

## The Position of Sheikh Al-Islam in Istanbul

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### Abstract

Through his Position, the Sheikh of Islam was able to play an important role during the various stages that the Ottoman Empire passed through, and his importance in this period is due to the many fatwas he issued on which the laws of the Ottoman Empire were based. This position had a significant impact on changing and developing several events, whether on the political side or in the field of public interest. It also played a major role in giving legitimacy to the laws issued, whether on political issues or matters related to the public interest., Therefore, he played an important role in the political and religious fields were unique unprecedented in the Ottoman Empire. Was the status and the function of Sheikh al-Islam one of the most important pillars forming the system of the Ottoman administration on which the Ottoman Sultanate relied?

**Key words** : Sheikh of Islam; Ottoman Empire; Position ; Important role ; Istanbul.

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## - Introduction :

The Ottoman Empire reached the height of its development and began to expand, carrying the banner of Islam and the sultans as its protectors, until they ruled the western part of the Islamic world and filled Istanbul with mosques and Islamic institutions.

The Ottoman Empire was conservative in its administrative policy, so the sultans codified the prevailing custom in the various states, and laws of this type took the form of laws, so the law confirmed the prevailing custom followed. The Sultan was issuing laws not by virtue of his independent political authority, but by virtue of the authority of *ijtihad* that the Sharia assigned to the civil ruler.

The position of Sheikh al-Islam had a great impact in giving legitimacy to the laws issued, whether on political matters or matters related to the public interest.

Therefore, he played an important role in the political and religious fields that was unparalleled in the Ottoman Empire.

How was the emergence of this position in the Ottoman Empire, what was the extent of its role and importance that it acquired, and what was its impact on the course of political and civil life during the periods of Ottoman rule?

## I.. Sheikh of Islam in the Ottoman Empire

### I.1. Definition of Sheikh Al-Islam

The Sheikh from the Sufi side: He is the person who is complete in the knowledge of Sharia, method and truth, who has reached the point of perfection in them due to his knowledge of the afflictions and diseases of souls, his knowledge of their medicine, and the ability to heal them and guide them,(Encyclopedia of Islamic, Sheikh's article, 1999).

Conventionally, those who are called Sheikh al-Islam among those who issue fatwas are those who decide on controversial issues and decide on matters related to the public interest (Islamic Encyclopedia, Part 20,1998).

While from a linguistic standpoint, the sheikh is someone whose character has become clear and gray hair has appeared. The sheikh is used to refer to a professor, a scholar, an elder of the people, a chief of industry, and to someone who was great in the eyes of the people in knowledge, virtue, or status, and the like. Among the urban tribes of the mountains, it is a title for groups of notables without Princes and presenters (Al-Munajjid Al-Afajadi,1990).

### I. 2. The establishment of the position of Sheikh of Islam

Sheikh al-Islam is an honorific title that appeared for the first time in the second half of the 4th century AH. Other titles that include the word Islam (such as the glory of Islam, the majesty of Islam, and the sword of

Islam) were held by people who held temporal authority (including the Fatimid ministers) (Islamic Encyclopedia, Part 20,1998).

He was called by the senior scholars and judges in Mamluk Egypt, and to increase the glorification of his owner, he was called Sheikh of the Sheikhs of Islam (Mustafa Barakat, 2000, p 127).

This title (Sheikh of Islam) in Egypt and the Sham during the early Mamluk era became an honorary title and not an official title given except to jurists, especially those who became famous for their fatwas or were recognized by the majority of jurists for their merit. Hence, in the year 700 AH (1300 AD), the title of Sheikh of Islam became a title that every mufti with some influence could claim.

In the eighteenth century, we find in all of Egypt, Syria and Turkey that those who hold fatwas, whether they are Sunni or Shiite, if they attain some influence, it is permissible for them to be given this title. However, in Persia, the development of the title was different, as this position became Judicial authority: In every significant village, a religious court composed of mullahs and mujtahids was presided over. However, among the Safavids, the Sheikh of Islam was appointed by Sadr al-Sudurs (Islamic Encyclopedia, Part 20,1998).

During the Ottoman era, this title reached the height of its glory, so how was that?

