
OTTOMAN FOUNDATIONS AND LIBRARIES

Custodians of *Muhabbet* and Knowledge through Time



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*“I am honoured to participate in the **Muhabbet**. For a Greek historian, the study of Ottoman history offers a ‘bird’s eye view’ of the past, which helps to overcome or reconsider certainties and delve into historical issues with sobriety. **Muhabbet** contributes to it greatly.”*

Sophia Laiou

The Transition from Islamic to Christian Vakıf:

An Overview and Some Considerations

In 1550 an Ottoman official stated at the court of Trikala (central Greece) that he transferred the right of possession of land to “the mütevelli (administrator) of the vakıf of the church of Varlaam”.¹ Similarly, in 1624 the abbot of a monastery in the island of Andros resembled the monastery with a Muslim tekke, that is an Islamic charitable foundation, stating that, as the latter, it offered hospitality to passers-by and visitors and also in times of famine Ottoman subjects could get a profit from it.² These examples show the association of the institution of the Islamic vakıf with the Orthodox monasteries and churches in the Ottoman period. The purpose of this paper is to offer an overview of how the Ottoman Christians used the vakıf institution.

The foundation of a vakıf derives from the significance of voluntary charity (sadaka), as is stated in the Koran and the Hadiths³. In this framework, an individual could withhold⁴ an object, which would be henceforth considered extra commercium and inalienable, and offer the income from its use for the construction of a charitable foundation (for example, mosque, zaviye, library, medrese, imaret, bridge, fountain, bath, commercial buldings etc.), while the beneficiaries would be natural persons such as the poor, the inhabitants of a quarter, or, more generally, the individuals. The founder should be adult, mentally healthy, a free person (not a slave) and owner of the object. The latter could be immobile (private land, houses, shops) or mobile property (for instance, books and animals), while the Ottomans accepted the cash endowments too.⁵ The vakıf comprised of the endowed property and the charitable foundation itself, which would be economically sustained by the former. Although theoretically inalienable, the endowed property could be increased, exchanged with an equal one but not decreased.⁶ The founder could establish the endowment in the Ottoman court and ask for the issuance of the foundation document (vakfiye). In the latter the founder designated the endowed property, the charitable purpose, the beneficiaries, the administrator (mütevelli) and supervisor (nazır) of the endowment as well as other pesonnel (for instance, the income collector, cabi) and their reimbursement.

1 Σ. Λαΐου, *Τα οθωμανικά έγγραφα της μονής Βαρλαάμ Μετεώρων, 16ος-19ος αι.*, Αθήνα 2011, σ. 96.

2 E. Kolovos, “Christian vakıfs of monasteries in the Ottoman Greek lands from the Fourteenth to Eighteenth Centuries”, in S.M.Saliba, ed., *Les fondations pieuses waqfs chez les Chrétiens et les Juifs*, Paris 2016, p. 115.

3 Notably, the vakıf is not mentioned in the Koran but in Hadiths. What is stated in the Koran is the significance of charity. In the Islamic world there was the distinction between the voluntary charity (sadaka) and the compulsory one (zakat), which had the form of tax. A. Singer, *Charity in Islamic Societies*, Cambridge 2008, p.34-35, 68, 95.

4 The initial meaning of the word vakıf is ‘to cause one to stop, to stand still’, see *New Redhouse Turkish-English Dictionary*, 12th ed., Istanbul 1991, p. 1216.

5 The cash vakıfs were legalized by the şeyhülislam Ebussuud (1547-1574) and widely used in the Ottoman empire despite the legal objections on behalf of various scholars, see R. Deguilhem, “Waqf in the Ottoman Empire”, *Encyclopedia of Islam*, 2nd ed., v.11, Leiden 2002, p. 89; J. Mandaville, “Usurious Piety: The Cash Waqf Controversy in the Ottoman Empire”, *International Journal of Middle East Studies* (1979) 10/3 289-308.

