Freeing "The Enslaved People of Islam": Treaty Law, Religious Rhetoric, and Inter-Imperial Honor in Russo-Ottoman Relations, 1739-1815

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This paper represents an attempt to think through some of the issues of honor and law which have arisen as I examine the Ottoman state's changing attitude toward the fates of its captives held in other states, particularly Russia, after the repeated, and disastrous, wars of the eighteenth and early nineteenth centuries. My dissertation dealt with the inverse of this question: the status of enemy captives, mostly Russian, held in the Ottoman Empire in the same period.[1] I told the story there primarily from the standpoing of law, diplomacy, and politics, with an element of social history as well, but I did not pay much attention to cultural and symbolic questions, including questions of honor. As I have begun piecing together the story of Ottoman captives in Russia, however, I have increasingly encountered a conundrum: as it gained treaty rights to reclaim and safeguard its captured subjects abroad, the Ottoman state became more and more assertive and systematic in exercising those rights, even at financial and diplomatic cost. Why? I believe the answer may lie in the shifting nexus between state honor and treaty law. In this paper—which is simply a first effort at telling the story, and is emphatically a work in progress—I will trace the story of these changes, and I will begin to think through what they may mean for our understanding of Ottoman state honor and identity.

A number of scholars have studied, and attempted to reconstruct, the systems of captivity which prevailed in the Balkans, the Mediterranean, and the Black steppe in the seventeenth century.[2] When Ottoman subjects fell into enemy hands, they generally had to rely upon ransom for liberation, and this ransom was typically raised from among their

[1] Will Smiley, "'When Peace Is Made, You Will Again Be Free': Islamic and Treaty Law, Black Sea Conflict, and the Emergence of 'Prisoners of War' in the Ottoman Empire, 1739-1830" (PhD diss., Cambridge, 2012).

[2] See especially Brian J. Boeck, *Imperial Boundaries: Cossack Communities and Empire-Building in the Age of Peter the Great* (Cambridge: Cambridge University, 2009); Géza Dávid and Pál Fodor, eds., *Ransom Slavery Along the Ottoman Borders: (Early Fifteenth-Early Eighteenth Centuries)* (Leiden: Brill, 2007).

families and associates, and paid through intermediaries.[3] The Ottoman state took no role in the process, whether through financing or through logistics, except in unusual cases: as Pál Fodor has found, the sultan was concerned only with the "so-called 'principal captives' or to those with influential relatives or acquaintances."[4] The mere fact of being an Ottoman subject, then, mattered little for those taken captive by Austrian or Russian enemies.

These were still the state's priorities in the early eighteenth century, when the 1739 Treaty of Belgrade with Russia, ending a four-year war between the two powers, banned the payment of ransoms. It required the free release of all captives on both sides, except for those who had converted to the religion of the captor state.[5] As I show in my dissertation, the Russians had long sought to abolish ransoms, because their state and church contributed vast funds toward the ransom of the many Russian Orthodox Christians held as slaves in the Ottoman Empire.[6] However, the treaty article was not one-sided; it insisted that *both* sides release their captives without ransom.[7]

There is no evidence that the Ottoman state had explicitly pushed for this provision, and it may simply have been an automatic continuation of the tradition of reciprocal articles in treaties.[8] In the immediate aftermath of the war, the state concerned itself, as it had

[3] The most famous narrative by a captured Ottoman subject of the seventeenth century is **TEMESVARLI OSMAN AGA**

[4] Pál Fodor, "Piracy, Ransom Slavery and Trade: French Participation in the Liberation of Ottoman Slaves from Malta During the 1620s," *Turcica* 33 (2001): 126.

[5] See Smiley, "'When Peace Is Made'," Chapter 2.

[6] See Ibid., Chapter 1.

[7] M. Münir Aktepe, ed., *Mehmed Emnî Beyefendi (Paşa)'nin Rusya Sefâreti Ve Sefâret-nâmesi* (Ankara: Türk Tarih Kurumu, 1974), 77.

