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**LIVING TOGETHER IN A TOLERANT SOCIETY:  
NON-MUSLIM ARMENIAN CITIZENS AND LAW IN THE  
OTTOMAN SOCIETY: A CASE STUDY OF KAYSERİ\***

*HOŞGÖRÜ TOPLUMU'NDA BİRLİKTE YAŞAMAK: OSMANLI  
TOPLUMUNDA GAYR-İ MÜSLİM ERMENİ VATANDAŞLARI VE  
HUKUK: KAYSERİ ÖRNEĞİ*

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*“We have to face the fact that either all of us are going to die together or we are going to learn to live together and if we are to live together then we must talk”*

*Eleanor  
Roosevelt*

### **Abstract**

Tolerance occupying an important place in our cultural and civilized life is often described as overlooking the faults, respecting different ideas and cultures, and forgiving everything that is forgivable. However, nobody should have the right to act tolerantly on behalf of tolerance under the conditions where the law of others are in the foreground. As individuals, we may behave in an altruistic manner on the matters concerning us; nevertheless, within the concept of tolerance, it is not only wrong to assess the conceding of public rights to the individuals unilaterally, but it is also assessed as an offence committed against the society.

Relying on the Court Records of Kayseri this paper will examine non-Muslim Armenian citizens living in the Ottoman society and struggling for seeking their rights and their search for justice. It will also analyze how their desires for the issues causing complaints within the society are handled in the case study of Kayseri. Our objective is to bring out the concept of seeking and conceding justice concerning the problems that the people living in the Ottoman social life encounter; therefore, we aim to make a modest contribution to the settled and incorrect opinions on the matter whether at home or abroad by depending on the limits of the matter and making use of the methodology that science and scholars require within the historical framework of the concept of intercommunal tolerance and living together.

**Key Words:** Armenians, living together, tolerance, Ottoman society, Kayseri

### **Öz**

Kültür ve medeniyet hayatımızda önemli bir yer işgal eden hoşgörü çoğu zaman kusurlara göz yumma, farklı düşünce ve kültürlere saygı gösterme, affedilebilecek her şeyi affetme şeklinde tarif edilir. Fakat başkalarının hukukunun söz konusu olduğu bir yerde hoşgörü adına müsamaha gösterme, kimsenin hakkı olmamalıdır. Birey olarak bizler kendimize ait konularda fedakârlıkta bulunabiliriz; fakat kamu'nun hakkını kişilere tek taraflı olarak bağışlama hoşgörü içerisinde değerlendirmek yanlış olmakla kalmaz, o aynı zamanda topluma karşı işlenmiş bir suç olarak değerlendirilir.

Kayseri şer'iyye sicillerindeki kayıtlardan hareketle kaleme alınmış olan bu çalışma arşiv belgeleri/bilgileri ışığında yakın doğu devlet anlayışını kısa bir şekilde irdeledikten sonra çalışma konumuzun ilgilendiği kadarıyla Osmanlı toplumunda yaşayan gayr-i Müslim Ermeni vatandaşların hak arama mücadelelerini, adalet arayışlarını ve toplum içerisinde şikâyete konu olan hususlara yönelik isteklerinin nasıl ele alındığı konusunu Kayseri örneğinde incelemektedir. Bu araştırma ile Osmanlı sosyal hayatı içerisinde yaşayan insanların karşılaşmış oldukları sorunlar ile ilgili hak arama ve hakkı teslim etme anlayışını Müslim/gayr-i Müslim çerçevesinde ortaya koymak ve bu şekilde gerek yurt içi ve gerekse yurt dışında konu ile ilgili yerleşmiş yanlış kanaatlere konunun sınırları çerçevesinde bilimin ve bilim insanının ihtiyaç duyduğu metodolojiyi kullanarak toplumlararası hoşgörü ve birlikte yaşama anlayışının tarihi temelleri çerçevesinde mütevazı bir katkıda bulunmaktadır.

