

# FROM ALLEGIANCE TO CONQUEST. OTTOMANS AND MOLDO-WALLACHIANS FROM THE LATE FOURTEENTH TO MID SIXTEENTH CENTURIES (II)\*

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The political moments when the voivodes had accepted to pay tribute and to submit themselves to the Porte were called acknowledgments of allegiance (*inclinare*, in Moldo-Wallachian chronicles). In Wallachia, this allegiance was established during Mircea the Older's reign (1386–1418) and its conditions changed in 1462 at Radu the Handsome's enthronement, even though a complete and long-term submission was imposed in the third decade of the sixteenth century. In Moldavia, the paying of tribute began in 1455–1456 and ended in 1538, but also the peace agreements concluded by Stephen the Great with Mehmed II Fatih (in 1480–1481) and Bayezid II (in 1486) were relevant episodes. Despite the resistance and peace agreements from the late-fourteenth to the mid-sixteenth century, Wallachia and Moldavia were conquered by sultans, who would consequently invoke the “right of sword” (*kılıç hakkı*) over them. In Ottoman documents of the sixteenth to eighteenth centuries, the idea of conquest was usually connected frequently to Süleyman the Magnificent, as a turning-point in the relations of the Porte with the tributary principalities of Wallachia and Moldavia.

**Keywords:** Wallachia, Moldavia, Ottoman Empire, homage-paying, allegiance, conquest.

### 3. CEREMONY OF PROSTRATION

The prostration (in Latin, *inclinare*, in Greek, *proskynesis*) generally consists of “bending one's hand”, “taking a bow”, etc. The specific action can be accompanied by “kneeling” (in Latin *ingenuculare*, in Romanian *îngenunchere*) which concretely means sitting on bended knees before another person. As it was often practiced by Christians, the Ottoman chroniclers who registered the ceremony of kneeling in the relations between voivodes and sultans did not forget to mention that it was a Christian usage: “he kneeled in accordance to their custom”,<sup>65</sup> specified Mustafa Selaniki about the submission of John Sigismund Zápolya in 973/1566.

With the Ottomans, up to Murad III's coming to the throne in 1574, the symbol of submission and faith towards the sultan was the kissing of the *padişah's* hand, also practiced during the ceremony of enthronement.<sup>66</sup> This custom is also to be found during the ceremonies of voivodes' homage paying at the sultan's court.

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<sup>65</sup> Selaniki, *Tarih*, ed. Ipşirli, I, 26–7; *Cronici turc. I*, 360.

<sup>66</sup> Decei, *Imp. otoman*, 241.

Thus, Oruc bin Adil registered the disputed acknowledgment of allegiance of the Wallachian voivode Basarab Laiotă (1473–1477) with the phrase: “coming to the Threshold of the empire, he kissed the *padişah*’s hand and put on the *hil’at*.” This ceremony will be likewise repeated ‘a few years later.’<sup>67</sup>

During Süleyman the Lawgiver’s second expedition against Hungary, which took place in 1529, the Transylvanian voivode, John Zápolya “kissed the sultan’s hand”.<sup>68</sup> His son, John Sigismund Zápolya, will kiss in his turn Süleyman Kanunî’s hand, as part of the submission homage paid at Zemun, which also included three or four kneeling. Actually, the submission homage of 29 June 1566 paid by the Transylvanian voivode before the sultan and his court assembled in Zemun (*Zemlin*), represents a special (and perhaps unique) moment in the chronological evolution of the homage paying ceremony. Mustafa Selaniki who had been present was relating:

“When the above mentioned prince, Istepan, came with the grand viziers before the glorious *şahinşah* and, taking off his sophisticated gem-adorned cap, he kneeled in accordance with their usage in token of submission, then his Highness the All-happy *padişah* ordered him to raise. Raising he made another two steps, then kneeled again. Then kneeling for a third time, he went and bowed at the sultan’s feet.”

Three kneelings and a bow, plus three hand-kisses were, even in the sixteenth century and even in the relations with the tributary princes an exception, paradoxically suggested by the Ottoman chronicler himself. The latter registered the John Sigismund Zápolya’s words addressed to the interpreter as an excess at the end of the ceremony, getting out of the sultan’s red tent: “His majesty made me faint; I lost all strength to speak.” But, if I was to believe Mustafa Selaniki, I would be wrong in assigning this distinguished ceremony to a mere moment of confusion which overwhelmed the Transylvanian prince. One also has to take into account the uncertain situation of John Zápolya’s son, who claimed recognition as support from the most powerful sovereign of the world.<sup>69</sup>

Let us note also that at middle eighteenth century, the ceremony of “prostration” of the new voivodes named in Wallachia and Moldavia required “kissing the earth <before> of his Imperial Highness the all-happy *şahinşah*.”<sup>70</sup>

<sup>67</sup> Oruc bin Adil, *Tevarih*, ed. Babinger, 74.