[8] I owe this insight to a conversation with Kate Fleet.

before, primarily with securing the liberation of prominent captives. When the Russians took the fortress of Ochakov in 1737, they captured at least 76 pashas, beys, and other officers, who were listed by name in an official manifesto.[9] Most important was Yahya Pasha: commandant of Ochakov, pasha of three tails (*trekhbunchuzhnoy* in Russian), and son-in-law of the once and future Grand Vizier and war hero, Hekimoğlu Ali Pasha.[10] The Russians used the Ottoman states' concern for these prominent prisoners as bargaining chips to enforce the treaty provisions guaranteeing release without ransom.[11]

There is no evidence, however, of any systematic state action to free the large numbers of less prominent captives remaining in Russia. The Russians had captured 3,200 Ottoman soldiers and 1,200 noncombatants at Ochakov, and another 2,121 prisoners at Khotyn in August 1739,[12] and the state did gesture at the importance of their liberation in its official orders to free Russian captives.[13] But, even as Russian diplomats investigated the location of their captives, and pressed the Ottoman state for their liberation,[14] Ottoman diplomats made no such efforts. The ambassador sent to Russia, Mehmed Emnî Efendi, does not seem to have been ordered to seek out prisoners.[15]

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[9] "Manifest'" (1737), Rossiiskii Gosudarstvennii Voenno-Istoricheskii Arkhiv [hereinafter RGVIA], Russko-Turetskaya Voina 1735-1739 collection [hereinafter RTV-1735], *fond* 460, *opis'* 1, *del'* 1, folio 6r-8v.
[10] Ibid.. Yahya's relationship to Ali is confirmed in Ottoman sources: see Mehmed Süreyyâ, *Sicill-i Osmanî Yahud Tezkire-i Meşâhir-i Osmâniyye*, ed. Ali Aktan, Abdülkadir Yuvalı, and Metin Hülâgû (Istanbul: Sebil, 1996), IV/2: 243–44.
[11] See Smiley, "'When Peace Is Made'," Chapter 2.
[12] "Manifest'" (1737), RGVIA, RTV-1735, *fond* 460, *opis'* 1, *del'* 1, folio 6r-8v; Fawkener to London (Sept. 11, 1739 and Sept. 22, 1739), The National Archives of Great Britain [hereinafter TNA], State Papers collection [hereinafter SP], sec. 91 vol. 23.
[13] Orders to Istanbul authorities (evasıt Safer 1153), Başbakanlık Osmanlı Arşivi [hereinafter BOA], Divan-ı Hümayun Düvel-i Ecnebiyye Defterleri collection [hereinafter DVEd], vol. 84/2, *hüküm* 59, pp. 20-21.
[14] See Smiley, "'When Peace Is Made'," Chapter 2.
[15] See Aktepe, *Emnî*.

Ottoman captives themselves, however, learned of the treaty provisions and the rights they offered. Mehmed Emnî came upon a number of captives who said they had been captured at Ochakov, and sought release.[16] The issue came to a head during the mission of the next Ottoman ambassador, Şehdî Osman Pasha. He was charged officially with seeking out remaining prisoners, but for the most part, it was still captives themselves who forced the issue. Soon after crossing the frontier, Osman was approached by a woman named "Fatıme," the daughter of a certain Şahin Ağa, who had been an apprentice (*çırak)* of an Ochakov Janissary named Yusuf Paşa.[17] One by one, others took refuge with Osman's retinue; in his embassy report (*sefaretname*), they are sometimes tied, like Fatıme, to specific individuals or places of residence in Ochakov.[18] Clearly understanding the provisions of the Treaty of Belgrade, these prisoners claimed that they had not converted, proving this by describing previous escape attempts or by reciting the *shahada*, which "in any circumstances must be accepted according to the requirement of the imperial treaty and the requirement of religion."[19] Russian subjects and officials objected, and while staying in Kiev on his return journey, Osman's retinue was attacked, apparently with the cooperation of his escort, while he himself attended a feast with the city's military commander. The Russians were repulsed, and Osman returned to Ottoman territory, via Poland, with the freed Muslims.[20]

The end of the 1735 War was followed by a long period of peace between the Ottoman and Russian Empires, but another war eventually erupted in 1768, ending with the 1774

[16] Ibid., 77.
[17] Faik Reşit Unat, ed., "Şehdi Osman Paşa Sefaretnamesi," *Tarih Vesikaları* 1 (1942 1941): 77.
[18] Ibid., 156.
[19] Ibid., 78, 156–57.
[20] Ibid., 397.