**Anahtar Kelimeler:** Ermeniler, Birlikte Yaşama, Tolerans, Osmanlı Toplumunu, Kayseri

### Introduction

Tolerance occupying an important place in our cultural and civilized life is often described as overlooking the faults, respecting different ideas and cultures, and forgiving everything that is forgivable. However, nobody should have the right to act tolerantly on behalf of tolerance under the conditions where the law of others are in the foreground. As individuals, we may behave in an altruistic manner on the matters concerning us; nevertheless, within the concept of tolerance, it is not only wrong to assess the conceding of public rights to the individuals unilaterally, but it is also assessed as an offence committed against the society.

During his speech in a scholarly event about "Hoşgörü ve Cumhuriyet", Toktamış Ates makes the following particular description of his on tolerance: *'Tolerance means to be able to remain tolerant and affectionate towards the person or people who have different opinions, beliefs, life-styles and point of views; in other words, this term means to allow the existence of the differences and another person or people; however, it is important to state what kind of endurance is this? It is not a kind of unwilling endurance like when you say 'Damn!'; in contrast, it means to tolerate by showing respect, love and affection.'*<sup>1</sup>

We have been so inspired by the communique which we called as Living Together in a Tolerant Society that it is possible for us to say that the most notable feature of the Ottoman Government in this sense is, of course, that it managed to administrate the nations belonging to three heavenly religions, speaking different languages and having distinct cultural backgrounds under its control for 620-odd years. The Ottoman rulers enabled the Muslim and non-Muslim people to practice their religious exercises and express their opinions freely in such a way that had not been experienced by any other contemporary countries. As a result of the concept of such a government and sovereignty, these rulers made it possible for the Christian and Jewish

<sup>1</sup>Toktamış Ates, "Hoşgörü ve Cumhuriyet", *Osmanlı'da Hoşgörü Birlikte Yaşama Sanatı*, Publications of The Journalists and Writers Foundation, Editor: Mustafa Armağan, p. 77.

citizens, who were living within the borders of this government, to maintain their lives in accordance with their religion.<sup>2</sup>

In his article on tolerance, Kirkor Damadyan, the Archbishop of the Armenian Church in Turkey, draws attention to the historical backgrounds of tolerance and living together in Turkish society by referring to the following historic words of Matheos from Urfa, an Armenian Historian, about Melikshah, Sultan of Great Seljuk Empire: *'The Sultan was quite affectionate towards the Christians. On his way to the towns, he had displayed fatherly attitudes towards the people in these towns. Barsef, the Catholicos of Armenians, went to Melikshah. The Catholicos said to him that the Christians were incited in some parts and the clergy (Ruhani) and the Church were forced to pay a tax. The Sultan complimented the Catholicos, whom he permitted to express his ideas before him. The Sultan; therefore, implemented all the desires of the Catholicos and exempted the Church, monastery and the clergy-men and clergy-women from the tax.'*<sup>3</sup>

The religious authority of the Armenian Patriarchate in the Ottoman administration extended in a directly proportional way to the expanding borders of the Government. The Patriarch of the Armenians in İstanbul became the religious leader of the Armenian community living in the conquered territories. The rulers maintaining their sovereignty after the reign of Sultan Mehmed the Conqueror allowed the the patriarchs to implement their tasks and authorities by the charters they had given. It is understood from the adjudications in the charters of the patriarchate that the Ottoman rulers did not interfere in the attempt of the Armenian community to improve religious and social life and in the matters of inheritance and family law within the community, yet permitted the non-Muslim Ottoman citizens to make use of the kadi's courts in the event that they wished. The patriarchs and their entourage were granted by the government with the exemptions such as *cizye* (*jizya*), *avâriz*<sup>4</sup> and the exemption of *tekalif-i örfiye*. This gives us another clear explanation that there was a respect and tolerance towards the clergy and the offices of Armenian community.<sup>5</sup>

<sup>2</sup>See Bahaeddin Yediyıldız, 'Osmanlı Hâkimiyet Anlayışı', *Doğuştan Günümüze Büyük İslam Tarihi*, Volume. XI, İstanbul 1989, p. 293 and the next pages.

