

“Dhimmi” and “Millet System” as Institutions of Legal Regulation of Non-Muslims in the Ottoman Empire

Murman Gorgoshadze*, Nugzar Putkaradze*

* Faculty of Law and Social Sciences, Batumi Shota Rustaveli State University, Georgia

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Abstract. This study, based on relevant scholarly literature, examines the "Dhimmi" and "Millet system" as specific legal institutions governing relations with non-Muslims in the Ottoman Empire. The origins and development of these systems, the role of political compromise and the function of maintaining state stability in relations with non-Muslim ethnic-confessional groups have been researched. Their role and purpose are indicated both in the construction of Ottoman law and the state, and in the protection of religion, language, customs and identity of non-Muslims in general. © 2025 Bull. Georg. Natl. Acad. Sci.

Keywords: Sulha Treaty, Dhimmi, Millet system

Introduction

The Dhimmi. One of the ways of dealing with non-Muslims in the Ottoman Empire was *Sulh-i kull* – ‘Total Peace’, or the Sulha Treaty protected by Islamic law. It was formed during the conquest of voluntarily submitted non-Muslims. It was signed by the commander-in-chief, several witnesses and the person who governed the conquered territory before the conquest. The peacefully submitted population of the conquered territories were considered *dhimmi* (Gelovani, 2024) – (Arabic: *dhimmī*, collectively *أهل الذمة* *ahl ad-dhimma/dhimmah* "the people of the covenant") or *mu'āhid* (معاهد) is a historical term for Muslims living in an Islamic state with legal protection. The word literally means "protected person". This term, as a rule, in medieval Muslim countries meant

groups of the population professing foreign religions and recognizing the "Holy Scripture" (Christians, Jews, Sabians, Zoroastrians), who submitted to the Muslims, recognized their authority and paid taxes levied on adherents of foreign faiths. According to the treaty, the dhimmis maintained their faith, observed their religious rules with certain restrictions, had a guarantee of privacy of life and property, and enjoyed a certain degree of self-government. "Dhimmis" are also mentioned in the Quran (Surah 9, Verse 10) (Quran 2006). The rationale for the Dhimmis is likely taken from the Quran, which states: "*And if they desire peace, desire thou also to peace, and put thy trust in Allah: for He is the All-Hearing, the All-Knowing*" (Surah 8, Verse 63) (Quran, 2006). The content of the treaty concluded with the Dhimmis varied depen-

ding on the social, political and economic situation, so the terms of the Sulha Treaty varied depending on periods (Gelovani, 2024). Gradually, six basic and six desirable requirements for concluding a Dhimmi treaty were formed. The six basic requirements were as follows: 1. Not criticizing the Quran; 2. Not slandering Muhammad; 3. Not maligning the Muslim religion; 4. Not committing adultery or marrying a Muslim woman; 5. Not persuading a Muslim to convert to another religion; 6. Not helping (supporting) those who are against Muslims. Failure to fulfill at least one of these six conditions led to the termination of the Dhimmi treaty.

The six desirable conditions were: 1. Wearing the distinctive Muslim symbol on clothing; 2. Not building houses higher than Muslim ones; 3. Not ringing bells in belfries or reading holy books aloud in front of Muslims; 4. Not drinking wine, showing the cross, or eating pork in front of Muslims; 5. Not burying the deceased non-Muslim quietly and discreetly; 6. Not traveling on thoroughbred horses or camels. The fulfillment of these six conditions was obligatory on those with whom the treaty was concluded. These "desirable conditions" in some cases became necessary requirements (Islam, 1991), and sometimes others were added (The Status, 1996).

The treaty concluded with the dhimmi was considered to be of unlimited duration and, therefore, permanent and could be terminated only in three cases: 1. If the dhimmis accepted Islam; 2. If the Muslims lost control over the conquered territory and it fell into the hands of non-Muslims; 3. In the event of a military coup, if the dhimmis seized power (Chanturishvili, 2022).

