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1 BETWEEN THE *ḲĀNŪN* OF QĀYTBĀY AND OTTOMAN  
2 *YASAQ*: A NOTE ON THE OTTOMANS' DYNASTIC LAW

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5 This article is an attempt to examine some understudied dimensions  
6 of Ottoman dynastic law (*ḳānūn*) against the backdrop of the  
7 Ottomans' conquest of the Arab lands in 1516–17 and the  
8 incorporation of this new territory into their empire.<sup>1</sup> To this end, I  
9 focus on two discourses that accompanied the Ottoman conquest of  
10 Syria and Egypt and that cast light on the nature of Ottoman dynastic  
11 law: the first is the Ottomans' recurring reference, in the decades  
12 following the conquest, to the *ḳānūn* (and, at times, *ḳānūnnāme*) of

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<sup>1</sup> Many aspects of this conquest have been studied in detail over the years; see, for example, Muhammad Adnan Bakhit, *The Ottoman Province of Damascus in the Sixteenth Century* (Beirut: Librarie du Liban, 1982); Doris Behrens-Abouseif, *Egypt's Adjustment to Ottoman Rule: Institutions, Waqf, and Architecture in Cairo, 16th and 17th Centuries* (Leiden: Brill, 1994); Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley, CA: University of California Press, 2003); Astrid Meier, 'Perceptions of a New Era? Historical Writing in Early Ottoman Damascus', *Arabica*, 51/ 4 (2004): 419–34; Benjamin Lellouch, *Les Ottomans en Égypte: Historiens et conquérants au XVIe siècle* (Paris: Peeters, 2006); Timothy J. Fitzgerald, 'Ottoman Methods of Conquest: Legal Imperialism and the City of Aleppo, 1480–1570' (PhD diss., Harvard University, 2009); Reem Meshal, 'Antagonistic Sharī'as and the Construction of Orthodoxy in Sixteenth-Century Ottoman Cairo', *Journal of Islamic Studies*, 21/ 2 (2010): 183–212.

1 the late fifteenth-century Mamluk sultan Qāyṭbāy (r. 1468–96);<sup>2</sup> the  
 2 second is the denunciation by Arab observers, most of them jurists,  
 3 of the new Ottoman administrative regulations as *yasaq* (or *yasa*), a  
 4 highly charged, fairly negative term in the Mamluk context that  
 5 alludes, at least in part, to the legislation of Chinggis Khān and his  
 6 successors.<sup>3</sup> Each of these discourses reflects a set of sensibilities—  
 7 the former those of the conquerors, and the latter those of the  
 8 conquered. The Ottoman conquest and annexation of the Arab lands  
 9 brought these sensibilities to the surface and into a more intense  
 10 dialogue.

11 In recent years there has been a renewed interest in the role that  
 12 legal actors who were not necessarily members of the learned circles,  
 13 and particularly the sovereign (namely, the sultan), played in the

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<sup>2</sup> Several studies have noticed the Ottoman reference to the *ḵānūn* of Qāyṭbāy. See, for example, Halil İnalçık, art. ‘Ḵānūnnāme’, *EP*; Behrens-Abouseif, *Egypt’s Adjustment*, 35–45; Colin Imber, *Ebu’s-Su‘ud: The Islamic Legal Tradition* (Stanford, CA: Stanford University Press, 1997), 44; Meshal, ‘Antagonistic Sharī‘as’, 192–3. It is worth pointing out that some scholars, like İnalçık, believe that there was indeed a *ḵānūn* of Qāyṭbāy, while others, like Behrens-Abouseif, argue that such a *ḵānūn* never existed.

<sup>3</sup> On the response of the Arab jurists, see Bakhit, *The Ottoman Province of Damascus*, 125; Behrens-Abouseif, *Egypt’s Adjustment*, 74–6; Michael Winter, ‘Ottoman Qāḍīs in Damascus in 16th–18th Centuries’ in Ron Shaham (ed.), *Law, Custom, and Statute in the Muslim World: Studies in Honor of Aharon Layish* (Leiden: Brill, 2007), 89–90; Abdul-Karim Rafeq, ‘The Syrian ‘*Ulamā*’, Ottoman Law, and Islamic *Sharī‘a*’, *Turcica*, 26 (1994): 9–32; idem., ‘The Opposition of the Azhar ‘*Ulamā*’ to Ottoman Laws and Its Significance in the History of Ottoman Egypt’ in Brigitte Marino (ed.), *Études sur les Villes du Proche-Orient XVIe–XIXe siècle: Hommage à André Raymond* (Damascus: Institut Français d’Études Arabes de Damas, 2001): 43–54; Meshal, ‘Antagonistic Sharī‘as’, 183–212.

1 administration of law in the Mamluk and Ottoman contexts.<sup>4</sup> This  
2 article joins this growing literature by concentrating on the relations  
3 between several key concepts: *kānūn*, *yasa* (or *yasaq/yasağ*), and  
4 *siyāsa*. Commonly, all three concepts were treated as separate from,  
5 and in some cases contrasted with, the law that was formulated by  
6 the jurists (Sharīʿa or *fiqh*). In any case, the concepts represent in  
7 modern scholarship ‘policy-based’ intervention in the administration  
8 of law. By looking at the changing relationship between these  
9 concepts during the transition from Mamluk to Ottoman rule in Syria  
10 and Egypt, I hope to emphasize some important dimensions of these  
11 terms that have not received, to my mind, sufficient attention in  
12 modern historiography. I argue that in the context of the fifteenth and  
13 sixteenth centuries (and possibly in earlier and later centuries as  
14 well), *kānūn* and *yasa* on the one hand and *siyāsa* on the other  
15 represented different forms of sultanic, or ‘policy-based’, legislation.  
16 Furthermore, I hope to demonstrate that the Ottoman *siyāset* was  
17 markedly different discursively and institutionally from the Mamluk  
18 *siyāsa*.

19 My main argument is that the different sixteenth-century  
20 sensibilities stem from different understandings of the sultanate, the  
21 dynasty, and the role of the sultan as legislator. More specifically, the  
22 difference, I suggest, is rooted in the legal claims that post-Mongol  
23 dynasties, including the Ottomans, made. These claims were  
24 radically different from those made by earlier Islamic rulers and

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<sup>4</sup> See, for example, Kristen Stilt, *Islamic Law in Action: Authority, Discretion, and Everyday Experiences in Mamluk Egypt* (Oxford: Oxford University Press, 2011); Yossef Rapoport, ‘Royal Justice and Religious Law: Siyāsah and Sharīʿah under the Mamluks’, *Mamluk Studies Review*, 16 (2012): 71–102; James E. Baldwin, ‘Islamic Law in an Ottoman Context: Resolving Disputes in Late 17th/Early 18th-Century Cairo’ (PhD diss., New York University, 2010).

1 sovereigns, as they were based on a relatively new independent  
2 source of authority—the post-Mongol dynasty. But beyond the  
3 rhetorical emphasis on the dynasty’s ancestral origin, the rise of  
4 Ottoman (and, more generally, post-Mongol) dynastic law ushered in  
5 a new relationship between the Ottoman dynasty and different  
6 fields of law and earlier legal discourses, such as *fiqh* and *siyāsa*.<sup>5</sup>  
7 Hussein Agrama’s explanation of the legal dimension of the  
8 sovereignty of the modern Egyptian state as an act of ‘drawing the  
9 lines’ between legal and religious spheres and legal discourses is  
10 particularly illuminating for understanding the role of *ḵānūn* in the  
11 Ottoman notion of sovereignty: ‘Th[e] sovereign power of decision  
12 is, and has been, an expression of the state’s sovereign powers. This  
13 sovereign power of decision, in turn, is typically vested in state legal  
14 authority and the structures of the rule of law.’<sup>6</sup> In the following  
15 pages, I investigate how the Ottoman *ḵānūn*, as a practice of  
16 sovereignty that enabled the Ottoman dynasty to ‘draw the lines’,  
17 differed doctrinally from earlier, and specifically Mamluk, forms of  
18 sultanic legislation.

19 One of the important ramifications of the new relationship  
20 between the dynasty and the different fields of law in the post-  
21 Mongol period is a radical change in the relationship between the  
22 ruling dynasty and the jurists. This change is key to understanding  
23 the opposition of many jurists from the Arab lands to Ottoman  
24 dynastic law and the manner in which they framed this opposition.  
25 Their rejection of the new sovereign’s legislation and claims is

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<sup>5</sup> Guy Burak, ‘The Second Formation of Islamic Law: The Post-Mongol Context of the Ottoman Adoption of a School of Law’, *Comparative Studies in Society and History*, 55/3 (2013): 579–602.

<sup>6</sup> Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago, IL: University of Chicago Press, 2012), 226.

1 especially noteworthy, as many late Mamluk jurists did not  
 2 categorically deny the permissibility of the sultan's adjudication and  
 3 issuance of regulations and rules (although some of their colleagues  
 4 clearly did).<sup>7</sup>

5 *YASA, SIYĀSA, ḲĀNŪN: INTRODUCTORY COMMENTS*

6 Before we turn to our discussion, it would be useful to briefly set the  
 7 historiographical and historical scene for the sixteenth-century  
 8 encounter between the Ottoman and Mamluk legal worldviews by  
 9 saying a few words about *siyāsa* and *yasa* in the historiography of  
 10 the Mamluk sultanate and another few about the Ottoman *ḳānūn*.

