



PEACEFUL EFFORTS OF OTTOMAN STATE AMONG THE EAST AND SOUTHEAST ANATOLIAN NOMADIC TRIBES*

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ABSTRACT

It is known that social bases of east and southeast Anatolia consisted of nomadic tribes in the period of Ottoman Empire. These tribes were fighting each other along the years because of some controversies on land. Ottoman State had tried to make peace among these tribes towards the ends of Nineteenth Century as before. The state had aimed to stop the fights and establish the peace by charging some special commissions and effective people whom are well-regarded and well-known in the region. Respecting and considering the traditions of tribes had been remarkable precaution for the survival peace in this process. It seems like a practice of an alternative law beside essential Ottoman legal system. This application had occurred as the result of social and cultural dynamics of mentioned region. Actually this kind of effort forms an important example for our world and Turkey in terms of regarding the local values. Original Ottoman records provide us to see lots of examples on pleasure among the members of tribes owing to this administrative and judicial approach. We can see classic Ottoman tolerance on these kinds of measures. Members of tribes had requested from the State for the cases to be solved by their own manners and methods in most examples. Especially dissolving the conflicts those occurred between unsettled tribes with such a practical and quick forms had appeared as a remarkable solution process. Thus serious legal responsibilities had removed like judicial chases of hundreds of people. On the other hand dissolving the cases with the tribal manners had provided the members of tribes to be convinced. By this way Ottoman State had gained to take the tendencies of tribes on herself. Additionally this approach made possible for tribes to preserve their cultural structure and specific historical deposits.

Key Words: Tribes, Eastern and Southeastern Anatolia, Ottoman Empire, XIXth Century, Peace.

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DOĞU VE GÜNEYDOĞU ANADOLU'NUN GÖÇEBE AŞİRETLERİ ARASINDA OSMANLI DEVLETİ'NİN BARIŞ ÇABALARI

ÖZET

Osmanlı döneminde Doğu ve Güneydoğu Anadolu'nun sosyal yapısının göçebe aşiretlerden oluştuğu bilinmektedir. Bu aşiretler temelde arazi ve otlak anlaşmazlıkları yüzünden uzun yıllar boyunca çatışmalar yaşamıştır. Osmanlı Devleti de önceki dönemlerde olduğu gibi XIX. yüzyılın sonlarına doğru da aşiretler arasındaki bu kavgaları sonlandırmaya çalışmıştır. Devlet komisyonlar oluşturarak veya bölgede iyi tanınan ve saygı duyulan kişileri görevlendirerek çatışmaları durdurmaya gayret etmiştir. Barış sürecinde aşiretlerin yerleşik teamüllerine saygı gösterilerek sulhun sağlanmaya çalışılması barışın sürdürülebilir olmasında önemli rol oynamıştır. Bu durum Osmanlı hukuk sisteminin yanında alternatif bir hukuk uygulaması gibi gözükmektedir. Bu uygulama söz konusu bölgenin sosyal ve kültürel dinamiklerinden kaynaklanmıştır. Aslında bu türden bir çaba yerel değerlerin öncelenmesi açısından günümüz dünyası ve Türkiye'si için önemli bir örnek oluşturmaktadır. Osmanlı arşivinin pek çok kaydı aşiret üyeleri arasında bu uygulamanın oluşturduğu memnuniyeti görmemizi sağlamıştır. Çoğu örnekte aşiret mensupları davalarının kendi usul ve yöntemleri ile çözülmesi için devletten talepte bulunmuşlardır. Özellikle yerleşik olmayan aşiretler arasında meydana gelen çatışmaların böyle pratik ve hızlı surette sonlandırılması önemli bir çözüm süreci olarak belirmiştir. Bu vesile ile yüzlerce kişinin adli takibi gibi bir ağır bir hukuki sorumluluk ortadan kalkmıştır. Diğer taraftan da aşiret usullerince sonlandırılan davalar aşiret mensuplarının daha da mutmain olmalarını sağlamıştır. Bu vesileyle Osmanlı Devleti aşiretlerin devlete doğru olan temayüllerinin artmasını sağlamıştır. Diğer taraftan böyle bir hukuk anlayışı aşiretlerin kendi kültürel yapıları ve tarihi birikimlerini korumalarına hizmet etmiştir.

Anahtar Kelimeler: Aşiretler, Doğu ve Güneydoğu Anadolu, Osmanlı İmparatorluğu, XIX. Yüzyıl, Barış.

Introduction

A large area including East and Southeast Anatolian region reflected social scenery consisting of tribes in the period of Ottoman State. To this geographical location that the nomadic life has the dominance, it is also possible to add so many regions in which nomadic Arabs live.¹ Tribe means clan as an Arabic word also includes the mean of sub-clan organizations. The word has generally been used in Turkish in the means of nomadic elements. Tribes had been expressed and called as *nomad*, *yoruk*, *clan* (*kabile*) or *taifahs* in Ottoman lawbooks.² Tribes are generally divided to clans in their own structure. One tribe can consist of ten or more clans in some regions.