<sup>68</sup> Mühieddin el-Cemâlî, *Tevarih*, ed. Giese, 140.

<sup>69</sup> Selaniki, *Tarih*, ed. İpşirli, I, 26–7 (*Ve mezbûr İstefan kiral, vüzerâ-i izâm hazretleriyle izz-i huzûr-ı şehenşâhiye girdüklerinde âyîn ü kâ’ideleri üzre cevâhir ile müzeyyen takyetin çıkarup, Pâdişâh-ı cihân-penâh hazretleri nazar-ı şerîfinde makâm-ı ubûdiyyetde diz çöküp oturmuş, sa’âdetlü Pâdişâh hazretleri «kalksun» diyü buyurmuşlar emre imitital edüp, kalkup iki kademe gelüp yine oturmuş, üçüncü mertebe varup dâmen-i saltanata yüz sürüp...*) See also the account of İbrahim Peçevi (Decei, *Imp. otoman*, 197).

<sup>70</sup> Veliman, *Documente turc.*, doc. 134.

#### 4. SUBMISSIONS TOWARDS THE PORTE AS LENGTHY EVOLUTIONS

The homage paying (*închinare*) of Wallachia and Moldavia caused many controversies in the Romanian historiography, being analyzed whenever new sources and interpretations required it. The historians and jurists who have studied the relations of the Ottoman state with Wallachia, Moldavia and Transylvania used the word *închinare* – a term specific to the medieval chronicles – with two meanings. First, to designate the initial and crucial episode when one of the above-mentioned principalities accepted, through its prince, the tribute payment as a token of submission to sultan.<sup>71</sup> Second, to call any new peaceful regulation of relations between voivodes and sultans from end fourteenth to middle sixteenth century.<sup>72</sup>

To specify more accurately the early episodes of the relations of Wallachia and Moldavia with the Ottoman state, known in Romanian historiography as “homage paying” (*închinare*), implies to observe those historical dates which combine enough elements that characterize this notion according to end fourteenth – mid sixteenth century sources. Let us mention that sources of that period fully testify for the fact that acceptance of tribute and submission, or conclusion of pacts did not characterize only a specific moment:

“Even when there was some reason why they came to fight each other <let us remind here the Ottoman expeditions to the North of the Danube and the frequent princes’ rebellions – o.n.>, yet, through new agreement they came again to terms.”<sup>73</sup>

Ducas referred here to renewals of Ottoman-Byzantine peace agreements, but this image can also be extended to the early relations between the Porte and the principalities of Wallachia and Moldavia.

On the other hand, considering that the term homage paying is used with a multitude of meanings and significations in Ottoman, Byzantine and Moldo – Wallachian sources, I do not think that its use could be exclusive. The adoption of the late signification – that of crucial and decisive events – would not be the best solution, as it does not correspond to the usual meanings of this term or of its synonyms to be found in fifteenth and sixteenth-century sources. I would rather talk about conclusion of temporary peace agreements – specifying their logical

<sup>71</sup> See, for instance: Gorovei, “Casa Păcii,” 649, 654; Gorovei, “1486,” 815, 820; L. Șimanschi, “«Închinarea» de la Vaslui (5 <iunie> 1456),” *AI*, 1981; A.H. Golimas, “Sensul închinării de la Vaslui a lui Petru Vodă Aron. Din legăturile de drept ale Moldovei cu Poarta Otomană”, *Cuget Moldovenesc*, 9–12, 1940 (off-print, Iași, 1941).

<sup>72</sup> For example: Xenopol, *Istoria Românilor*, vol. II, 80, 88–9, 144–5, 351, 426–8; Decei, *Imp. otoman*, 139.

<sup>73</sup> Ducas, *Istoria*, XXXIV/6; Ștefănescu, *Țara Românească*, 37–100.

implications – that ended mostly by being broken by either of the two parties. Moreover, for me, speaking of the acknowledgment of allegiance (*închinare*) of Wallachia or Moldavia means accepting a subsequent political and juridical stagnation, which should frighten historians. Still, historical reality denies such “nailing”, bringing, despite the reinforcement of some invariables, enough changes, some of them on long term, others on short term.

In these conditions, I consider whether it is accurate to limit the homage-paying – as seventeenth and eighteenth-century chroniclers did – to one year and one voivode only. On the contrary, the tradition of homage paying, by its specific development with overlapping of personalities and an ambiguous chronology, rather indicates a genuine evolution of regulation of the relations between the Porte and the principalities of Wallachia and Moldavia, marked by a series of events which supposed conclusion more times of temporary pacts between sultans and voivodes.