11 The nature of *siyāsa* in the late Mamluk sultanate has been the  
 12 focus of several recent studies. In her study of the office of the  
 13 *muḥtasib* (the market inspector) in Mamluk Cairo, Kristen Stilt has  
 14 defined *siyāsa* as the sultan's authority to issue laws and regulations  
 15 not explicitly addressed by the jurists in order to serve the needs of  
 16 the public. These 'policy-based orders', Stilt has rightly stressed,  
 17 should not be categorically contrasted with the law of the jurists  
 18 (Sharī<sup>c</sup>a or *fiqh*).<sup>8</sup> More recently, Yossef Rapoport has further  
 19 historicized the relationship between the *siyāsa* and Sharī<sup>c</sup>a over the  
 20 course of the Mamluk period, and has traced in particular the rise  
 21 during the fourteenth and fifteenth centuries of *siyāsa*-based legal  
 22 institutions (*siyāsa* courts), which acquired jurisdiction over cases  
 23 'that had little direct effect on public policy, such as reclamation of  
 24 debts and matrimonial cases'.<sup>9</sup> Of particular relevance for our  
 25 purpose here, Rapoport has demonstrated how in the late fifteenth  
 26 century, during the reigns of Qāyṭbāy and Qānṣūh al-Ghawrī (r.  
 27 1501–16), sultans intervened in disputes between jurists and even

<sup>7</sup> Rapoport, 'Royal Justice and Religious Law'.

<sup>8</sup> Stilt, *Islamic Law in Action*, 30–3.

<sup>9</sup> Rapoport, 'Royal Justice and Religious Law', 75.

1 considered themselves the interpreters—not only the enforcers—of  
 2 Islamic law. Furthermore, Rapoport’s study reveals the wide range of  
 3 different jurists’ interpretations of the relationship between *siyāsa*  
 4 and Shari‘a: while some jurists (as well as some state officials)  
 5 argued that the *siyāsa* and Shari‘a were inherently compatible, others  
 6 argued that they were compatible only under certain circumstances,  
 7 or were completely incompatible.<sup>10</sup>

8 Among the latter were those jurists who argued that *siyāsa* is a  
 9 Mamluk version of, or at least is influenced by, the *yasa* of Chinggis  
 10 Khān. The long discussion among scholars in the field of what David  
 11 Morgan aptly calls ‘*yasa* studies’, which is concerned with the nature  
 12 of the *yasa* of Chinggis Khān (to the extent that such a *yasa* indeed  
 13 existed), should not detain us here. Suffice it to say that the *yasa* of  
 14 Chinggis Khān was apparently a corpus of customs, rules, and  
 15 administrative practices attributed to Chinggis Khān.<sup>11</sup> This corpus  
 16 apparently changed over the centuries, but the Khān’s descendants  
 17 continued to legitimize it by referring to the fundamental role of their  
 18 ancestor as legislator. As to the impact the *yasa* of Chinggis Khān  
 19 and other Mongol legal practices had in the Mamluk realms, David  
 20 Ayalon has shown in his classic study that, in all likelihood, there  
 21 was no *positive* impact of the *yasa* on the Mamluk *siyāsa* in  
 22 particular or on the Mamluk state administration in general.  
 23 Nevertheless, as Ayalon himself pointed out, several fourteenth- and  
 24 fifteenth-century Mamluk chroniclers, such as Khalīl b. Aybak al-  
 25 Şafadī (d. 1363), Aḥmad b. °Alī al-Maqrīzī (d. 1442), and Aḥmad b.  
 26 Muḥammad Ibn. °Arabshāh (d. 1450), accused Mamluk amirs of

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<sup>10</sup> Ibid.

<sup>11</sup> David Morgan, ‘The “Great Yasa of Chinggis Khan” Revisited’ in Reuven Amitai and Michal Biran (eds.), *Mongols, Turks, and Others: Eurasian Nomads and the Sedentary World* (Leiden: Brill, 2005), 307. In this article, Morgan surveys the different views on these issues.

1 following the *yasa* of Chinggis Khān or considered certain Mamluk  
 2 practices as *yasa*-inspired.<sup>12</sup> Ayalon discarded the factual content of  
 3 these accusations, and explained:

4 The *yāsa* and other Mongol customs and institutions must  
 5 have been losing ground in the territories governed directly by  
 6 the Mongols. How much more so outside these territories.

7 The mention of the *yāsa* in any context (including the purely  
 8 Mongol context) steadily declines in the Mamluk chronicles,  
 9 until it completely disappears long before the end of the  
 10 Mamluk rule.<sup>13</sup>

11 I shall return to some other aspects of Ayalon’s argument in the  
 12 third section of this article. At this point, I am mostly interested in  
 13 highlighting that Ayalon completely disregarded the fact that the  
 14 Mamluk chronicles he consulted were also (or, perhaps, mainly)  
 15 voicing their discontent with certain administrative-legal practices,  
 16 and, perhaps, with certain claims made by state officials. Further, the  
 17 ‘*yasa* anxiety’ of different Mamluk authors echoed and responded to  
 18 the legal claims that post-Mongol dynasts throughout the eastern  
 19 Islamic lands were advancing over the course of the fourteenth and  
 20 the fifteenth centuries. In other words, regardless of the historical  
 21 accuracy of the Mamluk chroniclers’ accounts, it seems necessary to  
 22 pay attention to when, why, and against whom the ‘*yasa* argument’ is  
 23 raised. Paying attention to these issues is important because it casts  
 24 light on the negative role the *yasa* (however it was defined) played in  
 25 shaping *siyāsa*—that is, on the way that *yasa* was used to describe

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<sup>12</sup> David Ayalon, ‘The Great Yāsa of Chingiz Khān: A Reexamination (Parts A–C2)’ *Studia Islamica*, 33 (1971): 97–140; 34 (1971): 151–80; 36 (1972): 113–58; 38 (1973): 107–156.

<sup>13</sup> Ayalon, ‘The Great Yāsa of Chingiz Khān: A Reexamination (Part C2)’, 141.

1 what *siyāsa* should not be. Moreover, it can shed light on the ways in  
 2 which *yasa* was perceived during the Mamluk period and during the  
 3 first decades of Ottoman presence in the Arab lands.

4 Like other post-Mongol dynastic laws, Ottoman dynastic law,  
 5 *ḳānūn*, bore certain similarities to the Chingissid *yasa*. It was a set of  
 6 edicts, regulations, and practices, parts of which were written down,  
 7 codified, and promulgated in the form of codes (*ḳānūnnāmes*). Other  
 8 elements of Ottoman dynastic law, it appears, were not fully  
 9 codified.<sup>14</sup> Regardless, the Ottoman legal corpus and practices were  
 10 associated with, and drew their legitimacy from, the Ottoman sultan  
 11 and, more generally, the Ottoman dynasty (hence I refer to it  
 12 throughout this article as dynastic law). Accordingly, some of the  
 13 edicts and practices were issued in the name of a specific sultan,  
 14 while others were labeled the ‘Ottoman *ḳānūn*’ (*Ḳānūn-i Osmānī* or

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<sup>14</sup> On *ḳānūn*, see Halil İnalçık, ‘Ḳānūnnāme’; Uriel Heyd, *Studies in Old Ottoman Criminal Law* (Oxford: Clarendon Press, 1973); Cornell H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541–1600)* (Princeton, NJ: Princeton University Press, 1986), 191–200; Imber, *Ebu’s-Su‘ud*; F. Babinger, art. ‘Nishāndjī’, *IEP*; Molly Greene, *A Shared World: Christians and Muslims in the Early Modern Mediterranean* (Princeton, NJ: Princeton University Press, 2000), 27–32; Dror Ze‘evi, *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500–1900* (Berkeley, CA: University of California Press, 2006), 50; Snjezana Buzov, ‘The Lawgiver and His Lawmakers: The Role of Legal Discourse in the Change of Ottoman Imperial Culture’ (PhD diss., University of Chicago, 2005); Timothy J. Fitzgerald, ‘Ottoman Methods of Conquest, 188–95; Başak Tuğ, ‘Politics of Honor: The Institutional and Social Frontiers of “Illicit” Sex in Mid-Eighteenth-Century Ottoman Anatolia’ (PhD diss., New York University, 2009), 40–96.



1 *Ḳānūnnāme-i Āl-i Osmān*).<sup>15</sup> As will be further discussed below, due  
 2 to its association with the Ottoman dynasty, *ḳānūn* and its  
 3 implementation were markers of Ottoman sovereignty. Lastly,  
 4 Ottoman dynastic law was a product of the dialogue the Ottoman  
 5 dynasty maintained with the Chinggisid legal and political legacy, as  
 6 is suggested by the fact that Ottoman sources at times referred to  
 7 Ottoman dynastic law as *yasağ*.<sup>16</sup> But as opposed to the Mamluk  
 8 sultanate, where *yasa* (or *yasak/yasaq*) was considered by and large  
 9 negatively, in the Ottoman domains the concept did not carry such  
 10 negative connotations.

11 The Ottoman understanding of *ḳānūn* is different from the  
 12 Mamluk perception of the term (which I refer to as *qānūn*).<sup>17</sup> Before  
 13 we turn to sixteenth-century Ottoman Syria and Egypt, it would  
 14 therefore be helpful to outline in fairly broad strokes how the term  
 15 *qānūn* was employed in Arabic sources from the Mamluk sultanate.<sup>18</sup>  
 16 Since this article's geographical and chronological focus is the  
 17 sixteenth-century Arab Middle East, I pay closer attention here to the  
 18 pre-Ottoman, Mamluk use of the term *qānūn*. Telling the history of  
 19 the developments outlined in this article from a more Anatolian

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<sup>15</sup> Consider, for example, two quite famous compilations: *Ayn-i Ali* Efendi, *Ḳanunname-i Āl-i Osman* (Ankara: Resimli Posta Matbaası LTD Şirketi, 1962) and Hezârfeñ Hüseyin Efendi's *Telhîsü'l-beyân fî Kavâin-i Āl-i Osmân* (Ankara: Türk Tarih Kurumu, 1998).

