correspondance avec commissaire spéciale de Marseille, 31 May 1899.
[13] On Ottoman vernaculars of justice(*'adālet*) and injustice (*ẓulm*), see: Linda T. Darling, 'Islamic Empires, the Ottoman Empire and the Circle of Justice', in *Constitutional Politics in the Middle East : With Special Reference to Turkey, Iraq, Iran and Afghanistan*, ed. Saïd Amir Arjomand, 1st ed. (London: Hart Publishing, 2008), 11–32; Ahmet Mumcu, *Osmanlı Hukukunda Zulüm Kavramı* (Ankara: Birey ve Toplum Yayınları, 1985).
[14] Murat Birdal, *The Political Economy of Ottoman Public Debt: Insolvency and European Financial Control in the Late Nineteenth Century* (Bloomsbury Academic, 2010); Ali Coşkun Tunçer, *Sovereign Debt and International Financial Control: The Middle East and the Balkans, 1870–1914* (Springer, 2015).
[15] Ghazarian, 'A Climate of Confessionalization'.

their intolerable exploitation by the corrupt servants of an exalted State that did not deliver for all that it took from its tax-paying, law-abiding subjects.[16] Flight was conceived, by both the state and its subjects, as a political act and critique of existing order.[17]

It was thus the actions of ordinary people, be it consciously or incidentally agitating for change, that created the problem-space for a new articulation of a free life. The breakdown in extant notions of justice opened the way for both a physical and ideological negation of the status of subjecthood, of being part of the Sultan's flock. The refusal of duty, refusal of abode, and abandonment of the well-protected domains of Abdülhamid II implied in no uncertain terms that some of the empire's subjects no longer sought justice from the state. Whatever futures and possibilities that they did envision were thus categorically dissident and dangerous. As such, there was an intimate, imaginative connection between Armenian migrations and dissent, between *exit* and *voice* in the Hirschmannian scheme of the politics of migration.[18] The itinerant Armenian became a harbinger of insurrection.

The Sublime Porte did not only fear Armenians coming back, but also *what* they would be bringing with them. Due to a disjuncture between US and Ottoman citizenship laws, the Armenian emigres could acquire US citizenship without the approval, or even knowledge, of the Ottoman Empire.[19] The returnees who had acquired United States citizenship during their sojourns threatened to drag a formidable extraterritorial authority into the already combustible

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[16] MAE Nantes, 92PO/A 170 | 1898; Dispatch No. 17; Beyrouth, 16 April 1897. Also, see: Buṭrus Abū Mannah, Itzchak Weismann, and Fruma Zachs, *Ottoman Reform and Muslim Regeneration* (I.B.Tauris, 2005); Topal, 'Order as a Chronotope of Ottoman Political Writing'.

[17] When and where the Ottoman emigrants invoked the circle of justice and reproached the Ottoman government merits further, and more nuanced research. Armenians, Syrians, and the Lebanese emigrants who left the Ottoman ports are often 'reported' and 'rumoured' to have invoked this language, by journalists criticising the Ottoman government, by memoirs written by intellectuals, or by contemporary historians of the Ottoman Empire. Given the gravitas of such vernacular notions of legitimacy in Ottoman political culture, I would argue that one should pay attention to how reports and rumours were legitimate, albeit indirect, ways of criticising the government. For a historical discussion linking Lebanese migrations and the circle of justice, see: MAE Nantes, 92PO/A 2016, Dossier Nejib Azoury 1907, From Najib Azoury to the French Minister of Foreign Affairs, 4 April 1907. For a brief historical discussion on Armenian provincial politics and the circle of justice, see: Bedross Der Matossian, *Shattered Dreams of Revolution: From Liberty to Violence in the Late Ottoman Empire* (Stanford University Press, 2014), 21, 136-38.

[18] Albert O. Hirschman, 'Exit, Voice, and the Fate of the German Democratic Republic: An Essay in Conceptual History', *World Politics* 45, no. 2 (1993): 173–202; Bert Hoffmann, 'Bringing Hirschman Back In: Conceptualizing Transnational Migration as a Reconfiguration of 'Exit', 'Voice', and 'Loyalty'', *GIGA Working Paper* 91 (2008).

[19] Sinan Dinçer, ''Ya Sev Ya Terket'in Ermenicesi: Osmanlı Devletinde Tabiiyet ve Sınırdışı Uygulamalarından Bir Fasıl', in *Sınır ve Sınırdışı*, ed. Didem Danış and İbrahim Soysüren (İstanbul: Nota Bene Yayınları, 2014), 322–54.

affairs of the Ottoman East. Some other emigres, who had been 'deceived' and 'corrupted' by the likes of the secessionist Hunchak party, could bring in and circulate insurgent ideas among the Armenians of Asia Minor.

On 14 January 1895, The Grand Vizier Ahmed Cevdet Şakir Pasha ordered a crackdown on the smuggling operations in the ports of Beirut based on the Articles 112, 113, and 114 of the Ottoman Penal Code. Smuggling as a business was now a matter of disobedience and insult toward the Ottoman government, an act punishable by imprisonment from six months to two years. There would be no more boatmen to carry aboard the French or British ships the innumerable Lebanese workers, the Syrian *fellah*, and other *sans papiers* lacking permission from the government. Armenians heading into the Ottoman ports, from within or without, would now be banned from coming and leaving.[20]

The flows did not abate under the extraordinary measures targeting Armenian migrations. In the year 1894, state and sectarian violence ripping through the Ottoman East radicalised a generation of youth and community leaders faster, and more convincingly, than the few Hunchakian 'seditionists' who could find their way to the regions of Harput or Sasun. The Armenian pogroms in the Ottoman East would inaugurate a new phase of repression under Hamidian autocracy and fundamentally alter the existing migration regime. The orders compiled under the provincial reforms for the Armenian provinces thus include reports and decrees that the ports and borders of the well-protected domains needed to be securitised further.[21] With further legislation in 1896, the Hamidian government decreed that for Ottoman Armenians, and Ottoman Armenians only, the ports of the Ottoman Mediterranean would close on exit, leaving Armenians unable to return.

In the following sections I detail the precepts of discriminatory legislation against Ottoman Armenians. I will elaborate the legal and material conditions on the basis of which Armenians were minoritised within the governing structures and ethno-religious hierarchies of the Ottoman Empire. By looking at the effects of anti-Armenian legislation, namely the unilateral

[20] David Gutman, 'Travel Documents, Mobility Control, and the Ottoman State'
[21] Ibid.

denaturalisation of Armenians, I will explore the racial tenets of this emerging, expanding Ottoman nation.

4.2.1. Precepts of Discriminatory Legislation

The procedural precepts for the discriminatory legislation against Armenians required two parameters, that of the defendant and the punishment, to be laid out clearly over the course of half a century of constitutional and legal experiments. This section lays out, both chronologically and thematically, how the two prerequisites would be consummated by the inauguration of Hamidian autocracy. I will discuss both how the Armenian *millet* acquired the properties of a legal fiction to be legislated upon, and the how the Ottoman state developed the legal means and justifications for their expulsion and denaturalisation.

The modern history and historiography of Ottoman Armenians is situated between the descent of the Empire and the ascent of many nations, charting a transition from the early-modern Ottoman formation of *millet*, a religious and ethnically differentiated, autonomous, non-territorial community, into an internationally recognised category of a minority nation.[22] The millet system in its ideal form expresses a duality between the *millet-i ḥākime*, the ruling community, and the *milel-i maḥkūme,* the subject peoples, whose juridical status were determined by their religious creed. The millet status was supposed to guarantee corporate autonomy to religious communities in matters of civic life, governed by their own religious councils, courts, schools, and hospitals. Their subject status carried with it exemptions from certain political obligations, such as conscription, exclusions from public service, and a fixed, annual *jizye* tax taken from the abled, adult males among the non-Muslim – *dhimmi*– community.

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[22] Britannica, T. Editors of Encyclopaedia. 'Millet.' *Encyclopedia Britannica*, January 10, 2022; Karen Barkey and George Gavrilis, 'The Ottoman Millet System: Non-Territorial Autonomy and Its Contemporary Legacy', *Ethnopolitics* 15, no. 1 (January 2016): 24–42; Karpat, *Studies on Ottoman Social and Political History*, 611-613. Etymology of millet derives from aramaic and originally meant to signify a people who shared the same language. It acquired its religious connotation as it evolved into the Arabic *milla before* it began implicating ethnic as well as religious differences in the Ottoman Empire. By the 20th century, millet was the proper translation for the French word, 'nation', thereby its current translation as nation.

The mythology of the millet system and the question of discrimination towards subject peoples is a matter of long-standing controversy in the early modern historiography of the Ottoman Empire.[23] The early modern literature on Ottoman governance of religious identity attest to an imperial cosmopolitanism that sought to make the most out of diasporic and mercantile communities at their disposal, a *preference* that formed the basis of extraterritorial law and capitulatory protection. Differential treatment of the *milel-i maḥkūme*, the subject peoples, was the rule of imperial governance. However, all evidence points to a communal topography of non-Muslim millets that is *far less* insular, and far more well-integrated into the juridical and social life of the Muslim community.[24]

This critical literature traces a paradigmatic shift between the concepts of millet and minority, warning that the conflation of the two is not only anachronistic but reconstructs the past from the purview of present conflicts.[25] However, as Wheatley convincingly argues for Austria-Hungary, such paradigmatic shifts can still maintain 'legal stakes' that are 'remarkably similar.'[26] Whether conceived of as a corporate legal person or an ethnic minority, the Armenian *millet* both put into question 'the possibility (and desirability) of according non-sovereign ethnic groups a collective legal personality, and the question of how their rights and personality related to sovereignty.'[27]

The modern projections of the early-modern millet system had an oversized influence over the formation of majoritarian/minoritarian thinking in the Ottoman Mediterranean, from the Balkans to the Middle East. In the words of Sharkey, post-Ottoman minorities 'certainly contained

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[23] Koçunyan, 'The Millet System', 66-68.
[24] Sabrina Joseph, 'Communicating Justice: Shari'a Courts and the Christian Community in Seventeenth- and Eighteenth-Century Ottoman Greece', *Islam and Christian–Muslim Relations* 20, no. 3 (1 July 2009): 333–50; Ayşe Özil, *Orthodox Christians in the Late Ottoman Empire: A Study of Communal Relations in Anatolia*, SOAS/Routledge Studies on the Middle East 19 (London ; New York: Routledge, 2013); Najwa Al-Qattan, 'Dhimmis in the Muslim Court: Legal Autonomy and Religious Discrimination', *International Journal of Middle East Studies* 31, no. 3 (1999): 429–44; Najwa Al-Qattan, 'Litigants and Neighbors: The Communal Topography of Ottoman Damascus', *Comparative Studies in Society and History* 44, no. 3 (July 2002): 511–33ç
[25] Janet Klein, 'Making Minorities in the Eurasian Borderlands: A Comparative Perspective from the Russian and Ottoman Empires', in *Empire and Belonging in the Eurasian Borderlands*, ed. Krista A. Goff and Lewis H. Siegelbaum (Ithaca (New York): Cornell University Press, 2019).
[26] Natasha Wheatley, 'Law, Time, and Sovereignty in Central Europe: Imperial Constitutions, Historical Rights, and the Afterlives of Empire' (Ph.D., New York, Columbia University, 2016), 301.
[27] Ibid.

threads from old millet patterns', yet it bears repeating that European myths and misconceptions about the primordial nature of religious conflict in the Ottoman Empire had a decisive role in 'concretizing' religious distinctions.[28] The mythos of the *millet* system had an imaginative hold over European orientalists, diplomats, and international jurists; which led to questions of autonomy becoming entangled with religious liberty and communal equality from the purview of positive international law.

Nonetheless, it was during the Tanẓimāt that Ottoman intellectuals and statesmen of the Sublime Porte, under the supervisory scrutiny of Great Powers, wove together the notions and institutions of subject peoples into subject *nations*. The modern historiography of the Ottoman *millet* thus begins where the mythology of a corporate religious body attains the properties of a legal fiction with the Imperial Reform Edict of 1856.

The story of legal discrimination against Ottoman Armenians begins with the proclamation of the Reform Edict, which the Sublime Porte decreed as another concession to the Great Powers for their support against Russia during the Crimean War of 1854-56. On 18 February 1856, Sultan Abdülmecid I promised protection and equality for the non-Muslim communities of the Ottoman Empire:

> The guarantees promised…to all the subjects of my Empire, without distinction of classes or of religion, for the security of their persons and property and the preservation of their honour, are today confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full and entire effect…All the privileges and spiritual immunities granted by my ancestors ab antiquo, and at subsequent dates, to all Christian communities or other non-Muslim persuasions established in my empire under my protection, shall be confirmed and maintained.

The corporate bodies of the Ottoman religious *millet*, the primary among them the Orthodox dyophysites represented by the Greeks, the Orthodox monophysites under the jurisdiction of the Armenian Patriarchate, and the Sephardic Jews, would see their religious liberties and their equality secured by the Sublime Porte by the force of positive law.[29] Legal

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[28] Heather J. Sharkey, 'History Rhymes? Late Ottoman Millets and Post-Ottoman Minorities in the Middle East', *International Journal of Middle East Studies* 50, no. 4 (November 2018): 760–64.

[29] The Orthodox *millet* comprised two schisms and a diverse array of ethnicities that was nevertheless ruled by the ethno-religious contingent that was most prominent within that schism. Karpat, *Studies on Ottoman Social and Political History*, 616-617.

discrimination within the Ottoman legal system was made possible precisely at this moment, once the rhetoric of equality became as entrenched as justice in the legitimation of political authority.

