

# A Rebellious Prince in Ottoman Fatwas: The Case of Şehzade Bayezid

AYŞEGÜL SİMŞEK\*

## Abstract

The rebellion of Şehzade Bayezid (d. 1562) constituted a major succession crisis in the later years of Sultan Süleyman's reign (1520-1566). The immediate cause of the conflict was the rivalry between Bayezid and his brother Selim over succession to the throne. Convinced that Selim had secured their father's favor, Bayezid began to challenge imperial directives and gradually gathered a substantial military following. Although Sultan Süleyman initially pursued a strategy of extended correspondence and cautious engagement, these efforts ultimately failed to prevent the prince from initiating armed confrontation. In the battle of 1559, Bayezid's forces were defeated by Selim's army, backed by the Sultan, prompting him to seek refuge in the Safavid dynasty. His eventual extradition and execution concluded the political crisis. This study analyzes a body of fatwas issued during the height of Bayezid's activities, which illuminate the often-overlooked legal dimensions of the rebellion. These fatwas, some providing detailed rulings and others endorsing earlier opinions, uniformly situate Bayezid's actions within the Islamic legal concept of *baghy* (rebellion), thereby demonstrating a remarkable juristic consensus across the empire. The study examines the nuances of this juridical discourse and how Ottoman scholars, most notably Ebussuud Efendi, navigated the doctrinal stipulations to construct a coherent and complementary framework to address Bayezid's rebellion.

**Keywords:** Ottoman law, Hanafi jurisprudence, *Baghy*, Rebellion, Ottoman fatwas, Şehzade Bayezid, Sultan Süleyman, Ebussuud

## Osmanlı Fetvalarında Asî bir Şehzade: Bayezid Vakası

### Öz

Şehzade Bayezid'in isyanı, Kanûnî Sultan Süleyman'ın hükümdarlığının son dönemlerinde yaşanan ve Bayezid ile kardeşi Selim arasındaki rekabetten kaynaklanan önemli

\* Dr. Arş. Gör., Marmara Üniversitesi, İlahiyat Fakültesi, Temel İslam Bilimleri Bölümü / Research Assistant, PhD, Marmara University, Faculty of Theology, Department of Basic Islamic Sciences. İstanbul, Türkiye. ORCID: 0000-0002-0182-7240, e-posta: aysegul.simsek@marmara.edu.tr

DOI: 10.26570/isad.1736342 • Geliş/Received 07.07.2025 • Kabul/Accepted 25.11.2025

Atıf/Citation Şimşek, Ayşegül, "A Rebellious Prince in Ottoman Fatwas: The Case of Şehzade Bayezid", *İslam Araştırmaları Dergisi*, 55 (2026): 245-266.

bir taht mücadelesidir. Selim'in babalarının desteğini kazandığını düşünen Bayezid, sultanın emirlerini göz ardı ederek kalabalık bir ordu toplamaya başlamıştır. Sultan Süleyman'ın Bayezid ile uzun yazışmaları ve ona karşı ihtiyatlı yaklaşımı, nihayetinde şehzadenin silahlı mücadeleye girişmesine engel olamamıştır. 1559 yılında meydana gelen çarpışmada Bayezid'in ordusu, Süleyman tarafından desteklenen Selim'in kuvvetlerine mağlup olmuş; Bayezid çareyi Safevî Devleti'ne sığınmakta bulmuştur. Siyasî kriz ancak Bayezid'in Osmanlı'ya iadesi ve sonrasında öldürülmesiyle nihayete ermiştir. Bu çalışma, Bayezid'in faaliyetlerinin yoğunlaştığı dönemde verilmiş olan ve isyanın çoğu zaman göz ardı edilen hukukî boyutlarına ışık tutan bir grup fetvayı ele almaktadır. Bazıları ayrıntılı hükümler ortaya koyan, diğer bir kısmı önceki görüşleri onaylamakla yetinen bu fetvalar ortak bir dille Bayezid'in fiillerini *bağy* olarak değerlendirmektedir. Bu durum, Osmanlı uleması arasında dikkat çekici bir görüş birliği örneği sergilemektedir. Bu çalışma, söz konusu hukukî söylemin nüanslarını ve başta Ebüssüüd Efendi olmak üzere Osmanlı âlimlerinin Bayezid'in isyanına yönelik olarak doktriner sınırlar içinde tutarlı ve birbirini tamamlayıcı bir çerçeveye inşa etme şeklini incelemektedir.

**Anahtar Kelimeler:** Osmanlı hukuku, Hanefî fıkıhı, *Bağy*, İsyân, Osmanlı fetvaları, Şehzade Bayezid, Sultan Süleyman, Ebüssüüd.

## 1. Introduction<sup>1</sup>

Sultan Süleyman the Lawgiver (r. 1520-1566) ascended the Ottoman throne without opposition, yet the final years of his reign were ultimately defined by intense succession struggles among his sons. In 1553, Süleyman ordered the execution of his son Şehzade Mustafa on charges of alleged treason. He later proved unable to prevent the intensifying rivalry between his remaining sons, Selim (r. 1566-1574) and Bayezid. As their conflict threatened to escalate into a civil war, the Sultan aligned himself with Selim. The confrontation compelled Bayezid to flee to Safavid Iran, where he sought refuge under Shah Tahmasp (r. 1524-1576). After prolonged diplomatic negotiations, the Shah agreed to surrender the prince, and Bayezid was executed in 1562 by his brother's agents.

Unlike the case of Mustafa, for which no explicit authorizing fatwa survives, the suppression of Bayezid's rebellion was accompanied by an extensive set of legal opinions issued by prominent Ottoman scholars. A document now held in the Veliyyüddin Efendi collection preserves a series of fatwas concerning the proper course of action against Bayezid and his followers.<sup>2</sup> The chief jurist, Şeyhülislam Ebüssüüd Efendi (d. 1574), issued the initial fatwa in this document, which appears to have served

1 This article draws on research conducted as part of the TÜBİTAK 1001 project "Osmanlı Hukukunu Kurmak: Fetva ve Risaleler Işığında 16. Yüzyıl Osmanlı Hukuku." I would like to thank Mürteza Bedir, Şükrü Özen, and Süleyman Kaya for their valuable contributions during the course of this research.

2 Veliyyüddin Efendi, MS 3216/6, 67<sup>b</sup>-69<sup>b</sup>.

as the foundation for subsequent opinions by other scholars. His fatwa is followed by fourteen additional fatwas by various jurists, some still in office and others retired, who had served in different courts or *madrasas* across the empire. First published by Şerafettin Turan,<sup>3</sup> this document has been treated in modern scholarship as the sole and definitive body of fatwas pertaining to Bayezid's rebellion.

This study, however, revises that assumption. It expands the evidentiary basis for analysis by introducing an important yet previously overlooked document preserved in Kastamonu Library.<sup>4</sup> This manuscript not only contains all the fatwas found in the Veliyyüddin Efendi copy but also includes twelve supplementary endorsements. In addition, the analysis also incorporates Ebusuud's fatwas concerning Bayezid found in other collections. Building on this expanded corpus, the central claim of this study is that Ottoman jurists did not merely provide *post hoc* legitimation for an already determined political outcome; rather, they articulated their rulings through a recognizable and internally coherent engagement with the Ḥanafī legal tradition, particularly the doctrine of *baghy* (rebellion), that they invoked in addressing Bayezid's case.

Existing scholarship has overwhelmingly approached the Bayezid affair as a political and dynastic crisis within Ottoman history. This focus has naturally drawn most of the scholarly attention from historians. Among these works, Şerafettin Turan's pioneering study remains the most comprehensive, providing a detailed account of the events leading to Bayezid's execution and reproducing several key documents, including the fatwas. Yet he treats these fatwas largely as documents of political endorsement rather than as juridical arguments requiring legal analysis.<sup>5</sup> Other studies have similarly focused on the historical dimensions of the affair, aiming to address aspects not covered by Turan.<sup>6</sup> Additionally, Bayezid's reputation as an accomplished poet has drawn attention in several works exploring his literary legacy.<sup>7</sup> As a result, despite their richness

3 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 202–4.

4 Kastamonu KHK, MS 1757, 71<sup>a</sup>-72<sup>a</sup>. I am deeply grateful to Bayram Pehlivan for generously drawing my attention to the Kastamonu manuscript, which has proved essential to this study.

5 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 109–112.