<sup>16</sup> Burak, 'The Second Formation of Islamic Law'.

<sup>17</sup> Both *ḳānūn* and *qānūn* are spelled exactly the same in Arabic and Ottoman Turkish. The difference in transliteration reflects the various contexts in which the term circulated and the different meanings that were attached to the term in these contexts.

<sup>18</sup> This is not, of course, an exhaustive philological inquiry into the history of this concept, a history that may begin with the adoption/translation of the term from Greek sources in late antiquity.

1 perspective may shed light on the factors that led the Ottoman  
 2 dynasty and its ruling elite to adopt the Arabic term *qānūn* and apply  
 3 it to Ottoman dynastic law. Although this article tangentially touches  
 4 on this issue, it clearly deserves an independent study. In any case,  
 5 the multiple trajectories of the word *qānūn* between the Arab Middle  
 6 East and Anatolia in the fourteenth and fifteenth centuries necessitate  
 7 paying closer attention to the subtleties in the ways the concept was  
 8 employed in different contexts.

9 The Mamluk sources, for the most part, use the word *qānūn* to  
 10 denote a principle, standard, or common practice. The fourteenth-  
 11 century lexicographer Ibn Manẓūr (d. 1311 or 12) explains: ‘The  
 12 *qānūn* of any thing is its manner [*ṭarīquhu*] and its scale  
 13 [*miqyāsuhu*]’. Slightly later he adds: ‘The *qānūns* [*qawānīn*] are the  
 14 principles [*uṣūl*]’.<sup>19</sup> The early fourteenth-century encyclopedist  
 15 Aḥmad al-Nuwayrī (d. 1332?) and the earlier documents and works  
 16 on which he relied seem to follow Ibn Manẓūr’s definition. ‘The  
 17 damage of ignorance is more common than the damage of evil’,  
 18 writes al-Nuwayrī, ‘for the principle of evil [*qānūn al-sharr*] is  
 19 known, whereas the principle of ignorance [*qānūn al-jahl*] is not’. A  
 20 few volumes later, al-Nuwayrī cites a letter the Mamluk sultan al-  
 21 Manṣūr wrote to his son, instructing him to follow the Sharīʿa, ‘the  
 22 principle of truth that one should follow, and the rule that one has to  
 23 adhere to’ (*qānūn al-ḥaqq al-muttabaʿ wa-nāmūs al-amr al-*  
 24 *mustamaʿ*). In another instance, al-Nuwayrī uses the term *qānūn* to  
 25 refer to a local practice: in the context of his discussion of the  
 26 taxation of Egypt, he mentions the ‘*qānūn* of Egypt’ (*qānūn al-diyār*

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<sup>19</sup> Muḥammad b. Mukarram Ibn. Manẓūr, *Lisān al-ʿarab* (Beirut: Dār Ṣādir, 1955–6), xiii. 349–50. (The translations here and hereafter are mine, unless otherwise indicated).

1 *al-Miṣriyya*).<sup>20</sup> In several instances, Mamluk authors used the term  
 2 *qānūn* in the context of a political-administrative practice. For  
 3 example, in his famous encyclopedic manual for scribes written in  
 4 the late fourteenth or early fifteenth century, Aḥmad b. °Alī al-  
 5 Qalqashandī (d. 1418) mentions the ‘standards of chancery’  
 6 (*qawānīn diwān al-inshā°*).<sup>21</sup>

7 As these examples demonstrate, the Mamluk *qānūn*, unlike the  
 8 Ottoman *ḳānūn*, is not associated with a written legal code nor  
 9 carries the meaning of sultanic/dynastic law. At the same time, the  
 10 Mamluk (and probably earlier) understanding of *qānūn* left enough  
 11 room for the Ottoman dynasty to adopt and adapt this term to mean  
 12 the Ottoman way of conduct, or *ḳānūn*.<sup>22</sup> The shift in meaning may  
 13 seem subtle and perhaps even insignificant, but for many in the  
 14 sixteenth century, this change turned out to be quite radical.

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<sup>20</sup> Aḥmad b. °Abd al-Wahhāb al-Nuwayrī, *Nihāyat al-arab fī funūn al-adab* (Cairo: Dār al-Kutub al-Miṣriyya, 27 vols., 1923–85), vi. 112; viii. 118, 246–7.

<sup>21</sup> Aḥmad b. °Alī al-Qalqashandī, *Ṣubḥ al-a°shā fī kitābat al-inshā°* (Cairo: al-Mu°assasa al-Miṣriyya al-°Āmma li-l-Ta°lif wa-l-Tarjuma wa-l-Ṭiba°a wa-l-Nashr), i. 101. It is worth pointing out that the term *qānūn* appears in earlier chancery manuals as well. See, for example, the manual penned by the Fatimid scribe Ibn al-Ṣayrafī (d. 1147), *al-Qānūn fī diwān al-rasā°il wa-l-ishāra ilā man nāla al-wizāra* (ed. Ayman Fu°ād Sayyid; Cairo: al-Dār al-Miṣriyya al-Lubnāniyya, 1990).

<sup>22</sup> This change in meaning is similar to the change the term *°urf* underwent in the Ottoman realms. Although it retained, in some contexts, the meaning of customary practice, it also acquired the meaning of an Ottoman imperial/dynastic practice, as the term *ehl-i °örf* and the title of Meḥmet II’s legal code (*Ḳānūnnāme-i sulṭānī ber muceb-i °Örf-i Osmānī* [eds. Robert Anhegger, Halil İnalçık; Ankara: Türk Tarih Kurumu Basımevi, [1956]) imply.

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THE *ḲĀNŪN* OF QĀYTBĀY

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In 1519, three years after the provinces came under Ottoman rule, the

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Ottoman sultan Selīm I (r. 1512–20) issued a legal code

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(*ḳānūnnāme*) for the Cilician province (*livā*) of Sis and the Syrian

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province of Tarsus. The code was intended to regulate taxes and

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other agricultural issues. Interestingly, the title of these codes

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attribute at least some of these regulations to a legal code

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(*ḳānūnnāme*) that was issued by the Mamluk sultan Qāyṭbāy (the full

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title reads ‘On the Declaration of the *Ḳānūnnāme* of Sultan Qāyṭbāy

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in the Province of Sis/Tarsus’ [*Der Beyân-i Ḳānūnnāme-i Sultan*

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*Ḳayṭbay der Livâ-i Sîs/Tarsus*]).<sup>23</sup>

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The attribution of a legal code to the glorious Mamluk sultan was

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quite rare. More common was the reference to his *ḳānūn*, without

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making clear reference to a written legal code. In 1523, three years

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after he ascended the throne, Selīm’s son, Süleymān (r. 1520–66),

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issued a legal code for the province (*livā*) of Adana, in which he

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made reference to the *ḳānūn* of Qāyṭbāy (*Ḳayṭbay kanûnu*).<sup>24</sup>

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Similar references were also made in his 1524–25 legal code for

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Egypt and in his 1548 code for the province (*vilâyet*) of Damascus.<sup>25</sup>

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In other Ottoman *ḳānūnnāmes* issued during Süleymān’s reign,

<sup>23</sup> Ahmed Akgündüz, *Osmanlı kanunnâmeleri ve hukukî tahlilleri*

(Istanbul: Fey Vakfı Yayınları, 9 vols., 1990–96), iii. 487–91, 493–5.

<sup>24</sup> Ibid, v. 595.

<sup>25</sup> On the compilation of the *ḳānūnnāme* for Egypt, see Kaya Şahin, *Empire and Power in the Reign of Süleyman: Narrating the Sixteenth-Century Ottoman World* (Cambridge: Cambridge University Press, 2013), 53–9.

1 certain practices are described as the custom (*‘ādet*) during  
2 Qāyrbāy’s reign.<sup>26</sup>

3 The reference to Qāyrbāy’s *kānūn* or *kānūnnāmes* follows the  
4 trend, in the decades following the early sixteenth-century conquest  
5 of vast territories in eastern Anatolia, of the new rulers legitimizing  
6 certain practices, laws, and regulations by tracing them to the famous  
7 Akkoyunlu sultan, Uzun Ḥasan (d. 1478). A contemporary of  
8 Qāyrbāy and of the Ottoman sultan Meḥmet II, Uzun Ḥasan was the  
9 most prominent ruler of the Akkoyunlu dynasty and one of the most  
10 eminent Muslim rulers of the time.<sup>27</sup> In the eyes of the Ottoman  
11 conquerors of the former Akkoyunlu territories, Uzun Ḥasan was a  
12 luminary legislator. Their appreciation is reflected in the titles they  
13 gave, during the sixteenth century’s second decade, to legal codes for  
14 the newly established Ottoman provinces in eastern Anatolia, such as  
15 the provinces of Çermin, Çüngüş and Hisaran, Harput, Mardin, and  
16 Urfa. The codes repeatedly state that certain laws and regulations are  
17 ‘in accordance with the *kānūn* of Ḥasan Padişāh [Uzun Ḥasan]’ (*ber*  
18 *mûceb-i kanun-ı Hasan Padişah*).<sup>28</sup>

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<sup>26</sup> Akgündüz, *Osmanlı kanunnâmeleri*, vi. 110. ‘*Ve Kayırbay zamanında âdet-i câriye bu vech ile idi ki . . .*’

<sup>27</sup> On Uzun Ḥasan, see John Woods, *The Aqqyunlu. Clan, Confederation, Empire: A Study in 15th/9th Century Turko–Iranian Politics* (Minneapolis, MN: Bibliotheca Islamica, 1976), 99–137.