6 Deguilhem, “Waqf in the Ottoman Empire”, p. 88.

All the schools of Islamic law acknowledged the vakıf institution, however with some different approaches regarding the beneficiaries, the act of founding, the irrevocability and exchange (istibdal) of the endowed property and the possibility of extinction of the vakıf or not.⁷ The Hanefi school, which was applied in the European provinces of the Ottoman Empire and most of the Anatolian ones, was based on the more flexible interpretation of Abu Yusuf (d.798, disciple of Abu Hanifa), which considerably facilitated the foundation of the vakıfs. More specifically, Abu Yusuf: a) underlined the irrevocability and perpetual character of the vakıf, b) he accepted the possibility the founder and his/her heirs be the beneficiaries until the extinction of the line, at which time the beneficiaries would be the poor, c) he permitted the endowment of the whole property and not of a specific percentage, which the Islamic law imposed in the case of the testaments.⁸ The legal doctrine of Abu Yusuf opened the way for the establishment of the family vakıf (vakf-i ahli) and its variant, the semi familial one. Notably, the latter became so popular that comprised the 75% of the vakıfs in the 18th century Ottoman empire.⁹

In the Ottoman Empire the philanthropic activities, the town-planning and the construction of infrastructures in the urban centres and the provinces were predicated on the vakıf institution. Both aspects -charitable-social and urban-economic- covered substantial state needs, considering that the Ottoman empire developed a bureaucratized welfare policy and a state policy for the construction of public infrastructure in the second half of the 19th century.¹⁰ The motivation for the establishment of Islamic endowments was first and foremost religious, although political, social and economic considerations were equally important.¹¹ Among them the need to protect the property played a decisive role in the establishment of vakıfs, since in the Ottoman empire until the middle of the 19th century there were no acknowledged property rights. Indeed, many founders turned their landed property into a vakıf, counting on the inalienability of the latter. Nonetheless, twice the Ottoman state confiscated vakıf property before the beginning of the Tanzimat: in the 15th century when the sultan Mehmed II targeted the freehold and vakıf estates,¹² and, as will be explained below, under Selim II, when the state confiscated the monastic endowments. Moreover, during the 18th and beginning of the 19th century, as the confiscations of officials' properties increased, they occasionally included their endowments too.¹³

7 R.Peters, "Waqf", *Encyclopaedia of Islam*, 2nd ed., v. 11, Leiden 2002, p.60-63.

8 J. Barnes, *An Introduction to Religious Foundations in the Ottoman Empire*, Leiden-New York 1987, p. 11-12, 15.

9 In the semi familial type of vakıf the founder and members of his/her family hold specific posts such as the office of mütevellî, see B. Yediyıldız, *Institution du vaqf au XVIIIe siècle en Turquie*, Ankara 1990, p. 23; Barnes, *An Introduction*, p. 42-43; Notably, from a legal point of view the distinction between family (vakf-i ahli) or semi familial and a charitable vakıf (vakf-i hayri) is not founded, since in all cases the beneficiaries were or would be the poor, see Singer, *Charity in Islamic Societies*, p. 107.

10 Singer, *Charity in Islamic Societies*, p. 183-184.

11 Op.cit, p. 100-113.

12 O. Özel, «Limits of the Almighty. Mehmed II's Land Reform Revisited», *Journal of Economic and Social History of the Orient* (1999), 226-246. Mehmed II's policy was reversed by his successor, the sultan Bayezid II.

13 Indicatively, see S.Laiou, "Between Pious Generosity and Faithful Service to the Ottoman State: The Vakıf of Nikolaos Mavrogenis, End of the Eighteenth Century", *Turkish Historical Review* 6 (2015), 151-174; K. Barbir, "One marker of Ottomanism: confiscation of Ottoman officials' estates", in B. Tezcan and K. Barbir (eds.), *Identity and Identity Formation in the Ottoman World. A Volume of Essays in Honor of Norman Itzkowitz*, Madison, Wisconsin 2007, p 144.