¹ Xavier de Planhol (1959), "Geography, Politics and Nomadism in Anatolia", *International Social Sciences Journal (Nomads and Nomadism in the Arid Zone)*, Volume XI, No.4, pp. 525-531. It is possible to see all nomad and settled tribes and sub-clans or the other tribal organizations of eastern borderland of Ottoman Empire exclusively the provinces of Basra, Baghdad, Shehr-i Zor, Mosul, Van and the Sanjak of Bajazid, for the years of 1850's in Mehmed Hurşid Pasha's journal. Mehmed Hurşid Paşa (1997), *Seyhatname-i Hudud*, (Translate: Alaattin Eser), Istanbul.

² Yusuf Halaçoğlu (1991), "Aşiret", *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, (DİA), C. 4, Istanbul, p. 9.

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Each tribe was represented by chiefs whom are called as *bey*, *reis* or *agha*. These leaders performed their duties by transition from father to son.³ East and Southeast Anatolian tribes were mostly organized on dominance and power center not on a hierarchical structure.⁴ The struggles among the tribes were basically arisen from competition on pasturage. Otherwise various disturbances was occurring because of attempts on constructing alliances with neighbor tribes or bordering states like Russia or Persia beside the simple events such as kidnapping girls.⁵ Mournful effects of these attempts can be seen in contemporary sources.⁶

This status that continued for centuries was tried to be ended by the settlement policies of Ottoman ages. But, because of this system preserving its efficiency for centuries, so many distinctive customary practices were comprised and settled related to nomads' own life conditions directly. In such places that have tribal type of community organization, the most frequently seen cases are struggles and blood feud arising from pasture competition. In some periods that the clan's customs were not put into practice, the blood feud continued for ages. In the following example, a remedy produced by people of particular region (today's Agri) to such social tensions is going to be revealed.⁷ "...People of Bajazid (Agri) have exclusive religion and national antiquities. Giving and taking blood money is a common tradition among the clans living in the region. There are tribe and tribalism among clans so if a man of clan kills another from a different clan then anyone belonging to loser side would become enemy against to whole members of the clan. The clan's members who adopt any of tribal members as enemies have attempted to kill them anywhere (except government offices and the places that security forces are exist) even they gain the chance they kill them. In order to quit this hostility the leaders of both clans come together and they take the blood money from the killer's side and give it to family of murdered person. After having paid the blood money both enemy sides make peace and the fight between two clans is ended. But, if the blood money is not paid and the families do not make peace, animosity between them continues exponentially. The blood money is changeable according to the people. For instance, if a shepherd is killed, at least fifty sheep, a horse, a rifle and a few outfits are going to be given as blood money. However, if the murdered man is a leading, special and bully member of the clan then the blood money becomes much more. If the killer is a poor man then the blood money is paid by the whole members of the clan which he belongs to. Everybody has contributions to the extent of their financial situation. If the murder has goods some portions of these goods are paid as blood money, the rest of it is spared for the family's living. No matter the state does the legal proceeding related to the murder, in order not to be seen new murderers and providing a persistent peace it is a social charter for the killer side to paid blood money..."

As seen from the example, in blood feuds, a monetary solution method was practiced named as "blood money" that was based on "ransom" in the Islamic law. Another interesting point here is that the courts and the state power did not involve in the process and the trouble was tried to

³ Orhan Türkdoğan (1999), "'Doğu ve Güneydoğu'da Aşiret ve Sosyo-Antropolojik Yaklaşımlar", *Sosyal Bilimler Kavşagında Doğu ve Güneydoğu Anadolu Sempozyumu Bildirileri*, Van, p. 89.

⁴ Nejat Abdulla (2009), *İmparatorluk, Sınır ve Aşiret, Kürdistan ve 1843-1932 Türk-Fars Sınır Çatışması*, İstanbul, p. 75. According to the writer a Kurdish tribe consists of "El-Xel-Tayefe-Tire-Berebab-Xezan" from top to bottom. Pp. 82-83.

⁵ Abdulla, *İmparatorluk, Sınır ve Aşiret*, pp. 88-91. Concept of arrogance of chieftain must be remembered as an important cause of these alliance ventures or conflicts. *Prime Ministry Ottoman Archive, (Yıldız Esas Evrak), Y. EE. 133/14*

⁶ Avyarov, (1995), *Osmanlı-Rus ve İran Savaşlarında Kürtler 1801-1900*, (Translator from Ottoman Turkish. Muhammed Varlı), İstanbul.

⁷ Faruk Kaya, Yakup Karataş (2014), "Bayezid (Ağrı) Vilayeti Sıhhi ve İçtimai Coğrafyası", *Uluslararası Sosyal Araştırmalar Dergisi*, 7/30, pp. 168-169.

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be solved thoroughly upon the settled practices. How the state accepted such a solution will also be discussed separately.