The Reform Edict of 1856 paved the way for the circulation of constitutional thinking. The Edict decreed that each Christian and non-Muslim community was required, within a period, to convene 'a Commission composed ad hoc of members of its own body, to...examine into its actual immunities and privileges, and to discuss and submit to my Sublime Porte the reforms required by the progress of civilization and of the age...' The Edict required the formation of corporate religious assemblies, which would be granted the legal autonomy to oversee the temporal affairs of the religious community in question. The formation of these quasi-secular assemblies allowed for political experiments defining the confines and substance of *millet* as an autonomous community.[30]

The first of its kind, a provincial constitution by the *beylik* of Tunisia was prepared by the Circassian Hayreddin Pasha and promulgated by Mohammed as-Sadiq Bey in 1861, a feat followed by select Balkan provinces of Romania in 1866 and Serbia in 1870. The *millet* constitutions of Armenians and Sephardic Jews would both aspire to the stature of a national constitution, claiming jurisdiction over their own peoples within the contiguous territory of the Ottoman Empire. The special, semi- autonomous provinces (*eyālet-i mumtāze*) and subject peoples (*milel-i maḥkūme*) inaugurated the constitutional movement within the Ottoman Empire. The Ottoman Constitution of 1876 thus built upon the legal and institutional work of subject peoples and provinces.[31] The attempts to further modernise and centralise the Exalted State in 1876 appropriated the secularisation, centralisation, and bureaucratisation achieved under the remit of territorial and communal autonomy.

The Commissions for the reorganisation of the millet system operated on different registers of the law, and in reflection of the internal dynamics of any given community. While the Ottoman government received each of these texts as regulations (tr. *niẓāmnāme*) the Armenian

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[30] For the reception of the Imperial Edict by the Armenian elites in its immediate aftermath, see: Masayuki Ueno, 'Religious in Form, Political in Content? Privileges of Ottoman Non-Muslims in the Nineteenth Century', *Journal of the Economic and Social History of the Orient* 59, no. 3 (2016): 408–41.

[31] Aylin Koçunyan, 'The Transcultural Dimension of the Ottoman Constitution', in *Well-Connected Domains: Towards an Entangled Ottoman History*, ed. Pascal Firges et al. (BRILL, 2014), 250.

and Sephardim commissions explicitly used the term *constitution* to refer to their texts.[32] The imprint of constitutional thinking was very clear with the commission which would draft the first ratified Armenian constitution in 1862.[33] This experiment in constitutionalism was penned by Armenians of secular persuasion, the most prominent among whom were the legal scholar Krikor Odian. Odian, and his fellow Istanbul intellectuals, took on the task of reorganising the community, to break the hold of the Armenian *Amira* class and to promulgate a national constitution, exceeding the promise of the Reform Edict of 1856.[34]

The new generation of Ottoman intellectuals who would go on to initiate constitutionalism as a movement, from Midhat Pasha's protégé, Namık Kemal to the notable Krikor Odian were in thrall of emancipatory politics and had come of age in the Spring of Nations in 1848. In Istanbul they had frequented the same milieus with Polish and Hungarian emigres who had been given refuge by the Sublime Porte, and who would become their colleagues in the Ottoman officialdom. Others still had studied in Paris and had experienced first-hand the lure and rigour of bourgeois revolutions of 1848. As Aylin Koçunyan demonstrates, Ottoman and Ottoman-Armenian intellectuals partook in a transnational constitutionalist movement that was conversant and entangled with their European counterparts.[35]

While the pressure for a *millet* constitution had become possible under international scrutiny, the scope and the aims of the Armenian constitution was itself designed to pre-empt extraterritorial interventions and international supervision of Armenian politics.[36] The suspicions and affective distance from extraterritorial powers emerged in reaction to missionary activism among the provincial Armenians of Protestant and Catholic provenance working to convert and

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[32] Ibid., 248; Johann Strauss, 'A Constitution for a Multilingual Empire. Translations of the Kanun-i Esasi and Other Official Texts into Minority Languages', in *The First Ottoman Experiment in Democracy*, ed. Christoph Herzog and Malek Sharif (Ergon in Kommission, 2010).

[33] On the full text and translation of the Armenian National Constitution of 1862, see: Murat Bebiroğlu, *Tanẓimāt 'tan II. Meşrutiyet'e Ermeni nizamnameleri* (İstanbul: M. Bebiroğlu, 2003), 83-109.

[34] Amira (ar. leader) class were a prestige-based aristocracy of the Armenian Istanbullites. They were a collection of court artists and artisans, merchants and factory-owners, and state officers. Their existence and power heavily depended on the Exalted State. See: Hagop L. Barsoumian, Solina Silahlı, and Hagop L. Barsoumian, *İstanbul'un Ermeni Amiralar sınıfı*, (İstanbul: Aras, 2013), 59-78; Aylin Koçunyan, '"Long Live Sultan Abdülaziz, Long Live the Nation, Long Live the Constitution..."', in *Constitutionalism, Legitimacy, and Power: Nineteenth-Century Experiences*, ed. Kelly L. Grotke and Markus J. Prutsch (Oxford University Press, 2014), 207-209.

[35] Koçunyan, 'The Transcultural Dimension of the Ottoman Constitution'.

[36] Koçunyan, '"Long Live Sultan Abdülaziz, Long Live the Nation, Long Live the Constitution..."', 198.

civilise the Armenians hitherto subject to the Orthodox church. The internal politics of the Armenian community, striated by class, divided by religious creeds of West European provenance, made the prospect of extraterritorial supervision equally undesirable for the nominally secular, uniformly Orthodox members of the constitutional commission.

The 1863 constitution of the Armenian *millet* took its place as a crucial piece of Ottoman legal history. While it attempted to present the Armenians as a constitutional and confessional community bearing political rights it showed how the notion of equality remained under challenge.[37] The constitution also turned the myth of millet as an autonomous religious community into the legal fiction of a nation - arm. *Azk* -, an increasingly secular entity which – reluctantly – accommodated Armenians of different religious creeds. The Armenian nation, delineated by an Armenian constitution, was now a positive fact to be legislated on, for, and against.

The principle of universal nationality, the idea that *everyone belongs somewhere*, has served as the means and ends of modern contractarianism. The enlightenment rhetoric of contractual belonging suffused Ottoman legal and intellectual culture since at least the Reform Edict of 1856, with which the political equality *of the propertied class* emerged as a standard of civilisation to aspire to. The tenor and the contours of *ḳānūn*, the concept of statist law, were changing accordingly, from a sultanic prerogative to a social contract, comprising a community of equal citizens/subjects. While the Reform Edict of 1856 instituted communal equality among Ottoman *millets*, extraterritorial *politique de race* proscribed them from being equally desirable subjects.

The promise of communal equality depended on the notion of communal difference, through which the Ottoman *millets* acquired a fictional legal personality, over whom competing Empires and religious missions claimed protection and jurisdiction. The *milel-i maḥkūme*, the subject peoples, were suspected of divided loyalties and were seen as potential generators of jurisdictional disputes. Extraterritorial jurisdiction and Euro-Ottoman treaties entrenched sect, ethnicity, and religion as the organising category giving exemption from political obligations,

[37] Ibid.; Bebiroğlu, *Tanẓimāt 'tan II. Meşrutiyet'e Ermeni nizamnameleri*, 102-103.

effectively rendering certain subjects both more privileged *and* more disposable within the Ottoman Empire.

The juridical means and justifications of expulsion and exclusion was legislated further into the corpus of Ottoman law starting with the Nationality Code of 1869. The Nationality Code aspired to regularise the status of Ottoman subjects, and to impose a uniform allocation of political obligations. Will Hanley further puts the Nationality Code in its political context, reading the legislation as an attempt to curb use and abuse of extraterritorial privileges by pretenders to dual nationality, by the European diplomatic missions, and their native protégés.[38] In effect, however, the Nationality Codes delimited the contours of an Ottoman nation, and the conditions of exclusion therefrom. Article 6, specifically, would play a key role in regulating emigration from the Ottoman Empire:

> The Exalted State holds the prerogative to discard the nationality of those who went to foreign lands and changed their nationality without the permit of the Sultan, or those who enter the military service of a foreign power. Those whose nationality has been discarded as such are from then on prohibited from entering the magnificent lands.

This historical and customary – *'örfi* – right of banishment as a sultanic prerogative was legislated and legitimated first by the Ottoman Nationality Code, before acquiring the properties of a constitutional fact in 1876.

The 1876 Constitution was drafted by the foremost intellectuals of the Tanẓimāt and was a promise based on which Abdülhamid II came to power. His predecessors, Abdülaziz I and Murat IV, were both dethroned in quick succession by palace coups to replace them eventually with the more pragmatic and charismatic Abdülhamid II, who had agreed to promulgate a constitutional regime in August 1876. The great statesman, Midhat Pasha and his supporters among the Young Ottomans precipitated the draft of the constitution within two months, before the final draft penned by the notable Krikor Odian would be promulgated on 26 December 1876.[39]

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[38] Hanley, 'What Ottoman Nationality Was and Was Not'.

[39] A seminal work on the first constitutional period is Robert Devereux, *The First Ottoman Constitutional Period: A Study of the Midhat Constitution and Parliament*, The Johns Hopkins University Studies in Historical and Political Science (The Johns Hopkins University Press, 1963). For a recent survey and reappraisal, see the collection of articles in Christoph Herzog and Malek Sharif, eds., *The First Ottoman Experiment in Democracy* (Ergon in Kommission, 2010).

Perhaps surprisingly, the same officers of the state who penned the Constitution had little objections to the more ominous, authoritarian elements of the constitution, namely the article 113, which stipulated the conditions for its suspension, and allowed legislative powers to the monarch himself in absence of the parliament based on customary law. Strauss remarks that the constitution bears the imprint of the Prussian Constitution of 1850, and nowhere is that clearer regarding the exceptional conditions laid out for the Constitution's suspension, and the remit of an *état de siège* (gr. Belagerungszustandes) refashioned under the neologism of *İdāre-i 'Örfiyye*, the customary law of sultanic prerogative.[40]

The Ottoman *état de siège* which delineated the conditions of Constitution's suspension and the parameters of extraordinary legislation, provided the procedural grounds for the discriminatory legislation against Armenians. Notably the final clause of Article 113 allowed His Majesty the Sultan the exclusive and customary right to expel from his territory those who would endanger the security of the state, a constitutional prerogative for exceptional circumstances.[41] Noémi Lévy-Aksu's work on *İdāre-i 'Örfiyye* and the state of emergency in the first Constitutionalist period (1876-78) draws attention to the less sensational first clause of Article 113. The clause defines and delimits the notion of a state of emergency to suspend the civil legal order under strict spatial and temporal limits, in response to the perceived or actual threat of a civil or military insurrection (*iḫtilāl*).[42] Both Fitzpatrick and Lévy draw further attention to a similar ambiguity in the Prussian constitution that deviates from the French *état de siège* tradition, by according insurgency (*Aufruhr*) the same political gravitas as that of foreign invasion, a probable legacy of the 1848-49 revolutions where the autocratic empires of continental Europe were challenged by their constituent nationalities.[43] The Ottoman constitution clearly privileged the Sultan's customary rule as a means of protecting the state from public disorder, an ambiguous and capacious category indicating everything from working class agitation to secessionist insurrection.

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[40] Strauss, 'A Constitution for a Multilingual Empire'. Also see: Prussian Constitution of 1850, 'Verfassungsurkunde für den Preußischen Staat', more specifically the addendum 'Gesetz über den Belagerungszustand' of 4 June 1851, published at https://www.verfassungen.de/.

[41] On the constitutionality of states of exception, see: Fitzpatrick, 'A State of Exception?', 778.

[42] Noémi Lévy-Aksu, 'An Ottoman Variation on the State of Siege: The Invention of the Idare-i Örfiyye during the First Constitutional Period', *New Perspectives on Turkey*, no. 55 (2016): 5–28.

[43] Ibid., 14-15; Fitzpatrick, 'A State of Exception?' 777-78.

Article 113 laid the groundwork for the suspension of the civic legal order of the first constitutional period (1876-78), and the foundations of Hamidian autocracy. The First Ottoman Constitution itself became the conduit through which Abdülhamid II fashioned his autocratic regime. Within the first two years of his reign, he would declare *İdāre-i 'Örfiyye* first inside the capital, then the war-torn Balkan provinces, before suspending the Constitution indefinitely. Starting from 1878, Abdülhamid II took his place among a contemporaneous cohort of autocratic leaders who governed within exceptional legal structures, from Tsar Alexander III of Imperial Russia to Lord Cromer in British-occupied Egypt to Bismarck in the unified German Empire.[44]

The casuistry of insurrection and disorder (*iḫtilāl*) or the German term for insecurity (*Gefahr*), also set the terms for the substantive law of discriminatory legislation against Armenians. For the next three decades, anti-Armenian legislation would be framed around the actual or virtual danger of Armenian insurrections in the six Armenian majority provinces of the Ottoman East. The juridical exclusions that resulted from anti-Armenian legislations would effectively render some Ottoman Armenians, both emigres and returnees, stateless during the zenith of Hamidian autocracy. The recurring use of legal casuistry lent itself to contractual exclusion throughout the constitutional transformation of the Ottoman Empire, and the successive legislation of (in)equality into the fabric of Ottoman political society.

4.2.2. Minoritisation of Ottoman Armenians

Ottoman Armenians were an internationally recognised community under religious protection since the Berlin Treaty of 1878 even as there had not yet been an internationally recognised category of minority. There was a continuity between religious and minority protection however: just as the international authorities held a supervisory role over the treatment of Ottoman Armenians, they would later claim an *explicitly* interventionist role for the treatment of Post-

[44] On the personal affinities between the Tsar and Abdülhamid II, see: Georgeon, *Abdülhamid II, 1876-1909*, 359. On Bismarckian states of legal exception and how this related to mass expulsions, see: Fitzpatrick, 'A State of Exception?', 778. Jakes provides an excellent history of how British occupation of Egypt under Lord Cromer worked through extra-legal structures: Jakes, *Egypt's Occupation*.

