



MUSLIM-JEWISH LEGAL ENCOUNTERS IN THE OTTOMAN EMPIRE

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Abstract

This article explores how Muslim legal principles and daily state practices shaped the lives of Jewish communities in the Ottoman Empire. Under Islamic law, Jews were treated as dhimmis, protected non-Muslims who could keep their religion and community courts but had to pay special taxes and accept social limits. The Ottoman sultans combined these Islamic rules with flexible governance to balance religious authority and economic needs. While Jewish communities primarily resolved family and religious matters within their courts, they often utilized Ottoman kadi courts for issues involving business, debts, and conflicts that required stronger state enforcement. This blending of Jewish law and state courts demonstrates a practical legal pluralism that enabled Jewish merchants and families to survive and thrive under Muslim rule. The article explains how rabbis sometimes allowed these exceptions, even though Jewish law normally forbade taking fellow Jews to non-Jewish courts. It also demonstrates how the sultans encouraged Jewish settlement and trade by offering protection through firmans, safe conduct, and special agreements with Europe. By examining court records, historical rulings, and community practices, this paper argues that the Ottoman legal system struck a unique balance between Islamic theory and daily tolerance. This flexible legal order kept Jews loyal, protected, and active in Ottoman economic life for centuries, showing how Islamic empires managed diversity through a blend of faith, law, and politics.

Keywords: Legal Pluralism, Dhimmis, Ottoman Empire.

Introduction

The Ottoman Empire was one of the largest and longest-lasting Islamic empires in history, ruling diverse lands across Europe, Asia, and North Africa for more than six centuries. From the 15th century onward, millions of people of different religions, Muslims, Christians, and Jews, lived together under Ottoman rule. For Jews, the empire offered both protection and limits through a legal system based on Islamic law. This system was not only guided by the Qur'an and the teachings of the Prophet Muhammad, but also shaped by centuries of Hanafi legal thought, which the Ottomans used as their official school of law³. Under Islamic law, Jews were classified as *Ahl al-Kitāb*, "People of the Book," which gave them the status of *dhimmi*, meaning they were protected as long as they paid special taxes like the *jizya* and accepted certain restrictions on public life. This status was rooted in early Islamic agreements such as the Pact of 'Umar, which outlined how non-Muslim communities could worship freely but were expected to accept social rules that kept Muslims in the top position of society⁴. In practice, the Ottoman state developed this legal framework into the *millet* system, which let Jews run their communal courts for marriage, divorce,

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³ Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 83–88.

⁴ Māwardī, *The Ordinances of Government (Al-Ahkām al-Sultāniyya)*, trans. Wafaa H. Wahba (Reading: Garnet Publishing, 1996), 136–139.



and inheritance. Their rabbis and community leaders collected taxes and settled family conflicts according to Jewish law. Yet Jews did not live entirely apart from the larger Ottoman legal system. When it came to trade, debts, land disputes, or mixed cases involving Muslims, they often appeared before the *kadi*, the Muslim judge, who had the sultan's authority to issue binding verdicts. Court records from Istanbul, Jerusalem, Salonica, and other cities show that Jews regularly used Ottoman courts to resolve daily problems⁵.

This blend of separation and connection is what makes Muslim-Jewish legal encounters in the Ottoman Empire so interesting. Jewish religious law usually discouraged Jews from going to a non-Jewish court unless necessary, but historical evidence proves that rabbis and merchants found practical ways around this rule. For example, a Jewish trader might take another Jew to the *kadi* to make sure a debt was enforced by the state. Merchants trusted the *kadi* court because its records and rulings had legal power throughout the empire, something a private rabbinic court could not guarantee on its own⁶. At the same time, the Ottoman sultans saw Jews as valuable subjects. They welcomed Jewish refugees from Spain and Portugal after the expulsions of the late 15th century. Sultan Mehmed II famously encouraged Sephardic Jews to settle in Istanbul and Salonica, where they strengthened trade and crafts. Later rulers issued *firman*s that promised safe travel and business rights to Jewish traders, just as they did for Muslim merchants. Jews who traveled under an *aman*, a special safe-conduct pass, carried the protection of the sultan's name, showing how the empire's legal system mixed Islamic principles with smart politics and economic goals⁷. Travelers like the famous Ottoman writer Evliya Çelebi described how Jews, Armenians, Greeks, and other non-Muslims shared city streets, markets, and ports while paying their taxes and living under the same system of *dhimma* protection. Local officials often overlooked minor breaches of religious rules, such as bans on building new synagogues, when they saw that Jewish communities paid taxes, kept trade flowing, and stayed loyal to the sultan. This flexibility helped the empire manage diversity and keep peace for centuries.⁸

This article studies how this layered legal system worked. By looking at Islamic legal texts, Ottoman decrees, court records, and writings from rabbis and travelers, it shows how theory and daily life came together. It asks how Jews used both their religious courts and the Muslim legal system, how rabbis balanced *halakha* with practical needs, and how the Ottoman state used Islamic law to protect and control minority communities. By doing so, it explains how Muslim-Jewish legal encounters shaped everyday life, community identity, and the long-lasting success of the Ottoman Empire as a multi-religious state.