The establishment of a charitable foundation as a God-pleasing act with a social impact is not found only in Islam. A similar practice in the Byzantine period was the establishment of charitable foundations (piae causae) by individuals and the donation of property for their sustainment. The piae causae included monasteries, hospitals, orphanages, poorhouses etc. In their cases too, the endowed property was inalienable, the endower could donate the entire estate, and could also appoint himself/herself and/or the descendants as the beneficiaries.¹⁴ The similarities with the Abu Yusuf's interpretations are striking, and based upon them scholars argued that the Islamic vakıf was strongly influenced by the piae causae.¹⁵ The foundation of monasteries -together or not with charitable foundation- was a widespread practice in the Byzantine era. These monasteries had tax immunities and were endowed with land property by laymen and emperors. Some of them developed an aggressive economic policy aiming at the expansion of their properties via purchases and donations; the latter were called 'αφιέρωση' or 'προσήλωση'.¹⁶ Under the new political and economic conditions that the Ottoman conquest established, the monasteries had to secure their privileges and properties and in addition to adapt the donation practice to the Islamic vakıf. In the same vein, when the Ottomans came across the endowed estates of the monasteries, they had either to incorporate them into the legal and administrative structure of the empire or dismiss them entirely.

The term 'βακούφια' in relation to monastic property is first included in the Greek translation of the non-surviving Ottoman document, in which the land estates and the 'βακούφια' of the monastery of Timios Prodromos in Serres were acknowledged by Murat I in late December 1372-beginning of January 1373.¹⁷ During this formative period, the sultans also acknowledged the vakıfs of the Athonite monasteries, as stated in the order issued by Murad II in 1430, which was based, on the order of his father Mehmet I (1413-1421).¹⁸

Was the above-mentioned acknowledgement of the vakıf status a precedent upon which the Ottoman policy was henceforward based regarding the Christian vakıfs or the development of the empire's institutions and the legal thought affected the Christian endowments? Were they conceived like the Islamic vakıfs, that is as charitable endowments of inalienable character? Molla Husrev (d.1480), a legal scholar of the Mehmet II reign who served as Istanbul's kadı and later as şeyhülislam, acknowledged the Christian endowments as vakıfs with the provision that they could

14 P. W. Duff, *Personality in Roman private Law*, 2nd ed., New York 1971, p.173, 179-185. See also M. Kaplan, "The economy of the Byzantine monasteries", in M. Kaplan-M.Webb, eds., *The Cambridge History of Medieval Monasticism in the Latin West*, v. 1, Cambridge 2020, p. 349-350, where it is stated that the Byzantine scholar Mihail Attaliates (11th c.) founded a monastery in Constantinople and he stipulated that the 2/3 of the income's surplus would be given to his son and his descendants.

15 Barnes, *An Introduction*, p.13-16. For argumentation against this view see Peters, "Waqf", p. 60. For a brief overview of the various opinions regarding the origin of the Islamic vakıf see also Yediyıldız, *Institution du vaqf*, p. 31-34; the author argues that it is possible that the Islamic vakıf incorporated elements of other cultres such as the pre-Islamic Arabic, Byzantine, even Buddhist. Yediyıldız, op. cit., pp. 33-34.

16 Peter Charanis, "The monastic properties and the state in the Byzantine empire", *Dumbarton Oaks Papers* 4 (1948), 98.

17 E. Zachariadou, "Early Ottoman Documents of the Prodromos Monastery", *Romania and the Turks (c.1300-c.1500)*, London 1985, p. 2-3, 8-11; E. Balta, *Les vakıfs de Serrès et de sa région (Xve et XVIe s.)*, Athens 1995, p. 187-195.

18 E. Kolovos, "The monks and the Sultan outside the Newly Conquered Ottoman Salonica in 1430", *Journal of Turkish Studies -Deftology. Festschrift in Honor of Heath Lowry* 40 (Dec. 2013), 271-279.

not be inherited. As Kermeli showed, Molla Husrev followed Abu Hanifa, who resembled Christian endowments with Islamic vakıfs; since the latter, according to Abu Hanifa, could not be inherited, the same was true for the Christian endowments.¹⁹ Indeed, in a fetva dated in the 15th century and located in the Ottoman archive of the monastery of Megalo Meteoro, it is stated that the heirs of a deceased monk could lay claim to a part of the monastic property. Moreover, in the same fetva the monastery is characterized as “vakıf according to their vain rites” (ayin-i batılları üzere evkafı).²⁰