As this study is about some legal process belonging to second half of the 19th century it would be useful to mention about judicial organization of that period. However, Ottoman Tanzimat reforms offer significant contributions towards the centralization of the administrative system; the same cannot be said of the situation of the judiciary. Likewise, in addition to the Sharia Court, the established Nizamiye, Commerce, Consular and Community courts are far from establishing a unity. This messy structure of the courts of law in the area is seen as the first signs of secularization.⁸ In this new legal mechanisms created by the French influence, provincial administrative councils had some legal responsibilities undertaken.⁹ During this period, Nizamiye courts created with the name of Assembly, with respect to the elected members, were similar to the European courts in terms of their establishment and running.¹⁰ The power of administrative councils in judicial affairs resulted in some arbitrary intervention of governors, mutasarrif (governor of Ottoman province) and district governors.¹¹

Judicial functions of the provincial council were transferred to the newly created Nizamiye Courts with Provincial Regulations (nizamname) in 1864. The authority conflict between Nizamiye Courts and Sharia Courts had been unsolved for ages.¹² The ransom, one of the main themes of this study, is one of the important concepts of Islamic Law. The ransom, in Islamic law, refers to the goods or money given as a punishment or blood money suitable to both sides' compliance in case of someone being murdered, wounded or maimed. The ransom has been known to be paid as agricultural tools, one or more members of the family, and tame animals throughout history.¹³

Tribal Cases and Peaceful Efforts of the State

In many archive records belonging to the end of 19th century and beginning of the 20th century, some examples of the dissolution on struggles and disagreements among tribes with the help of State's peaceful efforts and influential people or in accordance with the tribal procedures were obtained. In order to comprehend the issue literally the frame of the applications is tired to be drawn within the samples of different archive funds that were given for different regions and events. In example, in 1853, in the results of the fights between Belbas Tribe of Sanjak of Köy belonging to Sehr-i Zor Province and Dizeyi tribes belonging to Erbil Province casualties and loots were seen. Governor Ali Pasha firstly stopped the fights between two tribes with military measures. Then, he tried to compromise these two tribes after taking their notables and judgments. Governor has sent special officers to make effective advices to the tribes ensured the return of the goods that were extorted and admonished the tribal notables to be settled down with "honor and politeness".¹⁴

In the sample belonging to year of 1863 related to some events that were rised up in two years' time among Bohtan Tribe, Yezidis, Ertoshi and Hoyri Tribes some details were given about the extorted goods. According to this example, besides mutually killed men, small cattle and bovine animals, daggers, guns, coins, mess kit, pazubend, swords and ornaments were extorted. Considering the dozens of villages pillaged, burned houses and thousands of animals seized the

⁸ İlber Ortaylı (2008), *Türkiye Teşkilat ve İdare Tarihi*, Cedit Yayınları, Ankara, pp. 412-418.

⁹ Ekrem Buğra Ekinci (2000), "Tanzimat Devri Osmanlı Mahkemeleri", *Yeni Türkiye*, 6/31, p. 769. As can be seen in many incident investigations and important functions of board of governors and administrators were seen.

¹⁰ Musa Çadırcı (1997), *Tanzimat Döneminde Anadolu Kentlerinin Sosyal ve Ekonomik Yapısı*, TTK Yayınları, Ankara, p. 281.

¹¹ Engelhardt (1999), *Tanzimat ve Türkiye*, (Çev. Ali Reşad), Kaknüs Yayınları, İstanbul, p. 408.

¹² Ekinci, "Tanzimat Devri Osmanlı Mahkemeleri", p. 771.

¹³ Ali Bardakoğlu (1994), "Diyet", *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, İstanbul, Vol. 9, p. 473.

¹⁴ PMOA, *Sadaret Mektubi Umum Vilayetler* (A. MKT. UM.), Document Nu. 124, Paper Nu. 15.

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size of the event revealed itself.¹⁵ From military colonel Hacı Salih Bey and from the notables of Van Provincial Council Derviş Bey were sent to provide peace. In an article penned by the notables of Beytüşşebap, Hakkârî ve Çölemerik the conflicts between tribes were ended and the security of the population was ensured as a result of the successful initiatives of Salih and Derviş Bey.¹⁶ The parties have said they are willing to Sharia judgment and the usurped goods have been partly returned.¹⁷ As seen from these examples, officers being respectful people sent by the government in the fights between tribes have been effective in achieving results quickly. The gathered crowds being dispersed without using army could be seen as an achievement of the officers that are in position of mediator. It should be also emphasized that this success found the response that it deserved. Moreover, Salih Bey was given a Mecidi Medal from the third rank; the Salih Bey's medal that was discharged was given to Derviş Bey.¹⁸ It is certain that running this award mechanism encourage others to make the similar efforts.

Another region that the tribe fighting could not be prevented is the east and South part of Erzurum Province. Sepki, Hasenan and Hayderan tribes settled down between Bayezid and Mus were generally fighting because of grassland.¹⁹ In the fights of these tribes in 1869, 16 people from Hasenan tribe; 20 people from Sepki tribe were killed. In order to prevent these mutual killing for Hasenan tribe to each killed person 75 totally 1875; for Sepki tribe total 1200 Ottoman gold were determined to be paid as ransom. These ransoms were decided to be given to the heirs of the deceased. Furthermore; because of their living nomadic life, the returns of the extorted goods and arresting the perpetrators seemed impossible so paying the ransoms were noted to be sufficient for he being. In order not to be seen such similar cases, the binding over the leader of the tribes was predicted. For the implementation of this decision taken in State Council (Shura-i Devlet), an ordinance to the governor of Erzurum was written.²⁰ Binding over the chiefs of the tribes could be seen as dissuasive measures. Chiefs' holding responsibility was like a forcing measure for them to be seen as a police officer and act suitable to this position.