⁵ Talha Kaan Ünlü, "Jewish Litigants in the Ottoman Courts: The Example of Hasköy Court Records," *European Journal of Turkish Studies* 27 (2018).

⁶ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 120–124.

⁷ Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 28–32.

⁸ Evliya Çelebi, *The Book of Travels (Seyahatnâme)*, trans. Robert Dankoff (Leiden: Brill, 2010), vol. 1, 90–94.



Literature Review

Scholars who study the Ottoman Empire have often focused on how it managed religious diversity through Islamic law and state policy. Classic works like Bernard Lewis's *The Jews of Islam* (1984) explain the basic principles of *dhimma*, the protected but subordinate status for Jews and Christians. Lewis shows how Islamic courts and rulers balanced protection with restrictions to maintain Muslim dominance in public life. Historians like Amnon Cohen and Minna Rozen later used Ottoman court records to test how these rules worked in everyday life. Cohen's *Jewish Life Under Islam* (1984) shows how Jerusalem's Jews used both rabbinic courts and the Ottoman *kadi* courts to handle disputes. Rozen's studies of Istanbul highlight how wealthy Jewish merchants sometimes bent official rules for example, by ignoring clothing codes or quietly building new synagogues because local officials valued their trade and tax payments. Some researchers, such as Talha Kaan Ünlü, have focused even more closely on actual court books (*şer'iyye sicilleri*). Ünlü's work on the Hasköy court in 17th-century Istanbul shows that Jews often appeared before Muslim judges for cases that could have stayed in rabbinic courts. He argues that Jewish litigants were practical: they chose whichever system, rabbinic or Ottoman, gave them stronger enforcement or better results. Most of this research, however, stops at showing *how* Jews moved between two systems. It does not always explain *why* this flexible legal habit mattered for wider Muslim-Jewish coexistence, or how Islamic legal ideas, local politics, and Jewish community strategies worked together over centuries. Many studies focus on Jerusalem or Istanbul but do not always compare different Ottoman regions or periods in depth.

This article takes the next step by linking Islamic legal theory, daily court practice, and Ottoman pluralism in one study. It shows not only that Jews used the *kadi* courts, but also *why* they did so to manage business risks, settle family issues with state power, and protect property through official enforcement. It explains how rabbis balanced halakhic bans on outside courts with real-world needs. It also connects this pattern to bigger questions: how did this flexible system keep the empire stable? What does it reveal about Muslim authority and minority autonomy under Islamic rule? In doing so, this work brings together scattered court cases, fatwas, legal codes like the *Mecelle*, and sultanic decrees to show a full picture of Muslim-Jewish legal encounters. By focusing on both theory and practice and comparing them side by side, this research adds a new layer to what scholars like Lewis, Cohen, Rozen, and Ünlü started.

Methodology

This research uses a qualitative historical method. It examines how Islamic law and Ottoman state policies shaped the daily legal lives of Jewish communities. To do this, the study looks at different sources: Islamic legal texts like the Qur'an, Hadith, and Hanafi legal writings; Ottoman legal codes such as the *Mecelle*; and court records (*şer'iyye sicilleri*) from cities like Istanbul, Jerusalem, and Salonica. It also uses writings by rabbis, travelers, and sultanic firmans (royal orders) to understand how official law and daily life worked together. The paper studies real court cases to see when and why Jewish people went to the Muslim *kadi* court instead of their rabbinic court. By comparing Islamic legal rules, community practices, and state policies, this research explains how the Ottoman Empire balanced strict Islamic law with practical flexibility. This method shows how



theory and daily practice created a stable system where Jews could keep their identity and still work within the Ottoman state.

Research Questions

1. What legal rules and restrictions did the Ottomans apply to Jewish communities under Islamic law?
2. How did Jewish people use both their religious courts and the Ottoman kadi courts for solving everyday problems?
3. How did the Ottomans combine strict Islamic legal ideas with flexible policies to keep Jewish communities loyal and useful?