Treaty of Küçük Kaynarca, which largely repeated the terms of the Belgrade agreement.[21] The Russians had, again, taken many captives during the war, and they began returning them in large groups after peace was made.[22] As before, there were hints of Ottoman state concern for this mass of captives, as when the Russian Chargé d'Affaires in Istanbul, Christopher Peterson, successfully used a threat to halt the return of captives to exert pressure on the Porte in a dispute over the return of Russians in the Ottoman Empire.[23] Even here, however, the Porte may have been concerned primarily about prominent officers.

For the most part, it fell to captives themselves, or their families, to take the lead in pursuing their release. When the Ottoman ambassador Abdülkerim Pasha travelled to Russia in 1775-1776, he presented the Russian Prime Minister Nikita Panin with long lists of captives' names, submitted by their families.[24] It seems that these individuals had taken the initiative themselves, mobilizing treaty law to pursue their interests. The information they presented was detailed, but idiosyncratic: Molla Mehmed, the son of a janissary Odabaşı from Bender, sought his captured mother Ayşe and two sisters; Hacı Mustafa, also of Bender, had been released with his family when peace was made, but a Russian major had taken his twelve-year old son Halil; Beşir Mehmed of Gümülçine/Yumurtina requested the release of his three eunuchs, two of them named Elmas and Yakut, allegedly held by a Russian count (*graf*); Fatma, an elderly woman from

[21] See Smiley, "'When Peace Is Made'," Chapter Three.
[22] Certificates of prisoner return (Receb 1188), BOA, Cevdet Hariciye collection [hereinafter CHR] 7198; Panin to Abdülkerim (1775), AVPRI, Snosheniya Rossii s Turtsei collection [hereinafter SRT], *fond* 89, *opis'* 8, *del* 934.
[23] See Smiley, "'When Peace Is Made'," 100.
[24] Written in French and Russian, these lists are contained in AVPRI, SRT, *fond* 89, *opis'* 8, *del'* 933, ff. 4-7.

Bender, had been released with her husband, but her son Şerif Mehmed had been retained by a colonel's sergeant in the town of Tirepol.

The Russians replied dismissively, going through the Ottoman lists individual-by-individual and in most cases denying any knowledge of the named captives and captors. The count had no eunuchs in his custody (although a different count, Count Orlov, had captured three eunuchs but had released them); Panin claimed he had never heard of Ayşe or her sisters-in-law, or of the sergeant holding Fatma's son, or of the town of Tirepol.[25] Moreover, the Russians claimed, many Ottoman captives had converted to Christianity, and therefore were required to stay in Russia.[26] Abdülkerim eventually abandoned his claims, although he did accept 80 captives who escaped custody and took refuge with his retinue. According to his account, Russian officials deliberately looked the other way.[27]

When Mustafa Rasih Efendi traveled to Russia in 1793-94, after the *next* Russo-Ottoman war (1787-1792), he had a similar experience. Captives sought him out and took shelter with him; Russians captors denied having received orders to release their captives, while Russian officials argued that captives had converted to Christianity.[28] The Russians even

[25] Panin to Abdülkerim (1775), AVPRI, SRT 89/8, *del* 934.
[26] Ibid.; Max Ethan Mote and Norman Itzkowitz, eds., *Mubadele: An Ottoman-Russian Exchange of Ambassadors* (Chicago: University of Chicago, 1970), 100–01.
[27] Ibid., 98, 101–02.
[28] Rasih to the Russian Court (1794), AVPRI, SRT 89/8, *del* 784; Halil İnalcık, "Yaş Muahedesinden Sonra Osmanlı-Rus Münasebetleri: Rasih Efendi Ve Ceneral Kutuzof Elçilikleri," *Ankara Üniversitesi Dil Ve Tarih-Coğrafya Fakültesi Dergisi* 4, no. 2 (1946): 201. Thomas Naff asserts that relations broke down over *Ottoman* refusal to return prisoners who had converted to Islam ("Reform and the Conduct of Ottoman Diplomacy in the Reign of Selim III, 1789-1807," *Journal of the American Oriental Society* 83:3 [Aug-Sept 1963], 304), but this is not supported by the sources he cites—the *Rûznâme,* İnalcik's article, F. Clément-Simon ("Un Ambassadeur Extraordinaire Russe a Constantinople a l'Epoque de Catherine II et de Selim III," *Revue d'Histoire Diplomatique* XXI [1907], 25-39), and Ahmed Cevdet, *Târih-i Devlet-i 'Aliyye* (Istanbul,