As I have already shown in the precedent chapter, the process of Wallachia’s acknowledgment of allegiance started in the last decade of the fourteenth century and ended during the Süleyman Kanunî’s reign, i.e. in the third-fourth decades of the sixteenth century, being marked especially by the events of the years 1391–1395, 1417, 1462 and 1521–1529.

The process of Moldavia’s homage paying began in 1455–1456 and ended in 1538, being also marked by the peace agreements concluded between Stephen the Great and Mehmed II in 1480–1481, respectively Bayezid II in 1486.

Let us note also that the process of Transylvania’s acknowledgment of allegiance took place in the first part of the sixteenth century, being related to the Süleyman the Magnificent’s policy in Central Europe, respectively the treaty with John I Zápolya in 1528, the granting of Transylvania to John Sigismund Zápolya as *sancak* in 1541 and the prince’s prostration of 1566.

One can say that in the third and fourth decades of the sixteenth century, i.e. during the reign of Süleyman the Magnificent ended a first period and begun a new one in the history of the principalities of Wallachia and Moldavia, influenced decisively by the political changes in Hungary and Transylvania.

## 5. CONQUERING TO THE NORTH OF THE DANUBE

One of the problems on which sources provide divergent and contradictory information consists in settling the modality by which the Porte compelled its domination to the principalities of Wallachia, Moldavia and Transylvania.

The ambiguity characterized also records of early Arab expansion. It is worthy to be appreciated the D. R. Hill’s effort to present the data given in the sources on the termination of hostilities (reports of treaties, conquests, and the terms imposed upon or agreed with the conquered peoples) and estimate the military and political effects of these terminations of hostilities in the immediate

aftermath of the early conquest.<sup>74</sup> At the same time it is clear that the ambiguity of sources cannot be entirely removed. The case of Iraq (as-Sawâd), which jurists considered as a test case for their theories, is significant for the ambiguity which characterized the status of lands and methods of conquest in early Islam:

“I do not know anything I can say about the land of Sawâd – invoked as example by the famous jurist ash-Shafi’i himself – except conjecture because the most accurate report by the school of Kûfah in relation to Sawâd is obscure conjecture. Furthermore, I have found some other reports to be conflicting with it. Some say that Sawâd was a land which surrendered peacefully, without war; others that it was a conquered land: still others that part of it was of the first, but the other part was of the latter.”<sup>75</sup>

Questions about method of conquest arose in a series of end tenth and early eleventh-century solicited legal opinions (*fatwa*) connecting to the legal status of lands taken by Muslim soldiers from Christian owners in Sicily.<sup>76</sup> In this respect, a known dilemma of the Ottoman history is that of method of conquest of Constantinople in 1453. On this question Dimitrie Cantemir discussed also, trying to prove, like other Christian scholars, that half city was conquered ‘by surrender’ and only the rest was conquered ‘by force.’<sup>77</sup>

The future legal status of lands, population, churches and synagogues under Muslim rule depended directly by the methods of their conquest, ‘by force’ or ‘by surrender.’ For instance, in al-Mawardi’s opinion, the conquered lands “by force” would become territories of Islam, and those acquired ‘willingly’, after concluding a peace agreement, could become territory of covenant.<sup>78</sup>

<sup>74</sup> D. R. Hill, *The Termination of Hostilities in the Early Arab Conquests. A.D. 634–656*, London, 1971.

<sup>75</sup> Shafi’i, *Al-‘Umm*, cf. Kader, “Land,” 8.

<sup>76</sup> Abû Ja’far al-Dâ’udî (d. 1012), *Kitâb al-amwâl*, ed. Ridhâ Shahâda, Rabat, n.d., 70–81, cf. Granara, “*Jihâd*,” 47–8 (“He was asked: When Sicily was conquered by force, the inhabitants of some of the (fortified) towns resisted until they made peace treaties. Some of them later fled and their houses were left abandoned. [What is the status of them?]. He said: “If those who made peace treaties stipulated as a condition of the treaties that the land would remain their property for which in turn they would pay a poll tax, then they may keep the land and do with it as they may. As for those who converted to Islam, the poll tax is dropped, and they get to keep the land. Concerning those upon whom both a poll tax and a land tax were imposed, they may not sell their land because the one cannot be separated from the other. Those who convert to Islam need not pay a poll tax, are exempt from a land tax, and may keep their land and do with it as they may...”).

<sup>77</sup> Cantemir, *Othman History*, 367–8, n. 20; Cantemir, *Imp. otoman*, II, 615–7, n. 29.

<sup>78</sup> Mawardi, *Statuts*, 301; Ibn Taimiyya, cf. Laoust, *Ibn Taimîya*, 272 (“la question se pose de savoir si le pays a été enlevé de vive force (*‘anwatan*), ou s’il s’est rendu par capitulation (*sulhan*).” See also Biegman’s reflections on this subject (Biegman, *Ragusa*, 31–2).