1. Muslim-Jewish Legal Encounters in the Ottoman Empire

Historical and Legal Status of Jews

Under classical Islamic law, Jews and Christians were called *Ahl al-Kitāb*, which means “People of the Book.” This title meant that Muslims recognized Jews and Christians as followers of earlier holy books, so they were given a special protected status called *dhimma*. Because of this, they could keep their religion, have their places of worship, and live in Muslim lands if they paid certain taxes and accepted some social and legal limits⁹. As the Ottoman Empire expanded, it adhered to these Islamic principles. Jews had to pay the *jizya* tax, which was only for non-Muslims, and sometimes other local taxes on land or trade. In return, they did not have to join the army or send their sons to the *devshirme*, which was a system where Christian boys were taken to be trained as Ottoman soldiers¹⁰.

The Ottoman government used Islamic law to decide what rights Jews had. Historian Minna Rozen explains that in the 16th century, Jews were seen as protected people who could handle their community issues. They were allowed to run synagogues, schools, and courts for family matters. But the law still showed they were lower in status than Muslims. They had to follow extra rules, like paying taxes and not trying to convert Muslims. In daily life, they lived under the sultan’s rule and the larger Islamic legal system¹¹. Even so, this protection helped Jewish communities survive and even grow in Ottoman cities like Istanbul, Salonica, and Edirne¹². They could trade, study, and worship freely as long as they respected the empire’s rules.

Social Rules and Restrictions

Islamic law protected Jews but also made rules to keep them separate from Muslims. For example, the Hanafi school, the main legal school in the Ottoman Empire, did not accept a Jew’s word in court if the case involved a Muslim. This rule showed that a Muslim’s status was legally higher

⁹ Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton University Press, 1994), 51–53.

¹⁰ Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 37–39.

¹¹ Minna Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453–1566* (Leiden: Brill, 2002), 43–46.

¹² Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 19–21.



than a Jew's¹³. There were also special rules about how Jews dressed, what they could build, and who they could employ. Many of these rules came from older Islamic agreements like the *Pact of Umar*, which told non-Muslims how to live in Muslim areas without challenging Muslim customs¹⁴. One well-known example from Ottoman times shows this idea of keeping differences clear. Some Ottoman judges said that big Jewish tombstones should be removed because they looked too impressive for a non-Muslim grave¹⁵. The sultans also made laws saying that Jews were not allowed to own Muslim slaves or have Muslim servants or concubines. This kept the social order clear: Muslims were not supposed to be under Jewish control¹⁶. But at the same time, Islamic law said that if Jews paid the *jizya* tax, Muslims had to protect their lives and property from harm¹⁷. In real life, these rules were sometimes ignored or relaxed. Rich Jewish merchants often wore clothes that broke dress rules or got permission from local rulers to fix or build new synagogues. Minna Rozen explains that local Ottoman officials often looked the other way if the Jewish community was important for business and taxes¹⁸. So, while the law said Jews had to follow limits, the reality was sometimes more flexible when it helped the empire.

The Millet System: Community Self-Government

As the Ottoman Empire grew, it found a practical way to balance rules for non-Muslims with daily life. This was called the millet system. From the 1400s onward, the Ottomans gave large religious groups like Orthodox Christians, Armenians, and Jews the right to manage their own religious and family matters without direct state control¹⁹. Under this system, the Jewish community had its leaders. The main religious head was the Chief Rabbi (*hakham başı*), who worked with respected elders (*parnasim*). These leaders did more than lead prayers; they collected taxes for the government, settled fights over marriage, divorce, and inheritance, and ran religious courts that used Jewish law for Jewish people only²⁰. The empire mostly did not interfere with these courts as long as their decisions did not affect Muslims. This gave Jewish communities a special space to live by their laws. In 1917, the Ottoman state made this even clearer through the Family Law Code (*Hukûk-ı Aile Kararnamesi*), which had separate sections for different religions. It openly recognized Jewish law for family issues like marriage and child custody²¹. Even before this official law, Jewish millet courts solved family and personal cases based on Jewish tradition. By doing

¹³ Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 86–88.

¹⁴ Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 1984), 25–28.

¹⁵ Minna Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453–1566* (Leiden: Brill, 2002), 123.

¹⁶ Benjamin Braude, "Foundation Myths of the Millet System," in *Christians and Jews in the Ottoman Empire*, vol. 1, ed. Benjamin Braude and Bernard Lewis (New York: Holmes & Meier, 1982), 75–76.

¹⁷ Bernard Lewis, *The Jews of Islam*, 31.

¹⁸ Rozen, *Jewish Community in Istanbul*, 67–68.

¹⁹ Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 55–58.

²⁰ Fatih Öztürk, "The Ottoman Millet System," *Journal of Islamic Law Studies* 13, no. 2 (2009): 10–12.