According to a record belonging to 1888, it is understood that the fights in Hakkârî-Mosul line continued in the following years and tribe chiefs and some Sufi masters were included in the peace process.²¹

Among these Sufi masters the efforts of Mehmed Efendi of Bamerne belonging to Khalidi sect have been the subject. Mehmed Efendi having so many efforts for the peace terminated the hostility between Arab and Kurd tribes, struggled for Reforms to be applied among Kurds, participated in wars on Ottoman side, ended the conflicts between tribes with his effective advices, with his sons and caliphs had conducted a series of meetings on behalf of peace in the region.

When looking at the records it is understood that Mehmed Efendi managed with a scholar group consisting of his caliphs and sons. Sheikh with his actions stated that he reconciled the Parvari and Tayyari tribes without dispatching troops.²² It is also determined that Sheikh made both region's tribes sign an agreement text and sent this text to Sublime Porte (Babîâlî).²³

¹⁵ PMOA. Sadaret Mektubi Mühimme Kalemi Evrakı, (A. MKT. MHM), 281/54, p. 1.

¹⁶ PMOA. A. MKT. MHM, 281/54, p. 3.

¹⁷ PMOA. A. MKT. MHM, 281/54, p. 4.

¹⁸ PMOA. A. MKT. MHM, 202/20.

¹⁹ In 1863 in order to reconciliation of Hasenan and Hayderan tribes with the efforts of Erzurum Governor Hayraddin Pasha a commission consisting of influential people was established. But, it is understood that the peace did not continue longer. PMOA, Meclis-i Vâlâ Evrakı (MVL), 411/20.

²⁰ PMOA. A. MKT. MHM. 436/35.

²¹ PMOA. Yıldız Perakende Yaveran ve Maiyet-i Seniyye Erkan-ı Harbiye Dairesi (Y. PRK. MYD.) 7/84

²² PMOA. Y. PRK. MYD. 7/106.

²³ PMOA. Yıldız Mütenevvi Maruzat (Y. MTV), 43/113.

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In an incident in 1890, it is stated that the hostility that had been continued for years between members of Celali tribe who settled in Iran and Hayderanlılar in Ottoman lands was ended by the efforts of colonel of Van and the major. Because of their success, colonel Rüstü Bey's military rank was raised to Saniye (The Second), Hasan Efendi was risen to mirmiranlık.²⁴ In order to stop the disagreement between Celali and Hayderanlı tribes which is among the biggest tribes of the Eastern Anatolia a decision was taken to establish a commission. To establish a commission, the public prosecutor of court of appeals in Biltis or Van was eligible to be appointed.²⁵ After the inquires to the end of the same year, it was decided to make contact with Iran for the required payments from Celaliler of 19 killed members of Hayderanlı and punishments of the ones who had initiated the incidents.²⁶ In another incident related to Celali tribes, Omer Sevki Pasha Mutasarrif of Bayezid was accused because of sowing discord between this tribe and Ademanlı tribe of Bayezid (1894). After the inquires of Anatolian Reform Inspector Sakir Pasha it is expressed that such movements of mutasarrif that does not serve the purpose of the state cannot be accepted then the process of Sevki Pasha's dismissal was initiated. The tribes of the region were reconciled by Hakki Pasha the commander of Bayezid Hamidiye.²⁷

Ottoman Empire gave importance the relations of tribes in the Middle East with the state, and had developed various methods to strengthen the gradients of tribes. A correspondence that exemplifies this case was obtained from Sadaret records belonged to 1890. In a private code that sent from Sadaret to Musul, Bagdat and Basra provinces it was mentioned that these regions' people were nomadic and the importance of these people's being directed to help Ottoman army when needed was focused on. In order to make a hit with the Kurd and Arab tribes of the region and to strengthen their commitments of the state it was asked to be given such treats like salary, hilat, honor, and insignia to their Sheiks and Chiefs. Again, by expressing these tribes' being ready to serve in the army as a requirement of the religion, to trust in Army it was emphasized the need to overcome the deficiencies of 6th Army.²⁸

It is understood that participation to Hamidiye Light Cavalry Regiment that had been constituted from 1891 provided advantages to the region's tribes. So, in a record belonging to 1893, a person called Haydar from Hasenali tribe of Van was included in some indecencies then he quitted these behaviors and stated to join regiment. In a document that was sent from Babiâli to the Ministry of Internal Affairs and Judiciary Haydar was reported to be forgiven from public cases on condition that his personal law cases remained same. Moreover, Haydar and his family's ensuring settlements in Karadil Village of Adilcevaz were also wanted.²⁹ As seen from the example, a person to be harmful for the people was converted to a man that served for the state and his indecencies were ended with providing some forensic facilities.

There have been serious struggles between Miran tribe, another big tribe that was understood to be important in the Southeast Anatolia, and the tribes of Sırnak and Batman. These struggles were quitted with the attempts of Bahri Pasha, governor of Van, by mediating some influential names on the tribes. Furthermore, return of the goods that were looted from these reconciliated groups was started suitable to tribe traditions. According to the biography of Seraskerat that was closely involved, the military units were reinforced in order not to restart the

²⁴ PMOA. Dâhiliye Mektubi (DH. MKT.), 1756/48.

