

# Slaves, “Prisoners of War,” and Inter-Imperial Law in the Ottoman Empire, 1699-1856

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My grant from the History Project allowed me to spend the month of August 2014 working in the Başbakanlık Ottoman Archives (BOA) in Istanbul, Turkey. My goal in this trip was to perform the archival research necessary to extend the story told in my dissertation project as I transform it into a book manuscript.

The dissertation examined the emergence of an Ottoman-international law of military captivity between 1700 and 1830, offering an alternative genealogy of the modern laws of war and a new perspective on questions of Ottoman reform and foreign relations. I focused on Ottoman-Russian relations, particularly through the Russo-Ottoman wars of 1735-1739, 1768-1774, 1787-1792, 1806-1812, and 1828-1829 and their aftermath. The key turning point came when the two states banned the payment of ransoms in 1739. As ransom was banned, captives' fates came to be determined by their *political* status, not their economic value. The story, then, is one of de-commodification; of the slow, contingent transformation of one (rather shocking) economic sector into a domain of state control, regulated by positive rather than customary law. The result was that, for combatants, captivity in the Russo-Ottoman context came to resemble a modern “prisoner-of-war” system, even though no part of this system was explicitly based on western European law. By the mid-nineteenth century, the systems were so similar that the 1856 Treaty of Paris repeated the same terms for the release of French, British, Russian, and Ottoman captives alike—the distinctive Russo-Ottoman law of captivity had been integrated into the broader, worldwide system of international law.

For the book project, my goal is to extend my story into the late nineteenth century. For the Ottomans and Russians, this was a period of continued conflict, as the 1853-1856 Crimean War dragged in the French and the British (on the Ottomans' side) and the 1877-1878 Russo-Turkish War touched off immense political and social upheavals in the Balkans and eastern Anatolia. Ottoman-Russian tensions, of course, came to a head in the appalling violence of the First World War, eventually helping to destroy both empires. But at the same time, the 1850s-1870s were also a vital period for the history of international law. Henry Dunant's propitious visit to the Franco-Austrian battle of Solferino in 1859 led to the founding of the international Red Cross movement, aimed at humanizing warfare. Just four years later, the German-American lawyer Francis Lieber's 1863 codified the customary European law of war, as part of the Union war effort in the U.S. Civil War. In 1874, this code formed the basis for the Brussels Convention on the law of war, which in turn was the basis of the 1899 Hague Convention, the oldest multilateral convention on the law of land warfare. By examining the law and practice of Ottoman captivity in the Crimean War and the Russo-Turkish war, I aim in the book to put these two stories—that of Russo-Ottoman conflict and that of European humanitarianism—into conversation with each other.

My dissertation used Russian diplomatic and military archives, British embassy correspondence, and other published and unpublished sources in Ottoman and Modern Turkish, Russian, French, and German. But I relied most of all on a year of work in the BOA, in 2009-2010. I drew on documents from a variety of collections, especially the Hatt-ı Hümayun, Ecnebi and

Mühimme Defterleri, and Cevdet collections. All of these collections were from before the Tanzimat, the major “reordering” reforms aimed at centralizing and rationalizing power, starting in 1839. They were the product of the old Ottoman scribal service (in the case of Hatt-ı Hümayun, products of the sultans themselves), organized within the imperial palace rather than as a modern bureaucracy. After 1839, the organization of Ottoman ministries changed drastically, as did the nature and number of the documents they generated. The book project therefore requires new work in in post-Tanzimat collections like the Sadaret Mektubî Kalemî Mühimme Kalemî Belgeleri, Hariciye Nezâreti Belgeleri, and İrade.

The History Project research grant allowed me to accomplish this. After arriving, I made my first visit to the new BOA building (opened in 2013) in the Istanbul suburbs. I found that the staff was very helpful, and that the archive’s policies on accessing and copying documents are as open as ever. (Copying is, however, still a bit expensive.) The computerized archival catalog is also extremely helpful, and I found that this is particularly true for the nineteenth century.

I was able to locate, copy, and begin reading over 500 new documents, dealing with the practice of captivity during the 1853-1856 and 1877-1878 conflicts, the release of captives after each war; and the negotiations preceding the 1856 Treaty of Paris and the 1878 Treaty of San Stefano ending those conflicts. I also found documents—some of them unexpected—on the Ottomans’ involvement in the international conventions on the laws of war held in 1863 in Geneva, in 1874 in Brussels, and in 1899 and 1907 in the Hague. I was also able to locate and copy a number of useful documents from earlier decades that I had been unable to access, or had not had time to access, during my initial research—especially from the Ali Emirî collection, which houses correspondence associated with various sultans.

This material provides me with a firm archival basis for completing the book project. I am now prepared to argue that during the Crimean War, the Ottomans’ and their allies’ captivity systems were not all that different. Many aspects of the Ottoman-Russian rules of captivity, I have found, persisted during that conflict. (Indeed, I was a bit surprised at how persistent the rules were based on the documents I found on this trip.) Yet the Treaty of Paris ending the Crimean War was signed by the Western Powers, Ottomans, and Russians alike, and it applied the same captivity terms—seemingly based on Western European custom—to all of them. In the coming decades, as global treaties aiming to humanize warfare through law proliferated, both Ottomans and Europeans began to change their captivity practices in parallel ways. By 1877, Ottoman lawyers in the foreign ministry were issuing opinions on captivity and detention, based on Western European international law. Yet the practices of the 1877-1878 war very much resembled that of previous wars. The Ottomans, then, had accepted European rules in theory, without changing their *practice* very much—not because they ignored the rules, but because the rules they were already following were closely parallel. While Europeans took the lead in developing new rules to humanize warfare from the 1850s onward, the Ottomans were players too—for example, founding their own Red Crescent to mirror the Red Cross. Captivity and law in the Ottoman Empire, then, were no less “modern” than in Europe—but they had gotten there by a different path.

These are the arguments that I intend to advance in the final chapters of my book project. Now that I have returned to the United States, I am spending this year as a Postdoctoral Research Associate in Near Eastern Studies at Princeton University, where I am reading over the documents I gathered and incorporating them as I work on my book manuscript. I am grateful to the History Project for making possible this research, and thus my book.