The first Arab Muslim conquerors turned out to be relatively tolerant towards the conquered peoples and their religions. They fully preserved the judicial legislation of the dhimmis, as well as the traditional privileges and other rights of Christian religious leaders. The situation changed after the Muslims conquered Mecca and effectively established themselves as the most powerful military and political force on the Arabian

Peninsula. After that, the social picture changed dramatically. Nevertheless, the dhimmis played an important role in the governance of Muslim states (especially during the Umayyad, Abbasid and Fatimid dynasties), as well as in the development of science and culture (Islam, 1999; Aksoy, 2002).

The Millet system. The word "millet" was used in the Ottoman Empire since the second half of the 15th century to designate officially recognized by the state non-Muslim religious communities that enjoyed limited autonomy in managing the internal religious and some secular affairs of their religious community. The Millet system as an administrative and legal autonomy for the management of non-Muslim religious communities was established in the mid-15th century and lasted until the collapse of the Ottoman Empire.

The emergence of this social-political institution was due to various factors, namely: protests of dhimmis dissatisfied with their position in the territory of the Ottoman Empire (Islam, 1991), as well as a significant increase in the non-Muslim population in the territory of the Ottoman Empire as a result of wars of conquest. In such a situation, it became necessary to introduce a system of governance for the non-Muslim population that would allow the Sultan's government to keep non-Muslims in subjection and at the same time allow taxes collected from non-Muslims to flow freely into the state treasury (Svanidze, 2007). The Millet system successfully accomplished the above mentioned tasks.

The Millet system was an administrative structure in which non-Muslim religious communities were governed on the basis of their religious affiliation. Under this system, the state regulated the social and economic life of non-Muslim religious communities without interfering in their cultural and religious life. With the Millet system, the Ottoman Empire attempted to organize the mode of life of non-Muslim "people of the Holy Book" in such a way that their lives, dignity, property,

cemeteries, and religious practices were protected and they could speak their native language within the framework of Millet. They were independent in matters such as marriage, divorce, inheritance, property disputes, and education (Islam, 1999), but on the condition that they (the non-Muslims) were loyal to the state, followed the laws and traditions of the empire, and recognized their subordinate status. The Millet system had no territorial content, which prevented the emergence of any feudal opposition (Bakuradze, 2020).

The divisions of the Millet system were quasi-autonomous entities. The head of the Millet (the Millet bashi) was the ecclesiastical and secular ruler of the Millet. He was elected by the members of the Millet, who, after paying a certain tax to the Sultan's treasury, were approved by the Sultan with a special charter. The head of the Millet was usually a cleric. The leaders of the Millet were considered representatives of their coreligionists at the Sultan's court. They had the right to collect taxes under state control (Bayir, 2012) and much more. They performed the functions of church organization, education, justice, charity, and resolving family issues. Property and marital disputes arising within one Millet were mainly considered by the relevant Millet courts, but their decisions were advisory in nature and were subject to execution with the consent of both parties. Although the Ottoman government recognized the decisions of these courts, it did not enforce them, so parties dissatisfied with the court's decisions often appealed to the Islamic court (Skvoznikov, 2015), what also testifies to the quasi-autonomy of the Millet system.

In 1454, there was established the Millet Greek Orthodox Diocese, headed by the Patriarch of Constantinople. In 1461, there was created the "Armenian Millet" – the Armenian-Gregorian Millet, headed by the Catholicos of All Armenians. In 1829, there was formed the Millet of the Armenian Catholic Church, headed by the Archbishop of Armenia in Constantinople. In 1493, there was founded the Jewish-Judaic Millet, headed by the

Chief Rabbi. The number of Millets gradually increased. Since the 19th century, Catholic and Christian-Protestant Millets were also created. At one time, the number of Millets reached 17. In order to effectively manage the numerous millets in the Ottoman Empire, there was created a special body in the Ottoman government under the Ministry of Foreign Affairs, which was called the Millet Administration.