### **I. 3.The emergence of this function in the Ottoman era**

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At the beginning of the Ottoman Empire, priority was given to the military judge, who accompanied the fighting army and then became the mufti, chief of scholars, and was called Sheikh of Islam (Abdul Karim Rafiq, 1974, p 53)

Narratives differed regarding the beginning of the emergence of this function, and it is most likely that the first person to assume this position was Muhammad Shams al-Din al-Fanari, a teacher at the Monastir Institute in the city of Bursa, where Bayezid Bildirim, the fourth sultan of the Ottomans (1389 - 1402 AD), appointed him to the position of Mufti of Al-

Anam, "Sheikh of Islam." This is to supervise all scholars, judges, and Sharia deputies (the Sharia judge in a small town and teachers of religious institutes).

It was also said that his first appearance was during the reign of Murad II, that is, from 1421 AD to 1451 AD, when he assumed leadership over all the other muftis, and the first to assume it was Adah Bali, Othman's father-in-law. As for the one who officially took it as a title, he was Khidr Bey Ali, after the conquest of Muhammad II the Conqueror. - (The seventh Ottoman Sultan 1451 - 1481 AD) Constantinople (Mustafa Barakat, 2000, p 53).

During his reign, Mufti (Khidr Bey Ali) was named Sheikh of Islam and at the same time made him the head of the military judge. The influence of the great Mufti of Istanbul did not begin to appear until the days of Selim I during the twenty-four years in which the famous Mufti Zambilli Ali Cemal Efendi assumed this position from 1501 to 1525 AD (Islamic Encyclopedia, Part 20, 1998).

The mufti became the chief of scholars during the reign of Sultan Suleiman the Magnificent (1520 - 1566 AD) and was called the Sheikh of Islam, due to the role he played in reconciling the laws issued by Sultan Suleiman and the Sharia (hence his title as the Qanuni) (Abdul Karim Rafiq, 1974, p 53)

During his reign, the Mufti of Istanbul became undisputedly important, and this Mufti was Joy Zadeh Muhiddin Efendi, who was considered the first Mufti dismissed by the Sultan from his position (in the year 1541 AD).

Thus, we see in the position of Sheikh al-Islam, a remnant of the ancient Sufi religious Sunnah in the Ottoman Empire, a Sunnah that required that, alongside the temporal authority, there be a religious authority that does not have judicial authority, but represents what we can call the religious conscience of the people.

This explains the stability of the function of Sheikh al-Islam over the centuries that followed, even though the Sultan had the authority to dismiss the holder of the title from his position, a power to which the Sultans often resorted (Islamic Encyclopedia, Part 20, 1998).

## **II- The position of the Sheikh of Islam in the Ottoman Empire**

### **II.1. The position of the Sheikh of Islam**

The position of Sheikh al-Islam in the first period of the history of the Ottoman Empire was among the temporary members who made up the Diwan al-Hamayouni.

With time and the position of fatwa branching out, it was decided that the Sheikh of Islam would be equal in status to the Grand Vizier. While riding, they walked on one rein. When this position appeared, it became higher in status than the position of military judge. During the reign of Suleiman the Magnificent, a special office was established for him, known

as “Fatwa.” box” to assist him in preparing his decisions (Mustafa Barakat, 2000, p 128).

The mufti, as the head of the class of scholars, had the right to nominate to the sultans those necessary to appoint them to the six highest ranks of the judiciary, and he himself did not assume the judiciary except on the rarest of occasions. As early as the eighteenth century, the Grand Vizier and Sheikh al-Islam were the only state workers to hold their positions in the presence of the Sultan (Islamic Encyclopedia, Part 20,1998).

After Selim I, all judicial and religious bodies were subject to the authority of the Mufti of Istanbul, in his capacity as the “Sheikh of Islam.” He had to issue fatwas on any judicial matters that were submitted to him, but he did not have the power to impose his fatwa. However, judges rarely refused to submit to his rulings.

The sultans were very keen to support his authority, and they rushed to exploit it and benefit from it whenever something confused them or they were faced with difficult political circumstances. The confirmation of religious officials in the capital in their positions was entrusted to the mufti (Karl Brockelmann, 1961, pp 101-102).

He is also the one who appoints muftis to state centers, and the mufti often held his position until the end of his life (Abdul Karim Rafiq, 1974, p 53)

The Mufti would issue a fatwa permitting war in defense or attack, concluding peace, and other events. The Ottoman Empire was very interested in spreading spiritual mobilization among members of the armed forces and arousing their religious passion, leading to “warming up” the soldiers spiritually before going into battle (Abdul Jalil Al-Tamimi, 1984, p 324).

The state would not go to war without issuing a fatwa from him stating that the aims of the war does not contradict religion. The Mufti’s rulings were final and could not be followed. He had at his disposal an administration called “Fatwa Khana,” meaning the Fatwa House, which was an official body with its own well-known ranks and system. Gradually, it constituted an essential part of the government apparatus, along with the administrative and military apparatus, and its members played a necessary role as a moral and administrative link between the Sultan and his subjects (Omar Abdel Aziz Omar, pp 53-54).