The problem was not only the denial of the inalienability of the monastic properties by the legal scholars but also their legal status. As mentioned above, a prerequisite for the establishment of a vakıf was the founder to own the property to be endowed. In this respect the legal status of the monastic arable lands acquired in the pre-ottoman period through endowments was precarious, since the Ottoman conquest brought the arable lands under the full ownership of the state,²¹ acknowledging as freehold (mülk) only what was upon them (trees, buildings). In 1478 Mehmed II ordered a re-examination of the titles of all the mülk and vakıf titles; as a result some of them were confiscated by the state because they did not fulfil the requirement of ownership.²² The policy of Mehmed II affected not only Muslim but Christian vakıfs too such as those in the area of Trebizond.²³ Meanwhile, the monks of the above-mentioned Timios Prodromos monastery were also deprived of the ownership of certain villages and held them as timariots, enjoying only the income.²⁴

Despite the restrictions in the establishment of monastic endowments in this early period, in 1471 the stepmother of Mehmed II, Mara Branković, founded in front of the Ottoman judge in Serres a Christian vakıf for which a vakfiye (foundation document) was issued. This is the first known vakfiye of a Christian vakıf in the Ottoman Balkans. According to the document, Mara endowed to the monastery of Hagios Pavlos (on the Holy Mountain) a land estate which she had bought at auction on the same day. In the document, published by Kotzageorgis, it is stated that the founder owned the estate. According to the author, it is very doubtful that Mara Branković was the real owner, more so that a century later when the vakıfs of the monastery were confiscated because they were considered illegal, the specific estate was included among them.²⁵ In addition, comparing the vakfiye itself with those issued for other vakıfs, the former was more general and vague in content.²⁶ Based on the above, Kotzageorgis stressed the ‘looseness’ in the use of the term vakıf, even by the

Ottoman kadıs, in this early period in which the pre-ottoman conditions played a role.²⁷ I would add that the identity of the founder and her relation with the sultan must have influenced the kadi who issued the document. Moreover, it is not coincidental that the specific deed was issued a few years before the reexamination of all the mülk and vakıf titles by Mehmed II. In any case, this kind of early Christian vakıfs, which did not strictly comply with the Islamic law and combined pre-Ottoman and Ottoman realities are characterized by Kolovos as ‘hybrid’.²⁸ It is noteworthy that Mara Branković founded in 1487 another vakıf, comprising of freehold property in Istanbul (the monastery of Chora with its property: a house, a vineyard, a mill and a bakery) in favour of the Vatopedi monastery (in the Holy Mountain). The founder would be the administrator (mütevelli) of the endowment for life and she would enjoy part of the income. This time the vakfiye followed all the stipulations imposed by the Islamic law.²⁹ Although Mara Branković established the specific endowment after the death of her step-son and the reversal of the policy towards the Islamic vakıfs, the founder avoided the infringement of the Islamic law with the endowment of state property.

It will take almost a century for the Ottoman state to establish a well-defined legal status for the Christian vakıf. I refer to the well-known confiscation crisis of the monastic vakıfs in 1567/8, which was the result of a general state policy to undeline the state character of the arable lands. A new land survey defined the monastic vakıfs that did not conform to Islamic law, which were confiscated and the monks were obliged to repurchase them as state lands (with the tapu title). The two parameters that made the monastic vakıfs unlawful were: a) the previous state (miri) status of the endowed lands and b) the declaration of the monastery as the beneficiary of the endowment, since the former was not recognized as a legal person.³⁰ In this regard, the monastery as the beneficiary contradicted the rule of kurba, that each endowment should be a God (Allah)-pleasing deed.³¹ The problem of kurba in relation to the Christian endowments preoccupied scholars centuries back. In a fetva of the judge Al-Hassaf (d.874), a Christian vakıf was acknowledged as valid, if the designated beneficiaries were members of the founder’s family and after their extinction, the poor. This means that a family vakıf was valid, but not a vakıf in favor of a church or monastery, because it lacked the kurba.³²

The monks overcame the crisis with difficulty since they were burdened with debts to be able to repurchase the confiscated estates.³³ However, they acquired the right of the automatic succession

19 E. Κερμελή, “Το νομικό καθεστώς της αγιορείτικης μοναστηριακής περιουσίας το 15ο και το 16ο αιώνα”, *Το Άγιον Όρος το 15^ο και 16^ο αιώνα. Πρακτικά συνεδρίου*, Thessaloniki 2012, p. 97-98.