6 See, for example, Öztelli, "Kanunî'nin Oğlu Şehzade Bayezid'in Babasına Son Mektubu"; Deniz, "İsyân, İltica ve Ölüm". For other studies on the Bayezid affair, see, for example, Uzunçarşılı, "Babasından Sonra Saltanatı Elde Etmek İçin Kardeşi Selim'le Çatışan Şehzade Bayezid'in Amasya'dan Babası Kanuni Sultan Süleyman'a Göndermiş Olduğu Arıza"; Gülten, "Kanunî'nin Maktul Bir Şehzadesi: Bayezid".

7 See, for example, Çiçekler, "Şehzâde Bayezid ve Farsça Divançesi"; Kılıç, *Şehzade Bayezid Şâhi*. The correspondence between Sultan Süleyman and Bayezid was

and unusual collective character, the fatwas themselves have rarely been analyzed as legal texts grounded in a specific doctrinal framework.

The few scholars who do address these fatwas tend to subordinate legal reasoning to broader institutional or political questions. Richard Repp situates these fatwas within the context of public policy matters with which Ebussuud was closely associated, yet his analysis is less concerned with their juridical framework than with assessing whether Ebussuud occupied a uniquely authoritative position.<sup>8</sup> Colin Imber, while acknowledging the authority of *muftis* in political matters and the fact that even sultans needed their counsel, also contends that the *muftis* were fully aware of the circumstances surrounding their rulings and, in most cases, were inclined to deliver the responses desired by the sultan or other officials. He cites the fatwas concerning Bayezid as illustrative of such juristic compliance.<sup>9</sup> This approach, however, risks reducing legal argumentation to mere rhetoric rather than engaging with its doctrinal content. Finally, Baki Tezcan frames the episode as evidence of jurists' growing involvement in dynastic affairs, but his interpretation foregrounds the political consequences of legal consultation rather than the internal constraints of the legal tradition that shaped those consultations.<sup>10</sup>

In contrast, this study places legal reasoning at the center of analysis. By integrating newly identified primary sources, it offers a more complete view of the juridical discourse surrounding Bayezid's rebellion. Drawing on this expanded corpus, the article examines how Ottoman jurists conceptualized the rebellion within the Ḥanafī doctrine of *baghy* and argues that they operated within a discernible legal framework that cannot be reduced to mere legitimation. In doing so, the study aims to contribute to broader discussions about the extent to which Ottoman jurists adhered to established legal principles when addressing politically charged matters. To provide essential context for a clearer interpretation of the material, the article first presents a brief historical overview of Bayezid's rebellion before proceeding to a detailed analysis of the fatwas themselves.

## 2. Bayezid's Rebellion: An Historical Overview

The mid-sixteenth-century Ottoman Empire was marked by economic instability, fierce political rivalries, and widespread social unrest. The execution of Şehzade Mustafa in 1553, a popular figure among the military

.....  
sometimes conducted in poetic form. For an English translation of a representative example of Süleyman's verse, see: İnalçık, "State, Sovereignty and Law", 74.

8 Repp, *The Müfti of Istanbul*, 284–288.

9 Imber, *The Ottoman Empire*, 243.

10 Tezcan, *The Second Ottoman Empire*, 42–3.

and the leading candidate for the throne, deepened existing tensions that soon re-emerged around his half-brother, Şehzade Bayezid.<sup>11</sup> After Mustafa's death and the subsequent passing of Şehzade Cihangir, only two heirs remained: Selim and Bayezid, both sons of Hürrem Sultan (Roxelana). At first, Bayezid appeared the stronger contender, while Selim gradually gained the favor of his father through his compliant nature.<sup>12</sup>

The political landscape grew even more unstable when an impostor claiming to be the slain Mustafa raised a large following in Rumelia. While this uprising was swiftly suppressed, contemporary accounts hinted at Bayezid's secret involvement and suggested that he escaped punishment only through his mother's intervention.<sup>13</sup> After Hürrem's death, however, the rivalry between the two surviving princes intensified. Seeking to prevent open conflict, Sultan Süleyman reassigned Selim from Manisa to Konya and Bayezid from Kütahya to Amasya. Bayezid interpreted this transfer as a clear sign of his father's favoritism toward Selim. He resisted the order, delayed his departure for months, and gathered armed supporters as he moved eastward. Despite Süleyman's conciliatory letters and promises of reward, Bayezid's resentment hardened into defiance of both his brother and his father's authority.<sup>14</sup>

Bayezid's cause attracted many of the same disaffected groups that had supported earlier upheavals. This transformed Bayezid's personal grievance into a broader socio-political revolt reflective of Anatolia's deep-seated unrest. By 1559, Süleyman's distrust of his son was absolute. Imperial correspondence preserved in the *mühimme* (significant affairs) registers depicted an empire on alert: urgent dispatches ordered provincial officials to seize Bayezid if he sought refuge within their territories.<sup>15</sup> In these documents, he appears as *Bayezid-i bâğhî*,<sup>16</sup> a rebel who had broken allegiance to his father,<sup>17</sup> belonging to the ranks of *ahl al-baghy* (people of rebellion) and *ahl al-fasād* (people of corruption).<sup>18</sup> The orders not only demanded Bayezid's capture but instructed officials to deal with him (and by extension, his followers) in accordance with the Sharia; suggesting that "they should be treated as *ahl al-baghy* should be treated."<sup>19</sup>

11 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 6.

12 Imber, *The Ottoman Empire*, 104–5.

13 Busbecq, *The Turkish Letters*, 82–4; Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 39–43.

14 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 50–65; Imber, *The Ottoman Empire*, 105.

15 See, for example, 3 Numaralı Mühimme Defteri, 9–11, 29.

16 3 Numaralı Mühimme Defteri, 22.

17 3 Numaralı Mühimme Defteri, 29.

18 3 Numaralı Mühimme Defteri, 43–44.

19 3 Numaralı Mühimme Defteri, 152.

Despite Bayezid's repeated letters of apology and self-justification, Süleyman remained unmoved.<sup>20</sup> In these letters, he argued that he took up arms not against the Sultan, but in self-defense against his brother Selim, who allegedly sought to kill him.<sup>21</sup> When the military confrontation became inevitable in 1559, the rival armies clashed near Konya. With the Sultan's support behind him, Selim's army defeated Bayezid's troops. Pursued by his brother's forces and realizing reconciliation was impossible, Bayezid, together with his sons and remaining troops, fled and sought refuge in Iran.<sup>22</sup>

Shah Tahmasp I of the Safavid Empire initially welcomed the fugitive prince. In a final attempt, Bayezid pleaded for his father's forgiveness and requested that the Shah intercede on his behalf. For a brief period, Süleyman seemed inclined to pardon him, but this inclination ultimately faded - largely under Selim's influence.<sup>23</sup> Tahmasp, seizing the opportunity to advance his own interests, presented a series of ambitious demands to the Ottomans. Meanwhile, relations between Bayezid and his Persian hosts deteriorated as rumors of conspiracy against the Shah began to circulate. Shah Tahmasp eventually imprisoned the prince and dispersed his remaining forces.<sup>24</sup> After prolonged negotiations, Süleyman agreed to an exchange. In 1562, Tahmasp surrendered Bayezid and his sons to Ottoman agents, who executed them soon afterward. Their deaths brought the dynastic struggle to an end and cleared Selim's path to the throne.<sup>25</sup>

Recent scholarship interprets the Bayezid affair not merely as a dynastic tragedy but as an event with profound consequences. His rebellion contributed to the militarization of the Anatolian countryside, as firearms became more widely accessible.<sup>26</sup> Because the majority of Bayezid's followers were peasants, his rebellion foreshadowed the large-scale Celali uprisings that would erupt later in the century.<sup>27</sup> The execution of Bayezid and his sons was met with strong popular resentment,<sup>28</sup> a sentiment preserved in chronicles and folklore.<sup>29</sup>

20 Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 107–8.

21 See, for example, Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 193.

22 Busbecq, *The Turkish Letters*, 159–61; Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 113–5, 126–8; Imber, *Ottoman Empire*, 106–7.

23 Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 136–9.

24 Busbecq, *Turkish Letters*, 163–5; Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 140–2.

25 Busbecq, *Turkish Letters*, 222–6; Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 144–55, 126–8; Imber, *The Ottoman Empire*, 107.

26 Karen, *Bandits and Bureaucrats*, 168; Özel, *The Collapse of Rural Order*, 37.

27 Sariyannis, *A History of Ottoman Political Thought*, 146.

28 Daregenli, "Osmanlı Tarihinde İbret Verici Bir Taht Mücadelesi" 47. The executions provoked outrage not only among the Ottoman subjects but also among the Iranian people, who reportedly threw stones at Ottoman representatives in protest. See: Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 155.