### 5.1. 'By force' (*anveten*) or 'willingly' (*sulhen*)

According to D. R. Hill, in early Islamic historical sources, the occurrence of the terms *anveten* or *kasran* indicated that the conquest took place "by force" and naturally precluded the use of term *sulhen*.<sup>79</sup>

In Dimitrie Cantemir's view, "by right of arms" meant that somebody was defeated or submitted himself under threatening of armed force. Actually, his statements on methods of conquest were affirmed in an annotation entitled "annual tribute", when it was described how Mehmed I "makes the Wallachians tributary. H. 820/A.C. 1418". Narrating the sultan's campaign against Hungary and Wallachia, Dimitrie Cantemir pointed out the conquest of Severin and Giurgiu fortresses situated on the other side the Danube, the latter being fortified with new works and a good garrison, so that the Wallachians could not any more pass the Danube. The fact that Wallachians (Cantemir does not name any prince) accepted to ransom their peace by paying a yearly sum of money after the sultan started his campaign should mean in Cantemir's view a "submission by right of arms".

"Pent up in this manner – Dimitrie Cantemir said –, and pressed by the sword of the Enemy and the want of warlike Stores, despairing also to preserve their liberty, they purchase their safety with the promise of an annual tribute, for the performance whereof the Sons of Prince and three Great Men are given to the Emperor in hostage."<sup>80</sup>

In D. R. Hill's opinion, in early Islamic sources a conquest is classed as *sulhen* first if the word *sulh* is used. Also, if the circumstances strongly indicate a settlement, e.g. there was no fighting, there were negotiations, there was an *ahd*, the Islamic conquest was put into *sulhen* category, even the actual term does not occur.<sup>81</sup> According to the traveler al-Tijani in early fourteenth-century Tunis, still the existence of Christian churches – even though they were in ruin and in front of them were built mosques – was evidence that territory was conquered "by surrender."<sup>82</sup>

Dimitrie Cantemir's view on a "willing" obedience can be deduced from the narration of Moldavia's submission and one can say that it implied the following elements: the Moldavian prince's acknowledgment of vassalage (assigned by Dimitrie Cantemir to Petru Rareș after Süleyman the Magnificent's conquest of Buda in 1529, an embassy to the sultan with mission to offer the sultan both

<sup>79</sup> Hill, *Hostilities*, 4. In the Roman law, the legal concept of *debellatio* was used for defining the process by which a state of war ended by transferring of territorial sovereignty (Grotius, *Drept*, 666; Gherghescu, *Drept*, 307).

<sup>80</sup> Cantemir, *Othman History*, 74, n. 10; Cantemir, *Imp. otoman*, 98, n. 10.

<sup>81</sup> Hill, *Hostilities*, 4.

<sup>82</sup> El-Tidjani, *Voyage dans la régence de Tunis en 1306 et 1309*, trad. M. Rousseau, Paris, 1853, cf. Mas-Latrie, *Traité*s, vol. II, 4.

Moldavians and the country (was named Tăutu Logofătul / *Teutuk Lagotheta*), the honorable terms of submission and several privileges granted by sultan (e.g. the Moldavian's religion should be preserved entire, and his country be subject as a fief to the Empire), the peace instruments (the sultan ratified the conditions, and those instruments were carried by Moldavian envoy to his prince in Suceava / *Soczava*). Therefore, in Dimitrie Cantemir's view, all the above-mentioned elements prove "that Moldavia voluntarily and without compulsion offered her obedience to the Turkish Empire".<sup>83</sup>

## 5.2. Differences between Wallachia and Moldavia

The Moldavian sources, especially, did not recognize the standardization of the methods by which Wallachia and Moldavia was submitted by the Porte.<sup>84</sup> The distinction would be pointed out later by eighteenth century Moldavian scholars and boyars, beginning with Dimitrie Cantemir and Ion Neculce, and would be made in favor of Moldavia. Thus, Dimitrie Cantemir accepted that "Wallachians was subject to the Turks by right of Arms", but he categorically denied this claim as regarded the Moldavians who, according to his view, "voluntarily put themselves under the Protection of the Turks".<sup>85</sup>

Let us emphasize that, trying to define the "submission" as being opposite to "conquest," Dimitrie Cantemir applied different criteria to Moldavia in comparison with Wallachia. Describing how Süleyman Kanunî lays waste Moldavia in 1538, one could expect that Moldavia be consequently submitted "by right of arms". No, according to Dimitrie Cantemir the

"Moldavians seeing no way to withstand so great a storm, humbly sue to him for peace, and promise the payment of the annual tribute, only they petition that the choice of a prince may remain in the state, and that he may, as before, be invested with regal authority. Soliman grants their requests, confirms the Prince chosen by them, and restoring the captives."<sup>86</sup>

At the beginning of the nineteenth century, Alexandru Beldiman followed the same opinion, underlining the difference between Moldavia and its immediate neighborhood that the sultan "had taken by military power" (*le luase cu puterea armelor*).<sup>87</sup>

<sup>83</sup> Cantemir, *Othman History*, 186–9 and n. 28–34.