## **II. 2. Definition of the Islamic body**

The Ottoman system was derived from Islamic law, and this religious system was supervised by the Islamic Authority:

It consists of the Mufti (Sheikh of Islam) and a number of muftis, jurists, sheikhs of the ways of thought, preachers of mosques, and others.

This body was responsible for supervising the judicial and educational aspects of the state (Muhammad Anis, 1985, p 63).

Then an administrative department was gradually established, headed by the Sheikh of Islam, and there were several people who assisted the mufti in performing his many duties, such as the *katkhada* or the *kayana* who could represent the mufti, the *takhsusji* who was his agent in the government, the *maktobuji*, meaning the public secretary, and the secretary of the fatwa (Fatwa Amini). Who was entrusted with preparing the fatwas requested by the public and responsible for issuing them, and all of these workers had their positions, and during the era of the "Tanzimat" the ties of this administrative system were tightened, and the official headquarters of the Sheikh of Islam was placed in the place that had previously been allocated by the Janissary ruler, and this office was named "Sheikh of Islam Qabisi." "or "Fatwa Section", and this authority was responsible for administration and managing the affairs of all bodies based on religion except the Endowments Administration (Islamic Encyclopedia, Part 20,1998).

### II. 3. The origin and formation of Sheikh al-Islam

Since the beginning of the 16th century AD, all the muftis were from the Ottoman Empire and belonged to Muslim families. They were distinguished from the senior state workers and senior army officers, most of whom were Christians recruited by the *Defashrama* (Islamic Encyclopedia, Part 20,1998).

Unlike the muftis who were appointed partly, in the seventeenth century, from among the local population, and entirely from among the local population in the eighteenth century, the Hanafi judges were, as a whole, close to the people of Anatolia and Rumelia (Abdul Karim Rafiq, 1974, p 53)

After that, the muftis sometimes belonged to different generations of the same family, and they often obtained the Islamic sheikhdom (Islamic sheikhdom), after their change in the positions of senior judges. Therefore, most of the muftis were military judges before they assumed the position of fatwa, which created jealousy. Sectarianism between scholars and their sheikh, The matter in the position of Sheikh al-Islam differed from the Sunnah that had settled over time with regard to higher judicial positions, as this title was no longer granted to a person unless he actually accepted the position (Islamic Encyclopedia, Part 20,1998).

Preparation for religious positions was carried out according to an ancient tradition, which Muhammad II reorganized in a special decree, according to which candidates for these positions were to receive education in religious schools that were organized into three classes.

As for the students in the strict sense, they were known by "Sufita," which is a carving that we find in European and other languages, from the Arabic

word “Sufi” and the Persian word “Sokhta,” which means “the one who burns” (i.e., with love of God and knowledge).

The number of these students during the reign of Murad II reached ninety thousand, spread throughout the empire, according to what was stated in an official census. Although these students were young people whose hearts were filled with enthusiasm and who were overcome by irritability, they often interfered in modern eras, especially in political matters. As for the second class, which is the highest status was composed of teaching assistants or teachers, and the young scholar, at the end of his studies, bore the title of Danishmand or scholar, choosing one of three directions

These are teaching, judiciary, and religious work. However, if any of these people wished to join one of the higher classes for junior or senior scholars, he had to go on as a Danishmand to acquire knowledge in one of the schools for another seven years, and upon completion, he would take the exam before the Mufti.

If he succeeds, he is nominated for the position of “teacher.” The teachers, in turn, are divided into ten classes arranged according to the importance of the cities, and the junior scholars were chosen from among the teachers of the tenth class. As for the holders of senior positions among the senior scholars, they would come to the Ottoman Empire often from Egypt and rarely from Persia, even if they were exhausted. In the service of the state for a period of time, they moved to their original countries (Karl Brockelmann, 1961, pp 103-104).

#### **II. 4 The role and importance of the position (Sheikh of Islam)**

The role played by the Sheikh of Islam was of great importance in all fields, as the Sultan referred to him in preparing the law in order to ensure that its texts did not conflict with the principles of Islamic law, and the Sheikh of Islam had dominance over all members of the Islamic service (Omar Abdel Aziz Omar, p 54).