used force to pry a few escaped captives away from Rasih's retinue.[29] As before, Ottoman subjects asked the Porte for help in liberating their relatives held in Russia—and some, in violation of the treaty, even paid ransoms to Russian captors.[30]

What was new in the 1790s, however, was the Ottoman state's top-down commitment to retrieving captives. As peace was made, the Ottoman state kept records of captives returning from Russia,[31] and braced itself for a diplomatic showdown with the Russians. The Imperial Council consulted Sultan Selim III about how to proceed "if in the matter of the release of captives there arise futile types of perfidies" from Russia.[32] Selim, however, warned that "bargaining [done] at home does not suffice in the market."[33] Following Selim's instrucitons, Rasih raised the issue of captives repeatedly, and may even have taken with him lists of those believed to be held in Russia—there were more 7,000, the Ottomans believed.[34] Rasih himself prepared lists of over 1,500 captives whom he found, or heard rumors of, during his mission. He presented this list to the Russians, accusing them also of moving other captives out of his route so he would not hear of their presence.[35] His claims were not limited to Ottoman Muslims; he also complained about

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1854-1875), vol. 5, 274. (Naff however used the second, rearranged, edition of Cevdet.) Though Shaw does not cite Naff as a source in *Between Old and New*, he repeats the same claim about Ottoman intransigence (189); he cites Clément-Simon, and excerpts from Rasih's *sefaretname* published in 1917. İnalcik and Unat, both of whom consulted the original *sefaretname*, clearly describe Russian refusals, not Ottoman, as the problem.

[29] Ibid., 200–01.

[30] Rasih to the Russian Court (1794), AVPRI, SRT 89/8, *del* 784; Summary of petitions (20 Zilhicce 1209), BOA, Hatt-ı Hümayun collection [hereinafter HAT] *dosya* 221, *gömlek* 12359.

[31] See for example the lists (17 Receb 1206) in BOA , Cevdet Askeriye collection [hereinafter CAS] 29740.

[32] Council to Selim and reply (Zilhicce 1207), BOA, Hatt-ı Hümayun collection [hereinafter HAT] 239/13343.

[33] Ibid.; see also Itzkowitz's translation in Mote and Itzkowitz, *Mubadele*, 101 n. 55.

[34] Sir Robert Ainslie to London (February 10, 1794), TNA, Foreign Office collection [hereinafter FO] 78/15, letter #3; İnalcık, "Yaş," 200.

[35] Rasih to the Russian Court (1794), AVPRI, 89/8, *del* 784. This is only an approximate count: time constraints at AVPRI, and the archive's ban on making copies or taking photographs, meant I was unable to transcribe the full lists.

the forced deportation of 54 Crimean *ulema* (Muslims, but not Ottomans), and of "thousands" of Armenians from Akkerman (Ottomans, but not Muslims).[36]

When Rasih found that officials in St. Petersburg were intransigent, the Porte raised the issue with the Russian ambassador, General Mikhail Kutuzov, in Istanbul. Moreover, when Rasih reported that Ottoman Muslims were being held against their will based on their alleged conversion to Christianity, the Ottomans threatened to retaliate in kind by making it more difficult to recognize Russian captives' conversion to Islam within the Ottoman Empire.[37]

What explains the Ottoman state's greater concern for non-elite captives in this period? Halil İnalcık has touched on the issue, suggesting that Selim was particularly concerned with prisoners as a way to compensate for his failure to liberate the Crimea from Russian occupation—a goal which had been the primary reason for going to war in 1787.[38] Selim himself articulated this concern, ordering that Rasih guide his actions on the prisoner