Ottoman minorities in the Mandate territories.[45] Back in the nineteenth century, humanitarian intervention on behalf of insurgent nations had been a political fact, a legal opinion, but was not yet an internationally sanctioned duty.[46]

At the critical juncture of 1878, the Armenian nation was already less of a millet and more of a minority by virtue of how the Armenian population was now brought under the shadows of international jurisdiction. The famous Article 61 of the Berlin Treaty decreed that: 'The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.' The fiscal and administrative reform of the Ottoman East, the six Armenian Provinces, would be registered by a special commission reporting to the Great Powers, *The Commission for Rapid Action and Reform*. Under the supervisory scrutiny of Great Powers, the Ottoman Armenians would ideally be free from exploitation by the Ottoman state and the Kurdish tribesmen and free to be exploited by a rising class of local, merchant bourgeoisie.[47]

Other Ottoman diasporas-in-the-making provide instructive counterpoints to the selective minoritisation and marginalisation of Ottoman Armenians. Ottoman Armenians were not alone in their journey toward the West. Indeed, they were not even the only Christians among the many Ottoman subjects seeking work and land elsewhere. There are regional and temporal migration patterns to transhemispheric migration between the Ottoman Empire and the West. The Syrians, Lebanese, and Armenians fleeing in and out of the Syrian ports were taking the same routes, rubbing shoulders, and boarding the same ships. However, they found themselves crossing an

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[45] Laura Robson, 'Minorities Treaties and Mandatory Regimes: The Racialization of Sovereignty after 1919', *Comparative Studies of South Asia, Africa and the Middle East* 41, no. 3 (2021): 332–39.

[46]Rodogno, 'European Legal Doctrines on Intervention'. As a legal opinion by the prominent International Jurist Johann Kaspar Bluntschli calls it, 'Those nations who have not been represented by the concert of states are subjects of neither public law nor the law of nations nor can they be considered international persons. However, should there be an attempt to liberate the said nations on behalf of the laws of humanity there can be an intervention on behalf of the law of nations.' excerpt translated into Ottoman Turkish by Yusuf Ziya in Johann Bluntschli, *Tārīḫ-i Ḥuḳūḳ-i Beyn al-Düvel*, 1885, 80.

[47] For the social history of Armenian merchant capital in Erzurum, see: Yasar Tolga Cora, 'Transforming Erzurum/Karin: The Social and Economic History of a Multi-Ethnic Ottoman City in the Nineteenth Century' (Ph.D., Ann Arbor, United States, 2016). Class conflict within the Armenian community is also a heavily under researched topic of inquiry, for reasons that Cora details here: Yaşar Tolga Cora, 'Osmanli Taşrasındaki Ermeniler Üzerine Olan Tarihyazımında Sınıf Analizinin Eksikliği', *Praksis*, no. 39 (2015): 23–44.

emerging border that selectively deprived the latter of their passports and citizenship, their means of movement and judicial representation.[48]

Migration as an act was banned in the decades of Hamidian autocracy. From the ports of Greater Syria, the Lebanese, Syrians, and Armenians who were leaving the well protected domains were voting with their feet - and were perceived as such. The rumours, reports, and petitions pertaining to Armenian and Syrio-Lebanese migrations often reprised the refrain of miscarriage of justice, evoking the trope of the circle of justice and the spectre of political decay.[49] For the Hamidian government and within the vernaculars of transactional society, a miscarriage of justice was a code for failure of government: it was an explicitly political observation on, if not a condemnation of, the Sublime Porte.

Working class culture and middle-class aspirations were the common threads that tied Lebanese and Armenian trajectories together. The institution of a capitalist property regime and changing composition of labour - from agricultural to industrial - generated novel relations of intra-communal exploitation and expropriation among Armenian and Lebanese communities from the Ottoman East to the Lebanese Mutessarifat and the Vilayet of Beirut. Industrial production of silk as a cash product for export tied the fortunes of both the Ottoman East and Mount Lebanon to the vagaries of the global textile industry.[50] Their migration patterns similarly followed the intrusions and disruptions of industrial capitalism in the 1880s, specifically in the aftermath of the crash in the silk market caused by Japan's entry into it.

The classed nature of the transhemispheric migrations were tippling the delicate hierarchies of class and sect in the Ottoman East and Syria, and Harput and Lebanon, specifically.[51] The *emigres* of Lebanese and Armenian provenance did not aspire to leave indefinitely. Most of them were fully intent on coming back to the families and lands that they left behind. Their return and property acquisition back home were perceived differently, however, for the Armenians seemed to pose a greater threat to the status quo. Such a differential perception of threat is curious, however,

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[48] Gutman, *The Politics of Armenian Migration to North America*, 41-42.
[49] Topal, 'Order as a Chronotope', 24–32.
[50] Akram Fouad Khater, *Inventing Home: Gender, Family, and the Middle Class in Modern Lebanon* (Berkeley: University of California Press, 2001), 48-70.
[51] Gutman, *The Politics of Armenian Migration to North America,* 40.

given that the prospect of communal violence was equally entrenched and politically undesirable for the autonomous Mutessarifat of Lebanon, as it was for the Armenian-majority provinces of the Ottoman East.

Both the Lebanese and Armenians held a degree of autonomy and extraterritorial supervision over them; however, the nature of their autonomous legal personality was different. The Mutessarifat of Lebanon was an autonomous region created under direct supervision of the Great Powers with the Règlement Organique, a series of international conventions signed between 1860-64 between the Ottoman Empire and European powers, as a result of the international humanitarian intervention during the civil strife between the Druze and Maronite inhabitants of the region. The provincial autonomy granted under international public law allowed for direct supervision over the affairs of Mount Lebanon, but the scope of supervisory powers was delimited by territory.

The nature of Armenian autonomy however was based on the community's status as *millet*, a nation who considered themselves a constitutional entity under the rule of the Ottoman government *and* the protection of international law. The Armenian constitutional regime and Armenian participation within 'provincial councils, the Council of the State, and etc' had given the Armenian elites a political expertise that could threaten to turn on the Empire.[52] Moreover, this amorphous fiction of a protected nation could and did challenge the Ottoman status quo, not only within the Ottoman East, but anywhere where an Armenian subject may dispute Ottoman jurisdiction. The peoples of Mount Lebanon, smaller in size and scope, did not pose the same threat to the juridical and territorial contiguity of the Ottoman Empire. The relative size of the two populations, the scale of territories in question, and more importantly, the political integration of Armenians within the Ottoman governing structures were likely causes of varying levels of threat perception.

Armenian migrations also threatened to tip the balance of power politics at the national level. Should the Armenians acquire US citizenship and/or return to acquire land and property in the Ottoman East, the situation would have become even more combustible. The 1888 law

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[52] Altıntaş, 'Crisis and (Dis)Order: Armenian Revolutionaries and the Hamidian Regime in the Ottoman Empire, 1887-1896' (Ph.D., Ann Arbor, United States, 2018), 10.

effectively aimed to deter not just Armenian migrations, but capital accumulation at the hands of Armenian returnees in Asia Minor, most of whom had left as peasants, hoping to come back as landowners. From 1896, the government made sure they would no longer be able to return, regardless of whether they had acquired foreign protection and nationality. Nor, henceforth, would they be able to acquire property in their homeland and unsettle the ethnic and class composition of frontier provinces.

The extraterritoriality of law in the 19th century 'age of Questions' was a decisive factor for the legal architecture of minoritisation. Marginalisation of religious communities within the empire's political and economic structures laid the bases for the racialisation of religious identity.[53] The extraordinary and discriminatory measures taken against Armenians were a direct response to wrestle from under extraterritorial jurisdiction the 'Ottoman East' and to bring the region 'under the Ottoman fold and to keep it there by almost any means necessary.'[54] The vast scope of the six Armenian provinces that was put under international scrutiny, and the fact that the Ottoman East was the least well known, barely governed parts of the Ottoman Empire, created the incentive structure for the discriminatory legislation targeting provincial Armenians.[55]

4.2.3. Corrupting the Nation

In this section, I detail the anti-Armenian legislation between 1888-1902. I examine the contractual exclusion of Armenians from the Ottoman nation and argue that the political theology of the 'universal enemy' is a racial aspect of modern contractarianism.[56] The history of political theory and of jurisprudence is replete with references to the universal enemy: from the Roman precedent of *hostis humani generis* – the enemy of all nations – to the political theology of *fasād fi'l-arż* –

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[53] Jean-Michel Johnston and Oded Y. Steinberg, 'Armenians, Jews, and Humanitarianism in the 'Age of Questions', 1830–1900', *The Historical Journal*, 6 September 2022, 1–29. Meer also provides an excellent comparative framework for the racialisation of religion: Nasar Meer, 'Racialization and Religion: Race, Culture and Difference in the Study of Antisemitism and Islamophobia', *Ethnic and Racial Studies* 36, no. 3 (1 March 2013): 385–98.
[54] Janet Klein, *The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone* (Stanford University Press, 2011), 4.
[55] Sipahi, Derderian, and Cora, 'Introduction'.
[56] Indeed, there are many such characters like the universal enemy which feature in any given social contract. See Mills, *The Racial Contract*, 78-79.

corruption of the land – to Günther Jakobs' controversial theory of *Fiendstrafrecht* – the criminal law of the enemy. Roman, Islamic, and German jurisprudence all hold space for legal casuistry of exceptional circumstances within which the citizen is rendered an enemy subject, withholding the dignity offered by the international laws of war, or the protections ensured by municipal criminal law. I argue that late Ottoman contractual society was constructed based on the enemy within, whereby the relations between Ottomans – Muslims and Armenians – were racialised to the exclusion, expropriation, and expatriation of the latter.

The racialisation of Ottoman Armenians proceeded through their designation as the corrupters of the Empire. The international mobility and juridical promiscuity of the Armenian emigrants were considered a prime conduit of corruption, one that would sow the seeds of sedition in the minds of the nation and tear apart the juridical contiguity of the Empire. Thus, the gradual racialisation of the Armenian as the enemy can be traced through the substantive law of discriminatory legislation governing Armenian migrations. In this section I lay out the discriminatory laws against Ottoman Armenians between 1888-1908. I elucidate the spectre of the *mufsid*, of the corrupted, as a legal argument deployed by Ottoman legislation to render the Armenian emigres and returnees stateless.

The substantive basis for the discriminatory legislation against Armenians has its roots in the religious dictum of *fasād fi'l-arż*, of corruption of the land of Islam, derived from the Quranic *ḥiraba* verse designating the enemies of God.[57] The designation of the act of *fesād*, often justified by the legal casuistry of exceptional circumstances – *żarūret* – served to criminalise political dissent within select schools of Islamic jurisprudence in Central and West Asia, before the concept was adopted by the statist and dynastic jurisprudence of the Memluk *siyasa* and Ottoman *ḳānūn* traditions.[58] The dictum on corruption and the designation of the *corrupter* as a political subject

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[57] Khaled Abou Omar al-Fadl, *Rebellion and Violence in Islamic Law*, 1st publ. 2001 (Cambridge: Cambridge University Press, 2006), 47-48.

[58] For an excellent genealogy of the concept of fesād, see: Yavuz Aykan, 'A Legal Concept in Motion: The 'Spreader of Corruption' (Sā'ī bi'l-fesād) from Qarakhanid to Ottoman Jurisprudence', *Islamic Law and Society* 26, no. 3 (10 September 2018): 252–71. Guy Burak provides an excellent comparative history of the two jurisprudential traditions in the moment of their transition to one another after the conquest of the Memluks by the Ottoman State. The paradigmatic shift between the two traditions, even as they serve as the building ground for statist jurisprudence, was that each conceived the source of the law to be different. Memluk *siyasa*, while having an autonomous culture and purpose, was still derived from sharī'a and had no dynastic basis on which it claimed legitimacy, while dynasty was the

(*sā'ī bi'l-fasād*), was used to police the boundaries of Sunni Islam and the Ottoman Muslims of the early modern period, playing a key role in the Sunnitisation of this ruling peoples of the Ottoman Empire.[59]

In the political culture of early modern Ottoman Empire, fesād was the culprit for the perceived decline of the Ottoman Empire.[60] In the first half of the 19th century, specifically after the promulgation of the Reform Edict, the use of fesād as a political dictum resurfaced now and then within the *ḳānūn* tradition, occasionally to persecute corrupt public officers, often to suppress banditry, and almost always in designation of public disorder. Starting from 1880s, however, a majority of Hamidian decrees which persecuted fesād pertained to Armenian political organisations and community leaders in the Ottoman East, followed by secessionist parties in Ottoman Balkans, and occasionally and much more colloquially, sectarian violence in Ottoman Syria and Lebanon.[61] Corruption as a concept unequivocally acquired a political gravitas designating everything from sedition to secession, sectarianism, and dissent.

The first and most notable piece of discriminatory legislation concerning transhemispheric Armenian migrations was promulgated on 30 March 1888, within the context rising dissent among the Armenian intelligentsia, the educational and upward mobility of the Armenian middle classes, and the formation of Armenian unionist parties, notably the Hunchakians, in exile. The decree began as a response to the Ministry of the Police's request that a new regulation as to what to do with 35 Armenian peasants from Harput who, absent passports and permits, had arrived in the

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chief source of legitimacy within the Ottoman *ḳānūn* tradition. Guy Burak, 'Between The Ḳānūn Of Qāytbāy And Ottoman Yasaq: A Note on The Ottomans' Dynastic Law', *Journal of Islamic Studies* 26, no. 1 (2015): 1–23.