<sup>28</sup> Akgündüz, *Osmanlı kanunnâmeleri*, iii. 236–8, 259–85. The titles of the *kānūnnāmes* for these provinces draw a clear distinction between the Ottoman *kānūn* and that of Uzun Ḥasan. The formula (in Persian) reads: ‘A detailed description of the *kānūnnāme* of the province [of so-and-so] according to the Ottoman *kānūn*, and [certain general taxes or the revenues of certain provinces] should be levied according to the *kānūn* of Ḥasan Padişah [Uzun Ḥasan] following the choice of the inhabitants of this province and with the approval of [so-and-so] the governor [of the

1 By ascribing certain laws to the Mamluk sultan, the Ottomans  
 2 clearly sought legitimacy. It is worth adding that Qāyṭbāy's fame as a  
 3 just and competent legislator was not an Ottoman innovation. An  
 4 anecdote recorded by the late Mamluk Egyptian chronicler Ibn Iyās  
 5 (d. 1524) suggests that many of their newly incorporated subjects  
 6 shared this view: on the eve of the Ottomans' catastrophic defeat of  
 7 the Mamluk armies, during the reign of Qāyṭbāy's successor Qānṣūh  
 8 al-Ghawrī, the holy man Shaykh Abū l-Sa'ūd attributed the pending  
 9 defeat to al-Ghawrī's corrupt and arbitrary policies and laws. To  
 10 prevent the defeat, he recommended, 'From this day they [the  
 11 Mamluk ruling elite] would not abuse the masses or treat them  
 12 unjustly or impose arbitrary measures upon them. They would  
 13 abolish all al-Ghawrī's oppressive schemes, including the monthly  
 14 and weekly imposts on shops. The state of affairs prevailing under  
 15 al-Ashraf Qāyṭbāy would be restored.'<sup>29</sup>

16 The view of Qāyṭbāy as an ideal, just legislator, as in Abū l-  
 17 Sa'ūd's admonition of al-Ghawrī, stands in contrast to the  
 18 accusations of corruption and injustice that tainted the Ottoman  
 19 description of their Mamluk predecessors. The Ottoman imperial  
 20 codes from the first three decades following the conquest (and even  
 21 later) used the term 'Circassian' (*çerākise*) to refer to the Mamluks in  
 22 general; in some cases the term is neutral, but in others the Mamluk  
 23 laws and practices are described as unlawful innovations (*bid'atlar*)  
 24 that should be abrogated. For example, in the 1551 legal code for the

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province] and the qāḍī of province [so-and-so] in accordance with a  
 sublime edict.' (*ber mûceb-i kanun-ı Hasan Padişah şüde bi-ihdiyâr-ı  
 ahâlî-i vilâyet-i mezkûre ve bi-ma'rîfet-i . . . mîr-i mîrân ve be kâdî-i . . .  
 ber-mûceb-i hükm-i âlişân.*)

<sup>29</sup> Translated in Carl F. Petry, *Twilight of Majesty: The Reigns of the Mamlūk Sultans al-Ashraf* [sic] *Qāyṭbāy and Qānṣūh al-Ghawrī in Egypt* (Seattle, WA: University of Washington Press, 1993), 231.

1 province of Hımş, Süleymān ordered the abrogation (*ref' olunub*) of  
 2 certain unlawful innovations that were introduced during the late  
 3 Mamluk (*çerākise*) period.<sup>30</sup>

4 As to the content of the laws ascribed to Qāyrbāy, they were  
 5 mostly related to commercial and agricultural taxes: in the 1523  
 6 *ķānūnnāme* for the Ottoman province of Egypt (Mısır Eyāleti), fees  
 7 (*rūsūm*) for the maintenance of the irrigation systems as well as for  
 8 land measurement (*misāḥat*) were levied according to Qāyrbāy's  
 9 *ķānūn*, and in Damascus, as late as 1548, the market inspection  
 10 (*iḥtisāp*) was said to follow the *ķānūn* of Qāyrbāy, as was the  
 11 administration of the city's horse market.<sup>31</sup> At the same time,  
 12 however, other issues that were regulated by Ottoman *ķānūn*, such as  
 13 criminal issues, were not handled according to the Qāyrbāy's *ķānūn*;  
 14 for example, in the aforementioned 1519 legal code for the province  
 15 of Sis—the same legal code that referred to the *ķānūnnāme* of  
 16 Qāyrbāy—the Ottoman sultan ordered that certain criminal issues be  
 17 handled according to the 'Old Ottoman *Ķānūn*' (*Kanūn-i Osmāniye*  
 18 *mürāca'at olunub*).<sup>32</sup>

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<sup>30</sup> Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukī Tahlilleri*, v. 680. See also Buzov, 'The Lawgiver and His Lawmakers', 43–4; Meshal, *Antagonistic Sharī'as*, 193.

<sup>31</sup> Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukī Tahlilleri*, vi. 110–11, 125; vii. 1, 27. Sometimes, the term 'Circassian' is more neutral: for instance, the 1559 *ķānūnnāme* for the province of Malatya concerning taxes on silk and luxury goods (*metā'*) states that these taxes should be levied according to the old manner (*üslūb-ı sâbık*), which is said to have originated in the Mamluk period (*Çerākise zamanından ilâ hâze'el-ân*): *ibid*, vi. 280.

<sup>32</sup> *Ibid*, iii. 451. This pattern is quite similar to the pattern we have observed in the legal codes from eastern Anatolia, in which the Ottoman *ķānūn* and that of Uzun Ḥasan coexisted in the same *ķānūnnāme*.

1 By the 1550s, Qāyrbāy's name, like that of his Akkoyunlu  
 2 counterpart, disappeared from the Ottoman provincial legal codes.<sup>33</sup>  
 3 This is not to suggest that the content of the regulations necessarily  
 4 changed over the course of the incorporation of the new provinces  
 5 into the empire, although some clearly did. The key point is that they  
 6 were no longer attributed to pre-Ottoman legislators. The abrogation  
 7 of Qāyrbāy's laws and/or disappearance of his name was gradual, but  
 8 began in the earliest Ottoman codes for provinces that were part of  
 9 the former Mamluk sultanate. In the 1523 *ḳānūnnāme* for Egypt, for  
 10 example, the Ottoman sultan (*emr-i padişāhi*) abrogated certain  
 11 Mamluk administrative practices.<sup>34</sup> Although it is not always stated  
 12 why Qāyrbāy's regulations were canceled, at least in some cases, as  
 13 in the 1523 legal code for the southeastern Anatolian province of  
 14 Adana, the abrogation followed a petition of the recently  
 15 incorporated subjects.<sup>35</sup>

16 The abrogation of pre-Ottoman laws, or at least those laws  
 17 ascribed to eminent pre-Ottoman legislators, marks an important step  
 18 in the incorporation of the newly conquered provinces into the  
 19 empire. More generally, the imposition of the Ottoman *ḳānūn* and the  
 20 abrogation of pre-Ottoman laws were part of Ottoman rituals of  
 21 sovereignty in the sixteenth century (and also, in all likelihood, in the  
 22 fifteenth century). The Ottoman chronicler Ḥadīdī, who wrote in the  
 23 early sixteenth century, roughly at the time of the legal codes that  
 24 concern us here, repeatedly states in his rhymed chronicle of the  
 25 Ottoman dynasty that the implementation of the Ottoman *ḳānūn* in a  
 26 recently conquered province epitomized its conquest. (On the

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<sup>33</sup> Ömer Lütfi Barkan, 'Osmanlı Devrinde Akkoyunlu Hükümdarı Uzun Hasan Beye Ait Kanunlar', *Tarih Vesikaları*, 2 (1941): 91–106, 184–97.

<sup>34</sup> Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukî Tahlilleri*, vi. 125–6.

<sup>35</sup> *Ibid*, v. 595.



1 fifteenth-century conquest of the Karamanid territories, he says: ‘Let  
 2 the possessions of Karaman be subjected [to Ottoman rule]/Let the  
 3 Ottoman *ḳānūn* be formulated/established’ [*Karaman mülkini eyle*  
 4 *musahhar/Ola kanûn-ı Osmânî muḳarrer*].<sup>36</sup> Similarly, in his  
 5 account of the Ottoman conquest of Baghdad in 1535, Naşūhü’s-  
 6 Silāhî relates that the Ottomans abrogated the ‘false *ḳānūns*’  
 7 (*ḳevânîn-i ‘âṭile*) of the heretic Safavids.<sup>37</sup> And in his chronicle of  
 8 the acts of Sultan Selīm I (his *Selīmnāme*), the sixteenth-century  
 9 chronicler Celāl-zāde Muşṭafā (d. 1567) portrays the ‘well-ordered  
 10 Ottoman *ḳānūns*’ (*ḳevānān-i nāẓim-ayin-i ‘Osmānî*) as a source of  
 11 order for the emerging bureaucracy, since through these laws the  
 12 registers of the Arab lands were ‘corrected and organized’.<sup>38</sup>

13 There are similarities between how the Ottomans invoke the  
 14 *ḳānūn* of Qāyṭbāy and that of other pre-Ottoman legislators. But  
 15 there is also a major difference between Qāyṭbāy and, for example,  
 16 the Akkoyunlu dynasts: unlike the latter, who employed the term  
 17 *yasa*, which is closely related to dynastic law, in the fifteenth  
 18 century,<sup>39</sup> Qāyṭbāy never issued a *ḳānūnnāme* or even had a *ḳānūn*

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<sup>36</sup> Hadīfī, *Tevārih-i Āl-i Osman* (1299–1523) (ed. Necdet Öztürk; Istanbul: Edebiyat Fakültesi Basımevi, 1991), 281. The exact phrase also appears on pages 320 and 327.