29 For Evliya Çelebi's account of a supernatural event involving Sultan Süleyman near Bayezid's grave, see: Fisher, "The Life and Family of Süleymân I", 16.

### 3. Bayezid's Rebellion in Ottoman Fatwas

#### a. Distinguishing the Cases: Mustafa's Execution and the Absence of Rebellion

Bayezid was not the first son of Sultan Süleyman to be executed. Before turning to the fatwas concerning Bayezid's case, it is worthwhile to address briefly whether his brother Mustafa's execution was legitimized through legal opinions. As several scholars have already noted, no fatwa has yet been documented that explicitly refers to Mustafa's case.<sup>30</sup> Nevertheless, a contemporary account suggests that such a consultation did occur. Ogier Ghiselin de Busbecq, a European diplomat stationed in Istanbul, recorded that Süleyman sought a fatwa from his *mufti*, Ebussuud, concerning the execution of his son, Mustafa.<sup>31</sup> Turan has further elaborated on this account, identifying a fatwa mentioned in another European source that, while not explicitly referring to a prince, appears to address the situation metaphorically. According to this narrative, Süleyman posed a hypothetical scenario to the *mufti*: a merchant departs on a journey and entrusts his wife, children and business to his slave. If the slave then ruins his master's business, seduces his wife, traps his children and plots to kill his master, what punishment would he deserve? Ebussuud's reported response is that the slave should be executed.<sup>32</sup>

The reliability of these indirect European accounts, in the absence of confirming Ottoman sources on such a significant matter, is, however, questionable.<sup>33</sup> Even if such a fatwa did exist, its connection to Mustafa's execution remains speculative at best. To equate the sultan's own son with his slaves, even under the charge of treachery, would nonetheless be a considerable stretch. As Repp observes, although it is unlikely that Süleyman acted without any form of legal consultation, Mustafa's execution was treated primarily as a private matter and would have been probably more difficult to justify on the grounds of rebellion than Bayezid's case.<sup>34</sup> Consequently, the absence of a relevant fatwa in Ottoman sources suggests that Mustafa's execution was neither substantively nor publicly legitimized through formal legal opinions.

30 Repp, *The Müfti of Istanbul*, 284; Tezcan, *The Second Ottoman Empire*, 42; Atçıl, "Why Did Süleyman the Magnificent Execute His Son", 91.

31 Busbecq, *The Turkish Letters*, 31.

32 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 31.

33 Busbecq's narration of fatwas concerning Bayezid, for example, are not entirely faithful to the originals, as noted by Repp, *The Müfti of Istanbul*, 285.

34 Repp, *The Müfti of Istanbul*, 288–9.

The absence of a well-known legal justification for Mustafa's execution is understandable, given that he never actually took up arms against his father, and his actions cannot plausibly be assessed through the framework of *baghy*, unlike Bayezid's case. It is therefore crucial to clarify that this article does not seek to compare the two princes' executions on the basis of *baghy*. Rather, Mustafa's case is referenced only as a dynastic episode that closely preceded Bayezid's and represents yet another instance of Sultan Süleyman ordering the execution of a son. Beyond this basic similarity, the two cases bear no significant resemblance, least of all in their legal character.

### b. Establishing the Framework: The Concept of *Baghy*

In stark contrast to Mustafa's case, a substantial corpus of fatwas addresses the case of Şehzade Bayezid, although the individual rulings, as customary, refrain from naming him directly and are framed in hypothetical terms. The titles of the two extant copies, however, remove any ambiguity about their concrete historical context. The Veliyyüddin copy is titled "The fatwas issued by the *mawālī* [high-ranking Ottoman judges] concerning the prince named Sultan Bayezid," whereas the Kastamonu copy bears the title "These are the statements that the scholars of Rüm wrote concerning Sultan Bayezid, son of Sultan Süleyman (may God have mercy on him)."<sup>35</sup> These two headings unequivocally establish that the fatwas were not abstract legal deliberations but specific rulings directed at a specific historical case.

Before turning to a detailed analysis of the content of these fatwas, a preliminary examination shows that their reasoning is firmly grounded in classical Ḥanafī legal doctrine, most notably in the characterization of the rebellious prince and his followers as *ahl al-baghy*, which necessitates a brief introduction of the legal concept of *baghy*. While *baghy* can be translated simply as "rebellion," its technical legal meaning is considerably more nuanced. An early yet succinct classical Ḥanafī definition is provided by Abū Ja'far al-Taḥāwī (d. 321/933), who articulates the identity of *ahl al-baghy* as follows:

If a group from the people of the Qiblah [i.e., Muslims] put forward an opinion (*ra'y*),<sup>36</sup> call [others] to it and fight over it, and have [military] strength (*man'a*), they are asked what prompted them to go out (*khurūj*). If they cite something in which they were oppressed (*zulimat*), they are

35 "Sultân Bâyezîd Nâm Şehzâde Hakkında Mevâlinin Verdikleri Fetvâlardır." Veliyyüddin Efendi, MS 3216, 67<sup>b</sup>; "Hâdhihi al-şuwar allati katabahâ 'ulamâ' al-Rüm fi ḥaqq al-Sultân Bâyezîd ibn al-Sultân Sulaymân raḥimahullâh", Kastamonu KHK, MS 1757, 71<sup>a</sup>.

36 In most *fiqh* texts on *ahl al-baghy*, a more common term than *ra'y* is *ta'wil* (interpretation). While *ta'wil* generally evokes a form of religious reasoning, political or social interests may also constitute a *ta'wil*, as noted by Kopuz, *Reproduction of the Ottoman Legal Knowledge*, 274–5.

granted justice regarding whoever oppressed them. Otherwise, they are invited to rejoin the Community and enter into obedience to the imam whose obedience is obligatory for them. If they comply, [the matter ends]; otherwise, they are fought.<sup>37</sup>

Ottoman scholars such as Molla Khusraw (d. 885/1480) and İbrâhîm b. Muḥammad al-Ḥalabî (d. 956/1549), whose works became primary reference texts for Ottoman *muftis* also address *baghy*, and the substantial commentarial tradition on their writings treats the subject in detail. In line with the earlier Ḥanafî definitions, these sources identify the core elements of *baghy* as *khurûj*, *man'a/shawka* and *ta'wil*, provided that the parties involved are Muslims.<sup>38</sup> Naturally, by the Ottoman period, the Ḥanafî approach had evolved, with certain aspects of the doctrine receiving more extensive discussion than others.<sup>39</sup>

The primary question that concerns us here is whether the Ḥanafî legal framework aligns with the case of Bayezid. In other words, can the concept of *baghy* be considered legally applicable to Bayezid and his followers? This study does not seek to adjudicate this question, but rather to explore the reasoning that might have guided the *muftis* of the time. When evaluated against the criteria outlined in the definition above, it appears that the case against Bayezid – unlike that of Şehzade Mustafa, for example – could be reasonably situated within the category of *baghy*.

First, the primary attribute of *ahl al-baghy* in all Ḥanafî texts is that they are Muslims.<sup>40</sup> This criterion is easily satisfied in the case of Bayezid and his followers, who were never accused of holding heretical beliefs.<sup>41</sup> Secondly,

37 Taḥâwî, *Mukhtaşar*, 257. For a comparable technical definition of *baghy*, see Dawoody, *The Islamic Law of War*, 150.

38 See, for example, Shurunbulâlî's commentary on Molla Khusraw, *Durar al-ḥukkâm*, 1:305; Ḥalabî, *Multaqâ al-abḥur*, 354; Bâqânî, *Majrâ al-anhur* (Nuruosmaniye, MS 1637, 341<sup>b</sup>-342<sup>a</sup>); Şeyhizade, *Majma' al-anhur*, 1:699. For an English translation of the definition of *baghy* from a commentary on *Multaqâ*, see Kopuz, *Reproduction of the Ottoman Legal Knowledge*, 295, note 799.

39 For a detailed analysis of this development with respect to *Multaqâ al-abḥur* and its *sharḥs*, see Kopuz, *Reproduction of the Ottoman Legal Knowledge*, 268–317.