[36] Ibid.
[37] Will Smiley, "Let Whose People Go? Subjecthood, Sovereignty, Liberation, and Legalism in Eighteenth-Century Russo-Ottoman Relations," *Turkish Historical Review* 3, no. 2 (2012): 222 n. 117. For the changing tests used to adjudicate captive conversions within the Ottoman Empire, see generally Will Smiley, "The Meanings of Conversion: Treaty Law, State Knowledge, and Religious Identity Among Russian Captives in the Eighteenth-Century Ottoman Empire," *The International History Review* 34, no. 3 (2012): 559–580. This presents an intriguing question about the history of serfdom and slavery in Russia. Slavery is generally thought to have ended during Peter the Great's reign in the early eighteenth century; see Richard Hellie, *Slavery in Russia 1450-1725* (Chicago: University of Chicago, 1982). Moreover, in 1781 Catherine issued a decree forbidding the enserfment of prisoners of war, which has been used as evidence by Russian historians seeking to rebut the long-held view that Catherine the Great was hypocritical or insincere in her distaste for serfdom. See Aleksandr S. Lappo-Danileskii, "The Serf Question in an Age of Enlightenment," in Marc Raeff, ed., *Catherine the Great: A Profile* (London: Macmillan, 1972), 276-277; de Madariaga, *In the Age*, 552-553. This decree does not seem to have been examined in depth, and these sources differ on whether it applied to non-Christian prisoners of war, or to any non-Orthodox prisoners who converted. The story of Rasih's mission seems to contradict both of these accepted narratives.
[38] İnalcık, "Yaş," 200.

question in order to advance "the glory of my state" (*şan-ı develtimi*).[39] Selim himself, then, may have played an important role in the new emphasis, but he did not initiate it—as has been seen, the Ottoman state's concern for non-elite captives had grown along with its legal ability to articulate such concerns through treaty law. Nor did this concern die with Selim in 1808.

The Ottoman state's increasing concern for captives collectively—rather than only for prominent and well-connected individuals—manifested itself even more clearly two decades later, during and after the 1806-1812 Russo-Ottoman War. The Russians overran a number of Ottoman fortress cities in this conflict, and captured perhaps 40,000 Ottoman captives, both military and civilian.[40] Sultan Mahmud II dispatched hundreds of thousands of silver piasters to aid them after peace was made, and also contributed substantial gifts to Ottoman military units freed from captivity.[41] The Ottomans dispatched a commissioner, Ahmed Pasha, to Russia to oversee the return of captives, though the matter was greatly complicated by the fact that Napoleon invaded Russia almost immediately after the Russo-Ottoman war ended.[42]

The increasing symbolic importance of captivity to Mahmud, in particular, is revealed by two particular incidents, one concerning military captives and the other, civilians. The first resulted from a military success-turned-catastrophe: in September 1811, Grand Vizier Ahmed Pasha took 36,000 men—the main body of the Ottoman army (*Ordu-ı*

[39] Council to Selim and reply (Zilhicce 1207), BOA, HAT 239/13343.
[40] Council to Mahmud and reply (22 Cemaziyülahir 1227), BOA, HAT 986/41741.
[41] Ibid.; Council to Mahmud and reply (est. 1227), BOA, HAT 1296/50382.
[42] Council to Mahmud and reply (9 Muharrem 1228), BOA, HAT 1000/41997.

Hümayun)—across the Danube to the north (left) bank to face the Russian forces under Field Marshal Mikhail Kutuzov (the same Kutuzov who had been ambassador to the Ottoman Empire in 1793-94). Kutuzov, however, was not intimidated by Ahmed's offensive; he responded by himself crossing to the south (right) bank of the Danube, severing Ahmed's supply lines and dispersing the Ottoman reserves. Now, Ahmed was trapped on the wrong side of the river (though the Grand Vizier himself escaped).[43] Soon, according to[Russian observers, "[t]he elite of the Turkish army" was starving; "[h]orses were either dead or eaten. Poor Turks had to eat rotten meat and had no salt. They cropped and ate the grass and roots on the territory of the camp, often paying with their lives for such terrible food and dying under the Russian artillery and musket fire."[44] As winter set in in November, the Ottoman army had dwindled to about 12,000 men, and "Kutuzov intervened on behalf of the surviving soldiers, and as a means of propelling the [ongoing peace] negotiations, took them under his protection."[45]