[59] Sunnitisation of the Ottoman Muslims is a vibrant field of research in early modern history, which grapples with questions of power and confessional difference, religion and world-making, and the policing of communal boundaries: Grigor Boykov, 'Abdāl-Affiliated Convents and 'Sunnitizing' Halveti Dervishes in Sixteenth-Century Ottoman Rumeli', in *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*, ed. Tijana Krstić and Derin Terzioğlu (Brill, 2021), 308–40; Tijana Krstić, 'Historicizing the Study of Sunni Islam in the Ottoman Empire, c. 1450–c. 1750', in *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*, ed. Tijana Krstić and Derin Terzioğlu (Brill, 2021), 1–28; Helen Pfeifer, 'A New Hadith Culture?: Arab Scholars and Ottoman Sunnitization in the Sixteenth Century', in *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*, ed. Tijana Krstić and Derin Terzioğlu (Brill, 2021), 31–61; Derin Terzioğlu, 'How to Conceptualize Ottoman Sunnitization', *Turcica*, no. 0 (2013): 301–38; Nir Shafir, 'How to Read Heresy in the Ottoman World', in *Historicizing Sunni Islam in the Ottoman Empire, c. 1450-c. 1750*, ed. Tijana Krstić and Derin Terzioğlu (Brill, 2021), 196–231.

[60] Marinos Sariyannis, *A History of Ottoman Political Thought up to the Early Nineteenth Century*, *A History of Ottoman Political Thought up to the Early Nineteenth Century* (Brill, 2018), 394.

[61] Yılmaz, *II. Abdülhamid Döneminde Güvenlik Politikaları,* 140-141.

port of Istanbul to go work in the factories of America.[62] The decree begins by delineating between Armenians merchants and workers. Whereas the former can't be prohibited from departing the Empire, some of those 'Armenians and workers and etc who seek to go to America or other lands which espouse complete and utter freedom' or 'even those who leave for educational purposes' were 'known to cohort with seditious committees who, under the guise of freedom of thought, seek to corrupt them.' The spectre of the *mufsid*, of the corrupted, *working-class* man, is invoked for when the Armenians return to their homeland, it was 'certain that they would work to spread this poison among the minds [of their compatriots.]' It was thus decreed that Armenians who 'seek to emigrate to America and the like, under the guise of workers but with the intention to serve such noxious designs, are not to be granted passports, and that they be conclusively barred from departing the Empire.'

Political dissent was persecuted within the governmental correspondence using the dictum on corruption. The invocation of *fesād* was followed by the description of Armenian political actors in governmental correspondence through the very act of corruption, often by nomenclature derived from fesād; *mufsid* - the corrupted, *erbāb-i mufsedat* - the people of corruption, *fesādgirāne* - corruption-seeker, *fesādan* - the corruptors, etc... The rhetoric invoked a contagion, speaking of the ills that afflict the minds and souls of Ottoman subjects, of a plague upon the land. It is worthy of note that the rhetoric of fesād registers a shift of objectives, from preventing the corruption of the land (*arż*), to that of the minds (*eẕhān*). This was a subtle shift analogous to the medicalisation of the body politic.

The introduction and circulation of medical analogies in discussing the 'health' and 'wellbeing' of the nation is a common, discursive feature of modernisation and reform. This has often been attributed to the rise and influence of eugenics and social Darwinism in the nineteenth century.[63] A 1911 article by a notable lawyer, Ömer Lütfi, exemplifies this point with the

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[62] 'BOA.I.DH 1075/84332, Yıldız Palace, Office of the Chief Scribe, 30 March 1888.

[63] On eugenics and racial nationalism in Ottoman and post-Ottoman lands, see: Elise K. Burton, *Genetic Crossroads: The Middle East and the Science of Human Heredity* (Stanford, California: Stanford University Press, 2021); Murat Ergin, *'Is the Turk a White Man'? Race and Modernity in the Making of Turkish Identity*, Studies in Critical Social Sciences (Chicago, IL: Haymarket Books, 2018); Murat Ergin, 'Racial Otherness, Citizenship, and Belonging: Experiences of 'Not Looking like a Turk'', *Ethnic and Racial Studies* 44, no. 12 (26 September 2021): 2234–54; Nazan Maksudyan, *Türklüğü Ölçmek: Bilimkurgusal Antropoloji ve Türk Milliyetçiliğinin Irkçı Çehresi, 1925-1939*, (Beyoğlu, İstanbul: Metis, 2005); Marius Turda and Paul Weindling, *Blood and Homeland': Eugenics and Racial*

concurrent medicalisation of the body politic and the political action of *fesād* as a *social* disease, one which manifests like individual liberties but is nothing but a 'surgical illness' that requires a surgical intervention.[64] The article was a translation of an excerpt from a book written by the Islamic scholar, Muhammed Farid Wajdi, which substituted *fesād* for the original term for dissent, *fitnah*.[65] This religious and secular persecution of political dissent as a *medical* problem was as dangerous as it was curious. The rhetorical medicalisation of sedition and corruption as a social disease merits further inquiry as the term was becoming increasingly charged with political gravitas and racist animus.[66]

Whereas the 1888 decree tried to salvage the minds and souls of Armenian subjects from the influence of secessionist designs, the selective criminalisation of Armenian migrations only served to push both migrants and insurgents further into the fugitive underground.[67] An illicit world of smugglers and stevedores, corrupt officers, and document forgers, paved the routes through which the political dissidents and fugitive workers rubbed shoulders, shared information, and traded favours. The routes of exile shaped the nationalist imagination under the Hamidian autocracy, not only for the Armenian emigres but also for the Syrian and Lebanese intelligentsia.

This 1888 Armenian emigration ban remained in place for two decades until the Young Turk Revolution of 1908. However, the decree failed to stem the tide of workers and aspiring middle classes from Harput, and indeed, the broader Ottoman East, from leaving the well protected domains. Gutman's monograph on Armenian Migrations from Harput lays out clearly the aspirational causes for transhemispheric migrations, drawing a further comparison with the

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Nationalism in Central and Southeast Europe, 1900-1940 (Herndon, United States: Central European University Press, 2006).

[64] Muhammed Ferid Wajdi, 'Untitled', trans. Ömer Lütfi, *Ṣirāṭ-i Mustaḳim*, 7 July 1911.

[65] Muhammed Ferid Wajdi, *Al-Islām fi 'aṣr al-'alem* (Beirūt, Lubnan: Cemi' al-ḥuḳūḳ-i maḥfūẓāt).

[66] Dadrian further points out the key involvement of medical officers and personnel in framing and organising the Armenian genocide: Vahakn N. Dadrian, 'The Role of Turkish Physicians in the World War I Genocide of Ottoman Armenians', *Holocaust and Genocide Studies* 1, no. 2 (1986): 169–92. Further inquiry on the introduction of social Darwinism and eugenics into the Turkish medical establishment and medical curricula is needed as to how the racial epistemology of medicine and law interacted during the foundational moments of Ottomanism and Turkish nationalism.

[67] Houri Berberian, *Roving Revolutionaries: Armenians and the Connected Revolutions in the Russian, Iranian, and Ottoman Worlds* (University of California Press, 2019); David Gutman, 'Travel Documents, Mobility Control, and the Ottoman State'.

Lebanese emigrants from the Mutessarifat of Lebanon.[68] Altıntaş further debunks the notion of sedition as being nothing more than a spectre, a self-fulfilling prophecy which realised itself in the wake of Hamidian Massacres, with a new generation of Armenians radicalised by a decade of conflict, and two years of violence.[69]

The Hamidian Massacres were a watershed moment in the history of Hamidian Autocracy. In the Kurdish dominated areas of the Six Provinces, Armenian peasantry served the Kurdish chieftains as serfs, from whom nomadic tribesmen would claim an *hafir* tax as the price for their protection.[70] The arrival of the modern, centralising state had as an aim to crack down on this system of double taxation, which was seen as an encroachment upon the historical rights of Kurdish tribesmen.[71] The condition of the Armenian peasantry under the Ottoman State and the Kurdish chieftains deteriorated into communal conflict in the turbulent years of Russo-Ottoman War (1877-78). The Ottoman Armenian National Assembly would take the initiative to resort to the Great Powers during the Berlin Conference of 1878, much to the dismay of the Hamidian government, and push for international supervision over the provincial reforms in the Armenian majority provinces. The reforms demanded by the Great Powers and the rights accorded to the Armenian community as a result were considered by the Kurdish chieftains, unwilling to cede what they considered to be their historical prerogatives over the Armenian peasantry, as privileges (*imtiyazat*) rather than rights.[72]

In the early 1890s, further seeds of discontent were sown among the Kurdish tribesmen, and between the Sunni Kurds and non-Sunnite inhabitants of the Ottoman East with the

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[68] Gutman, *The Politics of Armenian Migration to North America,*33-34.
[69] Altıntaş, 'Crisis and (Dis)Order', 9-10.
[70] For this little-known practice of *hafir* tax, and the politics of Ottoman tax reform and double taxation, see: Yaşar Tolga Cora, 'Osmanli Taşrasındaki Ermeniler Üzerine Olan Tarihyazımında Sınıf Analizinin Eksikliği', *Praksis*, no. 39 (2015): 23–44; Mehmet Polatel, 'The Complete Ruin of a District: The Sasun Massacre of 1894', in *The Ottoman East in the Nineteenth Century: Societies, Identities and Politics*, ed. Ali Sipahi, Dzovinar Derderian, and Yaşar Tolga Cora (Bloomsbury Publishing, 2016).
[71] On the politics of taxation in the Armenian provinces and the injustices of the tax farming system, see: Nadir Özbek, 'The Politics of Taxation and the 'Armenian Question' during the Late Ottoman Empire, 1876–1908', *Comparative Studies in Society and History* 54, no. 04 (October 2012): 770–97.
[72] Gutman, *The Politics of Armenian Migration to North America*, 35; Sedat Ulugana, *Kürt-Ermeni coğrafyasının sosyopolitik dönüşümü (1908-1914): Halidîler, Hamidiyeliler, Bedirhaniler ve Taşnaklar*, İletişim Yayınları Araştırma - inceleme dizisi, 3178 531 (İstanbul: İletişim Yayınları, 2022), 113-114. On the financial mechanisms for the dispossession of Armenian peasantry and the push factors for Armenian migrations, see: Ibid., 184-188.

conscription and armament of smaller Kurdish tribes into irregular militia serving directly under the command of the generals of 4th and 5th Army and exempt from the jurisdiction of local governments. The diverse and indigenous communities of the Ottoman East, including non-Sunnite Kurdish tribes were governed through the *tribalisaton* of the smaller Kurdish militias unified under a government sanctioned organisation.[73] Jealousies and resentments mounted between state-sponsored militias and more established Kurdish tribes, as the coercive powers of the Hamidian cavalries proved key in large-scale land grabs in the region.[74] The chief victims of escalating tensions and dispossession, however, would be the Armenian peasantry.

The Armenian uprisings which began against Kurdish chieftains in the mountains of Sasun would escalate into a counterinsurgency war by the Ottoman Empire in the summer of 1894. The result was swift and predictable, for the two sides were simply unmatched with regards to arm power. The commanding officer Field Marshal Zeki Pasha, who would declare the Sasun uprising over within two months, decisively assured the palace that the campaign had been conducted and the civilian Armenian population - which solely comprised 'the women, children and the disabled' - were treated with due diligence and utmost care, and 'in accordance with Islam and Humanity.'[75] All the able-bodied men, however, were implicitly treated and persecuted as combatants or, as 'a band of corruptors (*erbāb-i mufsedat)* who refused for eighteen years to pay the state their taxes.'[76] The policy of asymmetric and imperial warfare conducted within the Ottoman East thus places the Hamidian massacres in the modern tradition of humanitarian warfare, justified by the 'invocation of law and legality', with 'regulatory and ethical compliance' and finally, the 'humanitarian intent' of the protection and security of the civilian populace.[77]

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[73] On the politics of tribalism and the role that the central state played in the tribalisation of Kurdish society during the Hamidian regime, see: Ibid., 90-123.
[74] Stephen Duguid, 'The Politics of Unity: Hamidian Policy in Eastern Anatolia', *Middle Eastern Studies* 9, no. 2 (1973): 139–55; Janet Klein, *The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone* (Stanford University Press, 2011), 134-136.
[75] *'...Ḥarekāt -i 'askeriyye esnā'sında rehā -i 'aliyyeye mubāḥi bir ḥāl ve ḥareket vuḳū' bulmayib insāniyyet ve İslāmiyyetin i'cāb itdirdigi vech ile 'askeriyyeye iltiḥāḳ ve iltica' eden nisvān ve ṣubyān ve 'acize ṣüret-i mukemmelede irāḥe ve i'āşe idilmis...'* BOA, Y. EE. 157/26, p1, line 50-51, Zeki Pasha to the Yildiz Palace, 16 September 1894.
[76] Ibid., Line 57: *'On sekiz seneden beri devlete vergi virmeyen işbu ermeni erbāb-i mufsedatının...'*
[77] Laleh Khalili, Time in the Shadows: Confinement in Counterinsurgencies (Stanford, California: Stanford University Press, 2013), 4. For a decisive account of the Sasun massacres and asymmetric warfare, see: Altıntaş, 'Crisis and (Dis)Order', 224-292.