40 An important exception should be noted: if non-Muslims living under Muslim rule (*dhimmîs*) join *ahl al-baghy*, this neither affects the classification of the group as *ahl al-baghy* nor nullifies the *dhimmah* contract of the non-Muslims. See: Shaybânî, *Aşl*, 7:515; Sarakhsî, *Mabsûṭ*, 10:128; Jurjânî, *Khizânat al-akmal*, 2:274; Bukhârî, *Muḥîṭ*, 5:153; Bâqânî, *Majrâ al-anhur* (Nuruosmaniye, MS 1637, 341<sup>b</sup>). For a significant discussion of this issue in the Ottoman context, see Kopuz, *Reproduction of the Ottoman Legal Knowledge*, 327, note 856.

41 Compare this with the case of the Safavids, for example, who were described as heretical unbelievers (*kâfir wa mulhid*) by Sarigörez, as apostate unbelievers (*kâfir*

they undeniably possessed military strength, as Bayezid had mobilized a force of tens of thousands of soldiers. This condition is therefore clearly met. Moreover, they fought under a legitimizing interpretation, believing that their cause was righteous. As mentioned previously, Bayezid insisted in his letters to his father that he was acting only in self-defense against Selim. Crucially, the doctrinal requirement of *ta'wil* concerns the *bāghis'* subjective belief in their justification, not the objective validity of their claim.

An objection might be raised here: Prince Bayezid's principal military engagement was not directly against his father, the Sultan, but rather against his brother Selim, who at the time held the same title of Şehzade. On this basis, Bayezid might not be regarded as someone who had withdrawn obedience from the imam "whose obedience is obligatory." However, since Süleyman explicitly supported Selim by sending reinforcements to strengthen his army, the conflict can reasonably be interpreted as an act of rebellion against the Sultan's authority, with Selim's forces effectively representing the Sultan himself.

Finally, one might ask whether Bayezid and his supporters were questioned about the reasons for their actions and offered an opportunity for reconciliation. The correspondence between Süleyman and Bayezid reveals a period of negotiation, during which Bayezid repeatedly expressed his resentment, implying that Süleyman favored his brother Selim over him. The Sultan made several concessions to appease his son.<sup>42</sup> From a legal standpoint, this exchange may be interpreted as affording Bayezid sufficient opportunity to reflect on his position and choose obedience to the Sultan rather than persistence in rebellion. Moreover, although the definition mentioned above does not explicitly stipulate this point, the dominant Ḥanafī position held that the call to obedience is preferable but not strictly obligatory.<sup>43</sup> Consequently, having met these conditions, the legal conclusion regarding *bāghis* becomes clear: They must be fought, as the detailed fatwas that we now turn unanimously affirm in the case of Bayezid and his followers.

.....  
*wa murtadd*) by Kemalpaşazade, and as unbelievers (*kāfir*), apostates (*murtadd*) and rebels (*bāghī*) by Ebussuud. See: Atçıl, "The Safavid Threat", 299–309.

42 Turan, *Kanunî'nin Oğlu Şehzâde Bayezid*, 63–4.

43 Shaybânî, *Aşl*, 7:515; Jurjânî, *Khizânat al-akmal*, 2:274; Kâsânî, *Badâ'i' al-şanâ'i'*, 7:140; Marghinânî, *Hidâya*, 2:411–2; Molla Khusraw, *Durar al-hukkâm*, 1:305 (Şhurunbulâlî's commentary); Bâqânî, *Majrâ al-anhur* (Nuruosmaniye, MS 1637, 341<sup>b</sup>); Şeyhizade, *Majma' al-anhur*, 1:699.

### c. Applying the Doctrine: Detailed Legal Rulings

The coherence of the juristic response is most clearly reflected in the detailed fatwas concerning Bayezid and his followers. These fatwas move from principle to practice and suggest the implementation of the doctrine of *baghy* by addressing its complex, concrete implications. This process begins with the first hypothetical question posed in both copies of the document, which may be translated as follows:

If one of the sons of a just (*ādil*) sultan withdraws his obedience, seizes control of a fortress, extort goods from its inhabitants by force, gathers troops, and if there is no other way to repel them and they were to initiate fighting, would it be permissible, according to the Sharia, to fight and kill them until they are defeated and their assembly is dispersed?

The only direct response recorded to this question is provided by Ebussuud:

It is permissible. This is a legal ruling of Sharia established by the decree of the Noble Qur'an and supported by the consensus of the noble Companions. Those who are capable of fighting must do so by engaging in battle; those who are not must strive to repel sedition (*fitna*) and corruption (*fasād*) through truthful speech and prayers.<sup>44</sup>

In this fatwa, Bayezid is depicted as having disobeyed the just ruler by seizing certain territories, forcibly extracting funds from their inhabitants, and raising a private army, actions that lead to imminent armed conflict. Apart from the aforementioned nuance, namely, that Bayezid's confrontation was primarily directed against his brother Selim's forces rather than those of his father, the description remains largely consistent with the historical record.

Ebussuud's response begins with an absolute authorization of military action against this group. He grounds this ruling in the Qur'an and the consensus of the Companions, thereby implicitly invoking the legal

44 "Bir sultan-ı ādilin ebnāsından biri tâatinden hurûc edip bazı kaleye müstevli olup ve bazı bilâdın ehline mal salıp cibr ile alıp asker cem' edip gayrı tarikle def' mümkün olmayıp kitâle mübâşeret eyleseler onların kitâlleri ve sınıp cemiyetleri dağılıncaya değin kitilleri şer'an helal olur mu?"

el-Cevab: Helaldir. Nass-ı Kur'an-ı Azim ile sabit olmuş hükm-i şer'idir ve icma-i sahabe-i kirâm dahi bunun üzerinedir. Kitâle kâdir olanlar kitâl ile, âciz olanlar kelam-ı hak ile ve hayır dua ile def'-i fitne ve fesâda sa'y etmek vaciptir." Veliyyüddin Efendi, MS 3216/6, 67<sup>b</sup>–68<sup>a</sup>; Kastamonu KHK, MS 1757, 71<sup>a</sup>. See also: Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 202. The same fatwa by Ebussuud, with almost identical wording, is also found in *Rasâ'il al-Masâ'il*, Belediye, MS B.17/1, 120<sup>b</sup>, under the title "Concerning Sultan Bayezid, son of Sultan Süleyman."

framework of *baghy*. The primary Qur'anic evidence cited by jurists concerning *ahl al-baghy* is found in *Sūrat al-Ḥujurāt* (49:9–10), translated by Khaled Abou el Fadl as follows:

If two parties among the believers fight each other, then make peace between them. But if one of them transgresses (*baghat*) against the other, then fight, all of you, against the one that transgresses until it complies with the command of God. But if it complies, then make peace between the two parties with justice and be fair, for God loves those who are fair and just. The believers are but a single brotherhood. So reconcile your two [contending] brothers, and fear God so that you will receive His mercy.<sup>45</sup>

The consensus mentioned by Ebussuud alongside the Qur'an likely refers to reports indicating that the Companions reached a consensus regarding the proper course of conduct in times of *fitna*.<sup>46</sup> Significantly, Ebussuud elevates the matter from mere permissibility to a collective obligation: those capable of fighting the rebels are required to do so, while those unable must nevertheless support the cause vocally and through prayer. In this conception, neutrality is not an option; all are expected to align themselves with the legitimate sultan to the extent of their ability. This position is consistent with the classical Ḥanafī position against *ahl al-baghy*, which obliges Muslims to side with the just imam and resist those who rise up against him.<sup>47</sup>

Following the first fatwa, in which Ebussuud appears to be the sole respondent, both copies of the document proceed to a second inquiry. This question, while similarly phrased with the first one, shifts the focus from the rebellious prince himself to the status of those who, while not directly participating in combat alongside the rebels, nevertheless support their cause in various ways:

If a group abandons the obedience of a just sultan, seizes control of a fortress, gathers troops, extort goods from the inhabitants of some regions by force, and initiates war, do those who assist them by voluntarily providing goods, or through speech and deeds, or who assert that it is not lawful to draw the sword against them, fall under the same ruling as them, and is it legally permissible to fight and kill them according to the Sharia?<sup>48</sup>

45 Abou el Fadl, *Rebellion and Violence*, 37.

46 Jaşşâş, *Aḥkām al-Qur'an*, 5:283; Jaşşâş, *Sharḥ Mukhtaşar al-Taḥāwī*, 6:106; Sarakhsī, *Mabsūt*, 10:128; Samarqandī, *Tuhfat al-fuqahā'*, 3:314; Kāsānī, *Badā'i' al-šanā'i*, 7:141; Bukhārī, *Muḥīṭ*, 5:152.