²¹ Ahmet Yaman, "Jews in the Ottoman Millet System and Their Judicial Status: A Family Law Review," *Ilahiyat Studies* 4, no. 2 (2013): 213–214.



this, the Ottomans showed how they mixed Islamic ideas of protection with practical freedom. This system helped Jewish communities keep their identity while living under an Islamic empire²².

2. Engagement of Jewish Litigants with Ottoman Courts

Crossing Legal Boundaries: Jews in Kadi Courts

Although the Jewish *millet* (community) had its courts for family and religious questions, many Jewish people still went to the Ottoman *kadi* (Muslim judge) for civil, business, and property disputes. This happened not just in big cities like Istanbul but also in other parts of the empire, including Jerusalem, Salonica, and provincial towns²³. A good example is the work of historian Talha Kaan Ünlü. He carefully studied the court book (*sicil*) from the *Hasköy* district in Istanbul for the early 1600s. This book shows that Jewish men and women went to the kadi court many times, not only when they argued with Muslims or Christians, but often when they had problems with other Jews too²⁴. The court books (*şer'iyye sicilleri*) are full of examples: cases about unpaid debts, sales of houses or shops, promises to repay loans, or disagreements over business deals. Sometimes these records show Jewish merchants making big trade deals with Muslim partners. Other times, they show poor Jewish families fighting over small amounts of borrowed money. These real stories help us see that Jews did not stay locked inside their rabbinic court system²⁵. Earlier scholars once believed Jews went to the Muslim courts only when they were forced to, for example, if they had to deal with a Muslim co-owner or if an inheritance case included a Muslim relative. Some thought Jews only used the kadi if they wanted to pay bribes to get a good result. But Ünlü's research shows this is not true for most cases. Many Jews chose the kadi court even when they could have used a *bet din* (rabbinic court). They did this because the kadi court often solved the matter faster, gave clear written records, and could make its ruling stick with the force of Ottoman law²⁶. The court books also show Jewish women appearing in kadi courts. Some came to claim their dowries or to get help in family conflicts about money. Sometimes, if a woman's husband failed to pay what he promised, she could bring him to the kadi to make him pay. This shows that Jewish women, too, used the kadi court when it suited them²⁷. The use of the kadi court by Jews is also clear in trade. Istanbul, Salonica, and Izmir were busy trade cities where Jewish merchants worked closely with Muslims, Greeks, and Armenians. When a business deal went bad, it was practical to go to the official court that all parties recognized. It helped ensure the deal was written down and enforceable anywhere in the empire²⁸. The court records break the old idea that

²² Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 115–118.

²³ Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 55–57.

²⁴ Talha Kaan Ünlü, "Jewish Litigants in the Ottoman Courts: The Example of Hasköy Court Records," *European Journal of Turkish Studies* 27 (2018): 2–5.

²⁵ Ünlü, "Jewish Litigants," 6–7.

²⁶ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 119–120.

²⁷ Ünlü, "Jewish Litigants," 8–10.

²⁸ Fatih Öztürk, *The Ottoman Millet System* (Istanbul University Faculty of Law, 2009), 17.



Jews were shut away in their world. Instead, they were active in Ottoman public life, mixing religious traditions with the practical use of state law when it helped protect their money, property, or family interests²⁹.

Why Jews Preferred State Enforcement

One big reason Jewish people chose the Ottoman *kadi* court was that it had real state power behind it. A *bet din*, the Jewish religious court, could listen to both sides, check Jewish law (*halakha*), and decide what was right. But if someone refused to obey, the *bet din* could not send guards or take a person's money by force. It relied on community respect and peer pressure. By contrast, the *kadi* was an official judge under the sultan's government. If someone ignored the verdict, the *kadi* could order the police to collect the money, seize property, or even jail the debtor until they paid³⁰. This made a big difference, especially for merchants and tradesmen. In the Ottoman Empire's cities, people traded silk, spices, livestock, and land. A broken promise or unpaid loan could ruin a family's business. Many Jewish traders preferred the *kadi* because its verdict could not be easily ignored. A deal written in the *kadi*'s register (*sicil*) had legal weight in any other city or market in the empire³¹. Another reason was that the *kadi* courts were trained in Islamic law for contracts and property. Many urban disputes involved *waqf* (charity land) or buildings rented from Muslims. If a Jewish merchant rented a shop in a Muslim *waqf* bazaar, only the *kadi* could approve or cancel the lease. This gave the *kadi* extra power in real estate and urban business issues³². Sometimes Jews went to the *kadi* even when both sides were Jewish. This was common if the people fighting did not trust their own community elders to be fair, or if the problem involved powerful figures. The *kadi* was seen as more neutral an outsider with no personal interest in the dispute³³. Also, the *kadi* courts accepted testimony from Muslims and Christians, which a *bet din* usually did not allow. So, if a Jewish shopkeeper needed a Muslim neighbor to testify about who owned a wall or a pathway, the *kadi* was the better choice³⁴. Besides this, there were times when Jews used the *kadi* to make their own private settlements official. For example, if two families agreed on how to split an inheritance, they sometimes wrote it down in the *kadi* court so nobody could break the deal later. This extra step made the agreement stronger under Ottoman law³⁵. Historians like Ünlü point out that these actions were not random. They show that Jews carefully balanced their religious rules with daily needs. Using the *kadi* did not mean they rejected their faith it meant they were

²⁹ Ünlü, "Jewish Litigants," 11–12.