<sup>84</sup> C. Orhonlu, compared the political status of Walachia and Moldavia, which were compelled to pay tribute as a result of Ottoman conquest, with that of Ragusa, emphasizing that the latter accepted to pay tribute but as a effect of the conclusion of a peace treaty (C. Orhonlu, "Kharâdj," *EI-2*, IV, 1086).

<sup>85</sup> Cantemir, *Othman History*, 74, n. 10; Cantemir, *Imp. otoman*, I, 98, n. 10.

<sup>86</sup> Cantemir, *Othman History*, 202.

<sup>87</sup> Beldiman, *Tractaturile*, 451.

Eighteenth and nineteenth-century Western scholars took over this view but not using an uniform chronology and terminology. Thus, in 1809 Thomas Thornton wrote that “Wallachia submitted to the force of the Ottomans arms in 1418,” but Moldavia “surrendered its liberties to Soliman the First in 1529.”<sup>88</sup> Also, according to Bois-le-Comte’s opinion, expressed in a statement of 1834, ‘Wallachia was defeated by the Mehmed II’s armies,’ but ‘Moldavia obeyed willingly to the great Süleyman for avoiding an inevitable conquest.’<sup>89</sup> Indeed, there were practically some differences between the obligations of Wallachia and those of Moldavia towards the Porte, the former being more onerous than the latter. Considering this, one should deduce that they originated in two different methods of conquest.

In my opinion, two peculiarities cannot be ignored. First, the Ottoman control over Wallachia had been imposed around fifty years earlier than over Moldavia, and second Wallachia was geographically closer to the Ottoman power centers, Adrianople and then Istanbul.

### 5.3. Sultan’s right of sword

To affirm the right of sword over a territory after a military victory was a wide usage in pre-modern period, considering the conqueror could decide the legal status of vanquished territory.<sup>90</sup> No matter the method of conquest, either “by force” or “voluntarily,” according to Hanafi view, the sultan had the right to decide unilaterally the legal condition of the conquered territories and submitted population.<sup>91</sup>

As concerns the lands, he could choose from more solutions, taking into consideration the geographical, military and political circumstances:<sup>92</sup> to divide them to the warriors after retaining the fifth, transforming them in *‘öşr* lands (*arâzî-yi öşriye*),<sup>93</sup> to leave the lands to the possession of the local population in

<sup>88</sup> Thornton, *Turkey*, II, 307.

<sup>89</sup> “Report on the Romanian principalities” of 10 May 1834, to the Count of Rigny (Hurmuzaki, *Documente*, XVII, doc. DXI: “*la Valachie abattue par les armes de Mahomet II, en 1460*”; “*la Moldavie se soumettant volontairement au grand Soliman, pour se soustraire à une conquête devenue inévitable, 1536*”). Of course, the dates are wrong.

<sup>90</sup> For example, the prince of Moldavia, Petru Rareș (1527–1538, 1541–1546), affirmed his “right of sword” over the principality of Transylvania in a letter to the inhabitants of 14 January, without year: “... I have won the country of Transylvania with the sword...” (Tocilescu, *534 documente*, doc. 500). But the “conqueror’s right” could be modified or even cancelled by concluding a peace treaty (Armanazi, *Islam*, 87–8).

<sup>91</sup> D’Ohsson, *Tableau*, V, 57–8; Morabia, *Ġihâd*, 454–5; Inalcık, “Policy,” 231.

<sup>92</sup> See: Max von Berchem, *La propriété territoriale et l’impôt foncier sous les premiers califes*, Geneve, 1886 (he analyzed the work of the shafi’it al-Mawardi); A. N. Poliak, “Classification of Lands in the Islamic Law and its Technical Terms.” *American Journal of Semitic Languages and Literatures*, 1, 1940, 50–63; Decei, *Imp. otoman*, 213; Sertoğlu, *ROTA*, 15.