<sup>3</sup>Kirkor Damadyan, *Osmanlı'da Hoşgörü Birlikte Yaşama Sanatı*, Publications of The Journalists and Writers Foundation, Editor: Mustafa Armağan, p. 176.

<sup>4</sup>On the Avâriz and its related literature see. SüleymanDemirci, "Avâriz and Nüzul Levies in the Ottoman Empire: A Case Study of the Province of Karaman, 1620s-1700" *Turkish Historical Society Belleten*, 70/258 (August 2006): 563-590; "Collection of avâriz and nüzul levies in the Ottoman Empire, 1620-1700", *Turkish Historical Society Belleten*, 69/256 (December 2005): 897-912; "Collectors of avâriz and nüzul levies in the Ottoman Empire. A case study of the province of Karaman, 1621-1700", *Turkish Historical Society Belleten*, 69/255 (August 2005): 539-565; "Complaints about avâriz assessment and payment in the avâriz-tax system: An aspect of the relationship between centre and periphery. A case study of Kayseri 1618-1700", *Journal of the Economic and Social History of the Orient JESHO* 46.4.(2003): 437-474; "Demography And History: The Value of The Avârizhâne Registers For Demographic Research: A Case Study of The Ottoman Sub-Provinces of Konya, Kayseri And Niğde, C.1620s-1700", *Turcica* 38 (2006): 181-211. Cf. also Süleyman Demirci, *The Functioning of Ottoman Avâriz Taxation*, The Isis Press, First Edition, İstanbul 2009.

<sup>5</sup>Damadyan, *Osmanlı'da Hoşgörü Birlikte Yaşama Sanatı.*, pp. 176-177.

### Complaints procedure and the role of the *kadı*

The *kadı*, whose office maintained these *sicils*, was the major link connecting the central government with the mass of its citizens. All major imperial orders on any matter sent out to the provincial districts were addressed to the *kadı*, including those intended for local military-administrative authorities. All were copied into these registers.

Any matter requiring official resolution, registration, verification, or adjudication was potentially the domain of the *kadı*. In the case of any dispute between groups of local people, or between the tax-paying population and government officials, it was the *kadı*'s duty to resolve the problem, and then to record the case into the *sicils*. The *sicils* therefore give first hand information on various problems, and contain highly valuable information on many aspects of daily life in Ottoman society.<sup>6</sup>

There are a lot of court records that took place in *kadı*'s courts and became a subject matter for the scientific studies concerning this matter.<sup>7</sup> Let's try to analyze a *court case* dated 1645 and registered in the *kadı*'s *defters* in Kayseri so that it can be a remarkable case for the art of living together. This case deals with the complaints of three men called Sefer veled-i Kanber,<sup>8</sup> Manas veled-i Yakup and Murad veled-i Migirdic, who were the inhabitants of Selaldi Quarter in Kayseri. These men went to the *kadı*'s court and put forward a claim before the *kadı* about Babuk veled-i Arizman, who did not pay the *avariz-related tax*. The plaintiffs stated in their complaints that Babuk veled-i Arizman was registered by the *surveyor* during the course of the new survey (*tahrir-i cedit*), they also added that he had a property in the quarter which was subjected to a tax; therefore, he was made to pay *avariz* taxes himself, but he refused to pay.<sup>7</sup> Thereupon Babuk veled-i Arizman was questioned by the *kadı* to learn whether the accusations were correct or not.