The leaders of Millet were important officials at the Sultan's court. The Patriarch of Constantinople, who headed Greek Orthodox Millet, had the title of Pasha, effectively replacing the Sultan. He managed the civil and religious affairs of Christians and was a reliable stronghold of the Sultan in subordinating the Orthodox population. According to the agreement between the Sultan and the Patriarch of Constantinople, it was forbidden to convert churches into mosques; Orthodox Christians were given the opportunity to pray and perform religious rites; the Sultan left the Patriarch of Constantinople with ecclesiastical power and partially granted secular rights; the residence of the Patriarch remained in Istanbul; the Patriarch carried out his duties through the Holy Synod; Councils of the Orthodox Church were convened in Istanbul. The Patriarch appointed all officials within his Millet; he had a treasury and a prison; he also had the police; taxes were collected by his order; he was in charge of the court, where cases were heard according to Christian laws and customs; he was also in charge of the school, religious charitable institutions (Svanidze, 2007) and others.

On the one hand, the millets enjoyed a certain amount of legal autonomy and could regulate their internal affairs in accordance with national and religious traditions, but the Muslim state placed non-Muslim subjects in a subordinate position compared to Muslim subjects and allowed them to be discriminated against in terms of their rights in everyday and public life. In particular, they could not build new temples and monasteries, they had to use existing ones; they were prohibited from openly rejecting the Muslim faith and engaging in

missionary activity; they could not perform their religious rituals in public; they were prohibited to bury non-Muslims next to Muslims; they were not allowed to demonstrate their religious affiliation, wear a cross or holy books; non-Muslims were obliged to give way and space to Muslims, provide Muslim travelers with housing and food for three days; non-Muslims could not use a Muslim name or have Arabic inscriptions on jewelry; the return of a convert to Islam to the original religion was punishable by death; non-Muslims were not accepted to public office, etc.

The ideas of equality and freedom penetrated into Millet either through European missionaries or through various individual connections with Europe. This system increased the intervention of European states in the protection of national minorities living in the Ottoman Empire. In connection with all this, starting from the 19th century, the Ottoman authorities began to limit the already restricted autonomy of the millet system and to interfere on a larger scale, especially in secular affairs. The management of secular affairs in Millet was delegated to civil councils subordinated to the Sultan's administration (Kartashyan, 2013).

Conclusions

The legal institutions of the Dhimmi and Millet systems played an important role in the protection of religion, language, customs and the general identity of non-Muslims. They contributed to social activism and the awakening of national consciousness among the non-Muslim population living in the territory of the Ottoman Empire. In addition, the Dhimmi and Millet system was a kind of concession from the Sultan to non-Muslims, who represented a fairly large force in the Ottoman Empire.

Although the state identity in the Ottoman Empire was based on religious affiliation, the Dhimmi and Millet system helped to preserve and strengthen the stability of the multi-confessional and multi-ethnic empire. It can be said that these legal institutions represented a form of political compromise in relations with non-Muslim ethnic-confessional groups and maintaining stability in the state, which prevented religious and national conflicts in the Ottoman Empire until the end of the 18th century (Gachechiladze, 2018). Therefore, these legal institutions can be considered a manifestation of both the strength and weakness of the Ottoman Empire.