<sup>37</sup> Naşūhü’s-Silāhî (Maṭrākçī), *Beyān-ı menāzil-i sefer-i ‘Irākeyn-i Sulṭān Süleymān Hān* (ed. Hüseyin G. Yurdayın; Ankara: Türk Tarih Kurumu, 1976), 48b.

<sup>38</sup> Celāl-zāde Mustafa, *Selīm-nāme* (eds. Ahmet Uğgur, Mustafa Çuhadar; Istanbul: Millî Eğitim Bakanlığı Yayınları, 1997), 337.

<sup>39</sup> See, for instance, Abā Bakr Ṭīhrānī (f. 1423), *Kitāb-i Diyārbakriyya: Tārīkh-i Ḥasan Bīk-i Āq Quyūnlū va aslāf-i ū va ānchah bidān muta‘alliq ast az tavārīkh-i Qarāquyūnlū va Chaghātāy* (eds. Necati Lugal, Faruk Sümer; Ankara: Türk Tarih Kurumu, [1962] 1993), ii. 365, 367, 465. On the Akkoyunlu *yasakname*, see Stephen F. Dale, *The Muslim Empires of*

1 associated with him. It is worth pointing out that Mamluk sources  
 2 record quite meticulously the edicts and regulations issued by the  
 3 Mamluk sultans, and the sultanate of Qāyṭbāy was no exception—his  
 4 reign is fairly well documented by contemporary chroniclers.<sup>40</sup>  
 5 Therefore, one may expect that contemporary and later sources  
 6 would mention the *qānūn* of Qāyṭbāy (or his *qānūnnāme*), had he  
 7 indeed had or issued one. It would also be reasonable to expect to  
 8 find reference to the *qānūn* of Qāyṭbāy in Arab sources from the  
 9 years and decades following the conquest. However, this is not the  
 10 case: the extant accounts of Qāyṭbāy's reign and of the last decades  
 11 of the Mamluk sultanate do not use the term *qānūn* in the Ottoman  
 12 sense of sultanic/dynastic law. Even the edicts that the Ottoman-

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*the Ottomans, Safavids, and Mughals* (Cambridge: Cambridge University Press, 2010), 82–3.

<sup>40</sup> On Qāyṭbāy's reign, see, for example, Ḥusayn Ibn. Muḥammad b. al-Shihna (d. 1504), *al-Badr al-zāhir fī nuṣrat al-malik al-nāṣir Muḥammad ibn Qāyṭbāy* (ed. °Umar °Abd al-Salām Tadmurī; Beirut: Dār al-Kitāb al-°Arabī, 1983); Muḥammad b. Yahyā Ibn al-Jī°ān (d. 1496), *Kitāb al-Qawl al-mustazraf fī safar al-Malik al-Ashraf Qāyṭbāy* (Cairo: al-Dār al-Thaqāfiyya li-l-Nashr, 2006), 9–38; Anonymous, *Tārīkh al-Malik al-Ashraf Qāyṭbāy* (ed. Muḥammad Zaynahum; Cairo: al-Dār al-Thaqāfiyya li-l-Nashr, 2006), 39–117; °Alī b. Dāwud al-Jawharī Ibn al-Ṣayrafī (d. 1495), *Inbā° al-ḥaṣr bi-abnā° al-°aṣr* (ed. Hasan Habashi; Cairo: Dār al-Fikr al-°Arabī, 1970); Ibn Iyās, *Die Chronik des Ibn Ijās* (ed. Mohamed Mustafa et al.; Istanbul: In Kommission bei Franz Steiner, 1931–75), vol. 3; Shams al-Dīn Muḥammad b. °Alī Ibn Ṭulūn (d. 1546), *Mufākahat al-khillān fī ḥawādīth al-zamān: tārīkh Miṣr wa-l-Shām* (ed. Muḥammad Muṣṭafā; Cairo: al-Mu°assasa al-Miṣriyya al-°Āmma li-l-Ta°lif wa-l-Tarjama wa-l-Ṭibā°a wa-l-Nashr, 1962–4), vol. 1; Najm al-Dīn Muḥammad b. Muḥammad al-Ghazzī (d. 1651), *al-Kawākib al-sā°ira bi-a°yān al-mi°a al-°āshira* (ed. Jibrā°il Sulaymān Jabbūr; Beirut: Jāmi°at Bayrūt al-Amīrikiyya, 1945–58), i. 297–300. See also Petry, *Twilight of Majesty*.

1 appointed governor of Damascus, the former Mamluk Jān Birdī al-  
 2 Ghazālī, issued in the years following the Ottoman conquest do not  
 3 refer to a *kānūn* or any specific regulation that was attributed to  
 4 Qāyrbāy (or his successors).<sup>41</sup> In short, it is fairly evident that *kānūn*  
 5 was not part of the Mamluk political and legal vocabulary.

6 Why, then, did the new Ottoman rulers insist on describing  
 7 practices and laws they inherited from their Mamluk predecessors as  
 8 *kānūn*, and, in some cases, even assume/invent the existence of a  
 9 written legal code? After all, the Ottomans could have just  
 10 implemented the pre-Ottoman laws without labeling them ‘the *kānūn*  
 11 of Qāyrbāy’. In his excellent study of the Ottoman conquest of  
 12 Egypt, Benjamin Lellouch interpreted the Ottoman quest for  
 13 Qāyrbāy’s *kānūnnāme* as an attempt to codify Mamluk regulations,  
 14 despite the fact that the Mamluks avoided such a codification.<sup>42</sup>  
 15 Codification may be one of the reasons for this quest, but it seems to  
 16 me that the Ottoman conquerors were mainly after a comparable  
 17 sultanic/dynastic law. The account of the sixteenth-century Ottoman  
 18 chronicler Celāl-zāde Şāliḥ Çelebi (d. 1565), who was also a Hanafī  
 19 judge in Egypt during the governorship of Dāvūd Paşa (r. 1538–49),  
 20 sheds some light in his *History of Egypt (Tarīḫ-i Miṣr)* on the way in  
 21 which the Ottoman rulers and their provincial governors and  
 22 administrators perceived Qāyrbāy’s *kānūnnāme*:

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<sup>41</sup> Some of these edicts were inscribed on buildings across Syria throughout the Mamluk period and in the first years of Ottoman rule in the province. The discursive continuity from the Mamluk to the very early Ottoman period is remarkable. For Damascus, see Jean Sauvaget, ‘Décrets mamelouks de Syrie (premier article)’, *Bulletin d’études orientales*, 2 (1932), 15–52.

<sup>42</sup> Lellouch, *Les Ottomans en Égypte*, 63, 107.

1 [We] asked the city dwellers [*şehirlü tâifesi*]: “Of the  
 2 *padişāhs* of the past, for whose justice are you grateful and  
 3 whose *kānūn* did you favour?” We shall search for his  
 4 *kānūnnāme* and, in accordance with [that *kānūnnāme* we]  
 5 shall promulgate a *fermān* ordering the writing of a  
 6 *kānūnnāme*. The people said: ‘We are content with the  
 7 sultanic *kānūn* [*kānūn-i sultānīye*] that prevailed during the  
 8 time of the late Sultan Qāyrbāy’, and they chose it. On his  
 9 behalf, he [the Ottoman sultan] issued a noble *fermān*  
 10 [*fermān-i hümayūn*] ordering the search for [*buldurmuşlar*] the  
 11 sultanic *kānūnnāme* [*kānūnnāme-i sultānī*] of his [Qāyrbāy’s]  
 12 time. He ordered that from that [day] on, the affairs of the  
 13 province [of Egypt] [*umūr-i vilāyet*] will be administered  
 14 according to an imperial *kānūnnāme* [*kānūnnāme-i hümayūn*]  
 15 that is compatible [with Qāyrbāy’s *kānūnnāme*]. At that same  
 16 time, an imperial edict [*emr-i hümayūn*] was issued ordering  
 17 the deposit of [the *kānūnnāme*] in the Divan of Egypt [*divān-i*  
 18 *Mısr*].<sup>43</sup>

19 Celāl-zāde Şāliḥ Çelebi’s account clearly assumes the existence  
 20 of a pre-Ottoman *kānūnnāme* of Qāyrbāy discovered after the local  
 21 population mentioned its existence. Equally important is the fact that,  
 22 according to Celāl-zāde, the Ottoman conquerors were looking for a  
 23 pre-Ottoman *kānūn* to implement in Egypt, a *kānūn* that would enjoy  
 24 the support of the local population—but that was not necessarily

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<sup>43</sup> For the Turkish passage, see Lellouch, *Les Ottomans en Égypte*, 231.  
 For Lellouch’s French translation see *ibid*, 230–31. For Şāliḥ b. Celāl’s  
 biography, see *ibid*, 262–3.

1 Qāyṭbāy's.<sup>44</sup> Celāl-zāde describes interesting dynamics of legal  
 2 translation in which both the Ottoman conquerors and the newly  
 3 incorporated subjects took part.

4 In the Turkish chronicle he wrote in Egypt, Celāl-zāde's  
 5 colleague °Abdüṣṣamed al-Diyārbakrī offers a somewhat different  
 6 account. According to this narrative, Selīm insisted on implementing  
 7 exclusively the *ḳānūn* of Qāyṭbāy: '[T]hese [certain] regulations and  
 8 principles [*ḳā'ideleri ve ḳānūnları*] were not specific to Qāyṭbāy.  
 9 The late Selīm Khān ordered that the *ḳānūn* of Qāyṭbāy should be  
 10 implemented [*Ḳāyṭbāy ḳānūnu üzerine olsun deyü buyurdi*].'<sup>45</sup> In  
 11 any event, both chroniclers seem to agree that attributing certain  
 12 regulations and principles to the late Mamluk sultan carried special  
 13 weight in the conquerors' mind.