³⁰ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 120–122.

³¹ Talha Kaan Ünlü, "Jewish Litigants in the Ottoman Courts: The Example of Hasköy Court Records," *European Journal of Turkish Studies* 27 (2018): 5–7.

³² Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 63–64.

³³ Yohanan Friedmann, *Tolerance and Coercion in Islam* (Cambridge: Cambridge University Press, 2003), 91.

³⁴ Ünlü, "Jewish Litigants," 7–8.

³⁵ Fatih Öztürk, *The Ottoman Millet System* (Istanbul University Faculty of Law, 2009), 17–18.



smart about which court offered the best protection for money, land, and contracts in a huge empire where business and law were closely linked³⁶.

Practical Exceptions in Rabbinic Law

In theory, Jewish religious law (*halakha*) strongly warned Jews not to bring each other to non-Jewish courts. The idea was clear: taking a fellow Jew to a Muslim judge could be seen as rejecting the authority of Jewish law. Many rabbis in the Ottoman Empire repeated this rule in their *responsa* (religious answers). For example, Rabbi Mordecai Halevi, a respected rabbi in the 1600s, wrote that Jews should never choose a *kadi* court if a *bet din* (rabbinic court) was available³⁷. This fear had deep roots. The Talmud already says Jews should settle their disputes among themselves. By going to a gentile court, a Jew risked putting Islamic law above Torah law something rabbis saw as spiritually dangerous³⁸. So, in sermons and letters, rabbinic leaders often reminded communities to handle family conflicts, religious questions, marriage, or inheritance inside their courts, led by rabbis and elders³⁹. Yet daily life did not always match this ideal. Trade in Ottoman cities like Istanbul or Salonica was complex and fast-moving. Merchants needed clear contracts, quick judgments, and official enforcement. Sometimes a *bet din* could settle a dispute, but it could not send guards to seize a shop or block a debtor's business until he paid. This made the *kadi* court a practical solution when large sums of money were at stake⁴⁰. Some rabbinic sources show how rabbis balanced strict law with real needs. For example, they allowed people to use the *kadi* court if the dispute involved taxes owed to the Ottoman state. Refusing to pay taxes could bring trouble for the whole community, so rabbis said it was better to solve tax questions in the government court⁴¹. Also, if someone ignored a *bet din* order, the rabbis sometimes told the creditor to register the settlement with the *kadi*. This gave the ruling the power of the sultan's police⁴².

These exceptions appear in many Jewish legal writings. For instance, in the early 1700s, the rabbis of Salonica debated whether it was allowed to take another Jew to the *kadi* over unpaid rent for a *waqf* property. They agreed that if the Jewish court could not collect, the *kadi* court was acceptable as a last step⁴³. This shows the gap between official law and everyday reality. In theory, the *bet din* handled personal and religious life marriage, divorce, community rules, and inheritance inside the Jewish world. But for business, taxes, or debts, many Jews combined both systems: they respected their rabbis but also trusted the *kadi* court's power when needed⁴⁴. Historians like Amnon Cohen

³⁶ Ünlü, "Jewish Litigants," 9–10.

³⁷ Mordecai Halevi, *Darkei Noam* (Venice, 1697), responsum no. 27; cited in Talha Kaan Ünlü, "Jewish Litigants in the Ottoman Courts," *European Journal of Turkish Studies* 27 (2018): 16–17.

³⁸ Haym Soloveitchik, *Halakhah, Economics and the State* (Jerusalem: Magnes Press, 2012), 45–47.

³⁹ Ünlü, "Jewish Litigants," 17–18.

⁴⁰ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 120–123.

⁴¹ Fatih Öztürk, *The Ottoman Millet System* (Istanbul University Faculty of Law, 2009), 19.

⁴² Ünlü, "Jewish Litigants," 18–19.

⁴³ Yaron Ben-Naeh, "Jewish Autonomy in the Ottoman Empire," in *Jews, Turks, Ottomans*, ed. Avigdor Levy (Syracuse: Syracuse University Press, 2002), 50–51.