Contrary to Zeki Pasha's opinion that the Armenian uprisings were over in the summer of 1894, the Armenian pogroms and resistance to it would endure and spread on and off for two years. Those who could run ran for the ports, trying to build a new life in the safe havens of Alexandria, Marseille, and elsewhere.[78] Those who wanted to fight fought until the very end as the violence would pave its way into the imperial capital. Hamidian Massacres were further brought into the international limelight with a 'propaganda by deed,' organised by a more recently founded and anarchic Armenian party, Dashnaktsutyun. On 26 August 1896, twenty-eight members of the Dashnaktsutyun party, both men and women, armed themselves with pistols and grenades and occupied the Ottoman Imperial Bank at Galata, Istanbul, for over 14 hours.[79] As the occupiers were reluctantly granted asylum and carried off on a French ship toward Marseille, the capital police had already began tearing through the cosmopolitan Pera district searching for anyone and everyone who may have helped, enabled, and abetted the occupation, from Armenian shopkeepers, to the workers and stevedores of Galata, to the coffee houses, restaurants, and brothels littering the margins of this financial heart of the Empire.[80]

The second, more thorough piece of legislation targeting Armenian emigrations came at the tail end of the Hamidian Massacres, and in the aftermath of the occupation of the Ottoman Imperial Bank, in October 1896. The imperial edict was published in the capital's journals, and translated into English by the Levant Herald, with a copy sent to the British and American consulates:

> Since the foundation of the Ottoman Empire...the Imperial Government has never ceased pursuing a just line of conduct, the object being to safeguard the lives, property, and honor of its loyal subjects. The Imperial Government is in a position, under the

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[78] 'Al-Armen fi-l-Iskenderiyye', *Thamarāt Al-Funūn*, 28 September 1896.

[79] Edhem Eldem, '26 Ağustos 1899 'Banka Vakası' ve 1896 'Ermeni Olayları,'' Tarih ve Toplum Yeni Yaklaşımlar, no. 5 (Spring 2007): 113–46. For a contemporaneous view of the events of 1896 from a pro-State, conservative, Beiruti perspective, see: 'Al-Sharr Bi-l-Sharr wā-l-Bādī Aẓlam', *Thamarāt Al-Funūn*, 28 September 1896. The author of this anonymous article curiously tries to reclaim humanitarianism on behalf of the Ottoman government, as it declares the humanitarian asylum and protection granted to Armenian occupiers to be a violation of humanity.

[80] During the Hamidian regime, sex work was institutionalised under state-regulated brothels. Despite police surveillance on brothel owners and sex workers, clandestine brothels, hostels, and *maisons de passe* where non-Muslim and foreign women worked their trade - and where the capitulatory inviolability of domicile rendered them beyond the remit of Ottoman authorities - became a mythological feature of nationalist and radical organising. Regardless of whether this was true, sex workers bore the brunt of this political paranoia: Burcu Belli, *Osmanli'da Fuhuş: II. Abdülhamid Dönemi'nde Kayıtlı Fuhuş Devlet ve Modernlik (1876-1909)* (İstanbul: Tarih Vakfı Yurt Yayınları, 2021), 192-193.

> protecting sceptre of His Imperial Majesty the Sultan, to prevent all cause of anxiety or fear, which might induce further emigration. Thus, all who desire to leave the country must sign a document and...have a solvable guarantee, confirmed by the patriarchate, that they will not return to Turkey. This declaration must be accompanied by the likeness of the emigrant, and it will only be after fulfilling such formalities that emigration will be authorized. The passports delivered to these emigrants will state that such persons will not be allowed to set foot again on Ottoman territory.[81]

'Fortifying the well-protected domains' required a two-pronged approach: to prevent emigration and criminalise return migration.[82] After the Imperial decree of 1896, the security apparatus of the State and provincial governments demanded, then collated, the photographic and familial information of all Armenian emigrants. Their Ottoman passports were open-exit, closed-entry.[83] The pioneering work of Hazal Özdemir on this denaturalisation photography details how this first visual database for securitising migration in the Eastern Mediterranean was collated and distributed around the twelve main Ottoman ports.[84] The post-1896 migration regime, with a novel legal and technological scope, served to profile Armenian emigrants to ensure that they never came back. By the logic of the state, the only ones who would come back, would come back to poison the minds of their compatriots.

Terk-i Ṭabi'iyyet, or the abdication of nationality, was a legally sanctioned policy of denaturalisation that was forcibly and selectively applied to Armenian emigrants from 1896 on to regularise their status as stateless subjects. Once Armenians left the jurisdiction of Ottoman lands, they effectively abandoned their nationality, and all the privileges and obligations that came with it. The due process of denaturalisation was legislated by the nationality codes of 1869, to be implemented on the *prerogative* of the Sublime Porte for Ottoman subjects who wished to change their nationality. However, the edict significantly departs from the positive aspects of the

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[81] Document 896 in *Papers Relating to The Foreign Relations of The United States, With the Annual Message of The President Transmitted to Congress December 7, 1896, And the Annual Report of The Secretary of State,* (Washington: Government Printing Office, 1897).
[82] David Gutman, *The Politics of Armenian Migration to North America,* 93-95.
[83] İlkay Yılmaz, 'Governing the Armenian Question through Passports in the Late Ottoman Empire (1876–1908)', *Journal of Historical Sociology* 32, no. 4 (2019): 388–403.
[84] Hazal Özdemir, 'Osmanlı Ermenilerinin Göçünün Fotoğrafını Çekmek: Terk-i Tâbiiyet ve Pasaport Politikaları', *Toplumsal Tarih*, April 2019, 82–90. See also: Zeynep Devrim Gürsel, 'Looking Together as Method', *Visual Anthropology Review* Vol 0, Issue 0 (2023).

legislation and takes on a discriminatory and exclusionary character with the selective denaturalisation and expulsion of Armenian emigres from the Empire.



Figure 24: An example of denaturalisation photography. The Koralyan family, Amasya [1905](Source: BOA. HR. TH. 330/41, p.5.)

Moreover, the selective use of Articles 5 and 6 of Ottoman Nationality Code to render the Armenian emigres and returnees stateless, regardless of their wants and expectations, is a glaring departure from the general Ottoman immigration and nationality policy. As Elif Akçasu notes, statelessness was a legal aberration in the context of Hamidian immigration state, for the Immigration and Nationality codes successively legislated the greatest possible scope for the naturalisation and 'Ottomanisation' of alien subjects living in the Empire.[85] The application of the principles of both *jus sanguinis* and *jus soli*, the law of blood and the law of land, served to mitigate

[85] A. Ebru Akçasu, 'Migrants to Citizens: An Evaluation of the Expansionist Features of Hamidian Ottomanism, 1876–1909', *Die Welt des Islams* 56, no. 3–4 (28 November 2016): 388–414.

the juridical problem of statelessness, and ensured the widest possible scope for Ottoman jurisdiction over persons on Ottoman territories. Articles 5 and 9 specifically imposed Ottoman jurisdiction in a blanket fashion for the Ottomans who lack permission from the Porte to acquire foreign citizenship, and the foreigners who could not prove they are not Ottoman subjects, respectively. The wilful denaturalisation and expulsion of Armenians was in deviation from the general state policy - a fact that adds to the discriminatory tenets and racist applications of the 1896 Edict. Moreover:

> A delay of a month and a half, and in cases of plausible hindrance, two months' delay, commencing from to-day, will be granted to those who have gone abroad without authorization from the Imperial Government, to return to their homes. In the event of their design to stay where they are, they must make a declaration to this effect in the Turkish embassies or legations abroad. Emigrants of this category will, nevertheless, lose their nationality as Ottoman subjects, unless they return to Turkey within the above-named period.

The provision that Armenians had only two months to return was received with dismay by the British and US authorities, for it would be near impossible to circulate the news across the Armenian diaspora within the period allocated, even without accounting the journey home. For Armenians, and Armenians only, transhemispheric migration was rendered a one-way street. The Armenians who took the legal route out were free to leave but abrogated their right to return. Those who *wanted* to return would then need to leave illegally and without notice. The anonymous fugitives who chose to leave clandestinely were to live a stateless life of indefinite duration.

The final clause of the decree adds a further measure to claim universal jurisdiction over Armenian returnees, even if they had acquired foreign citizenship in their time outside the Ottoman Empire. The clause has much in common with contemporary legislation on terrorism and takes part in the long history of claiming universal jurisdiction against the public enemy, or *hostis humani generis*.[86] The refusal to recognise the foreign nationality of Armenians itself spoke of an extraordinary imposition of territorial jurisdiction upon every Armenian who illegally

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[86] On the Roman history of the public enemy, see: Benjamin Kelly, 'Repression, Resistence and Rebellion', in *The Oxford Handbook of Roman Law and Society*, ed. Paul J. du Plessis, Clifford Ando, and Kaius Tuori, Oxford Handbooks (Oxford, United Kingdom: Oxford University Press, 2016), 374–85.

stepped foot on Ottoman soil. It effectively legislated for an undisputed jurisdiction over Armenian fugitives on Ottoman territory, who would lack even the basic rights accorded to alien subjects should they be caught. The clause paved apart a new jurisdictional space, of a penal nature, which the fugitive Armenians would inhabit without the rights accorded to the Ottoman subjects (for their Ottoman nationality had been automatically discarded), nor the customary rights accorded to foreign nationals and enemy combatants. They would be subjected to, but no longer be subjects of, Ottoman sovereignty. Statelessness was realised as a penal - and not yet carceral - condition of exile.[87]

The exceptional circumstances of this penal jurisdiction, and the subjects thereof, evoke what the contemporary theorist of German jurisprudence, Günther Jacobs, calls the *Feindstrafrecht*, the criminal law of the enemy, as a jurisdictional space distinct from that of the *Bürgerstrafrecht*, the criminal law of the citizen.[88] A conservative theorist of criminal jurisprudence, Jacobs takes his inspiration from Carl Schmitt and his work on the state of exception, to further build on the juridical, rather than theological, aspects of this state of exception. In a similar fashion the anti-Armenian legislation considered above shows how, as Darryl Li has argued, that such states of exception are *saturated* by law, rather than defined by its absence.[89]

The substantive use of *fesād* as an argument for the juridical and physical exclusion of Armenians from the body politick operates on a similar register as that of the public enemy against whom 'society must be defended.'[90] While Jacobs insists on the political necessity of a criminal law of the enemy with regards to current legislation on terrorism, my point in invoking his work is to argue that this 'enemy', be it that we call him a corrupter or a terrorist, is an aspect of the actually-

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[87] Patrick Hayden, 'From Exclusion to Containment: Arendt, Sovereign Power, and Statelessness', *Societies Without Borders* 3, no. 2 (1 June 2008): 248–69. See Siegelberg for the most recent and definitive history of 20th century statelessness. Mira L. Siegelberg, *Statelessness: A Modern History* (Harvard University Press, 2020).
[88] Günther Jakobs, 'On the Theory of Enemy Criminal Law', in *Foundational Texts in Modern Criminal Law*, ed. Markus D. Dubber (Oxford, New York: Oxford University Press, 2014).
[89] Darryl Li, *The Universal Enemy: Jihad, Empire, and the Challenge of Solidarity*, Stanford Studies in Middle Eastern and Islamic Societies and Cultures (Stanford, California: Stanford University Press, 2020), 193. Li is effectively arguing against Giorgio Agamben, *Sovereign Power and Bare Life*, Homo Sacer (Stanford, California: Stanford University Press, 1998).
[90] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76* (Penguin Classics, 2020).

existing' racial contract.[91] Fiendstrafrecht is not a political necessity but is the legal architecture of genocide.

The final piece of anti-Armenian legislation, the 1902 Regulations on Immigration Law bears no substantive reference to neither *fesād* nor Armenians. The legislation adds a few novelties to the existing Immigration code to securitise the due process for immigration and expand the territorial scope of the Immigration Law and from where the prospective settlers would be welcomed. However, the actual events and negotiations which precipitated the 1902 Regulations begin and end with the spectre of *Armenian* converts, bearing 'false names and strangers' likeness', arrive in the Ottoman Empire to claim refuge and land from the Sublime Porte as Muslims.

The anti-Armenian legislation and 1902 Immigration Resolution was prepared to cut the migratory ties that bound the Ottoman East with two distinct legal entities and migratory regimes. While the Russian borders had been fortified piecemeal over the course of three decades, the United States was heretofore an imperial entity with whom the Ottoman Empire had signed no regulations to regularise the status of migrants in between. The additions and fixtures to the Nationality and Immigration codes were drafted by the Office of Legal Counsel, who would build their legal opinion on existing bilateral and international arrangements with Russia as well as the United States of America, two poles between which Armenian migrations were securitised and criminalised. Tsarist Russia and United States also served as two poles of a spectrum pertaining to 19th century migration governance based on exit and on entry, which made the synchronisation of nationality codes in between the two a particularly challenging feat, often negotiated on a case-by-case basis, always to the detriment of Armenian mobilities.

1902 Regulations and the negotiations that led to its final form reveal that the gradual attempts to sanction and criminalise Armenian emigration evolved in relation to the diplomatic overtures of the Hamidian state to invite and enfranchise the colonial subjects of rivalling Empires. The extended negotiations between the Grand Vizierate and the Office of Legal Counsel over Armenian migrations expounds this juridico-political context, elaborates the rationale for the maritime and territorial securitisation of Ottoman borders. The attempts to sanction and

[91] Mills, *The Racial Contract*, 19.

criminalise Armenian emigration evolved in relation to the diplomatic overtures of the Hamidian state to invite and enfranchise the colonial subjects of rivalling Empires. The contractual exclusions of the Ottoman immigration and nationality codes become clearer considering adjacent anti-Armenian legislation. The discriminatory legislation against Armenians was politically and legally entangled with the conditional inclusion of settlers in pursuit of an immigration state. The spectre of the *mufsid* thus contracted the juridical boundaries of an emerging, expanding Ottoman nation.