14 From a Damascene perspective, the jurist and chronicler Shams  
 15 al-Dīn Ibn Ṭūlūn (d. 1546) relates in his chronicle of the Ottoman  
 16 conquest of Damascus that Selīm I abrogated a certain practice that  
 17 he attributed to the *yasaq* (i.e., *ḳānūn*) of the Circassians and the  
 18 Kurds (possibly referring to the Ayyubid dynasty) (*yasaq al-Jarākisa*  
 19 *wa-l-Akrād*).<sup>46</sup> Ibn Ṭūlūn's account, Celāl-zāde's, and the imperial  
 20 *ḳānūnnāmes* suggest that the Ottoman sovereigns and their ruling  
 21 elite attempted to translate the legal landscape they inherited from  
 22 the Mamluks into their political-legal vocabulary. In the new rulers'  
 23 vocabulary, the sultan, and more generally the dynasty, must have a

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<sup>44</sup> The Ottomans' approach of letting the new subjects choose which *ḳānūn* they wanted to follow is also evident from the legal codes of eastern Anatolia (see n. 25 above).

<sup>45</sup> The Turkish text appears in Lellouch, *Les Ottomans en Égypte*, 364. For Lellouch's French translation, see *ibid*, 365.

<sup>46</sup> Ibn Ṭūlūn, *Mufākahat al-khillān*, ii. 84.

1 *ḳānūn*—that is, a law that was associated with them, whether  
2 codified or not.

3 *OTTOMAN YASAQ (YASAQ ʿUTHMĀNĪ)*

4 As we have already seen, David Ayalon argued that ‘[t]he mention of  
5 the *yāsa* in *any* context (including the purely Mongol context)  
6 steadily declines in the Mamluk chronicles, until it completely  
7 disappears long before the end of the Mamluk rule’.<sup>47</sup> Ayalon,  
8 however, neglects to discuss the last appearance of the *yasa* in  
9 sources (mainly chronicles) compiled by authors who were born and  
10 educated during the last decades of the Mamluk sultanate and who  
11 witnessed the Ottoman conquest of the Arab lands. The resurfacing  
12 of the *yasa* (or *yasaq*) in these sources suggests that Ayalon’s  
13 conclusion about the decline of the *yasa* is somewhat exaggerated.  
14 As I would like to suggest in this section, the fact that the *yasa*  
15 discourse reemerged in the early sixteenth century across the Arab  
16 lands suggests that the *yasa*, or at least certain views of the *yasa*, as a  
17 political and legal concept never completely disappeared. Instead, it  
18 seems to have had a ghostly presence of sorts in the political and  
19 legal imagination of many during the last decades of the Mamluk  
20 sultanate, and possibly served to define negatively what legitimate  
21 legal claims the Mamluk sultan and his official could make.

22 Several studies have rightly pointed to the hostile attitude of  
23 jurists from the Arab lands toward Ottoman legal practices, which  
24 they most frequently labeled *yasaq* (and only occasionally *qānūn*),  
25 over the course of the sixteenth century. In his account of the  
26 Ottoman conquest of Egypt, Ibn Iyās states quite disapprovingly that  
27 the recently appointed Egyptian judiciary were expected to follow

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<sup>47</sup> Ayalon, ‘The Great Yāsa of Chingiz Khān’ (Part C2), 141.

1 the Ottoman *yasaq* (*al-yasaq al-<sup>c</sup>Uthmānī*).<sup>48</sup> When the Ottomans  
 2 imposed marriage fees, Ibn Iyās relates, many Egyptian jurists  
 3 vociferously opposed this regulation, describing it as *yasaq*. One of  
 4 them, the Maliki <sup>c</sup>Isā al-Maghribī went as far as declaring that the  
 5 Ottoman *yasaq* was the *yasaq* of the infidels (*yasaq al-kufr*) (a  
 6 declaration that led to <sup>c</sup>Isā’s imprisonment).<sup>49</sup> Writing in Damascus  
 7 after the Ottoman conquest, Ibn Ṭūlūn was not as adamantly against  
 8 the Ottoman *yasaq* as Ibn Iyās was, but he does nonetheless employ  
 9 the highly charged term to refer to certain Ottoman officials (whom  
 10 he calls *ahl al-yasaq*), most likely those that Ottomans called *ehl-i*  
 11 *‘örf* (the executive officials who were appointed by the Ottoman  
 12 state).<sup>50</sup> Another Damascene, the late sixteenth-century Shafi‘i  
 13 Sharaf al-Dīn Mūsā b. Yūsuf al-Anṣārī (d. after 1593), calls certain  
 14 Ottoman fees *yasaq*.<sup>51</sup> Further, Najm al-Dīn al-Ghazzī (d. 1651), in  
 15 his centennial biographical dictionary of the sixteenth century, is also

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<sup>48</sup> Ibn Iyās, *Die Chronik des Ibn Ijās*, v. 418; Meshal, ‘Antagonistic Shari‘as’, 201; Behrens-Abouseif, *Egypt’s Adjustment*, 69, 74.

<sup>49</sup> Rafeq, ‘The Opposition of the Azhar <sup>c</sup>Ulamā’, 48. Additionally, in a more poetic expression of the resentment towards the Ottoman *yasaq/qānūn*, Ibn Iyās cites a poem local official witnesses (*shuhūd*) composed against the appointed judge that was sent from Istanbul: ‘We have seen a half-blinded monster before our death, he came from the lands of Rum to prevent our well-being/He promoted the *qānūn* at the expense of the *shari‘a* of Aḥmad [Muḥammad], and we ask the Lord of the Throne of Glory Supreme [*rabb al-‘arsh*] to examine our sorrow’. Ibn Iyās, *Die Chronik des Ibn Ijās*, v. 467.

<sup>50</sup> Ibn Ṭūlūn, *Mufākahat al-khillān*, ii. 85. Sharaf al-Dīn al-Anṣārī refers to *ahl al-yasaq* as the *yasaqiyya*. Sharaf al-Dīn Mūsā b. Yūsuf al-Anṣārī (aka Ibn Ayyūb, d. 1590), *Nuzhat al-khāṭir wa-bahjat al-nāzir* (ed. <sup>c</sup>Adnān Darwīsh; Damascus: Wizārat al-Thaqāfa, 1991–), ii. 171, 210.

<sup>51</sup> al-Anṣārī, *Nuzhat al-khāṭir*, i. 166, 224; ii. 175. See also Bakhit, *The Province of Damascus*, 125.

1 critical of the Ottoman *yasaq*. Of particular interest to our discussion  
 2 is a debate he mentions between a Damascene jurist and appointed  
 3 judges about the nature of the Ottoman *yasaq*, in which the former  
 4 argued that the *yasaq* is not based on the four foundations of Islamic  
 5 law (the Qur<sup>ʿ</sup>ān, the Sunna, consensus [*ijmāʿ*], and syllogism  
 6 [*qiyās*]).<sup>52</sup>

7 The recurring reference to the Ottoman administrative and legal  
 8 practice in Cairene and Damascene sources is intriguing: Why did  
 9 the Arab jurists describe the Ottoman practices by resorting to the  
 10 *yasaq* discourse? They could have just pointed to what they  
 11 considered the Ottoman legislation’s non-Islamic features, declared it  
 12 non-*sharīʿa*, or framed it within the *siyāsa* discourse.<sup>53</sup> The  
 13 employment of the term *yasaq*, however, suggests that the Arab  
 14 jurists identified something quite unique in the Ottoman legislation  
 15 that justified this particular concept. But what were these unique  
 16 features?

17 Before we turn to answer these questions, a brief philological  
 18 comment is in order. In her study of the Ottoman conquest of Egypt,  
 19 Doris Behrens-Abouseif has pointed out that *yasaq* was used by Arab  
 20 historians for Ottoman law, whereas *yasa* was the term used for the  
 21 law of Chinggis Khān.<sup>54</sup> Indeed, *yasaq* was more frequently used in  
 22 sixteenth-century Arab chronicles. Nevertheless, it also appears in  
 23 Mamluk sources, such as the chronicles of al-Şafadī and Ibn

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<sup>52</sup> al-Ghazzī, *al-Kawākib al-sāʿira*, ii, 116. The *yasaq* is also called *maḥsūl*, that is, a law that is not derived on the hermeneutic principles of Islamic Sunni law. See also Winter, ‘Ottoman Qāḍīs’, 89–90.

<sup>53</sup> At the same time, Arab chroniclers continued to employ the verb *rasama* (and its derivatives *rasm* and *marsūm*) to refer to the Ottoman issuance of laws and regulations.

<sup>54</sup> Behrens-Abouseif, *Egypt’s Adjustment*, 69 n. 2.



1 Taghrībīrdī.<sup>55</sup> It is therefore fairly evident that the late Mamluk  
 2 chroniclers made this connection between Ottoman dynastic law and  
 3 Chinggisid law, although it is difficult to explain why *yasaq* became  
 4 more commonly used than *yasa* over the course of the fifteenth  
 5 century.<sup>56</sup>

6 Returning to the questions, the preamble to the Ottoman 1525  
 7 *ḵānūnnāme* for the province of Egypt may offer some answers. The  
 8 preamble describes the sultan's ancestors and the Ottoman dynasty  
 9 more generally as the source of the *ḵānūn* and of the Egyptian legal  
 10 code in particular: 'Some of the just and compassionate *ḵānūns*,  
 11 which [were initially issued] in ancient times and [came down] from  
 12 my [Sultan Süleymān's] noble fathers and great grandfathers, are  
 13 linked [to] an old principle and in a straight link, and should be  
 14 followed' (*âbâ-i kirâm ve ecdâd-i 'izâmimdan ḵadîm'üz-zamândan*  
 15 *ba<sup>c</sup>zı ḵevânîn-i 'adâlet ve âyîn re<sup>3</sup>fet ber ḵâ'ide-i ḵadîm ve râbita-i*  
 16 *müstakim rabt olunub her dem ona mürâca'at edeler*).<sup>57</sup> Sixteenth-

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<sup>55</sup> Ayalon, 'The Great Yâsa of Chingiz Khân' (C2), 116.