<sup>6</sup> On the *kadı* and the *şer'iyye sicilleri* see İlber Ortaylı, "On the role of Ottoman Kadi in provincial administration", *Turkish Public Administration Annual*, 3 (1976): 1-21 [Turkish version: "Osmanlı Kadısının Taşra Yönetimindeki Rolü Üzerine", *Amme İdaresi Dergisi*, 9/1 (1976), 95-107.]; Amy Singer, "Tapu Tahrir Defterleri and kadi sicilleri: a happy marriage of sources", *Tarih*, 1(1990): 95-125; Y J Seng, "The Ser'iyye Sicilleri of the Istanbul Müftülüğü as a source for the study of everyday life", *TSAB*, 15 (1991): 307-25; Türk Dünyası Vakfı publication, *Şer'iyye Sicilleri*, (vol 2, Istanbul 1988); Suraiya Faroqhi, *Approaching Ottoman History: An introduction to the sources*, (Cambridge University Press, Cambridge, 1999): 55-57. Particularly relevant for this study are the articles by Ronald Jennings, "Loans and Credit in early 17th Century Ottoman Judicial Records: the Sharia Court Records of Anatolian Kayseri", *Journal of the Economic and Social History of the orient*, 16 (1973): 168-216; "Limitation of the Judicial powers of the Kadi in 17<sup>th</sup> century Ottoman Kayseri", *Studia Islamica*, 1 (1979): 151-184; "Kadi court and legal procedure in 17<sup>th</sup> century Ottoman Kayseri", *Studia Islamica*, XLVIII (1978): 133-172; Süleyman Demirci, "Complaints about *avâriz* assessment and payment in the *avâriz*-tax system: An aspect of the relationship between centre and periphery. A case study of Kayseri: 1618-1700", *JESHO* 46.4.2003.

<sup>7</sup> The *Kayseri Ser'iyye Sicilleri* (KSS) are the Court Records of Kayseri. They are housed in the National Library in Ankara. Copies of these registers are available at the History of Kayseri and Its Vicinity Research Centre of Erciyes University in Kayseri, Turkey. In this paper, sources are cited in accordance with the classification number of the archives, i.e. KSS 279:5 means Kayseri *sicils* number 279, entry 5.

<sup>8</sup> In Muslim names, the son is designated by *bin*, while in non-Muslim names, it is called *veled-i*. *Bint-i* means the "daughter of". The word "oglu" also appear in the text. It means "son of".

Babuk veled-i Arizman explained the situation in details before the kadi and expressed that he was indeed obliged to pay the avariz tax and he was registered in the *avariz defters* of the quarter, yet omitted from the *defter* during the course of the new survey. He then explained before the central administration (in İstanbul) that his economic conditions were not so good. As a result of this, he was exempted from avariz taxes, and he explained in the kadi's court that he was registered as a '*merammetci*'<sup>9</sup> in order to be responsible for the maintenance and repair of the fountain built by El-hac Ahmed Celebi in Gebe Ilyas Quarter in Kayseri.

Babuk veled-i Arizman was then asked to prove whether there were any evidences indicating what he said was correct. Therefore, he presented the *fatwa* concerning the matter to the kadi as an evidence. Depending on the available evidences, it was adjudicated that Babuk was exempted from the *avariz* taxes as long as he remained as a '*merammetci*' and; as a result, the claims of the plaintiffs were over ruled by the court. What attracts me most in this case is that Babuk veled-i Arizman from Armenian community was exempted from the avariz taxes on the condition that he met the necessary things in the course of time for the maintenance and repair of the fountain which was built for the benefit of the public by El-hac Ahmed Celebi, who was a Muslim, undoubtedly.<sup>10</sup>

It is also important to touch upon the following words of Damadyan: '*first of all, the communities willing to maintain the relations between each other need to remember the positive events in their history.*' In this sense, considering the Turkish-Armenian relations that we witness in different aspects of social life, there are a lot of historical records to be evaluated and brought not only to the attention of the public but the scientific circles as well. Instead of allowing the events that took place in the history one way or another and afflicted the people on reciprocal terms to be in the foreground, it will be definitely useful to remember positive and constructive events.<sup>11</sup>

Depending on some court cases taken place in the Ottoman kadi's courts and the results of these cases and without having recourse to any political or ideological point of views, we will try to examine a matter that is perhaps not made to be in the foreground in quite a few admirable studies carried out related to the situation of non-Muslim Armenian citizens in the Ottoman society and that has occupied the agenda a good deal recently. Furthermore, in the line of the superiority of law, seeking and conceding justice, we will try to present the outcomes that we are going to obtain from the cases concerning the struggle for law that the Armenians living in Kayseri initiated in the early 1900s to the assessment of those interested in the matter.