4.2.4. Conclusion

This chapter detailed the anti-Armenian legislation and contractual exclusion of Armenian out-migrants from the Ottoman body politic during the Hamidian period. The politics of extraterritorial jurisdiction and humanitarian intervention rendered Ottoman Armenians a suspect population, whose social and physical mobility was perceived as a threat to the Hamidian status quo. The legislations pertaining to Armenian emigrations racialised the members of this community as conduits of violence, dissent, and corruption of the body politic. I argue that these legislations created the legal infrastructure for the racial exclusion, expropriation, and eventually, extermination, of the Ottoman Armenians.

The Ottoman immigration policy delineated the boundaries of the Ottoman nation. The Muslim settler and the Armenian fugitive were the Janus face of the Ottoman immigration state, two aspects of the normative Ottoman citizen. The legislation pertaining to immigration and emigration display the contrast between those who were welcomed into the imperial contract and those permanently written out of it. Moreover, the denaturalisation of Ottoman Armenians provides a distinctly imperial genealogy of statelessness, which precedes the 20th century debates and policies pertaining to Russian emigres of the 1920s and the stateless Jews denaturalised by the Nazi Germany. Their narratives inform us about the jurisdictional lacunae where ordinary people found themselves in a state of abandonment as competing empires carved the world among

themselves in the late 19th century. This history of stateless Armenians thus contributes to the ongoing debates on the racial politics of imperial subjecthood and national citizenship.[92]

[92] Harsha Walia, 'Mapping the Global Far Right and the Crisis of Statelessness', in *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (Chicago: Haymarket Books, 2021).

V. Coda: Ordeal by Mercy

> 'He came, the humanitarian man,
> He came and loved, then he went.' [1]
> *Fady Joudah*

The Immigration Law of the Ottoman Empire assumed its final form on 13 May 1913, then under the autocracy of the triumvirate of CUP generals, to mitigate the wreckage of battles lost and lands ceded in the Balkans and Africa. Between 1911-13, the African province of Tripolitania was lost to the colonial Italian state, while the intellectual and historical capital of the Young Turk movement, Salonica, was lost to the Greeks. By the summer of 1913, a steady stream of nearly a million Ottoman refugees escaped from communal violence and massacres across the Balkans and found their way into Asia Minor. The chiefly Bulgarian Christians living on Ottoman territories, on the other hand, were exchanged (*mubādele*) with a newly independent Bulgaria on a bilateral basis, a practice that would set a precedent for the population exchanges after World War I.[2] The ethno-religious homogenisation of cross-border demographics in the Balkans, which had begun under the stipulations of the Berlin Treaty of 1878, was nearly consummated.[3]

A newly minted Directorate for the Settlement of Tribes and Immigrants (İAMM), a humanitarian and 'civilisational' organisation tasked with relocating the Ottoman refugees from the Balkans and the Caucasus, began its work in 1914.[4] The Directorate already had a blueprint for refugee management, one which drew lessons from the chaos of the Russo-Ottoman war of 1877-78, from processing unimaginable numbers of refugees into semi-orderly camps in the Asia Minor, to constructing permanent settlements of loyal, preferably Turkish, categorically Sunni subjects. The Hamidian regime had lacked the experience and expertise to engineer a demographic displacement; the CUP regime, which inherited their sovereign aspirations and penchant for autocracy from Abdülhamid II himself, lacked neither.

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[1] Fady Joudah, *The Earth in the Attic* (Yale University Press, 2008), 18.
[2] Fuat Dündar, *İttihat ve Terakki'nin Müslümanları Iskân Politikası, 1913-1918*, 1. baskı, Araştırma-Inceleme Dizisi 112 (Cağaloğlu, İstanbul: İletişim, 2001), 68-69.
[3] Ibid., 67.
[4] Ibid., 60-62.

Within two years of the promulgation of the new Immigration Law, the Syrian branch of the Directorate would be tasked with a terrible feat of unprecedented scale. On 27 May 1915, the Triumvirate government decreed the Deportation Law (*Tehcir Ḳānūnu*) in the government papers. This piece of nominally civil legislation gave extraordinary powers to the military commanders, first, by decreeing that it is the utmost duty of military officers and leaders that they extinguish all attempts on to endanger the state (Article 1), and second, by ordering the 'immediate evacuation and deportation of people who, according to the military intelligence, are suspected of spying and of treason (*ḫiyānet*)' (Article 2). The Deportation Law did not designate any nations or subjects as suspects. However, no one could be in any doubt as to its intended target. The Law had simply legislated the *fact* of Armenian deportations, which had begun a month earlier on April 24 with the detention and exile of 120 Armenian intellectuals and dissidents into the deserts of Syria, transforming it into a nation-level policy of exile and extermination.

The Armenian deportees were called muhajirs, as were the Balkan refugees, and were processed through the institutional edifice of Ottoman humanitarianism. The deportation and re-settlement of Armenians (*tehcir* and *iskān*) were initiated by a special section of the military, the *Teşkilat-i Mahsusa*, and organised under the institutional auspices of the Directorate. The Deportation Law of 1915 and the Administrative Code for the İAMM issued in 1916 allowed for an institutional transition between the Ministry of War and the Directorate, whereby the former initiated the deterritorialisation of the Armenian nation, from Cilicia to the Caucasus, to be deported and resettled in Syria under the administration of the latter. Other casualties of the Tehcir Law were other religious minorities such as Greek Orthodox, as well as Syriacs, Nestorians, and Chaldeans of the Asia Minor.[5] The second phase of deportations, the resettlement of Armenian muhajirs – or Armenian survivors of deportation – was conducted with German military consultation, using the logistical expertise of the Directorate and the force of the military to construct the temporary camps and eventual settlements. The humanitarian policies of refuge and settlement (*iltică'* and *iskān*) had provided the CUP war machine the carceral infrastructure

[5] Ibid., 64-65.

needed to 'handle deportations, camps, epidemics, and settling refugees in new environments.'[6] They knew exactly how to run the camps; they knew what it would take to make people live, or to make them die.[7]

This second phase of Armenian deportations, which entailed internment of civilians in camps before they were permanently resettled in Syria, has received relatively less attention from genocide scholars. Khatchig Mouradian recently provided us a consummate study of the internment camps and eventual settlements for Armenian survivors, in order to attend to this 'important moment of transition in the use of internment as a weapon of annihilation.'[8] Mouradian and Dündar both draw attention to the continuities between pre-existing Ottoman practices of encampment and resettlement, and the internment of Armenian civilians during the Great War.[9] Dündar further demonstrates that the resettlement of Balkan refugees and the Armenian deportations were not only ideologically, but institutionally intertwined.[10] I am building on the work of both Mouradian and Dündar who, I believe, are breaching a critique of Ottoman humanitarianism in particular, and carceral humanitarianism in general by recognising this infrastructural continuity.

The deportations were the expression of sole and undisputed Ottoman sovereignty over Armenians upon Ottoman territories. As such, the deportation policy had parallels with the jurisdictional politics of Armenian migrations as laid out in the previous chapter. The purpose of Armenian deportations conducted through temporary camps and permanent settlements – all built with deportee labour under exacting conditions – served to sever the ties that bound Armenians to their land and appropriate the wealth and property of deported Armenians.[11] The resettlement of Ottoman muhajirs in the evacuated Armenian settlements in Asia minor was an extension of Hamidian migration governance serving the sole purpose of extending jurisdiction

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[6] Khatchig Mouradian, *The Resistance Network: The Armenian Genocide and Humanitarianism in Ottoman Syria, 1915-1918*, Texts and Studies in Armenian History, Society, and Culture (East Lansing: Michigan State University Press, 2021), 61.
[7] Foucault, *Society Must Be Defended*.
[8] Ibid., 58.
[9] Ibid.
[10] Dündar, *Müslümanları Iskân Politikası, 1913-1918*, 62-66.
[11] Uğur Üngör and Mehmet Polatel, *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (A&C Black, 2011).

under its own contiguous borders. The CUP Triumvirate succeeded in achieving what the three decades of anti-Armenian legislation aspired to do. The administration of the Deportation Law decisively brought the Ottoman East under the imperial fold by expelling the Armenians. The transfer and the 'settlement' of Armenians in Greater Syria further served to contain a political contagion that the decades of anti-Armenian legislation and propaganda made people believe existed.

The racial mathematics of jurisdiction was at stake in the re/settlement of Muslim refugees on one hand, and the deportation of Armenians on the other. As the Muslim muhajirs from the Balkans and the Caucasus were being resettled in the evacuated farmlands in Asia Minor, the Armenian deportees were arranged into a series of concentration camps across Syria. From August 1915 onward, survivors of the death marches conducted by the military from the Ottoman East were assembled into the camps run by the sub-Directorate for Deportations operating under the Directorate of İAMM. The Aleppan sub-Directorate of Deportations, led by one infamous Şükri Bey, held one of the key transit areas, from where the Armenian muhajirs were sent towards the famine-ridden plains of Hauran to the West, and the vast and uninhabitable deserts of Deir al-Zor to the East.[12]

There were other concerns precipitating this demographic replacement, for the farmlands of Asia Minor evacuated by the military had started to wither as widespread famine set in across the war-torn Empire.[13] In the year 1916, the hope was that the resettled muhajirs could begin cultivating the Armenian farmlands left empty, and provide enough produce to serve the army, and *then* fend off for themselves. Cemal Pasha's 4th Army, who ordered and often oversaw the deportations, requisitioned the little food there remained in Greater Syria, while the local population was being decimated by a man- and war-made famine.[14]

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[12] Samuel Dolbee, 'The Desert at the End of Empire: An Environmental History of the Armenian Genocide*', *Past & Present* 247, no. 1 (1 May 2020): 197–233.
[13] Dündar, *Müslümanları Iskân Politikası, 1913-1918*, 233.
[14] The legacies of the Armenian genocide, together with the successive famines of 1915 have rightly coined the name of *ḥarb al-majā'ah*, the war of famine, to describe World War I in Greater Syria. Some estimates give that half the civilian population of Mount Lebanon was decimated by famine – catastrophe seems like an apt description: Elizabeth Thompson, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon* (Columbia University Press, 2000), 21. For more on the subject, see Zachary J. Foster, 'The 1915 Locust Attack in Syria and Palestine and Its Role in the Famine During the First World War', *Middle Eastern Studies* 51, no. 3 (4 May

The reconquest of the Ottoman East by the central state was decisively concluded under the auspices of the CUP war machine and the Directorate for Immigration and Settlement. Fuat Dündar details the institutional scope of the Directorate and the CUP enterprise of demographic engineering, for the sheer mastery they expressed over the lives and deaths of Ottoman subjects. He moreover details the wartime deportation of not only Armenians into Syria, but dissident Arabs *from* Syria who were sent across the Asia Minor to be settled in their stead, along with the refugees of Balkan and Caucasian provenance.[15] Even Quneitran Circassians, troublesome as they were, had been considered for deportation before the decision was vetoed.[16] The deportation of around 50,000 Syrian Arabs and their families into Asia Minor attest to how demographic dis- and re-placement had become a modus operandi of the Triumvirate government in how they dealt with dissent and difference.[17] The CUP demographic engineering to the ends of Turkification was a feat that comprised all the subjects of the Empire.[18]

A culmination of over three decades of anti-Armenian legislation, the Deportation Law had rendered the population of Ottoman Armenians a 'political problem,' whose solution required denying the historical rights of Armenians over their lands. The ends of Ottoman humanitarianism and internal colonisation coalesced with that of Armenian deportations, which was to claim full and indisputable sovereignty over the imperial provinces. Ottoman government reclaimed a singular authority over settlement and movement, detainment and deportation, life and death. As Mouradian puts it:

> The systematic nature of the Ottoman Armenian deportations, often executed with 'mathematical accuracy,' points to the fulfilment of a broader CUP plan of social and economic Turkification, beyond purported measures to ensure military security in border regions. In this context, camps that produced death, sexual slavery, and sometimes labor were subsumed as modern tools in the Ottoman tradition of [iskan]...[19]

2015): 370–94; Graham Auman Pitts, 'A Hungry Population Stops Thinking About Resistance: Class, Famine, and Lebanon's World War I Legacy.', *Journal of the Ottoman and Turkish Studies Association* 7, no. 2 (22 September 2020): 217–37; Melanie S. Tanielian, *The Charity of War: Famine, Humanitarian Aid, and World War I in the Middle East* (Stanford: Stanford University Press, 2017).

[15] For the order on the deportation of Syrian Arabs and the process of resettling them, see Dündar, *Müslümanları Iskân Politikası, 1913-1918*, 96-99.

[16] Ibid., 132.

[17] Eli'ezer Ṭa'uber, *The Arab Movements in World War I* (London ; Portland, Or: Frank Cass, 1993).

[18] Donald Bloxham, 'The Armenian Genocide of 1915-1916: Cumulative Radicalization and the Development of a Destruction Policy', *Past & Present*, no. 181 (2003): 141–91.

[19] Mouradian, *The Resistance Network*, 61.