47 Jaşşâş, *Aḥkām al-Qur'an*, 5:281; Sarakhsī, *Mabsūt*, 10:124.

48 "Bir taife sultan-ı âdil tâatinden hurûc edip bazı kaleye müstevlî olup asker cem' edip ve bazı bilâd ehline mal salıp cebr ile alıp kitâle mübâşeret eyleseler onlara ihtiyarlarıyla mal verip muâvenet edenler veya kaville veya fülle muavenet edenler veya bunlara kılıç çekmek

Both copies record a largely similar response to this question:

If those who assist with goods, speech, and deeds are not present among their assembly, they must be imprisoned after being severely beaten until their repentance and good conduct are evident. However, those who assert that it is not permissible to draw the sword against them become infidels for denying the Noble Qur'an and opposing the consensus of the Companions; thus, fighting them becomes lawful.<sup>49</sup>

At this point, however, a significant divergence emerges between the two copies. The Kastamonu copy again ascribes the response to Ebussuud, whereas the Veliyyüddin copy records it under the name of Hâmid Efendi (d. 1577), who at the time served as the chief judge (*Kazasker*) of Rumelia and would later succeed Ebussuud as the chief jurist (*Şeyhülislam*) following his death.<sup>50</sup> Furthermore, the version attributed to Hâmid Efendi contains a critical addition, concluding with the statement that “drawing the sword against them is not at the level of being immediately permissible; rather, fighting is obligatory for those who are capable.”<sup>51</sup> This passage is noteworthy for emphasizing that the duty to fight is neither immediate nor incumbent upon every single Muslim, thereby clarifying the extent to which engaging these rebels is permissible, particularly in response to claims that such fighting is unlawful.

The discrepancy in authorship between the two manuscripts presents an important textual problem that requires closer scrutiny. A careful examination of the evidence strongly suggests that both of the initial fatwas were authored by Ebussuud and that the attribution to Hâmid Efendi in the Veliyyüddin copy results from a scribal error. First, and perhaps most decisively, a separate fatwa collection preserves a ruling by Ebussuud that is nearly identical to the second fatwa in question.<sup>52</sup>

*helal değildir diyenler dahi onlar hükmünde olup kitâlleri ve katilleri şer'an helal olur mu?* Kastamonu KHK, MS 1757, 71<sup>a</sup>. See also: Bozanzâde, *Rasâ'il al-Masâ'il*, Belediye, MS B.17/1, 120<sup>b</sup>. The Veliyyüddin copy omits the passage concerning assistance to the rebels through speech and deeds. Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>.

49 “*Malla ve kaville ve füille muavenet edenler cemiyetlerinde olmayacak darb-ı şedidden sonra tövbeleri ve salâh-ı halleri zahir oluncaya değin hapsolmek vaciptir. Ama onlara kılıç çekmek helal değildir diyenler Kur'an-ı Azîm'e inkâr edip ve icma-i ashâb-ı izâma muhalefet etmek ile kafir olup kitâlleri helal olur.*” Kastamonu KHK, MS 1757, 71<sup>a</sup>. See also Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>.

50 Baltacı, “Hâmid Efendi,” 460.

51 “*...ve onlara kılıç çekmek hemen helal olmak mertebesinde değildir, belki kâdir olanlar kitâlleri vâcibdir.*” Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>; Turan, *Kanuni'nin Oğlu Şehzâde Bayezid*, 202.

52 Bozanzâde, *Rasâ'il al-Masâ'il*, Murad Molla, MS 1115, 157<sup>b</sup>. While Repp notes the existence of an additional external fatwa, he nevertheless concludes that Hâmid Efendi is the more likely author, “if only because it is considerably easier to imagine

This external corroboration substantially strengthens the case for his authorship. Second, the pattern of misattribution in the Veliyyüddin copy is not isolated. Possibly as a result of its initial error in attributing the preceding fatwa to Hâmid Efendi, the manuscript also appears to confuse the authorship of the subsequent two fatwas, assigning them to jurists who appear later in the Kastamonu sequence.<sup>53</sup> Finally, the internal logic of the document itself points to Ebussuud's primary role. Several later fatwas explicitly state their agreement with "the two fatwas," treating the first two opinions as a unified, foundational pair.<sup>54</sup> This mode of reference makes it more plausible that both responses were issued by a single authority, namely Ebussuud, which were then circulated among other scholars for possible endorsement and elaboration.

Proceeding on the assumption that the second fatwa should also be attributed to Ebussuud, several aspects of its content merit closer attention. While the first fatwa established that active rebels deserved to be fought and killed because of their various unlawful actions, this second fatwa adds that non-combatant supporters are liable for punishment. The prescribed beating appears to be a discretionary punishment (*ta'zîr*), since the classical legal framework does not specify a fixed penalty for assistance provided through financial means or speech. The imprisonment may likewise be interpreted as a discretionary measure proposed by Ebussuud; however, it also mirrors the ruling in classical Ḥanafî doctrine concerning *bāghî* captives<sup>55</sup> or hostages,<sup>56</sup> according to which they are to be imprisoned until their repentance or the rebels' defeat. The legal rationale is preventative: as long as the rebellious group remains active, releasing these individuals creates a tangible risk that they will resume their support.

A particularly striking feature of the fatwa is its discussion of those who maintain that armed resistance against Bayezid's forces is impermissible. Unlike ordinary supporters, these individuals justify their stance through a supposedly religious argument. The very inclusion of this question suggests the existence of factions within Ottoman society who, while not actively aiding Bayezid, nonetheless affirmed the legitimacy of his

.....  
 a misattribution in favour of Ebüssu'üd Efendi than of Hâmid Efendi." This assessment, however, was made without knowledge of the Kastamonu copy. Repp, *The Müfti of Istanbul*, 286, note 259.

53 For comparison, see Kastamonu KHK, MS 1757, 71<sup>a</sup> and Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>-b.

54 Kastamonu KHK, MS 1757, 71<sup>a</sup>-72<sup>a</sup>.

55 Abū Yūsuf, *Kitāb al-Kharāj*, 233; Samarqandî, *Tuhfat al-fuqahā'*, 3:313; Marghinānî, *Hidāya*, 2:412; Molla Khusraw, *Durar al-hukkām*, 1:305 (Shurunbulālî's commentary); Şeyhizade, *Majma' al-anhur*, 1:700.

56 Shaybānî, *Aşl*, 7:516; Sarakhsî, *Mabsût*, 10:129; Jurjānî, *Khizānat al-akmal*, 2:274.

cause and regarded warfare against him as unlawful. Though we lack information about who exactly voiced this claim, this form of ideological dissent was evidently significant enough to be cited in the fatwa, where it is characterized as a rejection of a clear Qur'anic injunction. The reference is again implicit to Qur'an 49:9, which commands believers to fight the faction that initiates aggression. One might object that these dissenters were not rejecting the verse itself, but rather disputing its applicability to this particular case, perhaps by viewing Bayezid as a legitimate leader with a just cause. Yet such an objection does not necessarily undermine Ebussuud's reasoning: if Süleyman is acknowledged as the rightful imam, as both fatwas indicate, then any opposition to his authority would, by definition, constitute *baghy* – thereby rendering this verse directly applicable.

After the initial two questions and Ebussuud's responses, the subsequent fatwas do not introduce new inquiries. Rather, they consist of opinions offered by various scholars within the hypothetical framework established by the first two fatwas concerning the rebellious prince and his followers. These additional fatwas unanimously categorize this group as *bāghīs*, either explicitly or implicitly. While some introduce further considerations regarding the appropriate treatment of this group, others simply express agreement with the earlier opinions, particularly the two foundational fatwas. It is therefore important to distinguish between jurists who advanced original legal arguments and those who merely endorsed prior fatwas, as well as to identify the specific legal nuances articulated in the original responses.