The purpose of this brief evaluation is to assess how the people living in the Ottoman social life struggled for seeking their rights related to the problems that they encountered, and include this assessment within the concept of the Muslims and non-Muslims; thus, to make a minor contribution to the settled and incorrect opinions on the matter whether at home or abroad and to the intercommunal relations by depending on the limits of the matter and making use of the methodology that science and scholars require.

<sup>9</sup>A construction worker/a repairer/restorer of damaged or derelict buildings.

<sup>10</sup>See. Süleyman Demirci, "Complaints about *avâriz* assessment and payment in the *avâriz*-tax system: An aspect of the relationship between centre and periphery. A case study of Kayseri, 1618-1700", *Journal of Economic and Social History of the Orient*, 46.4, 2003, p. 470.

<sup>11</sup> Damatyan, *Osmanlı'da Hoşgörü Birlikte Yaşama Sanatı.*, pp. 177-178.

As is known, the government can only exist together with the presence of three elements. These are: the country, community, political and judicial organizations. The governmental power is exercised over the governed by means of the governing authorities.<sup>12</sup> At this point, a political and judicial organization has had the governmental power. A nation is a very large family with a lot of individuals. There should not be any differences between the love, affection, tolerance that the parents show towards their children and the feeling that the authorities of the government show towards the people they govern. There should also be no differences evoking a discrimination between the decisions that the jurists assigned in the criminal courts where the justice will be handled are going to make. Hence, the necessary attempt to be implemented is surely that there must be someone to support and maintain the existence of the people living alone, one way or another, in odd corners as social outcasts so that the executives in charge of the administration of the government can establish a real justice. In this sense, their duty is not only to help those exposed to injustice, but also to enable those causing injustice to be punished within the legal framework.

Depending on this context, let's examine the struggle of a non-Muslim woman for seeking her right whom we learn from the records of the Kadi's Court in Kayseri numbered 279 that she was left outside by her husband. Gülizar binti Karabet,<sup>13</sup> dwelling in Selman Quarter in Kayseri, was made to leave home by force by her husband, Hacı veled-i Yenos. Moreover, she was left in a difficult position because she was not paid any money so as to maintain her daily life. Therefore, she went to the Kadi's Court of Kayseri and sued against her husband for paying her an alimony and removing her grievance. The court investigating the case condemned Hacı veled-i Yenos to pay an alimony to his wife, Gülizar binti Karabet, on May 14<sup>th</sup>, 1903 before the witnesses, *Henri oğlu Serek* from Salar Quarter in Talas, and *Manuk oğlu Serkez* from İstanbul Quarter.<sup>14</sup>

A similar case is seen in Kicikapi Quarter in Kayseri. Duka oğlu Agop veled-i Hacı Karabet went to Konya to work on the railway line, but neglected his wife and children as far as it is seen from the document. For this reason, his wife, Marya binti Karabet went to the kadi's court to discuss the matter and complained about her husband who neglected and did not provide his wife and their three-year-old-son and daughters, Makabi (four years old) and Levapez (seven years old) with any financial support. Therefore, she wanted the matter to be solved with the help of the kadi. Thereupon the administrative and juridical office of the kadi called two people from Armenian community and knowing Agop veled-i Hacı Karabet to the court in order to have recourse to their information on the matter and learn whether the negligence of her husband resulted from his bad financial conditions or from his personal negligence. Both Incircioğlu Artin veled-i Agop dwelling in Eslempasa Quarter and Hamamcioglu Artiv veled-i Asvador in Tos Quarter declared in their statements in the court that they knew Agop veled-i Hacı Karabet and he could afford to support his family. As a consequence of these researches, Agop veled-i Hacı Karabet was condemned to pay an alimony to his wife on September 17<sup>th</sup>, 1903 so that he could remove the grievance of Marya binti

<sup>12</sup> Yusuf Oğuzoğlu, *Osmanlı Devlet Anlayışı*, Eren Publications, İstanbul 2000, pp. 10-24.

<sup>13</sup> See footnote 6 above.