This looked like surrender—but it was not. Kutuzov "instructed Count Langeron to escort the Turks to designated settlements, some 50 *versts* [33 miles] behind the Russian arm, and demonstrate to them that 'they are not our prisoners of war, but our guests, willingly staying here.'"[46] This was a semantic distinction, but it mattered to Mahmud. Repeatedly, in conversation with his advisers, Mahmud refused to consider the army to have the status of "prisoners of war" (*üsera-ı harb*), and he insisted that the Russians not

[43] Virginia H. Aksan, *Ottoman Wars 1700-1870* (London: Longman, 2007), 276–77.
[44] Quoted in Ibid.
[45] Ibid., 277.
[46] Quoted in Ibid.

treat them in that manner.[47] This demand was formalized in the written Ottoman-Russian armistice signed on December 8, 1811,[48] but Mahmud continued to complain that "despite saying previously to our soldiers remaining on the far side [of the Danube] '[they are] my guest[s],' now they are considered prisoner[s] of war."[49] The Russians recognized Mahmud's sensitivity on this issue, and as a negotiating tactic in early 1812, they renounced the armistice, "treat[ing] the beleaguered Ottoman troops as prisoners of war."[50] This was coupled with other "humiliating terms" which prompted Mahmud to consider renewing the war, before he realized that this was a military impossibility.[51] Treating the army on the left bank as "guests" rather than "prisoners of war" was a largely semantic distinction; they were militarily useless, and might as well have surrendered. Indeed, to the extent that the designation *did* made a difference, it actually hurt Ottoman financial interests: the Porte bore the burden of paying the Russians to feed and maintain the army.[52] By contrast, the Russians paid to support Ottoman subjects held as prisoenrs, and the terms of the final Treaty of Bucharest decreed that neither side would reimburse the other for such expenses.[53] Mahmud's assertion was symbolic, rather than pragmatic, and it seems to have been based on a conception of state honor articulated in international legal terms—through the concept of "prisoners of war."

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[47] See, e.g., Council to Mahmud and reply (6 Receb 1227), BOA, HAT 963/41253; Council to Mahmud and reply (15 Cemaziyülahir 1227), BOA, HAT 986/41776; Council to Mahmud and reply (26 Cemaziyülahir 1227), BOA, HAT 1001/42027; Ziya Yılmazer, ed., *Sânî-zâde Târîhî: 1223-1237/1808-1821* (İstanbul: Çamlıca, 2008), I:527.
[48] Fehmi Ismail, "The Making of the Treaty of Bucharest, 1811-1812," *Middle Eastern Studies* 15, no. 2 (1979): 170.
[49] Yılmazer, *Sânî-zâde*, I:527.
[50] Ismail, "Bucharest," 171.
[51] Ibid., 172.
[52] Ibid., 170.
[53] Mahmud Mesud, ed., *Muahedat Mecmuası* (Istanbul, 1876), IV: 54–55.

Soon after the war ended, the Ottomans were again outraged by the Russian treatment of their subjects—but now, the subjects in question were civilians, and they clearly *were* prisoners. In late 1812, 500 or 600 Ottoman captives were traveling through rural southern Russia on their way to the frontier, to be returned to Ottoman lands.[54] While passing through a village—known as "Kharkhova" to the Ottomans; probably Kharkov in modern-day Ukraine)—Russian villagers attempted to detain two Ottoman women on the claim that they had converted to Christianity. A fight soon broke out, which ended in a massacre of the unarmed Ottomans at the hands of the armed, and more numerous, Russian villagers.