20 Φ. Κοτζαγεώργης, «Η μονή Μεγάλου Μετεώρου κατά το 15^ο αιώνα με βάση το οθωμανικό αρχείο της», *Ανάλεκτα Σταγών και Μετεώρων* 2 (2024), 61-62.

21 H. Inalcik, “Ottoman State: Economy and Society, 1300-1600”, in H. Inalcik-D. Quataert, eds., *An Economic and Social History of the Orient, 1300-1914*, Cambridge 1994, p.104-105.

22 Mehmed II’s policy targeted to the mülk and vakıf estates, which were established on the basis of previous land grants, that is temliks, Özel, “Limits of the Almighty”, 242-243.

23 H. Lowry, “Privilege and Property in Ottoman Maçuka in the Opening Decades of the Tourkokratia: 1461-1553”, in A. Bryer-H. Lowry, eds., *Continuity and Change in Late Byzantine and Early Ottoman Society*, Birmingham-Washington 1986, p. 119-123; N. Beldiceanu, “Biens monastiques d’après un registre ottoman de Trébizonde (1487). Monastères de la Chrysoképhalos et du Pharos”, *Revue des études Byzantines* 35 (1977) 182-183.

24 N. Beldiceanu, “Margarid : un timar monastique”, *Revue des Études Byzantines* 33 (1975) 233-235.

25 Ph. Kotzageorgis, “Two vakfiyyes of Mara Branković”, *Hiladarski Zbornik* 11 (2004) 312.

26 op. cit., 309.

27 Op.cit, 311

28 Kolovos, “Christian vakıfs”, p. 110.

29 Kotzageorgis, “Two vakfiyyes”, p. 308-309, 319-321 ; E. Kolovos, “Appendice XI. Actes Ottomans”, in J. Lefort et al, eds., *Actes de Vatopedi*, t. III, Paris 2019, p. 439-440.

30 A. Fotić, “The official explanation for the confiscation and sale of monasteries (churches) and their estates at the time of Selim II”, *Turcica* 26 (1994) 33-54; J.C. Alexander, “The Lord giveth and the Lord taketh away, Athos and the confiscation affair of 1568-1569”, in *Mount Athos in the 14th -16th Centuries*, Athens 1997, p. 149-200; E. Kermeli, “The confiscation and repossession of monastic properties in Mount Athos and Patmos Monasteries, 1568-1570”, *Bulgarian Historical Review* 28/3-4 (2000), 39-53; N. Vatin - E. Zachariadou, “L’ application à Patmos de la loi de confiscations des ‘biens monastiques’ (kenise vakfi), Avril-Mai 1570”, *Turcica* 48 (2017) 65-111.

31 E. Kermeli, “Ebu’s Su’ud’s definition of church vakfs: theory and practice in Ottoman law”, in R. Gleave - E. Kermeli, eds., *Islamic Law. Theory and Practice*, London 2011, p. 142, 148.

32 J. Pahlitzch, “Christian waqf in the early and classical Islamic period”, in S. M. Saliba, ed., *Les fondations pieuses waqfs chez les Chrétiens et les Juifs*, Paris 2016, p. 33-35, 36.

33 S. Laiou, “Diverging realities of a Christian vakıf, sixteenth to eighteenth centuries”, *Turkish Historical Review* 3 (2012) 12.

of the monastic estates of the deceased monks by the other members of the brethren. The specific right was granted to them on the basis of the şeyhülislam Ebussuud’s (d.1574) interpretation of the Christian vakıfs. Specifically, he regarded them as family vakıfs and in this way Ebussuud agreed to the right of the automatic succession considering the remaining monks as the sons of the deceased one.³⁴ From now on all the monastic endowments should be comprised of previously owned estates and the beneficiaries should be individuas, that is the monks, and not the monastery itslef.