<sup>14</sup> Kayseri Şer'iyye Sicili 279; Number of Document. 89, p. 102. Cf. also Rukiye Yörüker Akşit, *279 Nolu Kayseri Şer'iyye Sicili, H.1319-22/ M.1901-1904: Transkripsiyon ve Değerlendirme*, (Unpublished MA Thesis, Erciyes University, Kayseri, 1999).

Karabet and his children.<sup>15</sup> What draws attention here is that everybody exposed to any grievance trusted in the civil courts to seek and have their rights without any discrimination of nation and religion with the impartiality of Ottoman-Turkish law, and that they were able to attain what they requested as a result of their confidence in the court.

The third case includes a matter of buying and selling between Yakup Aga son of Abdalbaki and Armenian Mihran veled-i Kaspar, living in Kayseri. As far as reflected in local judicial records of Kayseri, the event occurs in this way: Mihran veled-i Kaspar, dwelling in Süleyman Quarter in Kayseri, sold 49 sacks of soap to Yakup Aga son of Abdalbaki in Sasik Islam Quarter. The weight of the purchased soap was expected to be 410 *batmans*<sup>16</sup> over the current unit of weight then. Yakup Aga paid Mihran veled-i Kaspar 10250 *kuruş* (or *piastre*) over the unit of currency used then. However, when Yakup Aga found out that the amount of the soap he had bought was less than the amount he paid, he informed Mihran veled-i Kaspar of the situation and demanded the return of money to himself which was paid more than needed. Yakup Aga expected Mihran veled-i Kaspar to reciprocate in a positive way; nevertheless, Mihran veled-i Kaspar was not interested in the matter. For this reason, Yakup Aga went to the kadi's court of Kayseri so that the matter could be overcome judicially; therefore, he sued Mihran veled-i Kaspar for the provision of the return of money to himself which was paid more than needed. He wanted the matter to be solved with the help of the administrative and juridical office of the kadi. After the official procedures were completed, the defendant and plaintiff were called to the kadi's court. The kadi wanted both of them to explain the course of this matter. By doing so, the kadi wanted to make sure whether the matter conveyed to the kadi as a subject of complaint and also the claims of Yakup Aga were correct or not.

Mihran veled-i Kaspar was defended by his lawyer, Varteris Oglu Bardenet veled-i Hacik, in the court. In his reply to the questions asked by the administrative and juridical office of the kadi, Mihran veled-i Kaspar confirmed that there occurred such a purchase and sell mentioned above between each other. In the meantime, we can start to think as in the following: The court identified the matter. The case is assessed considering the defendant and plaintiff and, as a result, the grievance of the aggrieved party is removed. However, based on the course of the events, we see that the situation is not as the one we are thinking of. Varteris Oglu Bardenet veled-i Hacik, the lawyer of Mihran veled-i Kaspar, objected to the kadi's court stating that this case was a matter of trade, and for this reason, the case should be dealt with in the '**Commercial Court**'. Hence, the kadi put an end to the case and decided that the court case should be dealt with in the '**Commercial Court**'.<sup>17</sup> We cannot follow the course of the subsequent events after the ones in the registers of local judicial records, but the most important issue, hereby, is that non-Muslim Ottoman Armenian citizens in Kayseri were provided with the freedom of utilizing jurisprudence including the superiority of law expressed continuously on different occasions today for the purpose of using their judicial rights when their interests were also in question besides making use of law without causing any concern of life and property.

The last matter is about another court case showing how good the friendship, tolerance and sincerity in the past between two societies were prior to being exposed to harm. After

<sup>15</sup> KŞS 279:109:125.

<sup>16</sup> Batman was a unit for measuring weight, equal to 7,692 kg.

<sup>17</sup> KŞS 279; 120:134.



examining this case, a person probably has the possibility to see again how right the scholars are in saying ‘**the last island of mankind**’ about this civilization.

Yozgatlı Oglu Aleksan veled-i Elhanek, from Armenian community and dwelling in Sınıkcı Quarter in Kayseri, borrowed 5 *Ottoman Liras (Lira-i Osmani)* from Bağcı oğlu Ahmed Aga on January 14<sup>th</sup> 1899 over the current unit of currency then; however, he died without being able to pay his debt.