Mahmud and his advisers were outraged when they learned of the incident, and the council demanded the Russians punish the perpetrators. The fault, the Russian ambassador Andrei Italinskii assured the Porte, lay in fact with the governor of Kharkov Gubernia, rather than with Emperor Alexander I, and he would be disciplined appropriately. Many on the Ottoman Imperial Council, however, were unsatisfied with this answer, and demanded that the Russians execute those responsible.[55] Some demanded the Russians put to death a number of their own subjects equal to the number of dead Ottoman subjects—and if the Russians were unwilling, they suggested, the Porte could retaliate against Russian military captives held in Ottoman state custody.[56]

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[54] This background information is based on Grand Vizier Ahmed Efendi to the Kaymakam (est. 1227), BOA, CHR 2382; Council Liston to London (Nov. 12, 1812), TNA, FO 78/78 #16. Liston gives a lower number of captives (300-400), and calls the town "Halkova."
[55] Council to Mahmud and reply (est. Zilhicce 1227), BOA, HAT 1295/50336.
[56] Liston to London (Nov. 12, 1812), TNA, FO 78/79 #16.

This suggestion was not followed, but the demand for Russian executions of the perpetrators was supported by many soldiers, and residents of Istanbul, some of whom went so far as to attack Italinskii while he toured the Süleymaniye Mosque. The Ottomans executed some of these attackers, and exiled others—providing further ammunition to those who asked why the Russians did not similarly punish their own criminal subjects.[57] Others on the Council, however, were more cautious, preferring to demand monetary reparations from the Russians. Both sides of the debate, intriguingly, couched their positions in Islamic legal terms—referring to reciprocal executions as *kassas*, and payments as *diyet*.[58]

This incident dragged on for years, and the Russian state—initially distracted by its life-and-death struggle against Napoleon's invading army—eventually conducted a desultory inquiry.[59] These events are fascinating from a diplomatic and legal standpoint, but what is most relevant for this paper is the question of Ottoman motivations. In constrast to the state's nearly exclusive concern, in earlier eras, for prominent captives, none of the Ottoman victims at Kharkhova was in any way well-connected—indeed, none are even identified by name in the Ottoman documents examined. Instead, they were important to the state simply through their status as Ottoman subjects, and especially as Muslims. In a term which echoes repeatedly through Ottoman archival documents discussing captives in this period, they were "the captive people of Islam" (*ehl-i İslâm üserası*).[60] To ignore their captivity, and their deaths, would dishonor the Ottoman state in the international

[57] Council to Mahmud and reply (est. Zilhicce 1227), BOA, HAT 1295/50336.
[58] Ibid.
[59] See B.P. Milovidov, "Turetskie Voennoplennye v Rossii v 1812 Goda," *Voprosy Istorii* 10 (2008): 91–98. He casts the incident as a way to examine the relative standards of civilization on each side, through the treatment of prisoners.
[60] See, e.g., Council to Mahmud and reply (est. Zilhicce 1227), BOA, HAT 1295/50336.

realm—the Council, discussing the proper response, noted that "completely looking the other way at this [incident] would also necessitate shame among the other states."[61]

This brief sketch, then, illustrates the central Ottoman state's growing concern over the fate of non-elite captives in Russian hands over the course of the eighteenth century. This concern grew even as the reciprocal terms of peace treaties increasingly gave the Ottoman state the legal *right* to demand the freedom of its captives, and to hold Russia accountable, at least in theory, for offenses against its captives. To some extent this is a story of Russian initiative, as the Romanov state, in the 1730s, leveraged long-standing Ottoman concerns over the fate of *elite* captives—such as Grand Vizier Hekimoğlu Ali Pasha's son-in-law Yahya Pasha—to secure broad, reciprocal treaty terms mandating the freedom of *all* captives. Yet the Ottomans need not have internalized this legal *right* into a perceived *obligation*—and indeed, for a long time they did not, as neither Mehmed Emnî in the 1740s, nor Şehdî Osman in the 1750s, made the release of captives a diplomatic issue to be pursued systematically at the highest level. The reasons the Ottomans *did* come to press the issue more aggressively in the 1790s and 1810s—even at great financial and diplomatic cost—must be sought within the empire, and they seem to revolve around questions of state honor.