Thus, in the 1570s the regulations for the establishment of the Christian vakıfs were set. The questions that arise are: a) to what extent were these regulations followed and b) were there other ways besides the issuance of a vakfiye to establish Christian vakıfs? Regarding the first question: based on the monastic Ottoman archives to which I have access,³⁵ it appears that after the confiscation of their illegal vakıf estates, the vakfiyes issued following the above-mentioned stipulations are really few. In the archive of the Great Meteoron there is only one judicial decision (hüccet)-and not vakfiye- of 1588 in which a house was endowed.³⁶ On the other hand, in the archive of the monastery of Varlaam there is one vakfiye of 1548 according to which houses, gardens, mills and the yields of arable fields were endowed.³⁷ In a firman of 1580 it is stated that the same property was confiscated, and the monks repurchased and endowed it in favour of the visitors of the monastery.³⁸ Also in a hüccet of 1610 it is stated that a house was endowed to the Varlaam monastery.³⁹ Thus, the only vakfiye was that of 1548. In the case of Leimon monastery, two years after the confiscation, in 1569, a vakfiye was issued by the kadı of Molova concerning the endowment of freehold property (houses, mills, vineyards and olive orchards) by a monk. The vakfiye followed all the stipulations set by the sharia and the vakıf itself was a combination of charitable and a family one (according to the interpretation of the monastic vakıfs by Ebussuud).⁴⁰ Also, thirty years later, a copy of a vakfiye was issued according to which a nun endowed freehold property (cash and several objects) to the monastery of Myrsiniotissa.⁴¹ In this case, although the definition of the beneficiaries contradicted the stipulations of Islamic law, the endowment of private property was probably deemed more important. No other vakfiye or hüccet referring to an endowment is found in the Ottoman archives of the above-mentioned monasteries. The picture is grosso modo the same for the other monasteries in the Greek lands.⁴²

The absence of vakfiyes does not mean that no monastic endowments were founded in the following centuries. Instead, the Orthodox monks developed various strategies to establish Christian

vakıfs or render their land property into vakıf. For instance, they endowed private property along with a state one, having for the latter the permission of the designated recipient of the income;⁴³ they registered in the kadı register endowments that were already established with a Greek document, and in this way they officialized the deed;⁴⁴ they received as endowments the yields but not the land itself, which still was illegal; in this case it can be assumed that the monks perceived the land as a vakıf too.⁴⁵ Finally, a broader meaning of the term vakıf was also used according to which the monastery was perceived as a religious foundation with a philanthropic character, similar to a Muslim vakıf.⁴⁶ In this framework, the transfer of state land “to the vakıf of the monastery” or the purchase of state land with the “money of the vakıf” (vakıf akçesiyle), could be used in the future as arguments for the vakıf status of an initially state land.⁴⁷

The above-mentioned strategies infringed the law and required the collaboration of the local Ottoman authorities, that is the judges and the tax recipients of the state lands. To what extent they would collaborate depended not only on them, but also on the local circumstances, that is the existence or not of Muslim population and state officials in the area, the position of the monastery in the local socio-economic hierarchy, and its relationship with the Ottoman officials and the Muslim and non-Muslim inhabitants. In this respect, the monasteries on Samos island represent a unique case. The island itself belonged to the vakıf of the chief admiral (kapudan paşa) Kılıç Ali Paşa⁴⁸ and, thus, the land endowments to another vakıf (monastic or not) were illegal. In addition, in Samos there was no permanent Muslim population except of a few Ottoman officials. In this framework, it is not a surprise that there was an unofficial level of transactions registered in Greek documents and not verified by the Ottoman judges, which ran parallel with the official one. Among them, there were many donations of land and other property (in total, 172) to the local monasteries. Therefore, if the monks of Samos could not achieve their aims through the official way (recourse to the local kadı and obtainment if not of a vakfiye, at least of a hüccet), they did it by registering the endowment in a Greek document. These unofficial transactions would be disputed only if the relevant parties resorted to the kadı’s justice. The 172 Greek donation documents in comparison to the 32 Ottoman ones reveal the scale of the unofficial transactions.