<sup>56</sup> In Ottoman Turkish, the term appeared as *yasağ* since at least the early decades of the fifteenth century. During his reign, Selîm I issued a *yasaknāme* for the province of Bursa; see Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukî Tahlilleri*, iii. 167. The title *yasaknāme* does not appear in the reproduction of the edict (on p. 170). In the *ḵānūnnāme* for the province of Egypt, issued in 1525, the phrase '*Yasağ oluna ki*' (Let this law be [known]) is employed. Ibid, vi. 102.

<sup>57</sup> Ibid, vi. 86. This phrase recurs over the sixteenth century in different contexts. The sixteenth-century Ottoman grand vezir Lütfi Paşa (d. 1562 or 63), for example, praises the Ottoman dynasty's (*Osmanlı tâifesi*) following of the '*ḵānūn* of the ancestors of the sultans and the sublime principle of the *ḵaḵans* [*ḵānūn-i selef-i selâḵin ile ve-ḵâ'ide-i 'alîḵân-i ḵevâkîn*']; Lütfi Paşa, *Tevârih-i Âl-i Osman* (ed. Âli Bey; Istanbul: Enderun Kitabevi, 1990 [1341/1925]), 4–5. The late sixteenth-century bureaucrat and chronicler

1 century Arab observers did not fail to recognize this connection  
 2 between the *ḵānūn* and the Ottoman dynasty, as their employment of  
 3 the term *al-yasaq al-<sup>c</sup>Uthmānī* (a variation of the Ottoman *ḵānūn-i*  
 4 *Osmānī*) suggests. Moreover, it is this connection that justified in  
 5 their eyes the reintroduction of the Mamluk *yasaq* (or, in some cases,  
 6 anti-*yasaq*) discourse.

7 This connection between a legal corpus and practices and the  
 8 ruling dynasty is markedly different from the connection between the  
 9 sovereign and his *siyāsī* legislation that the Mamluk concept of  
 10 *siyāsa* implies. In the Ottoman perception, the legal corpus draws its  
 11 legitimacy from the ancestors, the dynasty, and the legislating sultan,  
 12 who represents the dynasty. Put differently, the dynastic law traces  
 13 its origins to the eponymous founders of the dynasty, whereas the  
 14 Mamluk discourse of *siyāsa* does not have, and in fact rejects, this  
 15 dynastic dimension: the right of the Mamluk sultan to issue *siyāsa*  
 16 laws and regulations rested on the recognition of his legitimacy as an  
 17 Islamic (Sunni) sovereign, a legitimacy that had little to do with his

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Ferîdûn Bey (d. 1583) also makes a similar statement in which he emphasizes the ancestral origin of Ottoman dynastic law; Nicolas Vatin, *Ferîdûn Bey, les plaisants secrets de la campagne de Szigetvár. Edition, traduction et commentaire des folios 1 à 147 de Nüzhetü-l-esrâri-l-ahbâr der sefer-i Sigetvâr* (ms. H 1339 de la Bibliothèque de Musée de Topkapi Sarayı) (Vienna: LIT, 1993), 337, 413.

As Rifa'at Ali Abou-El-Hajj has demonstrated, the preambles for the Ottoman *ḵānūnnāmes* in general and those for the empire's Arab provinces served the new rulers in propagating their ideals of rulership and justice. Rifa'at Ali Abou-El-Hajj, 'Aspects of the Legitimation of Ottoman Rule as Reflected in the Preambles to Two Early *Liva Kanunnameler*', *Turcica* 21/22/23 (1991): 373–83. See also Buzov's discussion of the preamble of the 1525 *ḵānūnnāme* for Egypt in Buzov, 'The Lawgiver and His Lawmakers', 19–45.

1 lineage, in cases in which he could trace it. As Anne Broadbridge has  
2 pointed out, ‘unlike Chingizid or later Turko-Mongol notions of  
3 kingship, however, [the Mamluk] ideology hinged consistently and  
4 exclusively on antiquated Islamic concepts, and on a vision of the  
5 Mamluk sultan as a martial Guardian of Islam and Islamic society’.<sup>58</sup>

6 The sixteenth-century Arab chroniclers and jurists may also help  
7 us further explore the role the dynasty played in the Mamluk  
8 political-legal imagination. The extent to which Mamluk sultans  
9 sought to establish dynasties has been the focus of several studies  
10 and scholarly debates. In her study of the Mamluk conception of the  
11 sultanate, Amalia Levanoni has argued that the Mamluks tended to  
12 favour a factional pattern, in which the sultan was ‘the representative  
13 of the coalition of the dominant factions and . . . a tool to ensure their  
14 positions and interests’, over dynastic rule.<sup>59</sup> By contrast, others  
15 have pointed to the fact that several Mamluk sultans experimented  
16 with dynastic rule over the course of the thirteenth and fourteenth  
17 centuries. As Broadbridge, a representative of the latter approach,  
18 has recently explained, scholars like Levanoni and others have  
19 missed the ‘intention of the dying monarch’ to establish a dynasty,  
20 and instead mistakenly focused on the ‘lived reality of political  
21 power (whether a son managed to hold on as sultan)’.<sup>60</sup> In any case,

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<sup>58</sup> Anne Broadbridge, *Kingship and Ideology in the Islamic and Mongol Worlds* (Cambridge: Cambridge University Press, 2008), 12.

<sup>59</sup> Amalia Levanoni, ‘The Mamluk Conception of the Sultanate’, *International Journal of Middle East Studies*, 26 (1994): 373–92. For an exhaustive survey of the bibliography on this historiographical debate, see Anne Broadbridge, ‘Sending Home for Mom and Dad: The Extended Family Impulse in Mamluk Politics’, *Mamluk Studies Review*, 15 (2011): 1–18.

<sup>60</sup> *Ibid.*, 2–3.

1 both views agree that in the fifteenth century, the Mamluks  
2 definitively rejected this form of succession.

3 I am not interested here in supporting any of the views in the  
4 historiographical debate concerning the existence of a Mamluk  
5 ‘dynastic impulse’. It is noteworthy, however, that the debate has  
6 tended to focus on the succession practices in the Mamluk sultanate  
7 and the sultan’s obligations to his peers/subordinates. Much less  
8 attention has been paid to other aspects of dynastic rule, and, most  
9 relevant to our discussion here, to the role of the dynasty in the  
10 Mamluk political-legal imagination. Examining the sixteenth-century  
11 sensibility with regard to the Ottoman *yasaq/ḳānūn* along with the  
12 sensibility in earlier centuries with regard to the Mongol/Chinggisid  
13 *yasa* may add important layers to our understanding of the Mamluk  
14 perception of the dynasty and dynastic rule. It seems fairly clear that  
15 the Mamluk perception of dynasty and the function it fulfilled as a  
16 source of legal legitimacy were very different from the Ottoman  
17 (and, more generally, the post-Mongol) notion.<sup>61</sup>

18 It is worth dwelling on the affiliation of the Mamluk jurists-  
19 chroniclers who denounced the Ottoman *yasa* with the learned  
20 circles, since the Ottoman perception of dynastic law also bore on the  
21 relationship between the jurists and the dynasty. Ottoman dynastic  
22 law was instrumental in regulating the relationship between the  
23 dynasty and the jurists affiliated with it: through its *ḳānūn* the  
24 Ottoman dynasty shaped the career and training tracks of the  
25 members of its imperial learned hierarchy. Moreover, *ḳānūn* was a  
26 key element in the Ottomans’ development of an official school of  
27 law (*madhhab*). In other words, *ḳānūn* was a crucial part of the

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<sup>61</sup> See also Rhoads Murphey, *Exploring Ottoman Sovereignty: Tradition, Image and Practice in the Ottoman Imperial Household, 1400–1800* (London: Continuum, 2008), 33–5.

1 dynasty's encroachment on the jurists' relative autonomy as  
 2 legislators. The late Mamluk observers' opposition to Ottoman  
 3 legislation should be seen, at least in part, within this context. By  
 4 rejecting the Ottoman notion of dynastic law, these jurists-  
 5 chroniclers sought to preserve the role of the jurists as the main  
 6 legislators. It is worth stressing once again the difference between  
 7 the Ottomans' aims and those of their Mamluk predecessors: the  
 8 latter invoked the concept of *siyāsa* to justify their legislation; they  
 9 preserved, at least theoretically, the jurists' relative autonomy; and,  
 10 perhaps most importantly, they did not legitimize their rule by  
 11 referring to an independent ancestral source of authority. Moreover,  
 12 it seems that throughout the Mamluk period, despite some jurists'  
 13 opposition to the Mamluk *siyāsa*, many others came to accept it and  
 14 even, as the concept of *al-siyāsa al-sharʿiyya* indicates, developed  
 15 and articulated it in their writings. The Ottoman conquest altered the  
 16 Mamluk status quo.