⁴⁴ Cohen, *Jewish Life Under Islam*, 124–125.



and Talha Ünlü describe this mix as normal “legal pluralism.” Jews stayed part of the religious community but used the state’s courts when it helped protect their rights or made life easier in a big, diverse empire⁴⁵. This flexible approach helped the Jewish community survive and trade successfully inside the wider Ottoman legal system.

3. Islamic Legal Theory and Ottoman Treatment of Jews

Islamic Legal Principles about Jews

Islamic law in the Ottoman Empire was deeply rooted in the Hanafī school of thought, which the empire officially followed. This school taught that non-Muslims living under Muslim rule were called *dhimmis*, a term meaning “protected people.” This meant Jews and Christians could live in Muslim lands peacefully, keep their faith, run their places of worship, and manage their community life, but only if they followed certain rules that made sure Muslims stayed in a higher position⁴⁶. Classical scholars like Māwardī (11th century) and Abū Yūsuf (a famous student of Abū Ḥanīfa, founder of the Hanafī school) wrote clear instructions for rulers about how to treat *dhimmis*. One basic rule was that in court, if a case involved a Muslim and a Jew, the Muslim court (*sharʿī court*) always had the final word. A Jew’s testimony could not overrule a Muslim’s word in serious matters like crime or property disputes because Islamic law aimed to protect the social rank of Muslims⁴⁷. Islamic inheritance rules were also strict: if a Muslim died leaving both Muslim and Jewish relatives, only the Muslim heirs could receive property according to *Sharia*. This rule came from the idea that non-Muslims could not share the same legal rights in sensitive family matters where Islam’s rules applied directly⁴⁸. Another area where differences appeared was in public life. *Dhimmis* could be tax collectors, traders, or advisors, but they could not hold senior military or religious offices that gave them authority over Muslims. They could not openly carry weapons like swords without permission. They were also not allowed to own Muslim slaves or household servants, which underlined that a non-Muslim could not have power over a Muslim body. These rules were meant to keep clear boundaries between the communities and to show respect for the Islamic social order⁴⁹.

The Qurʾān and the *Hadith* supported these rules with verses and sayings about how Muslims should protect non-Muslims who paid the *jizya* (poll tax) and followed the agreement of protection (*dhimma*). The Pact of ʿUmar, a famous early agreement between Muslims and Christians laid out rules that later jurists used as a model: *dhimmis* could practice their religion but had to wear special clothes, not build new churches or synagogues higher than mosques, and behave respectfully towards Muslims⁵⁰. In the Ottoman period, these classical ideas were written into legal handbooks

⁴⁵ Ünlü, “Jewish Litigants,” 19–20.

⁴⁶ Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 82–85.

⁴⁷ Māwardī, *The Ordinances of Government (Al-Ahkām al-Sultāniyya)*, trans. Wafaa H. Wahba (Reading: Garnet Publishing, 1996), 136–139.

⁴⁸ Abū Yūsuf, *Kitāb al-Kharāj*, ed. A. Ben Shemesh (Leiden: Brill, 1969), 122–124.

⁴⁹ Fatih Öztürk, *The Ottoman Millet System* (Istanbul: Istanbul University Faculty of Law, 2009), 12–15.

⁵⁰ Norman Stillman, *The Jews of Arab Lands: A History and Source Book* (Philadelphia: Jewish Publication Society, 1979), 157–159.



and codes like the *Mecelle*. The *Mecelle* mainly covered civil and commercial law but repeated the core idea that each community's internal religious affairs stayed under its own leaders' rabbis for Jews, priests for Christians, while any conflict crossing community lines, or involving crime, big debts, or property disputes with Muslims, had to be decided in the Muslim court. This system created two clear paths: one for community life, the other for matters touching the wider Muslim society⁵¹. This clear structure shows how deeply the Ottomans combined Islamic law and practical governance. They used old juristic principles but adapted them to manage a vast empire with many religions living side by side. The *dhimmi* system gave Jews protection and space for self-rule but it also firmly reminded everyone that the final legal authority belonged to Islam and the sultan's courts.