There were countervailing forces working against the CUP machinery. Humanitarian resistance networks working for the survival of the Armenian deportees began to coalesce just in time for the second phase of the Armenian deportations as the deportees were constructing and settling within the transit camps. Mouradian details the humanitarian assistance organised by the foreign and Armenian actors in Aleppo before the existing camps were shut down to deport the ever-decreasing survivors towards their permanent settlements. The coalition of Armenian catholicos of Jerusalem, escaped deportees, foreign missionaries, and the sympathetic Ottoman notables operated a humanitarian resistance network, one which deserves the true credit for those who survived the camps. They also deserve the credit for archiving the deportations, despite outstanding orders by Cemal Pasha to bury all the visual evidence thereof: photographs, bodies, and bones.[20]

However, humanitarian narratives tend to skew toward denialism once the claims of compassionate intent are made on behalf of the architects of Armenian Deportations. In contrast to the rightly vilified figure of Talat Pasha, Cemal Pasha presents in foreign correspondence as a more ambiguous figure. He certainly played the part of a humanitarian, presenting himself as the reluctant executioner of Armenian deportations and the sole ally of Armenian or Arab notables within the Triumvirate during his tenure as the general of the 4th Army. Moreover, the official Turkish historiography and published archival compilations on the Armenian deportations are thoroughly invested in the humanitarianism of the CUP government.[21] They curate a stream of documents promising aid and provisions to the deportees, or orders to protect the deportees from bandits under the protection of the Ottoman Army. They point out the placement of Armenian orphans in the orphanages and with Muslim families – yet do not question *how* they were orphaned. They draw attention to the medical aid and provisions for Armenians dying of epidemics – yet only to the extent that the epidemics threatened the Ottoman population *in situ*.[22]

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[20] Ibid., 52; Raymond H. Kévorkian, 'Earth, Fire, Water: Or How to Make the Armenian Corpses Disappear', in *Destruction and Human Remains*, ed. Élisabeth Anstett and Jean-Marc Dreyfus, Disposal and Concealment in Genocide and Mass Violence (Manchester University Press, 2014), 89–116.
[21] Recep Karacakaya ed., *Osmanlı belgelerinde Ermenilerin sevk ve iskânı: 1878 - 1920* (Ankara: T.C. Başbakanlık Arşivleri Genel Müdürlüğü, 2007).
[22] Ibid., 94.

The most notable piece of historiographical curatorship on humanitarian aid and the protection of Armenian deportees was published in 2009, by Prof. Hikmet Özdemir, a prolific author and a notable name in the Turkish historical establishment.[23] Özdemir details in his book, from its dedication to the very conclusion, the acts of mercy and compassion displayed by the Ottoman military and intelligentsia, from Cemal Pasha's order to reclaim and rescue Armenian deportees from Hauran back to Damascus, to Halide Edip's work with Armenian orphans in Antoura in Lebanon.[24] He commends them for pioneering the humanitarian work in Greater Syria during wartime; for the support and aid they collected under their tenure, for the survival of the Armenian deportees who made it to the camps, as well as the survivors of famine and disease in Beirut and Mount Lebanon – half of whose population would not outlive this humane ordeal.[25]

In his book, Özdemir curates the intent and the attempts to provide aid, the occasional display of mercy, and the punishment of perpetrators among the Circassian and Kurdish irregulars or the Arab Bedouin. His aim is to redeem the entire enterprise of Armenian deportations, by delegating the responsibility of death from the Ottoman high command to the semi-official local militias. His rebuke of the genocide thesis, that the Ottoman high command actively intended to annihilate the Ottoman Armenians, is the possibility that they did so by accident. His proofs are a collection of carefully selected memoirs and a series of legal facts; the humanitarian orders of aid toward Armenian deportations.[26]

Reality itself was a powerful rebuke against the humanitarian pretensions of the Ottoman 4th Army, which quickly fell under the scrutiny not just of the Entente powers, with whom the Sublime Porte was at war, but even their closest allies, specifically German consular staff. The German diplomatic missions in the Ottoman Syria were mostly left in the dark with regards to the

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[23] Hikmet Özdemir, *Cemal Paşa ve Ermeni Göçmenler: 4. Ordu'nun Insani Yardımları*, 1. basım (Etiler, İstanbul: Remzi Kitabevi, 2009).
[24] Ibid., 112-115, 183-193. Levon Yotnakhparian provides an altogether different history of how the Armenian deportees were rescued from Hauran and delivered to Damascus. See Levon Yotnakhparian, *Crows of the Desert: The Memoirs of Levon Yotnakhparian*, ed. Levon Parian, trans. Victoria Parian (Parian Photographic Design, 2012). On Halide Edip's work with Armenian orphans from the perspective of the orphans themselves, see: Karnig Panian, *Goodbye, Antoura: A Memoir of the Armenian Genocide* (Stanford University Press, 2015); Selim Deringil, "Your Religion Is Worn and Outdated", *Études Arméniennes Contemporaines* 12 (1 February 2019): 33–65.
[25] Cemal Paşa, *Hatırat* (İstanbul: Arma Publishing, 1996), 319-320.
[26] Özdemir, *Cemal Paşa ve Ermeni Göçmenler*,119-143.

involvement of German military's high command in organising the Armenian deportations.[27] They were nevertheless aware that the finances and resources needed to keep the deportees alive simply did not exist. Three months into the Armenian deportations, the German consul for Aleppo, Rössler, remarks the ill intent, if not stupidity, of undertaking the uprooting and resettlement of an entire nation. Regarding deportees passing through Aleppo on their way to Hauran and Deir al-Zor, Rössler quips: 'I consider it to be impossible that the government is in a position to feed the mass of deportees, while at the same time they are cut off from any possibility of acquiring their keep themselves. Not only the townspeople are helpless in the country; everything is missing for the farmers as well, from shelter to farming tools, livestock, and seed corn.'[28] By September 1915, however, neither Rössler nor the entirety of German diplomatic missions was under any illusion as to the (in)humanity of deportations. Despite the pretensions of Talat Pasha that the provincial authorities would 'see to it that those who have been deported receive provisions during their transport,' Rössler admits that '(e)verything is being directed towards the destruction of the Armenian people.'[29]

[27] There is a resurging interest in the complicity of German high command and the German colonial enterprise in the organising of Armenian deportations. For more, Ingeborg Fleischhauer, *Der deutsche Anteil am osmanischen Völkermord 1915 - 1916* (Borsdorf: Ed. Winterwork, 2015); Rolf Hosfeld and Christin Pschichholz, *Das Deutsche Reich und der Völkermord an den Armeniern* (Wallstein Verlag, 2017). On the organisation of the Armenian deportations between the Berlin/Istanbul axis, see: Serdar Dinçer, *Alman belgelerinde Alman-Türk silah arkadaşlığı ve Ermeniler*, 1. baskı, Tarih dizisi 68 (Cağaloğlu, İstanbul: İletişim, 2011). For the same compilation of German correspondence on the Armenian deportations, see: Wolfgang Gust, *The Armenian Genocide: Evidence from the German Foreign Office Archives, 1915-1916* (Berghahn Books, 2014).
[28] Rössler to the German Consulate in Damascus, 17 August 1915, in Gust, *The Armenian Genocide*, 348.
[29] 1915-09-25-DE-001, Rössler, cited in Ibid., 74



Figure 25: Routes of Deportation: Taken from Hagop Arsenian and Raymond H. Kevorkian, Towards Golgotha: The Memoirs of Hagop Arsenian, a Genocide Survivor, trans. Arda Arsenian Ekmekji (Beirut: Haigazian University Press, 2011)

Mouradian details a powerful rebuttal of the humanitarian acts and pretences assumed by the edifice of deportations, from the officers of the 4th Army to the Directorate of İAMM. He demonstrates how there were veritable differences in how camps were run and how changes in the camp directors had a palpable impact on the scale of destruction. He nonetheless imparts that the material and class striations of the Armenian deportees overdetermined the occasional displays of mercy. Cemal Pasha did indeed save and aid the Armenians he personally knew – while he nonchalantly and 'philanthropically' left the less fortunate to their own devices to survive the camps.[30] Hüseyin Avni, a Circassian and the director of Meskene camp in the spring of 1916, similarly had a reputation for compassion. Avni, his wife, and his deputies are remembered in multiple witness accounts for being lenient toward the deportees. However, Mouradian shows how they acquired the aid and support of Hüseyin Avni, and for what price. He conducts a materialist critique of the affective economy of mercy within the camps, whereby class and

[30] Mouradian, *The Resistance Networks*, 51.

connections comprised the currency for 'preferential treatment' and 'better 'real estate''.[31] It is intuitive yet revealing how class and connections brokered what one needed to do and who one needed to be to merit compassion.

There is nevertheless a historical and historiographical investment in reclaiming the *humanity* of the CUP regime and curating a fragmented exposition of mercy and compassion toward Armenian deportees. The historical actors and their present interpreters reiterate the *raisons d'état* of liberal warfare, which naturalises the asymmetries of power between the deportees and the perpetrators, while assuring any observers of the legality and humanity of the deportations and the civilian internment thereafter. A historical observer, a German employee of an American oil company, Bernau, succinctly dismisses the legality of humanitarian reason, remarking that 'A massacre by order (....) would have been more humane.' However, he further quips, 'It would have been less Constitutional!!!'[32]

There is tension between the rhetoric of legality and the reality of Armenian deportations. Yet facts can rarely stand in for the truth of an event - if it did, then thousands of witness accounts left by Armenian survivors would speak for themselves. The perversion of genocide historiography, in the words of Marc Nichanian, is indexed to the question of the interiority, the *intent*, of perpetrators as opposed to the experiential, material reality of annihilation. [33] Bracketing this question of intent, I would like to reflect on how the carceral tenets of Ottoman humanitarianism rendered *Aghed*, the Armenian catastrophe, possible. In doing so, while heeding Nichanian's warning, I would moreover take time to critique the humanitarian reason according to which Armenian deportations could have been rendered a 'humane' act.

Didier Fassin argues that mercy and compassion are the affective tenets of humanitarian reason. Mercy was also an exercise of power, capable of deciding upon the life or death of Armenian peoples, one soul at a time. The supposed humanitarianism of Cemal Pasha, and the many 'compassionate' statesmen, officials, envoys evidence the very problem at the heart of carceral humanitarianism. The sheer asymmetry between the subject and object of mercy is the structural

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[31] Ibid., 99.
[32] Gust, *The Armenian Genocide*, 652
[33] Marc Nichanian, *The Historiographic Perversion* (Columbia University Press, 2009), 9-10.

condition on which life is rendered precarious, caught in the purgatory of dying. The very structures of the humanitarian encampment can be the pre-condition of genocide.

Within the carceral structures of humanitarian encampment, the state commanded full and indisputable authority over who lived and died. The Muslim settlers and Armenian deportees, both of whom were called muhajir, suffered or thrived, lived or died at the mercy of Ottoman statesmen and officers. The Muslim refugees found themselves at the mercy of Ottoman Empire as a direct result of expulsions authored by the European states. However, it was the Ottoman government, who tasked the officers of the Immigration Commission to 'protect' and 'settle' the Armenian muhajirs, who authored their deportation to begin with. Who, truly, were supposed to protect the Armenians from their protectors?

An exercise of mercy was indeed possible only in this context of extreme power asymmetry. It is in this moment, where the Ottomans held the power of life and death over the Armenians, that the compassionate and the cruel made their decisions accordingly.

An indisputable majority of the Ottoman military personnel chose to become perpetrators. They forcibly removed the Armenians from their homes. The men were killed. Most women and children were forced on death marches across the country in conditions of acute dehydration and starvation. Many children were sold into local households across Asia Minor and Syria under the guise of saving them, with active support from the state.[34] Some of them fled their supposed refuges where they lived under conditions of slavery, while others still were forced to assimilate into their adopted families, villages, and nations. Their stories and true identities remained a well-known secret for generations.[35]

In the camps and settlements, some other Ottoman officers chose compassion and embraced the humanitarian intent of helping Armenians deportees survive against the documented odds of the system working against them. The Circassian, the Bedouin and the Kurdish irregulars of North and West Syria chose to run rackets on the backs of Armenian deportees, many of whom lacked the means to placate them. Few others, like the notable governor

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[34] Keith David Watenpaugh, '"Are There Any Children for Sale?": Genocide and the Transfer of Armenian Children (1915–1922)', *Journal of Human Rights* 12, no. 3 (1 July 2013): 283–95.
[35] Fethiye Çetin, *Anneannem: Anı*, 1. basım, Metis Edebiyat (İstanbul: Metis Yayınları, 2004).

of Lice in Diyarbakir, Huseyin Nasimi, decided to resist the deportation orders altogether, a choice that would lead to his extrajudicial murder.[36]

Yet the only Armenians who exercised any kind of choice over life or death were those who ran, those who fought, and those who chose to take their own lives.[37] Most of those who fled and survived the genocide found themselves in a fundamentally altered world. The state that rendered them its enemies had either usurped or destroyed the social, cultural, and economic capital held in Armenian hands.[38] They were homeless, orphaned, and stateless, unable to go back to the lands on which they had lived for generations.[39]

The ordeals of Armenian deportees disclose, even in their moments of respite, the absolute and crushing power their saviours held over them within the structures of the humanitarian encampment. During the 20th century, the normalisation and propagation of this threshold between life and death revealed itself to be the governing principle of humanitarianism. Barnett calls this an 'empire of humanity,' a global governance of human suffering which dominates and regulates the lives of those it is supposed to liberate.[40] The empire of humanity speaks of a dialectics of humanitarian action that reproduces its objects as desolate and abject within the confines of the camp, the sea, and the 'jungle'.[41] In light of the history of Ottoman muhajirs examined in this thesis, and building on these critiques of humanitarianism, I contend that premise on which carceral humanitarianism operates was and is never solidarity, equality, or indeed, humanity. It is mercy, power, and domination.

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[36] Abidin Nesimi, *Yılların İçinden*, Tarihin Tanıkları (İstanbul: Gözlem Yayınları, 1977), 30-31.
[37] For some of the most evocative memoirs of Armenian genocide, see: Esther Mugerditchian, *From Turkish Toils: The Narrative of an Armenian Family's Escape* (Indo-European Publishing, 2019); Panian, *Goodbye, Antoura*; Alice Muggerditchian Shipley, *We Walked, Then Ran*, 1983; Yervant Odyan, *Lanetli Yillar: Istanbul'dan Der Zor'a Sürgün ve Geri Dönüs Hikâyem 1914-1919* (Aras Yayincilik, 2022). Suny provides probably the most incisive history of the genocide: Ronald Grigor Suny, *'They Can Live in the Desert but Nowhere Else': A History of the Armenian Genocide* (Princeton University Press, 2017). On necropolitics and how racial and colonial politics create death-worlds in which severely delimit the exercise of agency and freedom, see the seminal article by Achille Mbembe, 'Necropolitics', *Public Culture* 15, no. 1 (1 January 2003): 11–40.
[38] Uğur Üngör and Mehmet Polatel, *Confiscation and Destruction*.
[39] Keith David Watenpaugh, *Bread from Stones: The Middle East and the Making of Modern Humanitarianism* (University of California Press, 2015), 14.
[40]Michael Barnett, *Empire of Humanity: A History of Humanitarianism* (Cornell University Press, 2011).
[41]Thom Davies and Arshad Isakjee, 'Ruins of Empire: Refugees, Race and the Postcolonial Geographies of European Migrant Camps', *Geoforum* 102 (1 June 2019): 214–17.