However, in the Dodecanese islands, the situation was different. Again, the income of these islands belonged to the vakıf which the sultan Süleyman established in Rhodes after its conquest,⁴⁹ making the land endowments unlawful. In the beginning of the 17th century, the administrators (mütevelli) of the sultanik vakıf repeatedly accused the inhabitants of the islands of Leros and Kalymnos that

34 Kermeli, “Church vakfs”, p. 151-153.

35 These are the following: the Ottoman archives of the monasteries of Varlaam and Great Meteoron (Meteora complex, central Greece), Leimon monastery in Lesvos island (16th -17th centuries), and of the monasteries of Samos island.

36 Ottoman Archive of the Great Meteoros, no. 600.

37 Λαΐου, *Τα οθωμανικά έγγραφα*, p. 91-92.

38 Op.cit, p. 135-136.

39 Op.cit, p. 170-171.

40 Laiou, “Diverging Realities”, 10.

41 Leimon Ottoman Archive, folder L, film 1, hüccet / Rebiyülahır 1008 (October-November 1599). The monastery of Myrsiniotissa depended on the Leimon monastery.

42 According to Kolovos, after the confiscation of 1567/8, no endowment records were found in the Xeropotamou and Hagiou Pavlou monasteries (both on the Holy Mountain), Kolovos, “Christian vakıfs”, p.116.

43 Ιω. Αλεξανδρόπουλος, “Χριστιανικές προσηλώσεις και ισλαμικά αφιερώματα. Οι γκρίζες ζώνες της ορθόδοξης μοναστηριακής ιδιοκτησίας”, Η.Κολοβός, εκδ., *Μοναστήρια, Οικονομία και Πολιτική, Ηράκλειο 2011*, σ. 229-230, 232, Σ. Λαΐου, *Η Σάμος κατά την οθωμανική περίοδο*, Θεσσαλονίκη 2002, σ.151

44 Λαΐου, *Η Σάμος*, σ. 153.

45 Λαΐου, *Η Σάμος*, σ. 151.

46 Fotić, “The official explanation”, p. 42-44.

47 Laiou, “Diverging realities”, 15. For a similar case see Kolovos, “Christian vakıfs”, p. 113. See also the tezkere no. 1468 of the Ottoman archive of the Great Meteoron monastery according to which in 1633 a woman transferred the right of possession to the monastery with the permission of the ‘sahib-i arz’ ‘to be attached to the vakıf’ (‘vakfa ilhak için’). I thank my colleague Prof. Ph. Kotzageorgis, who brought this document to my attention.

48 Λαΐου, *Η Σάμος*, σ. 45.

49 M. Kiel, “Rodos”, *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, v. 35, p. 156.

endowed to the monastery of Saint John in Patmos -an already- vakıf property and refused to pay the tithes. They also demanded that they should transfer under tapu the vakıf land on these islands, when their possessor died childless.⁵⁰ Also the administrators stated that these endowments were not officially validated or did not have their consent, which means that most probably were registered in a Greek document.⁵¹ On the other hand, the monks of the monastery of Patmos complained at the Ottoman court against the administrators of the vakıf for illegal demands. The monks argued that when their endowments were confiscated by the fisc in 1569-1570, they repurchased them and attached them to the monastic vakıf. These endowments - comprising of vineyards, gardens, fields, trees and mills - were scattered on various islands and especially for those on Leros sand Kalymnos islands they were paying a lump sum (3,000 aspers) to the vakıf of Süleyman instead of a tithe.⁵² Judging from the published summaries of the documents, it seems that when confronted with these contrary testimonies, the Porte issued orders either in favour of the administrators or the monks, depending on who had asked for them. For instance, the firman of 1631 responded to a report of the kadı of Cos, which referred to the complaints of the monks. The firman ordered the kadı to investigate if the testimonies were true, and in this case to protect the monks.⁵³ On the contrary, the firman of 1636, addressed to the kadıs of Rodos and Cos, was issued at the request of the administrator of the vakıf; it ordered the examination of the case and if the complaints were substantiated, to cancel the vakıfs of the monastery on Leros and Kalymnos islands.⁵⁴