He supervised judicial bodies and bodies of a religious nature and activity, and the sultans themselves were keen to strengthen his authority and worked to exploit it whenever something confused them or they embarked on a dangerous project (Abdul Jalil Al-Tamimi, 1984, p 323).

He also played a role in establishing a balance between the laws issued by Sultan Suleiman the Magnificent and Sharia law, and the Mufti of Istanbul had the right to issue a fatwa to remove the Sultan himself (Abdul Karim Rafiq, 1974, p 52)

The Sultan did not establish a law, engage war, or impose a tax on the subjects except with a fatwa from the Sheikh of Islam (Mustafa Barakat, 2000, p 128).

In the past, the political function of the Sheikh of Islam was limited to his authority to issue fatwas, and soon the Fatwa Secretary replaced him in answering individuals' questions about considering the fatwas issued by the

mufti on political issues or matters related to the public interest are of serious importance (Islamic Encyclopedia, Part 20,1998).

The Ottoman Sultan had absolute powers, executing people and confiscating money without trial or question. In fact, his actions were restricted by the provisions of Islamic Sharia, but the clerics rarely delayed in creating provisions that served the goals of the sultans and gave their orders the character of legitimacy, for example when the Ottoman's family enacted the famous bloody law requiring the killing of all "brothers of the new sultan" on the day he ascended the throne of the Sultanate. They relied on a "fatwa" which stipulated that this was permissible and even necessary "to prevent any strife in the future." Their number reached 40, and among them were the elderly, the young, the boy, and the infant, all of whom were killed in one day (Abu Khaldoun Sati' al-Husri, 1965, p 33).

### **III-The development of the position of Sheikh al-Islam and its demise**

#### **III.1 The development of the position in the 18th and 19th centuries AD**

In the Constitution of Midhat Pasha issued in 1876 AD, the Sheikh of Islam maintained his position. Article 27 of the Constitution stipulated that the Sultan is the one who chooses the Grand Vizier and the Sheikh of Islam himself (Mustafa Barakat, 2000, p 130).

Sheikh al-Islam became a colleague of the heads of other departments that were established during the nineteenth century, and he became a minister in the ministry, remaining in his position as long as the ministry in which he is a member remains in power. He also maintained precedence over the other ministers.

During the twentieth century, the Sheikh of Islam no longer had the usual political affairs, but he would sometimes resort to the established authority for this position when politics called for it, such as what happened when Sultan Abdul Hamid was deposed in 1909, and the declaration of jihad in 1914 (this fatwa was not limited to On the policy of the Ottoman Empire, but rather it was directed at the entire Islamic world), and the fatwa that was issued against the nationalists in Ankara in 1920 AD (Islamic Encyclopedia, Part 20,1998).

#### **III. 2. Losing the position of his role.**

The influence of Sheikh al-Islam diminished as the Ottoman Empire became more secular in its administration system.

When the Shura Council was created in 1839, the Sheikh of Islam lost much of his authority over internal policy affairs. He also stripped another amount of this authority by establishing the new civil and penal courts, supervised by a new Minister of Justice.

This development was a prominent part of the religious reforms introduced by the men of the Young Turks, and it reached its inevitable goal when the government of the Young Turks Party in 1919 AD transferred the

subordination of all Sharia courts to the Ministry of Justice, and transferred the subordination of schools to the Ministry of Education. The purpose of this step was to make the Islamic sheikhdom an authority in charge of. Purely religious matters and an administration was established in 1917 called “Dar Al-Hikmah Al-Islamiyyah”, whose function is characterized by calling to religion (Islamic Encyclopedia, Part 20,1998).

### III. 3. Abolition and demise of the position

The function or post was abolished in Turkey in November 1922 AD and the new government workers and civil servants were gathered in Ankara. This government didn't include Islamic sheikhdom, but rather a “legitimate agency” (Shari'yyati) was founded and then replaced it with a modest administration, “Diyanet Ashleri Reisli,” by virtue of a law approved by the Grand National Council on March 3, 1924 AD (Islamic Encyclopedia, Part 20,1998).

#### - Conclusion:

Through this study, we conclude that the position of Sheikh al-Islam was one of the most important pillars of the Ottoman administrative system, which the Ottoman Sultanate relied on in many of its stages, which made it overcome decisive and difficult matters and its rule continues with the support of this group.

Thus, the sultans did not impose a single rule on the empire, but rather the rule established the framework of the system, while the Sharia established the system of rights and duties.

However, the more the Ottoman Empire applied a secular nature to its management system, the more the influence of the Sheikh of Islam declined until he lost most of his powers and was abolished with the fall of the Ottoman Empire.

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