სამართალი

„ზიმმი“ და „მილეთის სისტემა“, როგორც არამუსლიმთა სამართლებრივი რეგულირების ინსტიტუტები ოსმალეთის იმპერიაში

მ. გორგოშაძე*, ნ. ფუტყარაძე*

** ბათუმის შოთა რუსთაველის სახელმწიფო უნივერსიტეტი, იურიდიული და სოციალურ მეცნიერებათა ფაკულტეტი, საქართველო*

(წარმოდგენილია აკადემიის წევრის მ. უგრეხელიძის მიერ)

ნაშრომში სამეცნიერო ლიტერატურაზე დაყრდნობით შესწავლილია „ზიმმი“ და „მილეთის სისტემა“, როგორც ოსმალეთის იმპერიის ხელისუფლების არამუსლიმებთან ურთიერთობის სპეციფიკური სამართლებრივი ინსტიტუტები, ნაჩვენებია მათი ჩამოყალიბებისა და განვითარების თავისებურებანი. განხილულია „ზიმმის“ და „მილეთის სისტემის“ შექმნის მიზანი და დანიშნულება, მითითებულია, რომ ზიმმისა და მილეთური სისტემის სამართლებრივი ინსტიტუტები არამუსლიმ ეთნოკონფესიურ ჯგუფებთან ურთიერთობაში პოლიტიკური კომპრომისისა და სახელმწიფოში სტაბილურობის შენარჩუნების ფორმას წარმოადგენდა, მათ მნიშვნელოვანი როლი შეასრულეს, როგორც ოსმალური სამართლისა და სახელმწიფოს მშენებლობის საქმეში, ისე არამუსლიმების რელიგიის, ენის, ადამ-წესებისა და, ზოგადად, მათი იდენტობის დაცვის საქმეში.

REFERENCES

- Aksoy, B. (2002). The Status of Dhimmis in the Ottoman Empire <https://fountainmagazine.com/all-issues/2002/issue-40-october-december-2002/the-status-of-dhimmis-in-the-ottoman-empire> (accessed 23.01.2025)
- Bakuradze, S. (2020). From the Ottoman Millet System to the Modern Turkish Identity <https://regional-dialogue.com/wp-content/uploads/2020/04/> (accessed 03.02.2024).
- Bayir, D. (2012). Minorities and Nationalism in Turkish Law, 27, printed and bound in Great Britain by the MPG Books Group, UK.
- Chanturishvili, P. (2022). The Status of Christians in Early Islam (Arabic Defense Documents), Doct. Thesis (PhD. in History), 66, Tbilisi.
- Gachechiladze, R. (2018). Middle East (Geographical and Historical Landmarks), I, 199, Tbilisi.
- Gelovani, N. (2024). Sharia: History, Dogmatics, Law, 264; *ibid.* 268-272, Tbilisi.
- Islam (1991). Encyclopedia, 28; *ibid.*, 165. Moscow.
- Islam (1999). Encyclopedic Reference, Compiled by: Carlo Kutsia, Megi Metreveli, Giorgi Sanikidze, Mikheil Svanidze, Gocha Japaridze, Publishing House "Nekeri", 66; *ibid.*, 134, Tbilisi.

- Kartashyan, A. Z. (2013). (Some aspects of the formation of the millet system in the Ottoman Empire, Bulletin of St. Petersburg University, issue 4, 91-92) <https://cyberleninka.ru/article/n/nekotorye-aspekty-formirovaniya-sistemy-milletov-v-smanskoy-imperii> (accessed 09.07.2024).
- Quran (2006). translated from Arabic, with an introduction and explanations by Giorgi Lobzhanidze, Caucasian House Publishing House, Tbilisi.
- Svanidze, M. (2007). History of Turkey (1299-2000), 138; *ibid.*, 138, Tbilisi.
- Skvoznikov, A. N. (2015). Legal status of non-Muslim subjects in the Ottoman Empire in the 16th-19th centuries. Bulletin of the Samara Humanitarian Academy. Series "Law" №1-2 (17). 9, <https://cyberleninka.ru/article/n/pravovoe-polozhenie-nemusulmanskikh-poddannykh-v-osmanskoy-imperii-v-xvi-xix-vv/viewer> (accessed 11.12.2023).
- The Status (1996). The Status of Non-Muslims Under Muslim Rule <https://sourcebooks.fordham.edu/source/pact-umar.asp> (accessed 19.05.2024).

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