The first of these additional fatwas is attributed in the Kastamonu copy to the aforementioned chief judge of Rumelia, Hâmid Efendi, whereas the Veliyyüddin copy assigns it to the chief judge of Anatolia, Ibn Abdülkerim Mehmed b. Abdülvehhab (d. 1568), most likely as a result of the scribal error discussed above. The fatwa reaffirms that the blood of rebels (*'aşı*) is lawful and further stipulates that slain members of this faction are neither to be washed nor to have funeral prayers performed for them.<sup>57</sup> This ruling reflects a distinctly Ḥanafî position concerning *bughât*,<sup>58</sup> a view that once drew criticism from al-Shâfi'î (d. 204/820), who maintained that funeral prayers should still be offered for slain *bughât*.<sup>59</sup>

57 Kastamonu KHK, MS 1757, 71<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>.

58 Abū Yūsuf, *Kitāb al-Kharāj*, 233; Shaybāni, *Aṣl*, 7:519; Ṭahāwī, *Mukhtaṣar*, 257; Jaṣṣaṣ, *Sharḥ Mukhtaṣar al-Ṭahāwī*, 6:104; Sarakhsī, *Mabsūt*, 10:131; Jurjānī, *Khizānat al-akmal*, 2:275; Zamakhsharī, *Ru'ūs al-Masā'il*, 197; Samarqandī, *Tuhfat al-fuqahā'*, 3:314; Bukhārī, *Muḥiṭ*, 5:155; Şeyhizade, *Majma' al-anhur*, 1:700.

59 Shâfi'î, *Umm*, 4:238.

The fatwa also characterizes the rebels as deserving of severe punishment in the sight of God, a position that again aligns with the established Ḥanafī doctrine. As Abou El Fadl notes, most – though not all – Ḥanafī jurists of the fourth/tenth and fifth/eleventh centuries regarded rebellion as a sinful act,<sup>60</sup> a view that appears to have remained authoritative among sixteenth-century Ottoman jurists as well. Finally, in a corresponding positive formulation, the fatwa declares those killed while assisting the Sultan to be martyrs,<sup>61</sup> a conclusion repeatedly affirmed in Ḥanafī legal sources.<sup>62</sup>

Following the initial mismatch between the two copies, the next fatwa in the collection is attributed to Ibn Abdülkerim, then chief judge of Anatolia, in Kastamonu manuscript, and to Abdurrahman Çelebi (d. 1575), former chief judge of Rumelia, in the Veliyyüddin copy. The substance of the fatwa largely reiterates positions already stated: the rebels deserve to be killed and merit punishment in the afterlife, while those slain in combat against them are to be regarded as martyrs.<sup>63</sup> After this point, the sequence of fatwas in the two manuscripts diverges entirely; however, the problem of mismatched attribution appears to be largely resolved. The subsequent fatwa in the Veliyyüddin copy is again attributed to Abdurrahman Çelebi and corresponds to a later entry in the Kastamonu manuscript bearing the same attribution. This fatwa once more affirms the obligation to fight the rebels and labels their supporters as corruptors (*muḥsib*), who are to be imprisoned or killed.<sup>64</sup> Most significantly, these two fatwas constitute the first instances within this document that overtly designate these rebels as *ahl al-bağhy*.

The subsequent fatwas in the document are, once again, uniformly confirmatory in nature. Among these, Mustafa Ibn Mimar (d. 1564), the judge of Istanbul, explicitly states that the rulings are derived from the Qur'anic chapter *al-Ḥujurāt*.<sup>65</sup> An unattributed fatwa in the Veliyyüddin copy appears in the Kastamonu manuscript under the name of an Abdülbaki, most likely Mevlana Abdülbaki Efendi, former judge of Egypt who is cited by name in another fatwa in the Veliyyüddin copy.<sup>66</sup> This fatwa directly quotes the relevant Qur'anic verse (*al-Ḥujurāt* 49:9) and

60 Abou el Fadl, *Rebellion and Violence*, 190.

61 Kastamonu KHK, MS 1757, 71<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>a</sup>-b.

62 Abū Yūsuf, *Kitāb al-Kharāj*, 233; Shaybānī, *Aṣl*, 7:519; Sarakhsī, *Mabsūṭ*, 10:131; Jurjānī, *Khizānat al-akmal*, 2:275; Samarqandī, *Tuhfat al-fuqahā'*, 3:314; Kāsānī, *Badā'ī al-ṣanā'ī*, 7:142; Bukhārī, *Muḥīṭ*, 5:155; Şeyhizade, *Majma' al-anhur*, 1:700.

63 Kastamonu KHK, MS 1757, 71<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>b</sup>.

64 Kastamonu KHK, MS 1757, 71<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>b</sup>.

65 Kastamonu KHK, MS 1757, 71<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 69<sup>a</sup>.

66 Kastamonu KHK, MS 1757, 72<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 69<sup>a</sup>-b.

further invokes 'Alī b. Abī Ṭālib's (d. 40/661) battle against the Khārijites, a precedent frequently employed in classical discussions of *baghy*.<sup>67</sup> Finally, Cafer Çelebi (d. 1570) observes that the permissibility of fighting *ahl al-baghy* is affirmed throughout the fatwa literature,<sup>68</sup> while Ruşenizade explicitly invokes *al-Hidāya* by al-Marghināni (d. 1197).<sup>69</sup>

Other jurists who expressed their agreement with the preceding fatwas in both copies include Sinan Efendi (d. 1578), former chief judge of Anatolia; Mevlana Celaleddin Efendi – most likely Celalzade Salih Çelebi (d. 1565) – a *müderriş* at the Eyüp Medrese; and Mehmed b. Mehmed, described as Hāmid Efendi's son in the Veliyyüddin copy but as his brother in the Kastamonu manuscript.<sup>70</sup>

Significantly, the Kastamonu copy supplements this list with twelve additional endorsements. Two of these signatories, Ahmed and Mustafa, are identified as former judges of Constantinople, while the remaining ten are *müderrişes* affiliated with prestigious medreses: four from the Hakaniyye, four from the Semaniyye, one from Ayasofya and one from the Sultan Selim medrese.<sup>71</sup> Although these scholars do not introduce new legal arguments and largely repeat earlier positions or simply express their agreement with “the two fatwas,” their collective weight is nonetheless considerable. Taken together, these endorsements demonstrate that the consensus surrounding these opinions was far broader than the Veliyyüddin copy alone suggests.

Even more striking are the closing remarks preserved in the Kastamonu manuscript. A final note records that the scholars of Istanbul signed the document and declared that anyone who denied its validity would be deemed an unbeliever (*kāfir*), thereby causing the automatic dissolution of his marriage.<sup>72</sup> Such language underscores the collective and exceptional nature of this endorsement. The invocation of automatic divorce, a standard legal consequence of apostasy, functions here as a powerful social and religious sanction, evidently intended to prevent dissent.

67 See, for example, Shaybāni, *Aşl*, 7:512–3; Jaşşās, *Sharḥ Mukhtaşar al-Taḥāwī*, 6:101; Sarakhsī, *Mabsūṭ*, 10:128; Kāsāni, *Badā'ī al-şanā'ī*, 7:140; Marghināni, *Hidāya*, 2:411.

68 Kastamonu KHK, MS 1757, 71<sup>b</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>b</sup>–69<sup>a</sup>.

69 Kastamonu KHK, MS 1757, 72<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 69<sup>b</sup>.

70 Kastamonu KHK, MS 1757, 71<sup>a</sup>–72<sup>a</sup>; Veliyyüddin Efendi, MS 3216/6, 68<sup>b</sup>–69<sup>b</sup>. For a more detailed account of the biographies of these scholars, see Repp, *The Müfti of Istanbul*, 285, note 258.

71 Kastamonu KHK, MS 1757, 71<sup>b</sup>–72<sup>a</sup>.

72 Kastamonu KHK, MS 1757, 72<sup>a</sup>.

The Kastamonu copy is especially valuable as the sole record that provides an exact date for this corpus of fatwas. While the Veliyyüddin copy is undated, the Kastamonu copy precisely dates this collective endorsement to 17 Sha‘bân 966.<sup>73</sup> Given that the battle between the forces of Bayezid and Selim reportedly began on 22 Sha‘bân 966,<sup>74</sup> the dating reveals that the juristic consensus was formalized only days before the outbreak of open battle. If Ebussuud’s opinions were formulated even earlier, this chronology suggests that the fatwas were not retrospective justifications but were instead issued in anticipation of imminent conflict. The impending confrontation likely triggered this extraordinary effort to secure a unified endorsement on the eve of battle.

While the Kastamonu copy concludes at this point, thus completing the record of collective juristic agreement, a separate and highly significant fatwa attributed to Ebussuud survives in another collection. This fatwa addresses a distinct legal scenario, concerning Bayezid’s former supporters who later renounced their allegiance and sought to reintegrate into society and resume their ordinary lives:

Zayd joined Sultan Bayezid, remained with him for a few days, and then willingly departed and returned to his hometown, whereupon the townspeople, together with the local judge (*qāđī*) gathered and killed him, saying, ‘Your repentance is no longer valid.’ If the judge, Amr, then refused to lead his funeral prayer and did not allow his burial in the Muslim cemetery, what is required according to the Sharia?