²⁵ PMOA. DH. MKT. 1905/15, 1918/17.

²⁶ PMOA. BEO. 83/6193. According to the documents these two tribes have relatives in Iran.

²⁷ PMOA. DH. MKT. 147/9.

²⁸ PMOA. A. MKT. MHM. 500/33. In this document it is expressed that taking some kind of measures were resulted from the intention of 6th army's being Rafizi and in order to maintain the army's being Sunni the need to get benefit from Sunni Kurds was emphasized.

²⁹ PMOA. Babiâli Evrak Odası (BEO), 163/12218.

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old conflicts.³⁰ In the conflicts between Mustafa Pasha of Miran and Yezidi Tay tribe, by intervene of the mutasarriflik the peace was constructed suitable to tribal rules and the looted goods were returned mutually.³¹

In a record (March-1984) related to the Barzani (Berzenci) ve Talabani tribes that are quite effective in the Middle East today, it is stated that an apathy resulted from the murders occurring in prior periods between the leaders of both tribes was demolished. Thus, Sheik Said Efendi, the sheik of Barzani settled in Suleymaniye, and Sheik Ali Efendi, the sheik of Talabani settled in Kerkuk were drown together and the hatred between two tribes was resolved and a large-scale conflict was avoided by the attempts of the mutasarrif of Kerkuk (Ali Pasha).³² The resolving of the matter with the involvement of the leaders of the tribes was important. Likewise, as stated in the document, the members of the tribes that were stick to their leaders and sheiks with motive of “asabiyya” were calmed via reconciliation of the Sheiks. To what extent should these efforts of the state help the unity of the people of this region should not be kept from attention.

In Van that the tribes mostly settled, firstly the governor Bahri Pasha then all of the regiment commanders of Hamidiye and influential people in the region was mobilized in order to avoid tribal conflicts. For example, the conflicts among Shikak tribe, Shikfeti and Merziki tribes that were settled in the same district were tried to be ended under the settlement measures.³³ Then, Bahri Pasha, the governor of Van, wanted information on how to react after the leader of Merziki tribe Seref Bey’s refusal of peace and his not wanting to be resettled elsewhere. Expressing both sides being Muslim, it is wanted in the response of Sublime Porte to Van that the mentioned groups should be reconciled in any case by sending an expert scholar.³⁴

Despite all the expressed efforts, it is a fact that the ensured peace would not continue long in some region. This matter was mentioned above with some examples. Another event that supports this matter is the conflicts between Milan and Semsiki tribes in Van. in 1895 dated recording, it is stated that the peace between these two tribes did not continue long and the continuation of the peace depended on the notifications. As a last resort, the leaders of these tribes were sworn on the Holy Koran and the mutual attacks were avoided. Moreover, the chiefs of the tribes visited their homes in accordance with the tribe customs and tried to strengthen the bonds of friendship.³⁵

In the conflicts between Mecma and Sammar tribes in Baghdad 1896, people included in the events were arrested. But in the articles that were sent from both Baghdad Court of Appeal and provincial board of directors to Ministry of Judiciary it is stated that these arrestments of these people would not solve the problems. Moreover, it was focused that it would be more beneficial to solve this case suitable to tribal customs. While delivering this issue to State Council the Minister of Judiciary wanted a solution suitable to tribal customs not suitable to court procedures. The minster also added that if the any solution suitable to tribal customs it would be impossible to avoid plunder, pillage and murder between the tribes.³⁶ Again, according to the records of State Council a conflict arising from abduction was mentioned between Debranli and Keskanli tribes in Aleppo.

In the second page of the record another controversy and conflict between Didanli and Genganli tribes in Urfa sanjak belonging to Aleppo. In both cases it was offered to find a solution suitable to tribal custom by canceling the documents held by the court of the guardhouse. As a

³⁰ PMOA. BEO. 253/18968.

³¹ PMOA. DH. TMIK. M. 28/18.

³² PMOA. Yıldız Perakende Umum Vilayetler (Y. PRK. UM). 29/47.

³³ PMOA. BEO. 468/35036.

³⁴ PMOA. BEO. 468/35036.

³⁵ PMOA. BEO. 611/45770.

³⁶ PMOA. Şura-yı Devlet Evrakı (ŞD), 2169/16.

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basis of this proposal, it was highlighted that the cases between tribe and clan had long been solved in accordance with their customs and any formulas that violates this custom would not have operability. The governor of Aleppo was reported to give information to Urfa Mutasarrıflığı and Ministry of Internal Affairs in order to solve this case suitable to mentioned way above.³⁷ It worth mentioning that in these events the efforts of the provincial governorship relying on the tribal customs and make them operational and in this way a large internal conflict had prevented. It is also clear that such kind of efforts were important services to save the socio-cultural structure and savings.