<sup>93</sup> In the fourteenth and fifteenth centuries, the Ottomans applied an old Turkish and Mongol practice, i.e. to divide the conquered territories to the members of a frontier *bey*’s family (*uç beyi*), ruler of *gazîs* troops, being charged to wage sacred expeditions to *darülharb* (Inalcık, “Emergence,” 76).



return for land-tax paying, transforming them in *harâc* lands (*arâzî-yi harâciye*); or to declare them as being property of the whole Muslim community.<sup>94</sup>

Abu Yusuf Ya'kub accounted the conflicts between Umar ibn al-Khattâb (634–644) and the Arab warriors, caused by his decision not to share the territories conquered by force from Syria, Iraq and Egypt, but to organize them as “frontier provinces.”<sup>95</sup> Even though the peace had been imposed by force, the non-Muslims could be treated as “protected peoples” (*zimmîs*) paying either individual poll-tax or collective one.

An *anveten* conquest offered to a Muslim sovereign the theoretical right to transform the churches and synagogues in mosques, and only in a territory conquered “by surrender” the non-Muslims had the right to build new religious buildings. Practically, a Muslim sovereign could renounce this right and decide the future of churches and synagogues by historical and local circumstances. Thus, despite Salonika (*Selanik*) town was conquered “by force” and plundered in 1430, Murad II ordered the Saint Dimitri church “be kept by Christians”, the Byzantine annalist Ducas said.<sup>96</sup>

The break out of war, as a result of the non-Muslim prince's refuse to accept tribute payment, diminished the infidels' right to a state existence. Taking into account that the defeating of the non-Muslims implied supplementary rights of conquerors, originating in medieval usages, the Arab or Ottoman sources stressed or even abusively invented conquests “by force”. In this way subsequent claims of alteration of non-Muslims' legal and political position could be justified.

According to the Ottoman legal view, the territories which entered under the Muslim control were considered as being “conquered,” regardless they were taken “by force” or “willingly.”<sup>97</sup> Despite end fourteenth – mid sixteenth century resistance and peace agreements, in Ottoman official view the principalities of Wallachia, Moldavia and Transylvania reached to be conquered by sultans. Relating the 1538 expedition and the surrender of Suceava town, Ibrahim Peçevi affirmed that “in that day, the Moldavia country come under the rule of the Ottoman countries,” despite “documents with conditions and obligations were written”.<sup>98</sup>

<sup>94</sup> According to a *hadis*, “The land taken by peace treaty belongs to Allah and His Prophet,” i.e. to the sultan in the Ottoman Empire (Berchem, *Propriété*, 10; D'Ohsson, *Tableau*, V, 97; Sourdel, *Islamul clasic*, I, 261; Decei, “*Sulhnâme*,” 138, 4).

<sup>95</sup> Abu Yusuf, *Kitâb*, 36, 43–65, 103–4, 302. He invoked *Kur'ân* LIX, 7–10.

<sup>96</sup> Ibn Taimiyya, cf. Laoust, *Ibn Taimiyya*, 272; Ducas, *Istoria*, XXIX/5. Let us note here the opposite case, when transformation of a mosque in Jerusalem to a Christian church was not allowed by Süleyman Kanunî for it should be contrary to the Islamic law (Charrière, *Négociations*, I, 130–1).

<sup>97</sup> Many historians used the term Ottoman “conquest,” yet emphasizing a difference of conquering. Accordingly, more South-East European states, i.e. Bulgaria, Serbia, the Byzantine Empire, Bosnia, were crushed and dismantled by the invading Ottoman Turks in the late fourteenth century and in the following century, and directly incorporated into the rising Ottoman state. In return, Walachia and Moldavia “were preserved as puppet states in name only” for close to five hundred years (Denis P. Hupchick, *Culture and History in Eastern Europe*, New York, 1994, 59).

<sup>98</sup> Peçevi, *Tarih*, in *Cronici turc. I*, 481.

In the same way, regardless the methods used by Ottomans, beginning with Süleyman the Magnificent (1520–1566), Wallachia and Moldavia “definitively entered under their domination,” or

“Both principalities as fiefs of the empire, exacted from them only the payment of tribute, without interfering in the interior government.”<sup>99</sup>

As for Wallachia, the Ottoman chroniclers used the “conquest” term especially when they relate the 1462 expedition of Mehmed II against Vlad the Impaler. But, the image of a conquered Wallachia by Ottoman sultans became more and more frequent beginning with the third and fourth decades of the sixteenth century, being stated also in official documents not only in chronicles, this idea being comprehensively defined. According to this new official view, Wallachia was actually vanquished “by sword.” Even the most solemn and important records on the status of Wallachia towards the Porte, like the investiture diplomas (*berât*) granted to voivodes, stated and at the same time claimed categorically the “right of sword”. One can be quoted as an example the “imperial sign” (*nişân-ı hümayûn*) enacted by Murad III on 6 September 1586, to confirm Mihnea II the Turkified as voivode of Wallachia. “And the above-mentioned country was conquered by power of our swords,” the record said.<sup>100</sup>

The expedition of 1538 was considered in Ottoman sources as a turning point for the evolution of legal and political status of Moldavia towards the Porte. Anyway, since that moment the sultans began to invoke as an evidence for the increasing interference in internal affairs, that the “country of Moldavia <is> our country conquered by our victorious and defeating sword”. This statement can be most frequently met in letters sent to the Polish kings who in their turn issued their own claims to Moldavian territories.<sup>101</sup> As concerns the method of submission of Moldavia, it has to be noted that in Ottoman chronicles, even in those written by the same annalist, two contradictory opinions were settled.