Answer: The sincere repentance of a *bāghī* is accepted. If he sincerely repented, then his killing is unlawful. His killer is required to pay blood money (*diyya*).<sup>75</sup>

The direct reference to Şehzade Bayezid, rather than to a hypothetical rebellious prince, is the first notable aspect of this fatwa. The very posing of this question suggests that it was prompted by an actual incident. Naturally, in the aftermath of Bayezid’s defeat, one would expect the dissolution of his army and the desire of some soldiers to return to their hometowns. It remains unclear, however, whether this fatwa was issued following a general dispersal of rebel forces, as it focuses specifically on the

73 Kastamonu KHK, MS 1757, 72<sup>a</sup>.

74 Turan, *Kanuni’nin Ođlu Şehzâde Bayezid*, 113.

75 “Mesele: Zeyd Sultan Bayezid’e yazılıp varıp birkaç gün yanında durup geri ihtiyarı ile koyup gidip yerlerine geldikde şehirlisi kâđi ile cem’ olup Zeyd’i senin şimden geri tövben makbul degildir diye katli eylediklerinden sonra kâđi olan Amr namazın dahi kaldırmayıp ve Müslümanlar makberesine dahi kodurmasa şer’an ne lazım olur?

Cevab: Bâğînin tövbe-i sahihası makbuldür. Tövbe-i sahiha etti ise katli haramdır. Kâtiline diyet lazımdır.” Bozanzâde, *Rasâ’il al-Masâ’il*, Murad Molla, MS 1115, 157<sup>b</sup>–158<sup>a</sup>.

case of an individual who, after spending only a brief period with Bayezid, voluntarily departed. This act of deliberate return is crucial, as Ebussuud appears to interpret it as a *de facto* sign of sincere repentance. According to him, such repentance fundamentally nullifies the previously established permissibility of killing the *bughāt*. The townspeople and the local judge, however, seem to have held the opposite view, insisting that the rebels' repentance was invalid, a stance that reveals a strong loyalist sentiment within that particular locality.

The fatwa's significance lies in its faithful application of the classical *baghy* framework, which mandates that *bughāt* who sincerely repent must be granted immunity from retribution. In the broader juridical context, Ḥanafī jurists, along with other schools of law, stipulate that force against *ahl al-baghy* is permissible only so long as they continue their hostilities, that combat must cease once they surrender,<sup>76</sup> that enslavement of captives is forbidden,<sup>77</sup> that their property cannot be seized as spoils,<sup>78</sup> and that they are granted immunity from liability for wartime damages after the conflict.<sup>79</sup> These stipulations reflect a lenient and restorative stance toward former rebels. By upholding this approach, the fatwa implicitly promotes a policy of reconciliation, signaling that those who renounce rebellion may safely reintegrate into society. This mechanism encourages repentance and strategically undermines the cohesion of rebel forces.

## Conclusion

The rebellion of Şehzade Bayezid represents a pivotal episode in Ottoman history, with consequences that resonated long after the event itself. Sultan Süleyman's handling of the crisis, including sustained correspondence with his son and repeated efforts to tone down Bayezid's discontent, reveals the degree of caution with which he approached the unfolding conflict.

76 Abū Yūsuf, *Kitāb al-Harāj*, 232, 234; Shaybānī, *Aṣl*, 7:513; Jaṣṣāṣ, *Aḥkām al-Qur'ān*, 5:283–284; Sarakhsī, *Mabsūt*, 10:126; Marghinānī, *Hidāya*, 2:412.

77 Taḥāwī, *Mukhtaṣar*, 257; Jaṣṣāṣ, *Aḥkām al-Qur'ān*, 5:283; 6:104; Qudūri, *Mukhtaṣar*, 239; Sarakhsī, *Mabsūt*, 10:126; Marghinānī, *Hidāya*, 2:412; Bukhārī, *Muḥīṭ*, 5:151; Molla Khusraw, *Durar al-ḥukkām*, 1:305; Ḥalabī, *Multaqā al-abḥur*, 355; Şeyhizade, *Majma' al-anhur*, 1:700.

78 Shaybānī, *Aṣl*, 7:513; Jaṣṣāṣ, *Aḥkām al-Qur'ān*, 5:283; Qudūri, *Mukhtaṣar*, 239; Sarakhsī, *Mabsūt*, 10:126–127; Samarqandī, *Tuhfat al-fuqahā'*, 3:313; Marghinānī, *Hidāya*, 2:412; Molla Khusraw, *Durar al-ḥukkām*, 1:305; Ḥalabī, *Multaqā al-abḥur*, 355; Şeyhizade, *Majma' al-anhur*, 1:700.

79 Abū Yūsuf, *Kitāb al-Kharāj*, 233; Shaybānī, *Aṣl*, 7:515; Taḥāwī, *Mukhtaṣar*, 257–258; Sarakhsī, *Mabsūt*, 10:127; Jurjānī, *Khizānat al-akmal*, 2:274; Zamakhsharī, *Ru'ūs al-masā'il*, 479; Samarqandī, *Tuhfat al-fuqahā'*, 3:313; Kāsānī, *Badā'ī al-ṣanā'ī'*, 7:141; Bukhārī, *Muḥīṭ*, 5:152; Molla Khusraw, *Durar al-ḥukkām*, 1:305–6; Bāqānī, *Majra' al-anhur* (Nuruosmaniye, MS 1637, 342<sup>a</sup>); Şeyhizade, *Majma' al-anhur*, 1:701.

It was only when Bayezid actively raised an army and openly confronted the forces of his brother Selim, who enjoyed the Sultan's backing, that the conflict crossed a definitive legal and political threshold.

The corpus of fatwas concerning Bayezid and his followers offers a rare and unusually rich window into how Ottoman jurists framed a dynastic rebellion in legal terms. As this study has aimed to demonstrate, scholars serving in a wide range of judicial and educational posts unanimously identified Bayezid's faction as *ahl al-baghy*. The discovery and incorporation of the Kastamonu manuscript significantly expands this picture. By preserving twelve additional endorsements and providing an exact date for the collective agreement, this copy reveals that the juristic consensus surrounding Bayezid's case was broader and more deliberate than previously recognized. The scale of participation and the language of collective endorsement underscore the exceptional gravity that Ottoman jurists attached to this conflict.

Ultimately, this study has argued that the fatwas concerning Bayezid represent far more than *ex post facto* political rationalizations. Taken together, they display a meticulous and coherent engagement with the classical Ḥanafī doctrine on *baghy*. Whether through detailed rulings on specific points of law – such as the treatment of non-combatant supporters of the rebellion or slain soldiers on both sides – or concise endorsements of prior opinions, these fatwas collectively construct a complementary legal discourse. In doing so, they illustrate how Ottoman jurists engaged the established Ḥanafī legal tradition to interpret a dynastic succession struggle and provide normative closure to a crisis of political order.

### Bibliography

- Abou El Fadl, Khaled, *Rebellion and Violence in Islamic Law*, Cambridge: Cambridge University Press, 2001.
- Abū Yūsuf, Ya' qūb b. Ibrāhīm b. Ḥabīb, *Kitāb al-Kharāj*, ed. Ṭāhā 'Abd al-Raūf Sa'd - Sa'd Ḥasan Muḥammad, Cairo: al-Maktabat al-Azhariyya li al-Turāth, 1999.
- Atçıl, Abdurrahman, "The Safavid Threat and Juristic Authority in the Ottoman Empire during the 16<sup>th</sup> Century", *International Journal of Middle East Studies*, 49/2 (2017): 295–314.
- Atçıl, Zahit, "Why Did Süleyman the Magnificent Execute His Son Şehzade Mustafa in 1553?" *Osmanlı Araştırmaları*, 48 (2016): 67–103.
- Baltacı, Cahit, "Hâmid Efendi, Çivizâde Damadı", *DİA*, 1997, XV, 460-461.
- Bâqānî, Nūr al-Dīn Maḥmūd b. Barakāt, *Majrā al-anhur 'alā Multaqā al-abḥur*, Nuruosmaniye MS 1637.
- Barkey, Karen, *Bandits and Bureaucrats: The Ottoman Route to State Centralization*, Ithaca: Cornell University Press, 1994.
- Bozanzâde, *Rasā'il al-Masā'il*, Murad Molla MS, nr. 1115.
- Bozanzâde, *Rasā'il al-Masā'il*, Belediye MS, nr. B.17/1.
- Bukhārī, Burhān al-Dīn, *al-Muḥiṭ al-Burhānī fī al-Fiqh al-Nu'mānī*, edited by 'Abd al-Karīm Sāmi al-Jundi, Beirut: Dār al-Kutub al-'Ilmiyya, 2004.