The application on finding solution suitable to tribal customs should not be seen as anomaly. This method was stated to be applied mostly among nomadic tribes. In the incidents that occurred among settled tribes as the perpetrators to be definite and attainable criminal law is desired to be applied. An event that exemplifies this manner was occurred between El-Izze and Beni Temim tribes in Khorasan district belonging to Baghdad in 1897.³⁸ So, the events that occurred after a women forced to marriage there were some dead and injuries. Moreover, in order to suppress events, the gendarme was fired. Gendarmes having been fired can be said to expand the size of the judicial event. In this case the solution proposal from district executives suitable to tribal customs was considered to be waiver from liability so the necessity of the matter's being followed by Courthouse was focused on. As the gendarme was fired, the consideration was also being presented that in case of any solution suitable to tribal customs this matter would be set a bad precedent for others. In another record belonging to the year 1900, the murders that occur between Beni Taraf from Hendiye tribes and Ciyad sect in Kerbela Sanjak were come to question to be solved according to the tribal customs. In this document by Judicial Ministry, the cases were asked to be solved according to the criminal laws and procedures as the tribes were settled and the perpetrators being certain. According to the expressions of the minister, it was reminded in the memorial of grand vizier dated March 31, 1898 that the cases to be solved suitable to the tribal custom was exclusively for the nomadic tribes. That is to say, this application had no using area among settled tribes.³⁹ In some cases that on tribe is settled and other is nomadic, according to the sensitivity of the matter it is determined that tribal customs were taken into practice. For example, in 1902 the main reason of the conflict between Serifanli and Ubeydiler from Muntefik Tribes was shown as the sheep herd of Serifanli to enter Ubeydiler's fields. As Serifanlilar was nomadic the solution was considered according to the tribal customs; so, it was calculated that the matter would not spread away and the possible tax loses would be avoided. Furthermore, it was added that all members of the tribe's being thought as suspected would bear much bigger problems as the perpetrators was not certain.⁴⁰ In 1903, another incident was related to the conflicts among the leaders of Dizeyi tribes subsisting on agriculture, settled in Semamek public land in Mosul Province. In order to solve these conflicts Sublime Porte was asked for a suitable opinion to solution according to the tribal customs by Ministry of Treasury. In the response of Sublime Porte it was stated that this tribe is settled and responsible for public taxes, so it was not suitable to find a solution according to tribal customs and the matter should be transferred to the judicial authorities.⁴¹

In another example in 1897, the hatred that was claimed to had been continued for centuries between Sammar and Milli tribes that were among the biggest tribes of the Southeast Anatolia was mentioned. The peace committee for this matter gathered the leaders of the tribes and

³⁷ PMOA. ŞD. 2230/7.

³⁸ PMOA. ŞD. 2171/26, 2679/54.

³⁹ PMOA. ŞD. 2700/21.

⁴⁰ PMOA. ŞD. 2710/10.

⁴¹ PMOA. BEO. 2127/159497.

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vouchers were taken, the peace was established by avoiding the spread of the event and without using military forces. The mutually looted goods were given to their owners according to the tribal customs. By establishing peace it was focused that presence and security in the region were strengthen.⁴²

In 1898, the armed Durzis in Ik'ad and Begi villages in Cebel-i Havran district belonging to Damascus were gunfight with Muslims in Damascus. Emissaries that were appointed by 5th Army Commandership ended the conflicts between two sides, solve the matter according to the customs that were obeyed among the regional tribes.⁴³ In the records belonging to another matter started in the same year and continued in the next year, some events that occurred between Beni Hasan and Amiriyeli tribes in Baghdad were mentioned. Also in this event, some people, outstanding and who know tribal procedure, that were sent to the region gathered the leaders of the tribes, established peace and suitable to their own procedure they ended the existing hatred. It is stated that such solutions suitable to tribal customs was resulted from the geopolitics of the region.⁴⁴ As seen in these events solutions were found according to the situation of the region and people. Considering the basic purpose as ending the existing hatred, it is understood that the efforts was quite practical, intended to get quick results and functional.

In 1899, in a gunfight resulted from animal theft between Harlakanli tribes from Sitak district belonging to Van and Hosnan tribes; from Harlakanlilar two people were died and from Hosnan one was died and one was injured. Military policemen forces composed of district policemen, gendarmes and 20 soldiers were sent to the region, and the gathered tribe leaders were reconciled. Thus, it was focused that the events to spread away were avoided. For the dead, blood Money was applied and for the usurped goods tribal customs was used and settled a dispute between two sides.⁴⁵ In a report noted in August of 1899, such administrative and military measures as to surpass the conflicts among Talabani, Davide, El-Ubeyd, Zengene ve Beyat tribes that were settled around Kirkuk, Mosul and Sulaimaniya; the tribe leaders being included in the peace process; in order not to grow hostilities had been the subject. As a result of these efforts, it is also stated that the mentioned regions were in security, the people were partly in peace and everybody prayed for the padishah.⁴⁶

The efforts of Ottoman Empire to solve the cases between tribes according to the tribal customs had been continuing in the 20th century. For example, according to a recording that the Ministry of Judiciary sent to Prime Ministry in 1901 a disagreement between Ebu Humyeş tribe and Semita Village people that were among the Arab tribes of Aleppo was solved according to the tribal customs and it was stated that there were no need to continue the started inquest.⁴⁷

In a notification, in the beginning of the 20th century, form (Presidency of Council of State) to Tripoli, Mosul, Van, Diyarbakir and Baghdad Provinces and to Zor Mutasarrıflığı it was asked whether there were any cases according to the tribal customs; if so, the documents belonging to these cases were ordered. In the response sent from Tripoli it was stated that judicial procedure was established almost everywhere in the province except Fizan which nomadic were in. In Mosul province response, it was stated that in resolution of ancient problems influential people were intervene in the problem and it was resolved, the ransom mechanism was used and it was called as *telif-i meyane-i aşair(reconciliation of the tribes)*. In the reponse of Van, it was stated that in the

⁴² PMOA. BEO. 960/71999.