The sultan’s “right of sword” over Moldavia was underlined by most seventeenth and eighteenth-century annalists. At the same time, there are chroniclers who affirmed that Moldavia obeyed “willingly” and was conquered “peacefully”. Thus, in a chapter of his *Süleymân-name* dedicated to the “sacred expeditions” of 1484 and 1538, Kara-Çelebi-Zade (d. 1658) spoke about “the submission of Moldavia country by the power of sword”. But, in another work the same author registered the “annexation” of Moldavia “without resistance”.<sup>102</sup> Anyway,

<sup>99</sup> Bois-le-Compte, cf. Hurmuzaki, *Documente*, XVII, doc. DXI (*passèrent définitivement sous leur domination*); Thornton, *Turkey*, II, 307–8.

<sup>100</sup> Maxim, *CTO*, doc. 14.

<sup>101</sup> Mehmet, *Documente turc.*, I, doc. 87 (Selim II’s letter of 25 March 1568 to Sigismund II, king of Poland). See also Süleyman Kanuni’s letter of 6 October 1564 to the same Christian ruler (Hurmuzaki, *Documente*, Supl. II/1, doc. CXXVII)

<sup>102</sup> Kara-Çelebi-Zade, *Süleymân-nâme*, in *Cronici turc. I*, 532; Kara-Çelebi-Zade, *Ravdat ül-Ebrar*, in *Cronici turc. I*, 547.

in Nasuk Matrakçı, Mustafa Ali and Ibrahim Peçevi's opinion, the "surrender" of Suceava town, which was the final point of the treason conceived by a part of the Moldavian boyars, hostile to the voivode Petru Rareș, and the capturing of the fabulous thesaurus justified Süleyman Kanunî's right to decide unilaterally in 1538 on the future status of Moldavia.<sup>103</sup> Moreover, enacting the "Conquest letter of Moldavia" (*Fethname-yi Kara-Boğdan*) on 29 October 1538, the sultan – who called himself "the conqueror of the country of Moldavia" in the inscription of Bender – was eager to cancel the rights that the great boyars had earned by "conditional capitulation" of Moldavia.

As a result, the Ottoman sources describe Süleyman Kanunî as being entitled, from the perspective of the Islamic law of peace, to grant "forgiveness (*amân*) to the whole Moldavian population", preferring, nevertheless, out of serious political-military and economical-financial reasons, to confirm or name Christian voivodes only, instead of transforming it into a province governed by a Muslim dignitary.<sup>104</sup> Towards mid-sixteenth century, the image of Moldavia and Wallachia as conquered provinces "by sword" became increasingly an element of the Ottoman official view, this idea being frequently stated in the imperial *hüküms*. For instance, in 1559, Süleyman Kanunî affirmed that

"The countries of Wallachia and Moldavia are dominions and countries of mine that have been conquered and invaded with my own sword, the guide to victory."<sup>105</sup>

Transylvania was also given the label of a "conquered country" beginning with Süleyman the Magnificent. Later, in a 1613 letter directed to the inhabitants of Brașov, that is to those who were referred to by this claim, the grand vizier Nasuh pasha affirmed that

"The country of Transylvania is conquered with the very sword of our fortunate, honored and glorious padişah <Süleyman Kanunî – o.n.>".<sup>106</sup>

As a matter of fact, this label originated in the Mohaç victory of the Ottoman army in 1526, henceforth Hungary had been considered by the sultan as "right of

<sup>103</sup> Nasuk Matrakçı, Mustafa Ali and Ibrahim Peçevi, in *Cronici turc. I*, 229–300, 353–4, 480; *Petru Rareș*, 158 (chapter written by Tahsin Gemil).

<sup>104</sup> Guboglu, *Paleografia*, doc. 7; *Petru Rareș*, 158 (chapter written by Tahsin Gemil). For details concerning the consequences of the expedition of 1538, see: E. Stănescu, "Le coup d'état nobiliaire de 1538 et son rôle dans l'asservissement de la Moldavie par l'Empire Ottoman." *NEH*, 1955, 241–64; M. Guboglu, "L'inscription turque de Bender relative à l'expédition de Soliman le Magnifique en Moldavie (1538)." *SAO*, I, 1957, 175–87; *Petru Rareș*, red. coordonator Leon Șimanschi, București, 1978, 151–74 (Tahsin Gemil, Șt. S. Gorovei); Gorovei, "Casa păcii," 656–6; Andreescu, "Domeniața," 409–10.