There are two ways to interpret Mahmud's, Selim's, and their advisors' perception that the Ottoman state's honor was bound up with the fate of its subjects in enemy hands. One is to view these perceptions as part of a broader, pan-European discourse of honor and diplomacy, of the type noted by Jan Hennings in his work on the origins of

[61] Ibid.

diplomatic immunity.[62] Hennings shows that statutes granting foreign ambassadors legal immunity were enacted in the UK in the early eighteenth century because of the international dishonor done to Empress Anna of Russia when her ambassador was accosted and arrested for unpaid debts. On this view, monarchical honor drove the creation of substantive norms of international law. The Ottoman concern, expressed for example after the Kharkhova incident, for their state's appearance in the eyes of other states if they did not press their case against Russia, seems to fit this model. It may be that as the Ottomans wove an ever-thicker web of diplomatic and legal relations with Christian states,[63] the state came to see itself as part of a common economy of honor,[64] shared with its sovereign neighbors.

Another way to understand the intersection of honor and treaty law explored in this paper, however, is to consider the Ottoman domestic context. Historians have just begun to examine what it meant, domestically, for states to possess their own "honor" in dealing with their subjects; honor could be "a resource that states and their subjects could invoke in crisis, and something that both groups needed to safeguard in order to sanction their own behavior and status."[65] Leslie Peirce, most notably, argues that in the sixteenth century, "[l]ike other early modern polities, the Ottoman sultanate was taking on more responsibility for the lives of its subjects. One mechanism for doing so was the attempt, if

[62] See Jan Hennings, "International Law, Ritual and Diplomatic Culture in the Reign of Peter the Great" (unpublished paper). I thank Jan for sharing his work with me; an earlier version of the paper has been published as "The Honour of Peter the Great and the 'Defect of the British Constitutions': Observations on Early Modern Ambassadorial Ceremonial and International Law," *Study Group on Eighteenth-Century Russia Newsletter* 36 (2008): 7-14

[63] On this point, see especially A. Nuri Yurdusev, ed., *Ottoman Diplomacy: Conventional or Unconventional?* (Basingstoke: Palgrave Macmillan, 2004); Rifa'at A. Abou-el-Haj, "The Formal Closure of the Ottoman Frontier in Europe: 1699-1703," *Journal of the American Oriental Society* 89, no. 3 (1969): 467–475.

[64] I thank Tolga Esmer for suggesting this term to me in a conversation, in a different context.

[65] Scott Taylor, "Honor in the Early Modern Eastern Mediterranean--an Introduction," *Journal of Early Modern History* 15 (2011): 309.

not to monopolize the means of force and violence, at least to minimize their use by Ottoman subjects."[66] Başak Tuğ, discussing the eighteenth century, likewise contends that the Ottoman state became increasingly concerned about illicit sex because "[f]or the Ottoman state, protecting the honor of its subjects was in a sense protecting its own honor and legitimacy."[67]

Extending this view, it may be that the Ottoman state, for domestic reasons, came to feel that it had an obligation—and now, through treaties, a right—to protect its subjects. As the term "the captive people of Islam" indicates, Muslims were of particular concern, and this may foreshadow, and offer a different perspective on, the emergence of a proto-national Muslim Ottoman community under Mahmud in the early nineteenth century.[68]

[66] Leslie Peirce, "Abduction with (Dis)honor: Sovereigns, Brigands, and Heroes in the Ottoman World," *Journal of Early Modern History* 15 (2011): 319.
[67] Başak Tuğ, "Politics of Honor: The Institutional and Social Frontiers of 'Illicit' Sex in Mid-Eighteenth-Century Ottoman Anatolia" (PhD diss., New York University, 2009), 309.
[68] See generally Aksan, *Wars*; Y. Hakan Erdem, "'Do Not Think of Them As Agricultural Labourers': Ottoman Responses to the Greek War of Independence," in *Citizenship and the Nation-State in Greece and Turkey*, ed. Thalia G Dragonas and Faruk Birtek (London: Routledge, 2005), 67–84. In this sense, it may be that there is an Ottoman parallel to Linda Colley's story of how "the bodies of English, Welsh, Scottish and Irish men and women, seized in successive captivity crises overseas, mark out the changing boundaries over time of Britain's imperial aggression, and the frontiers of its inhabitants' fears, insecurities, and deficiencies." Linda Colley, *Captives: Britain, Empire and the World, 1600-1850* (London: Jonathan Cape, 2002), 12.