⁴³ PMOA. Yıldız Mütenevvi Maruzat (Y. MTV), 175/248.

⁴⁴ PMOA. BEO. 1219/91378, 1339/100351.

⁴⁵ PMOA. Dâhiliye Tesri-i Muamelat ve Islahat Komisyonu Muamelat Kısmı Belgeleri (DH. TMIK. M). 73/28.

⁴⁶ PMOA. Y. PRK. UM. 47/90.

⁴⁷ PMOA. ŞD. 2709/76.

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conflicts between tribes influential people were beneficial, but there were not any documents related to these cases. Zor mutasarrıflığı (governorship) was also focused that the same procedure was applied but there were not any recorded documents. In the response of Diyarbakir province it was stated that there were some documents about the cases solved according to the tribal customs and some details as the chiefs of the tribes were shown as guarantor to maintain the peace were given. In the response from Baghdad it was stated that there were some resolved cases according to the tribal customs but there were not any recorded documents belonging to these cases. Moreover, there were some explanations that using tribal procedures in the resolution of the cases was so beneficial politically.⁴⁸

In an official letter signed by the commander and the governor of Basra (Major General) Ferik Mustafa Nuri, it was stated that in the resolution of the murder among the Bahraini people, it was obligatory to develop a procedure suitable to tribal customs. However, it was stated that every effective measures were taken and every opportunities that would give conclusion were submitted.⁴⁹ It was also stated the conflicts between the tribes caused internal migrates. With the solutions of the problems the migrants returned to their homelands so it helped to establish social balance. Another event that supported this argument belongs to 1902, and related to the end of hatred of Medine and Beni Mansur people. According to the recording, after long efforts that continued for 8 months, this two districts people were reconciled by applying tribal customs and their returning of their homelands were provided.⁵⁰ It should also be stated that sometimes the intended results were not obtained in spite of the efforts of the influential people and statesmen. For example, the efforts of the committee and influential people that were sent to establish peace and demolish blood feud between Sahsiye and Beni Husein tribes living around Yemen Province were not beneficial. A permission to dispatch wider troops for the members of the tribes that started gunfights against the sent army was expected.⁵¹

According to the recordings belonging to the year 1903, the conflicts that continued for two years were ended by the sent emissaries between Solhan, Umran tribes and Ciranli tribe that half of them were the member of Hamidiye regiment belonging to Mus; they were settled between Genc Sanjak and Diyarbakir. It is stated that there was no need to judiciary pursuit as the peace was established according to this procedure. In case of starting judiciary process it was estimated that the inquiries of a few thousand people and their process would be extended; so, in order not to break the peace the continuation of the statuesque was preferred.⁵²

A wide conflict between Milli and Karakeci tribes that were among the biggest tribes of Southeast Anatolia was occurred in the spring of 1904. Ibrahim Pasha, the chief of the Milli tribe, caused so many villages of the Karakeci tribe to be emptied and made the people desolate by looting. The chief of the Karakeci tribe, Hail Bey resembled this persecution to the Kerbela incident that St. Hussein was martyr. There were some efforts of Diyarbakir governor to end this matter and return the usurped goods to their owners according to the tribal procedure. According to the records of Chief of General Staff noted in October, the leaders of two tribes were come together in Yenisehir and settled a dispute. The chiefs swore upon maintaining the peace.⁵³ In another letter

⁴⁸ PMA. ŞD. 2183/8, pp. 1-6, 9-12. In the same set of files, in a sealed note signed by 12 people from Gerziye tribe, they expressed their victimhood as their case had not been dissolved according to their tribal procedure in spite its being solved by provincial board of directors and they asked for their case being solved by either tribal procedure or courts. Pp. 7-8.

⁴⁹ PMA. DH. MKT. 493/74.

⁵⁰ PMA. BEO. 1806/135436.

⁵¹ PMA. Y. MTV. 239/55.

⁵² PMA. Y. PRK. UM. 66/82.

⁵³ PMA. Y. MTV. 266/27.