<sup>105</sup> *vilâyet-i Eflak ve Boğdan benim şimşir-i zafer-rehberim ile feth ü-teshîr olmuş memleket ü-vilâyetimdir* (Veliman, "Carte de legământ," 29).

<sup>106</sup> Guboglu, "Arhive. Brașov," doc. II.

his sword” (*kendi kılıç hakkı*).<sup>107</sup> Let us note that to eternalize these “conquests”, the Ottomans had fallen into the habit of issuing “conquest-letters” (*fethname*) by which the sultan’s victories were announced “throughout the world and to all the peoples”.

#### 5.4. “Since the imperial conquest...” (*feth-i hakanîden berü*)

In sixteenth – eighteenth century Ottoman documents, the idea of conquest was related frequently to Süleyman the Magnificent’s reign, getting the meaning of a turning point in the relations of the Porte with the tributary principalities of Wallachia, Moldavia and Transylvania. Let us emphasize that neither Ottoman authorities nor autochthonous princes and nobles invoked as a rule the conquest of their countries in a negative sense.<sup>108</sup> In this regard, it is worthy to analyze correctly the phrase “being separated at chancery and spared of violations and free in all respects” (*mefrüzü'l-kalem ve maktû'l-kadem min-küll-il-vücûh serbest olub*), invoked so frequently in end seventeenth and eighteenth-century Ottoman documents.<sup>109</sup>

Romanian historians and jurists correlated this expression only with the autonomy status of Wallachia and Moldavia. As a matter of fact this statement was incompletely quoted, avoiding emphasizing that this legal position was applied towards the tributary principalities “since the imperial conquest” (*feth-i hakanîden berü*).

Moreover, even Moldavian and Wallachian voivodes and boyars invoked – during the seventeenth and eighteenth centuries – the idea of the imperial conquest in order to preserve or recover old practices concerning self-government. According to the Moldo-Wallachian agents’ petitions (*arz*) the method of tribute paying as a collective one (*mirî maktû'*) had been established “since the imperial conquest” (*feth-i hakanîden berü*) both in Wallachia<sup>110</sup> and Moldavia. For instance, when the conquest of Moldavia had taken place two hundred years before, i.e. during the Süleyman Kanunî – one can read in a document of 1728 – the poll-tax had been established as a communal one. This was an evidence for a Moldavian agent (*Boğdan kapu-kethudası*) to protest against the abuses of the *cizye* collector of Burgas, who had asked poll-tax from the Moldavian horsemen.<sup>111</sup> Also, “since the imperial conquest” the tribute (*cizye*) of the Wallachian subjects was collecting only through the voivode, and consequently his subjects had to be protected against

<sup>107</sup> Mehmet, *Documente turc.*, I, doc. 21; Decei, *Imp. otoman*, 175.

<sup>108</sup> Most modern Romanian historians rejected strongly the idea of conquest of the Romanian principalities (see, P. P. Panaitescu, „De ce n-au cucerit turcii Țările Române,” in *Interpretări românești. Studii de istorie economică și socială*, ediția a II-a, ed. Șt.S. Gorovei și M. M. Székely, București, 1994, 111–9 (1<sup>st</sup> ed. in *Revista Fundațiilor Regale*, XI, 5, 1944; Maxim, *ȚRÎP*, 111–42 („De ce n-au cucerit Otomanii Țările Române”).

<sup>109</sup> Veliman, *Documente turc.*, doc. 93, 104, 107, 112, 140, 117, 118, 121, 127, 130, 141, 210 etc.

<sup>110</sup> In a petition of Ștefan Cantacuzino dated 1693–1715, one can read: *Eflak memleketi feth-i hâkâniden berü mirîsi maktû' olub* (Gemil, *Documente turc.*, doc. 205).

<sup>111</sup> *feth-i hakanîden berü memleket-i Boğdan'ın cizyesi maktû' olub* (Veliman, *Documente turc.*, doc. 61).

financial abuses of Ottoman authorities, one can read in a document of 25 March – 3 September 1759.<sup>112</sup> “Since the imperial conquest” was established the boundaries between Wallachia and other neighboring *sancaks*, e.g. Brăila (*Ibrail*), being forbidden also the intrusion of the latter’s inhabitants into Wallachian possessions.<sup>113</sup>

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<sup>112</sup> Veliman, *Documente turc.*, doc. 140.

<sup>113</sup> Gemil, *Documente turc.*, doc. 205.

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