Another case of Orthodox monasteries acting in a vakıf environment concerns those located close to Xanthi, a town with a predominantly Christian population at least until the end of the 17th century, which from the late 15th century belonged to the vakıf of Bayezid II in Edirne.⁵⁵ The published Ottoman documents reveal that the monasteries paid a lump sum tax (maktu) to the latter, acquired arable land under tapu⁵⁶ and hold as vakıfs trees, vineyards, and buildings.⁵⁷ Therefore, based on the surviving Ottoman documents it appears that the monasteries of Xanthi followed the sharia rules of the establishment of monastic vakıfs. However, we do not have the whole picture of their economic activity, since we lack the Greek documents, and we do not know how many transactions the monks made without official verification. One such transaction must have been the ‘transfer’ by the local metropolitan to the monastery of Kalamou of an area, which included trees, an olive grove, a vineyard “and other”. We learn for the transaction when the representative of the sultanı vakıf referred to it, asking for an increase of the tax amount that the monastery paid to the vakıf due to the increase of the monastic property.⁵⁸ Doubtless, there were other transactions too, registered in Greek documents.

50 N. Vatin-G. Veinstein-E. Zachariadou, eds., *Catalogue du fonds ottoman des archives du monastère de Saint-Jean à Patmos*, Athènes 2011, pp. 254-255, 290-291, 295-296.

51 op. cit, pp. 290-291.

52 op. cit., pp. 292-293, 298.

53 op. cit, pp. 292-293.

54 op. cit, pp. 295-296.

55 Φ. Κοτζαγεώργης, *Μικρές πόλεις της ελληνικής χερσονήσου κατά την πρώτη νεότερη εποχή: η περίπτωση της Ξάνθης (15^{ος}-17^{ος} αι.)*, Ξάνθη 2008, pp. 138, 165-166.

56 op. cit, pp. 272-274, 278-281

57 op. cit, pp. 269, 283-284.

58 op. cit, pp. 225-226, 271.

Comparing the strategies of the monks of Samos, Patmos and Xanthi, the following remarks can be made: a) the land monastic endowments were illegal since the land belonged already to another vakıf; b) the inhabitants often donated the land unofficially, a practice that was easier in Samos than in Dodecanese. The difference is due to the existence of the sultanı vakıf in Rhodes whose economic interests on the other islands resulted in intense supervision of the land transactions and tax collection. On the other hand, Samos lacked a permanent Muslim population and the vakıf itself was ‘serbest’, that is free from interventions on behalf of the Ottoman officials.⁵⁹ The case of Samos, however, was the exception and not the rule. Finally, it would not be farfetched to presume that the supervision of the land transfers in the Xanhti area on behalf of the sultanı vakıf in Edirne must have been continuous and -to a large extent- the monastic endowments did not comprise vakıf or state property.

The above-mentioned examples show the ‘diverging realities’ of the monastic vakıfs established upon a vakıf land. If we search for other cases too, the complexity of the Christian vakıf will be also demonstrated. The local conditions and the degree of the exercise of state control affected greatly its implementation. After the confiscation crisis and the imposition of certain rules on the establishment of a Christian vakıf, the Orthodox monasteries continued their strategy to accumulate real property, which they possessed under various legal terms. In the long run, whenever they could, they established vakıfs, which most often were registered on a simple hüccet. The monasteries retained their property or the rights on it, either on a legal or semi-legal basis or considering it as “their own”,⁶⁰ a strong perception based on the longevity of their possessions, some of which were acquired through unofficial transactions. They also negotiated constantly with the Ottoman state to defend their tax status, which in some cases facilitated their ‘independence’ from the local communities and the state representatives (see maktu payment). Finally, both unofficial transactions and the tax status explain how certain monasteries (such as the monastery of Patmos island and those on Holy Mountain and Meteora complex) managed to control extensive land property.



59 Λαΐου, *Η Σάμος*, σ. 45, 184.

60 Αλεξανδρόπουλος, “Χριστιανικές προσηλώσεις και ισλαμικά αφιερώματα”, p. 233.