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that was sent from Aleppo province to First secretary of Chamberlain two different committee from Aleppo and Diyarbakir gathering together and made efforts to reconcile peace between Milli and Karakecili tribes in the same year in November. The conflict between two sides was stated to be ended and the members of two committees were rewarded with the appropriate rank.⁵⁴

On solving the cases according to the tribal procedure sometimes the defendants requested. For example, in 1904, in a petition that Kahîr, the Sheikh of the Mevali tribe, sent to the Ministry of Judiciary, he wanted them to quit judiciary pursuit upon fabrication and slander about him and solve this case according to the tribal customs.⁵⁵

A different dimension was added in an archive record on solving problems according to the tribal customs belonging to the year 1907. So, the conflicts between Beni Said and Demaga tribes that were situated around Aleppo- Adana were proposed to be solved according to the tribal procedure. But, the recordings that were noted by both Meclis-i Mahsus and Prime Ministry such cases were desired to be solved within the framework of law and judiciary, proposing that the judiciary mechanism were completely established there.⁵⁶ As can be understood from this, the tribal procedure was used in the places which the judiciary mechanism had not been established completely and where the nomadic were situated. Considering that the judiciary organization was established in the residential areas the necessity of pending a case in courts revealed itself. Again in 1907, some dead and injuries were seen in the gunfights that started when the animals of Kabaide Tribe in the district governorship of Humus, Hama sanjak belonging to Syria Province entered the fields of Circassian refugees. The peace was established between two sides by the Province. After the peace it was estimated that the continuation of judiciary pursuit would increase the hostility. But in a request from the Ministry of Judiciary to Sublime Porte it was stated that the judicial law would no longer have effect and verdict in case of solving the cases according to the tribal procedure as the mentioned place established its judiciary organization and the necessity to transfer the case to the courts was focused on.⁵⁷

Another place that the conflicts between tribes had been continued constantly was undoubtedly Basra province. In the recording of the province belonging to 1903, it was stated that the people of this place were consisted of clans and tribes, and most of them were living in tents. It was indicated that the civilization had not entered between these people since ancient time there were some mutual attacks and solved according to the tribal customs. It was stated that in some cases that tribal procedure was ignored, coolness of the population against the government would rise, the impact of the non-marital motives would be felt, people would be forced to migrate and many nonconformities would start. Moreover, in order to solve a judiciary case many troop would be dispatched, such difficult situation as pursuit and trial of hundreds of people would be encountered. It was indicated that due to the all these drawbacks, the application of solving the cases according to the tribal customs in that region had been beneficial for political, territorial, economic and administrative.⁵⁸

In 1908, in the period of constitutional governments that started with the declaration of 2nd Constitutionalism, the state in the conflicts between tribes continued to act as a mediator. In order to solve the problems peace commissions were established and proposed solutions within the approval of the sides.⁵⁹ For example, according to a recording belonging to the year 1915, the

⁵⁴ PMOA. Y. MTV. 268/86.

⁵⁵ PMOA. BEO. 2300/172485.

⁵⁶ PMOA. BEO. 3055/229120.

⁵⁷ PMOA. ŞD. 2303/36.

⁵⁸ PMOA. Şura-yı Devlet Mülkiye Dairesi (ŞD. MLK), 2189/8, p. 2.

⁵⁹ PMOA. Dâhiliye Hukuk (DH. H), 53/13, PMOA. BEO, 3907/292999, PMOA. Meclis-i Vükela Mazbataları (MV), 142/23.

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extortions that occurred between Izze, Djeish, and some other tribes, situated in Urfa and Zor Sanjaks, were solved according to the tribal customs the judiciary pursuit was postponed afterwards.⁶⁰

Conclusion

In the Ottoman period, large part of the East and Southeast Anatolian Region and many regions in the Middle East are very large areas which nomadic tribes settled in. These tribes had been in struggle with their neighbors because of the grass lands for ages. In some periods, these tribes that were fighting with the inhabitants were eager to run their formulas that were resulted after their experiences appeared in the disagreements. Assigning the leaders of sects, members of ruler councils, respectful and effective chiefs of tribes and military names in the peace commissions had been remarkable expedients to end the conflicts among the tribes and make peace among them. Members of the commissions had possibly been far away from using military measures to stop the conflicts. They had been careful to get in touch with Sublime Port while they were working on peace. The implementation of tribal principals in resolution process was seen generally on the cases of nomad groups. The cases those belonged to settled tribes had been wanted to be solved in terms of legal principals because of their integrated judicial structure. Peace commissions or middlemen had firstly made peace between the chiefs of tribes by constructing the healthy communication. Then the cases ended with consents of both sides by giving the blood-money or ransom and restituting the plundered materials according to the tribes' own customs. Written by the sides, the requests that included and expressed the pleasure revealed that applying this type of method was a practical and functional in resolutions that had been reached by tribal practises in those periods. Ottoman State's predicating tribe customs on the resolution of the cases among nomadic tribes had also relations with both the respect of local values and some practical causes. Thus, central administration had regarded that judicial chases would have been very difficult and the workload of the courts would have been very much in the regions that hadn't completed the juridical governance. So, such a kind of resolution was handled because of this approach.

Applications of conflict resolutions succeeded except few events. It can be noted that Ottoman approaches had generally been successful on tribal conflicts or disagreements for the second half of XIXth century. Because of the sensitivity of the region, in case of conflicts considering military measures in the second plan and awarding the ones having role in peace were the most important elements of this peace process. In provisioning the peace, such methods as benefiting from the influence of sheiks or tribal elders to be sworn on the Holy Quran have also been remarkable on caring the people's sensitivity on the values.

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