5.1. Dialectics of Humanitarian Reason

Throughout this dissertation, I attempted to disclose the contradictions of Ottoman humanitarianism, and of humanitarian reason, in the age of Empires.

Mesken discussed how the Settler and the Native were locked into a self-perpetuating conflict in Greater Syria. 19th century discourse on humanitarian refuge and the structures of humanitarian encampment emerged from transnational projects of demographic engineering. Carceral humanitarianism served the ends of state- and empire-making, expanding the ideological scope of Empire and the infrastructural powers of the state by way of population management, involving new modes of identification, registration, encampment, and settlement. The structures and institutions convened under the tenets of humanitarianism became an exercise in state control over the bodies and souls of muhajirs, the subjects of universal humanity and of Ottoman justice. This civilisational enterprise would discipline settlers and domesticate natives into playing their respective roles in the expansion of capitalist modernity.

Ottoman humanitarianism was a hegemonic project of global scope. It comprised the civilisational assertions of an Islamic, sovereign authority under international scrutiny. The practice of settlement and internal colonisation aimed to extend Ottoman jurisdiction, legitimate Ottoman authority, and bring its unsettled subjects into political modernity as pending citizens working their way into the imperial contract. Population and territory became double fixtures of capitalist accumulation and modern statecraft, a process that was overdetermined by international law. Migratory circuits and modern settlement schemes served to subsume non-state, indigenous communities of the world within the fold of civilisation and capitalist modernity.

Mahrem focused on the relations between the Master and the Slave. The settlers, especially those arriving from the Caucasus, were torn among themselves, whose inclusion into the imperial contract was uneven and incomplete. Slavery and caste hierarchies were decisive markers of inclusion and key to partaking in Ottoman agrarian capitalism and ergo, inclusion in the Ottoman contractual society. The administrative pretexts of the Immigration Law of 1857 expropriated and even enslaved sections of the free Circassians and felled them to the ranks of Circassian slaves that they deemed hitherto below them.

Paternal humanitarianism of European and Ottoman authorities legitimised and rendered beyond reproach the patriarch's authority over their women and their slaves. The slaves helped reproduce the master's household as well as the refugee settlement on a material as well as ideological level. Slavery was the basis on which the Circassian nation was articulated into a racial and gendered construct. The Circassian intelligentsia which construed this nation sought the humanitarian liberation of Circassian women as a means of attaining civilisational parity with the free, white, European nations. The liberation of the slave, within and outside the Circassian community proper, never challenged the gendered relations of domination within the household but indeed, refurbished it through the idiom of paternal care. Humanitarian abolitionism and anti-slavery activism were mutually constitutive with patriarchal and racial domination.

In *Muvatın*, I looked at the changing contours of Ottoman political society, between those who became citizens of the state and those who came to be considered its enemies. The Hamidian regime's favour for Muslim immigrants seeking refuge in the well protected domains paralleled its misgivings about the non-Muslim out-migrants seeking their way out of it. Persecuting cultural and juridical promiscuity across religious and ethnic lines legislated inequality into the Ottoman positive law to the contractual exclusion of Armenians from the emerging nation. The boundaries between the citizen and the enemy were constructed to the inclusion of indebted settlers and the exclusion of insurgent natives.

The paternalism of humanitarian refuge overdetermined how ethno-religious identities were politicised and racialised under the stewardship of modern international law. The racial mathematics of jurisdiction emerged from the dialogical relationship of capitulatory law and Ottoman jurisprudence, which provided the grounds on which Armenians were racialised as the enemy of the nation, whose very existence was antithetical to the preservation of the Exalted State.

With this Coda, I have examined how the Deportation Law and its administrative pretexts rendered the Ottoman Armenians a non-entity, where being an Armenian negated the premise of becoming Ottomans. I have pointed out the legal and institutional continuities between the Ottoman immigration policy and Armenian deportations. I discussed how the Armenians were deported into self-enclosed camps and settlements as if they constituted a political contagion, a disease of the body politic.

5.2. A History of the Present

The denialist historiography of the Armenian genocide warns us to beware of mercy. A critical reappraisal of Ottoman humanitarianism is all the more urgent in light of the neo-Ottomanist revival of humanitarian empire and the Turkish experiment with refugee-integration through Islamist universalism.[42] This revival of the humanitarian empire has shaped the geopolitics of race, religion, and jurisdiction across Northern Kurdistan, where the Turkish government expanded into the Syrian border to annex Kurdish cantons, and to settle loyal, categorically-Sunni, Syrian refugees in their stead. In Turkey, anti-refugee sentiments still run high, harkening back to the stereotypes about the Caucasus muhajirs as they first arrived in the Ottoman Empire. The refugees are categorically indebted subjects, whose inclusion into political society is mediated solely through the current Turkish President, an autocrat, as the sole guarantee of their rights and their new-found domicile. In Syria, the autocratic government of Bashir al-Assad views their own refugees as emigrants, ingrates, *traitors*. Nearly every neighbouring government has begun or is considering deporting Syrian refugees in contravention to the laws of humanity.[43]

There is something to be said here about history repeating itself. Karl Marx has famously said that great historical events occur first as tragedy, second time as farce.[44] After a century of

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[42] A seminal article on the universal aspirations and populist politics of contemporary refugee policy in Turkey is Fırat Kurt, 'The Rise of the Sovereign Subject: The Syrian Refugee Crisis, Islamist Universalism, and Populist Mobilization in Turkey', *Critical Ethnic Studies* 6, no. 1 (2020). See also: Rabia Karakaya Polat, 'Religious Solidarity, Historical Mission and Moral Superiority: Construction of External and Internal 'Others' in AKP's Discourses on Syrian Refugees in Turkey', *Critical Discourse Studies* 15, no. 5 (20 October 2018): 500–516. For a leftist counter-response, see: Seyhan Erdoğdu, 'Syrian Refugees in Turkey and Trade Union Responses', *Globalizations* 15, no. 6 (19 September 2018): 838–53. Neo-Ottomanism is a new phenomenon and an emerging field of inquiry in international relations and intellectual history: Nagehan Tokdoğan, *Yeni Osmanlıcılık: Hınç, Nostalji, Narsisizm* (Fatih, İstanbul: İletişim, 2018); Gabriela Özel Volfová, 'Turkey's Middle Eastern Endeavors: Discourses and Practices of Neo-Ottomanism under the AKP', *Die Welt Des Islams* 56, no. 3/4 (2016): 489–510; Lerna K. Yanık, 'Bringing the Empire Back In: The Gradual Discovery of the Ottoman Empire in Turkish Foreign Policy', *Die Welt Des Islams* 56, no. 3/4 (2016): 466–88; M. Hakan Yavuz, 'Social and Intellectual Origins of Neo-Ottomanism: Searching for a Post-National Vision', *Die Welt Des Islams* 56, no. 3/4 (2016): 438–65.

[43] Ahmet Içduygu and Maissam Nimer, 'The Politics of Return: Exploring the Future of Syrian Refugees in Jordan, Lebanon and Turkey', *Third World Quarterly* 41, no. 3 (3 March 2020): 415–33.

[44] Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (Chicago: C. H. Kerr and Company, 1913), 9.

refugee crises and prolonged statelessness, the many unsettled peoples of the Middle East beg the question, do we have a name for what comes after farce?[45]

This is a rhetorical question which has historical implications. I believe that the point is not that history repeats itself, but that the past is ever present. The past is conjured up in the present by the very language we speak, the memories we invoke. By inquiring into the past, we not only discover historical remainders, but invite history to shape our actions and our futures. The reasons for which this thesis was written, the questions that it has sought answers to, were provoked by the political quagmires of the present. I thought that a bit of historical imagination could provide some answers, but it has provoked more questions: What is left of muhajir identity and the muhajir experiences in the collective memory of post-Ottoman states? Who and what gets left out of the existing history of muhajir communities? Who and what does it serve when we invoke the histories of Ottoman muhajirs? Can there be a history of Ottoman refugees and Ottoman humanitarianism that is not a state-congratulatory enterprise? Can there be a humanitarian solution to refugee integration that is not adjacent to neo-liberal capitalism or (neo-Ottoman) imperialism?

Should there be a *humanitarian* solution, to begin with? What value does humanity hold in contemporary international relations and in view of the decline of international law? What value does humanity hold for those racialised, gendered, classed, and disabled subjects that are deemed less than perfect, less than fully innocent, to merit humanitarian refuge and rescue? What value does humanity hold between the refugees and the hosts, the locals and the foreigners, that could be conducive to a certain kind of understanding? If not humanity, what else is there?

In the absence of humanity, what we are left with are the borders walling the state and the city and the camps rising ever higher as the boundaries between the self and the stranger become ever harder. This historical inquiry leads me to conclude that only in the absence of borders can we - *perhaps* - recover our humanity.

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[45] Susan Akram and Tom Syring, *Still Waiting for Tomorrow: The Law and Politics of Unresolved Refugee Crises* (Cambridge Scholars Publishing, 2014); Karen Culcasi, 'Displacing Territory: Refugees in the Middle East', *International Journal of Middle East Studies* 49, no. 2 (May 2017): 323–26.

Appendix I

Chronological List of Ottoman Immigration Commissions

Abdülmecid I (1839-1861)	1860-1865	Muhacirin Komisyonu (Immigration Commission)
Abdülaziz I (1861-1876)	1870-1875	Muhacirin Komisyonu (Immigration Commission)
Abdülhamid II (1876-1909)	March 1877 – April 1878 13 August 1877-19 September 1894 1897-1902 1897-1908 1908-1914	Umum Muhacirin Komisyonu (The General Commission for Immigration) İdare-i Umûmiyye-i Muhacirîn Komisyonu (Commission for the Public Administration of Immigration) Muhacirîn Komisyon-ı Alîsi (High Commision for Immigration) Muhacirin-i İslamiye Komisyonu (Commission for Muslim Immigrants) *Transferred to;* Muhacirîn İdare-i Umûmiyyesi, a Directorate reporting to the Ministry of Interior.
Committee of Union and Progress (1909-1918)	1911-1913 1914 1914	Trablusgarp Mülteci Komisyonu İskan-ı Aşair ve Muhacirîn Müdüriyeti (Directorate of the Tribes and Immigrants Settlement or İAMM) Muhtelit Mübadele Komisyonu (Mixed Commission for the Population Exchange), between Bulgaria and Ottoman Empire.

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ATA : Ataturk Library, Istanbul

BL : British Library, London

BFASS : British and Foreign Anti-Slavery Society, Oxford

BnF : Bibliothèque Nationale de France, Paris

BO, USJ : Bibliothèque Orientale, Université Saint Joseph, Beirut

BOA : Prime Ministry's Ottoman Archives, Istanbul

A.MKT. MHM. : Grand Vizierate, The Office of the Scribe, Important Documents

BEO. : The Office of Sublime Porte

DH. H. : Ministry of Interior, Legal Office

DH. MKT. : Ministry of Interior, The Office of the Scribe

DH. MUI. : Ministry of Interior, Public Intelligence Office

DH. ŞFR. : Ministry of Interior, Encrypted Correspondence

DH. TMIK. : Ministry of Interior, The Commission for Rapid Action and Reform

HH. d. : The Registers of the Royal Treasury

HR. HMŞ. İŞO. : Ministry of Foreign Affairs, The Office of Legal Counsel

HR.TH. : Ministry of Foreign Affairs, Orders

HR.TO. : Ministry of Foreign Affairs, The Translation Office

HR. ŞFR. : Ministry of Foreign Affairs, Encrypted Correspondence

İ. DH. : Imperial Edicts, The Ministry of Interior

İ. HUS. : Imperial Edicts, Personal

MB. : Government Affairs

MV. : Council of Ministers, Minutes

MVL. : Supreme Council of Judicial Ordinances

ŞD. : Council of the State

Y.A.HUS. : Yıldız Palace Archives, Personal Papers

Y.A.RES. : Yıldız Palace Archives, Official Correspondence

Y. MTV. : Yıldız Palace Archives, Miscellaneous

Y.PRK.ASK. : Yıldız Palace Archives, Military Correspondence

Y.PRK. HR. : Yıldız Palace Archives, The Ministry of Foreign Affairs

Y. PRK. MYD. : Yıldız Palace Archives, The Privy Council

Y. PRK. UM. : Yıldız Palace Archives, Public Correspondence

ZB. : Ministry of the Police and the Gendarme

IDI : International Law Institute, Geneva

ISAM : Centre for Islamic Studies, Istanbul

LOC : Library of Congress, Washington, D.C.

MAE Nantes : Ministère des Affaires Étrangères, Nantes

92PO/A: Proche-Orient, Beirut

MMZC : Registers of Proceedings for the Ottoman Chamber of Deputies, Ankara

NYPL : New York Public Library, New York

POM: Palestine Open Maps

SALT Archives of the Ottoman Imperial Bank, Istanbul

TBMM : Turkish Parliament, Open Library

TNA: The National Archives, London

FO 195: Foreign Office Papers, Consular Correspondence, Beirut

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