#### 17 MAMLUK SIYĀSA, OTTOMAN SIYĀSET

18 As I have argued, the introduction of the Ottoman notion of dynastic  
 19 law as a site of sovereignty considerably changed the legal landscape  
 20 of the empire's Arab provinces. This change, I believe, has not  
 21 always received the attention it deserves in modern historiography.  
 22 Some studies, including Halil İnalcık's entry in the *Encyclopedia of*  
 23 *Islam* and Uriel Heyd's seminal *Studies in Old Ottoman Criminal*  
 24 *Law*, perceive *siyāsa* (i.e., the pre-Ottoman notion of *siyāsa*) and the  
 25 Ottoman *ḳānūn* to be quite similar. This is, for example, Heyd's  
 26 description of this relationship:

27       The *ḳānūn* is chiefly inspired not by principles of law and  
 28       justice but, like the *siyāsa*, by the need to improve the  
 29       administration and to safeguard public order. Just like the

1 *siyāsa*, it can, and should, change in accordance with changes  
2 in social conditions.<sup>62</sup>

3 Put differently, in Heyd's description of the relation between  
4 *siyāsa* and *ḵānūn*, the latter seems to be an Ottoman continuation of  
5 the former.<sup>63</sup> It is quite possible that the extensive use of the term  
6 *siyāset* in fifteenth- and sixteenth-century Ottoman legal codes (as  
7 well as in other contemporaneous legal sources) contributed to the  
8 emergence of this interpretation of the relation between *siyāsa* and  
9 *ḵānūn* in modern historiography. In light of my discussion in the  
10 previous sections, however, I find Heyd's (and others') description  
11 of this relationship somewhat problematic.

12 To clarify what is at stake, I would like to address a question that  
13 is central in my mind: How does the Ottoman *siyāset* stand in  
14 relation to Ottoman dynastic law, the *ḵānūn*? By focusing on the  
15 manner in which this relation is articulated in the Ottoman  
16 *ḵānūnnāmes* (and to a lesser extent in other sources), I hope to stress  
17 the difference between the Mamluk *siyāsa* and the Ottoman *siyāset*.<sup>64</sup>  
18 In a *ḵānūnnāme* issued during the reign of Meḥmet II (r. 1451–81),

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<sup>62</sup> Heyd, *Studies in Old Ottoman Criminal Law*, 202 (emphasis is mine).  
See also Ze'evi, *Producing Desire*, 50.

<sup>63</sup> In the same vein, in the conclusion of his recent study of the  
relationship between *siyāsa* and Sharī'ah in the Mamluk sultanate, Yossef  
Rapoport has argued that 'in the final years [of the Mamluk sultanate] the  
tension between the *siyāsaḥ*, grounded in notions of equity but open to  
arbitrary implementation, and the formalistic and ineffective sharī'ah, came  
to a head. It is only the Ottomans who would resolve this tension by  
enforcing a unified *kanun* based on the sharī'ah' (Rapoport, 'Royal Justice  
and Religious Law', 101).

<sup>64</sup> On the Ottoman concept of *siyāset*, see Heyd, *Studies in Old Ottoman  
Criminal Law*, 259–71; Agmet Mumcu, *Osmanlı Devletinde Siyaseten Katl*  
(Ankara: Ajans Türk Matbaası, 1963); Peirce, *Morality Tales*, 313–36.

1 the sultan ordered that the governor of the province (*sancak bey*)  
 2 punish (*siyāset oluna*) criminals (*fesād edenler*), with the approval of  
 3 the judge. The legal code explicitly states that the punishment was to  
 4 be meted out according to the *kānūn* (*ber-muceb-i kānūn siyāset*  
 5 *oluna*).<sup>65</sup> Imperial codes from the reigns of Meḥmet’s successors  
 6 reflect the same perception of *siyāset*. In the sultanic *siyāsetnāmes*  
 7 (*siyāsetnāme-i sultānī*) issued during the reigns of Bayezid II (r.  
 8 1481–1512), Selīm (r. 1512–20), and Süleymān (r. 1520–66), *siyāset*  
 9 denotes punitive measures against criminals.<sup>66</sup> Moreover, in his  
 10 summary of Ottoman dynastic law (*Ḳevānīn-i Āl-i Osmān*), Hezārfe  
 11 Ḥüseyin Efendi clarifies that the rights that members of the Ottoman  
 12 ruling elite were granted to extract revenues is premised on their  
 13 ability (or, perhaps, right) to punish (*emlākın şartı siyāsetdir*).<sup>67</sup> In  
 14 another place in this summary, he clearly juxtaposes the term  
 15 ‘*siyāset*’ to the word ‘*ukūbet*’ (punishment).<sup>68</sup>

16 Compared with the Mamluk understanding of *siyāsa*, the  
 17 Ottoman *siyāset*, for the most part, is considerably more limited: the  
 18 former was a general concept that referred to the sultan’s authority to  
 19 issue rules ranging from taxation to criminal law—usually in cases  
 20 that the jurists did not explicitly address in their rulings—for the  
 21 public good, whereas the latter was usually confined to punitive  
 22 measures.

23 But more importantly, the implementation of *siyāset* punishments  
 24 in the fifteenth and sixteenth centuries (as well as in later centuries)  
 25 was regulated by Ottoman dynastic law. For example, the  
 26 *kānūnnāme* for the Anatolian province of Menteşe, which was issued

<sup>65</sup> Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukî Tahlilleri*, i. 611.

<sup>66</sup> Ibid, ii. 169–71; iii. 191–4.

<sup>67</sup> Hezārfe Ḥüseyin Efendi, *Telhîsü’l-beyân*, 113–14.

<sup>68</sup> Ibid, 197.

1 during the reign of Bayezid II, orders that criminals should be  
 2 punished (*siyāset etmek*) only by state officials (*ehl-i ‘örf*).<sup>69</sup> Even  
 3 Hezārfeñ Hüseyn Efendi’s discussion of *siyāset*, as we have seen,  
 4 was part of a compilation that was devoted to Ottoman dynastic law.  
 5 In other words, *siyāset* as a legal and punitive concept and practice  
 6 was constituted by the Ottoman *ḳānūn*.

7 The novelty of the Ottoman perception of *siyāset* and its relation  
 8 to *ḳānūn* were also commented upon by observers from the Arab  
 9 lands. The late eighteenth-century Damascene officially appointed  
 10 mufti and chronicler Muḫammad b. Khalīl al-Murādī astutely  
 11 understood this relation between *ḳānūn* and *siyāset* in his account of  
 12 the Ottoman conquest of Damascus: ‘[Selīm I] . . . renewed its [the  
 13 city’s] affairs and executed his orders in [Damascus] and established  
 14 order in it according to his exalted *qānūn*, and he organized the  
 15 offices [*manāṣib*] of knowledge and *siyāsa* according to the principle  
 16 of his rulership [*qā’idat mulkihi*] and to what his noble judgment  
 17 deemed preferable [*istiḫsān ra’yihī al-sharīf*].’<sup>70</sup>

18 As al-Murādī observed, the articulation of the *siyāset* through  
 19 *ḳānūn* may be compared to the Ottoman dynasty’s intervention in the  
 20 realm of *fiqh*. Similarly, as I have pointed out above, the dynasty,  
 21 while drawing legitimacy from its dynastic law, shaped and regulated  
 22 the structure of the specific branch within the Hanafī school of law it  
 23 adopted.

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<sup>69</sup> Akgündüz, *Osmanlı Kanunnāmeleri ve Hukukī Tahlilleri*, ii. 259.

<sup>70</sup> Muḫammad Khalīl b. ‘Alī b. Muḫammad b. Muḫammad al-Murādī, *‘Urf al-bashām fī man waliya fatwā Dimashq al-Shām* (eds. Muḫammad Muṭī‘ al-Ḥāfīz, Riyād ‘Abd al-Ḥamīd Murād; Damascus: Majma‘ al-Lughā al-‘Arabiyya, 1979), 2–3.



1

## CONCLUSION

2 The Ottoman conquest of the Arab lands brought to the surface the  
 3 sensibilities of both the conquerors and their newly incorporated  
 4 subjects concerning issues of law, sovereignty, and dynastic rule.  
 5 While the Ottoman rulers sought a pre-Ottoman *ḳānūn*, many of their  
 6 new subjects identified some Ottoman notions and practices of law  
 7 and sovereignty as a version of the (quite infamous) Mongol *yasaq*.  
 8 As I have sought to demonstrate in this article, these sensibilities  
 9 may assist us in understanding the relationship between dynastic law  
 10 (*ḳānūn*) and the Mamluk notion of *siyāsa*. More generally, these  
 11 post-conquest moments of negotiation/interpretation/translation  
 12 provide an opportunity to explore the different notions of dynasty  
 13 (and their legal implications) and legal claims that coexisted across  
 14 the Mamluk sultanate and the Ottoman domains in the fifteenth and  
 15 sixteenth centuries. Furthermore, these moments reveal the multiple  
 16 meanings of such concepts as *siyāsa* and *ḳānūn* in different political  
 17 settings, and may help us to reconstruct a more nuanced  
 18 understanding of these key concepts in Islamic political and legal  
 19 history. In addition, these moments point to the significance of *ḳānūn*  
 20 as a site of Ottoman sovereignty.

21 The encounter of the sixteenth century also marks, if not the  
 22 introduction of the Ottoman modification of the word *qānūn* to  
 23 denote dynastic law into Arabic legal-political vocabulary (or, to be  
 24 more precise, the legal-political vocabulary in the Arab lands), then  
 25 at least one of the earliest appearances of the newly modified term in  
 26 the Arabic-speaking Middle East. This shift in meaning permitted  
 27 another important transformation: over the course of the nineteenth  
 28 and the twentieth centuries, *ḳānūn* (or *qānūn*) moved away from the  
 29 sense of dynastic law and came increasingly to carry the sense of

- 1 state, and at times international, law. This latter transformation
- 2 remains to be explored.