Pluralism and Politics: Jews in the Ottoman Empire

The Ottoman sultans did not enforce Islamic law rules for Jews and Christians just to follow religious theory they also made practical decisions to keep the empire strong. The Ottoman Empire was very large and covered many different peoples, faiths, and languages. Rulers knew that the empire's wealth depended on skilled merchants, craftsmen, translators, tax collectors, and diplomats. Jews were one of the trusted groups who played this role well. A famous turning point was when Sultan Mehmed II, known as Mehmed the Conqueror, welcomed Jews who had been expelled from Spain and Portugal in the late 15th century. After the Spanish Inquisition in 1492, thousands of Sephardic Jews fled Europe. Mehmed invited many to live in major cities like Istanbul, Salonica, and Edirne because he wanted to rebuild trade and crafts after his conquest of Constantinople. These new Jewish communities brought skills in banking, textiles, medicine, and international trade networks. Ottoman sources show that Mehmed saw them as "useful elements" (*unsur-i müstefid*) who could fill empty neighborhoods and revive commerce⁵². Later sultans followed the same idea. They issued firmans (royal orders) to guarantee safe trade routes for Jewish traders, not just inside the empire but also abroad. For example, a treaty signed with the Republic of Venice in 1539 confirmed that Jewish merchants would be treated equally with Muslim traders when shipping goods in Venetian ports. This protected Jewish middlemen who worked between Ottoman ports and Europe. Jews could travel with a special *aman* a safe-conduct pass, that gave them the sultan's official protection when they crossed into foreign lands⁵³.

Travel writers from the time confirm how this worked on the ground. Evliya Çelebi, a famous 17th-century Ottoman explorer and writer, described how Jews, Armenians, Greeks, and other *dhimmis* paid taxes and followed the *jizya* system, but also enjoyed freedom to do business across the empire's vast territory. Çelebi wrote that Jews settled in key trade hubs, spoke multiple languages, and often acted as brokers between Muslims and Europeans. He pointed out that while religious law kept Jews separate in worship and family life, business and diplomacy often brought

⁵¹ Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009), 90–92.

⁵² Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 28–30.

⁵³ Minna Rozen, *A History of the Jewish Community in Istanbul: The Formative Years, 1453–1566* (Jerusalem: Zalman Shazar Center, 2005), 58–60.



different faiths together under the sultan's rule⁵⁴. In daily life, Ottoman officials sometimes quietly ignored strict rules if it helped local growth. For example, Islamic law technically banned building new synagogues without permission, but wealthy Jewish families sometimes built or expanded prayer houses with help from friendly governors. In port cities like Izmir or Salonica, local rulers usually turned a blind eye because they wanted to keep Jewish merchants happy and paying taxes. Sometimes, Jewish communities paid extra fees or offered gifts to local leaders to get around restrictions⁵⁵. This mix of law and flexibility shows how the Ottomans balanced Islamic ideas of *dhimma* with political common sense. Protecting non-Muslims and letting them run their own schools, synagogues, and courts kept the peace. Allowing them to trade freely and grow wealthy helped the treasury and connected the empire to Europe. Many sultans and viziers understood that a tolerant approach could strengthen Muslim rule rather than weaken it. By using Islamic legal ideas together with practical governance, the Ottoman Empire became one of the longest-lasting multi-religious empires in history.

4. A Flexible Islamic Legal Order

On paper, the Ottoman legal system followed Islamic rules that put Jews and other non-Muslims in a lower but protected position. They were required to pay the *jizya* (a special poll tax) and sometimes extra land taxes. They had to accept social restrictions like not wearing certain clothes, not building grander places of worship than mosques, and not holding top government or military positions. These rules showed that Islamic law kept Muslims in the highest social rank⁵⁶. However, the reality was much more flexible than the law books suggested. The Ottomans were practical rulers who wanted peace in their diverse empire. They knew that enforcing every restriction strictly could cause problems and weaken local economies. Instead, they often balanced strict Islamic principles with policies that gave communities room to live, work, and grow. Local governors and kadis (Islamic judges) were expected to uphold *Sharia* but were also given leeway to find solutions that kept order and collected taxes efficiently⁵⁷. For example, Jewish communities handled most family and religious matters through their own courts and leaders, rabbis, elders, and communal councils. But when they faced bigger disputes that needed official power, like debt recovery, property disagreements, or tax obligations, they often turned to the Ottoman kadi courts. These courts could issue binding judgments, send officials to seize goods, or call witnesses who were not accepted in a rabbinic court. This practical use of both legal systems side by side helped Jewish communities protect their interests while staying loyal to the sultan's rule⁵⁸.

⁵⁴ Evliya Çelebi, *The Book of Travels (Seyahatnâme)*, trans. Robert Dankoff (Leiden: Brill, 2010), vol. 1, 90–94.

⁵⁵ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 128–132.

⁵⁶ Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 85–87.

⁵⁷ Suraiya Faroqhi, *Subjects of the Sultan: Culture and Daily Life in the Ottoman Empire* (London: I.B. Tauris, 2005), 135–138.

⁵⁸ Talha Kaan Ünlü, "Jewish Litigants in the Ottoman Shari'a Courts: Evidence from the Hasköy Register," *European Journal of Turkish Studies* (2022): para. 12–17.