- Busbecq, Ogier Ghiselin, *The Turkish Letters of Ogier Ghiselin de Busbecq*, translated by Edward Seymour Forster, Baton Rouge: Louisiana State University Press, 2005.
- Çiçekler, Mustafa, "Şehzâde Bayezid ve Farsça Divançesi", *Şarkiyat Mecmuası* 8 (1998): 211–228.
- Daregenli, Hilmi, "Osmanlı Tarihinde İbret Verici Bir Taht Mücadelesi: Şehzade Bayezid'in Ölümü", *Hayat Tarih Mecmuası*, 2/11 (1972): 40–47.
- Al-Dawoody, Ahmed, *The Islamic Law of War: Justifications and Regulations*, New York: Palgrave Macmillan, 2011.
- Deniz, Şefaattin, "İsyân, İltica ve Ölüm: Safevî Kaynaklarında Şehzade Bayezid Meselesi", *Osmanlı Medeniyeti Araştırmaları Dergisi*, 20 (2024): 123–138.
- Fisher, Alan, "The Life and Family of Süleymân I", *Süleymân the Second and His Time*, ed. Halil İnalçık - Cemal Kafadar, Istanbul: The Isis Press, 1993, 1–19.
- Gülten, Sadullah, "Kanunî'nin Maktul Bir Şehzadesi: Bayezid", *Ordu Üniversitesi Sosyal Bilimler Enstitüsü Sosyal Bilimler Araştırmaları Dergisi* 3/6 (2012): 196–204.
- Hâdhîhi al-şuvar allati katabahâ 'ulamâ' al-Rûm fî haqq al-Sultân Bâyezid ibn al-Sultân Sulaymân rahîmahullâh*, Kastamonu KHK, nr. 1757, 71<sup>a</sup>-72<sup>a</sup>.
- Ħalabi, İbrâhîm b. MuĦammad, *Multaqâ al-abĦur*, ed. Wahbi Sulaymân al-GĦawâjî, Beirut: Dâr al-Bayrûtî, 2005.
- Imber, Colin. *The Ottoman Empire, 1300–1650: the Structure of Power*, London: Palgrave Macmillan, 2002.
- İnalçık, Halil, "State, Sovereignty and Law During the Reign of Süleymân", *Süleymân the Second and His Time*, ed. Halil İnalçık - Cemal Kafadar, Istanbul: The Isis Press, 1993, 59–92.
- Jaşşâs, Abû Bakr AĦmad b. 'Alî al-Râzî, *AĦkâm al-Qur'ân*, edited by MuĦammad Şâdiq al-KamĦawî, Beirut: Dâr İĦyâ' al-Turâth al-'Arabî, 1985.
- Jaşşâs, Abû Bakr AĦmad b. 'Alî al-Râzî, *SharĦ Mukhtaşar al-TaĦâwî*, edited by Sa'id Bakdash, Beirut: Dâr al-Bashâ'ir al-Islâmiyyah, 2010.
- JurĦânî, *Khizânat al-akmal*, edited by AĦmad Khalil İbrâhîm, Beirut: Dâr al-Kutub al-'İlmiyya, 2015.
- Kâsânî, 'Alâ' al-Din Abû Bakr b. Mas'ûd b. AĦmad, *Badâ'i' al-şanâ'i' fî tartîb al-şarâ'i'*, Cairo: MaĦba'at al-Jamâliyya, 1910.
- Kılıç, Filiz, *Şehzade Bayezid Şâhi: Hayatı ve Divanı*, Ankara: T. C. Kültür Bakanlığı, 2000.
- Kopuz, Kasım, *Reproduction of the Ottoman Legal Knowledge: The Case of Ibrahim al-Halabi's Multaqâ al-Abhur and Defining the Concept of Baghy in Commentarial Writings on It (16<sup>th</sup> to 18<sup>th</sup> Centuries)*, PhD diss., State University of New York at Binghamton, 2019.
- Marghinânî, Abû al-Ħasan BurĦân al-Din 'Alî b. Abî Bakr. *al-Hidâya fî SharĦ Bidâyat al-Mubtadî*, ed. Ta'lâl Yûsuf. Beirut: Dâr İĦyâ' al-Turâth al-'Arabî, n.d.
- Molla Khusraw, *Durar al-Ħukkâm sharĦ Ħurur al-aĦkâm* (with Shurunbulâlî's *Ħâşhiya*), Karachi: Mir MuĦammad Kutubkhâna, n.d.
- Özel, Oktay, *The Collapse of Rural Order in Ottoman Anatolia: Amasya 1576–1643*, Leiden: Brill, 2016.
- Öztelli, Cahit, "Kanunî'nin OĖlu Şehzade Bayezid'in Babasına Son Mektubu", *VIII. Türk Tarih Kongresi: Ankara 11-15 Ekim 1976 Kongreye Sunulan Bildiriler*, Ankara: Türk Tarih Kurumu Basımevi, 1981, 2:1105–12.
- Qudûrî, Abû al-Ħusayn AĦmad b. Abî Bakr MuĦammad, *Mukhtaşar al-Qudûrî fî FiqĦ al-Ħanafî*, edited by Kâmil MuĦammad MuĦammad 'UwayĦa, Beirut: Dâr al-Kutub al-'İlmiyya, n.d.
- Repp, Richard C., *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy*, London: Ithaca Press, 1986.
- Samarqandî, Abû Bakr 'Alâ' al-Din MuĦammad b. AĦmad, *Tuhfat al-fuqahâ'*, Beirut: Dâr al-Kutub al-'İlmiyya, 1994.
- Sarakhsî, Abû Bakr Shams al-A'imma MuĦammad b. Abî Sahl, *Kitâb al-Mabsût*, Beirut: Dâr al-Ma'rîfah, 1993.
- Sariyannis, Marinos, *A History of Ottoman Political Thought up to the Early Nineteenth Century*, Leiden: Brill, 2019.
- Şâfî'î, Abû 'Abd Allâh MuĦammad b. İdris b. 'Abbâs, *al-Umm*, Beirut: Dâr al-Fîkr, 1983.

- Shaybani, Abū 'Abdillāh Muḥammad b. al-Ḥasan b. Farkad, *Kitāb al-Aşl*, edited by Mehmet Boynukalin, Beirut: Dār Ibn Ḥazm, 2002.
- Sultān Bāyezid Nām Şehzāde Hakkında Mevâlinin Verdikleri Fetvâlardır*, Veliyyüddin Efendi MS, nr. 3216/6.
- Şeyhizade, Damad Efendi, *Majma' al-anhur fî sharḥ Multaqā al-abhur*, Istanbul: Dār al-Ṭibā'a al-Âmira, 1901.
- Ṭahāwî, Abū Ja'far Aḥmad b. Muḥammad, *Mukhtaşar al-Ṭahāwî*, edited by Abū al-Wafā' al-Afghānî, Cairo: Dār al-Kitāb al-'Arabî, 1951.
- Tezcan, Baki, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World*, Cambridge: Cambridge University Press, 2010.
- Turan, Şerafettin, *Kanunî'nin Oğlu Şehzāde Bayezid Vak'ası*, Ankara: Türk Tarih Kurumu Basımevi, 1961.
- Uzunçarşılı, İ. Hakkı, "Babasından Sonra Saltanatı Elde Etmek İçin Kardeşi Selimle Çatışan Şehzade Bayezid'in Amasya'dan Babası Kanunî Sultan Süleyman'a Göndermiş Olduğu Arıza", *Belleten* 24/96 (1960): 597–600.
- Zamakhshari, Abū al-Qāsım Maḥmūd b. 'Umar, *Ru'ūs al-masā'il*, ed. 'Abd Allāh Naẓîr Aḥmad, Beirut: Dār al-Bashā'ir al-Islāmiyya, 1987.
- 3 Numaralı Mühimme Defteri: 966–968/1558–1560, Ankara: Başbakanlık Devlet Arşivleri Genel Müdürlüğü Osmanlı Arşivi Daire Başkanlığı, 1993