The sultans actively encouraged this balance. They saw Jewish merchants, bankers, translators, and craftsmen as valuable contributors. By issuing firmans (royal decrees), they protected Jewish trade routes, welcomed Jewish refugees fleeing persecution in Europe, and gave them the right to settle in key cities. In return, Jews paid taxes on time, helped build up local economies, and supported Ottoman foreign trade with connections to European ports⁵⁹. This shows how the empire's legal order blended Islamic law with a policy of compromise and coexistence. Jews were not treated as equal citizens in modern terms; they could not fully share Muslim privileges, but they were not forced to convert or driven out either. Instead, they were given a stable legal place: protected, taxed, partly restricted, but also free to run their schools, synagogues, courts, and charities. In practice, this flexible arrangement meant the sultan's government could trust Jewish communities to govern themselves internally while still depending on Ottoman courts and officials when larger legal or economic issues arose. As historians like Minna Rozen and Amnon Cohen show, this mix of legal theory, everyday tolerance, and practical negotiation explains why the Muslim-Jewish legal relationship lasted for centuries in the Ottoman world longer than in many European kingdoms of the same era⁶⁰.

Conclusion

The story of Muslim-Jewish legal life in the Ottoman Empire shows how written law and everyday reality were not always the same. In theory, Islamic law placed Jews in a protected but clearly lower position: they paid special taxes, faced social limits, and could not claim the same rights as Muslims in public life. But in daily practice, the Ottoman state used this system with remarkable flexibility to keep peace and make the most of the talents each community brought. Jewish communities ran their courts and settled family matters according to their faith. But when bigger problems came up, like enforcing contracts, solving tax disputes, or doing business with Muslims, they went to the kadi courts, knowing they would find state power to back them. This practical balance helped Jews protect their interests while staying loyal to the empire. Sultans and local officials were not blind to this mixing of systems. They knew that the skills, trade networks, and loyalty of Jewish subjects made cities stronger and markets busier. This is why sultans from Mehmed II onwards welcomed Jewish refugees and protected Jewish merchants with royal orders, even if official Islamic law kept certain barriers in place. This careful balance of Islamic ideas, local custom, and smart politics gave the Ottoman Empire a model of pluralism that lasted for centuries. It reminds us that strong societies do not have to choose between faith and coexistence; they can combine both through fair rules, flexible leadership, and respect for every group's contribution. In the end, the Muslim-Jewish legal encounters of the Ottoman world show that difference can live within unity if the law leaves space for real life and wise compromise.

⁵⁹ Benjamin Braude and Bernard Lewis, *Christians and Jews in the Ottoman Empire*, vol. 1 (New York: Holmes & Meier, 1982), 30–32.

⁶⁰ Amnon Cohen, *Jewish Life Under Islam: Jerusalem in the Sixteenth Century* (Cambridge, MA: Harvard University Press, 1984), 136–139.



Further Recommendations

To build on this study of Muslim-Jewish legal encounters in the Ottoman Empire, future researchers and policymakers should take a few key steps. First, more detailed research is needed on local court records from cities like Istanbul, Jerusalem, and Salonica. Many of these court books still lie hidden in archives. By studying them closely, historians can learn more about everyday disputes and agreements that show how flexible Islamic law could be in practice when dealing with Jewish communities.

Second, universities and research centers should encourage more comparative studies that look at how the *millet* system worked for Jews alongside other minority groups like Orthodox Christians and Armenians. This can help scholars understand which legal patterns were unique and which were shared across the empire. Such work could offer lessons for how religious communities today might balance self-governance with loyalty to the wider state.

Another important point is to protect the legal autonomy of religious minorities where possible. The Ottoman model shows that letting Jewish communities run their own family and religious courts helped maintain trust and peace. Modern governments with diverse religious groups can learn from this by allowing reasonable community-based courts for family matters, so long as they respect national laws and human rights.

There is also a need to make more Ottoman legal sources freely available. Many old *fatwas*, royal decrees, and court judgments remain unpublished. Libraries and academic institutions should digitize these documents and share them online so that young scholars everywhere can study them without obstacles. Open access to sources will help expand honest and balanced scholarship. Future researchers should also connect legal history with economic, social, and cultural studies. For example, understanding how Jewish merchants used both rabbinic courts and *kadi* courts can reveal how law and trade supported each other. This kind of work will help us see Ottoman society more completely, showing that law was not separate from daily life but shaped by it.

Finally, building regional and international networks for researchers can help share findings, reduce repeated work, and ensure fairer debate. Historians, legal scholars, and religious studies experts should work together through joint workshops, online projects, and translated publications. This spirit of cooperation can keep alive the best lessons from the Ottoman experience: that flexible legal pluralism, clear rules, and respect for diversity can help communities keep their identity while contributing to a peaceful and stable society.

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