Thereupon the debt in question was requested from his wife, Gülisna binti Simyon and his children by Ahmed Aga, but his wife and children were unaware of this debt, so they did not want to own this debt. Therefore, Ahmed Aga sued against Gülisna binti Simyon and her children in the kadi’s court in order to collect the money owed to him by means of the court and requested the money to be paid to himself with the help of the administrative and juridical office of the kadi. Thus, the defendants and plaintiffs were called to the court. Both sides were listened to about the matter. The defendant, Gülisna binti Simyon, declared in her statement to the court that she was unaware of her husband’s debt, but agreed that her husband was indebted as far as seen from the document presented to the court. In these circumstances, it was indispensable to say that the money would be collected immediately. However, Gülisna binti Simyon had 5 sons called Serkiz, Ohannes, Haykaz, Karbir and Artin, and a daughter called Haykanos. Because Artin, Haykanos and Karbir were very young, the lawyer Musahhar Muhyiddin getting permission to speak on behalf of them requested from the court that the payment in question be postponed until Artin, Haykanos and Karbir became an adolescent so that the family did not get aggrieved. On May 4<sup>th</sup> 1902, making the necessary assessments on the case, the court decided to postpone this payment in such a way that would be against Ahmed Aga until the adolescence of these children.<sup>18</sup>

Even though there are a lot of contrary cases, during the years of the occupation of İstanbul before Turkish National Movement, and in an environment where plenty of *Rums* incited Turkish hostility by causing rampages, Alerko Mandacı, a *Rum*, who was fond of justice and maintained a peaceful life in İstanbul for centuries under Ottoman concept of justice and tolerance, objected to the other *Rums* of his race, wandering his fez on his head and a rosary in his hand and saying: ‘**I was born under this fez, I will die under this fez.**’ His objection, hereby, appears as a sign of the art of living together in a different aspect.<sup>19</sup>

**In conclusion**, we, hereby, have given only a few cases, and as far as seen from the records, the Kadi’s Court of Kayseri constitutes a significant role in that the people did not encounter any religious or racial discrimination in the Ottoman society in terms of seeking justice and making use of law as in the case of Kayseri. As we see in the fourth case, although Ahmed Aga, lending money to a person from Armenian community and related to different religious belief, came from a nation representing the overwhelming majority of the society, his attempt to get the money owed to him by providing the collection of money failed. In this sense, the postponement of this payment until the adolescence of the non-Muslim Armenian children is one of the most trustworthy historical evidences displaying that tolerance and living together in

<sup>18</sup>KŞS 279; 2:5; More on this see also Süleyman Demirci, “Justice for all: Muslim and Non-Muslim Settling Disputes at the Kadi’s Court in Kayseri, c. 1900” Chronos: Revue d’Histoire de l’Université de Balamand, 14/2006: 67-76.

<sup>19</sup> Necati Güngör, *Bir Taşralının İstanbul Nostaljisi*, Yılmaz Publications., İstanbul 1992, p. 9.

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the Ottoman society have become a culture in social life. The citizens' having recourse to the courts concerning their judicial problems and finalizing these problems with permanent solutions is the selective quality of the concept of a government that is always in an attempt to progress.

Today, being able to find solutions for the problems of people will be only possible by the improvement of the conditions in the places where a civilization of love, affection and tolerance exists.

**To conclude** by using former U.N. Secretary General Kofi Anan's words on mutual understanding:

*"I see.. dialogue as a change for people of different cultures and traditions to get to know each other beter, whether they live on opposite sides of the world or on the same street"*

Another example of this kind comes from Eleanor Roosevelt (Wife of President Franklin Roosvelt):

*"We have to face the fact that either all of us are going to die together or we are going to learn to live together and if we are to live together then we must talk"*

Let me also bring your attention a Chinese proverb: It says *"A single conversation across the table with a wise man is beter than ten years' study of books."*

The improvement of the relations between Turkey and Armenia(s) and the conversion of these relations into their normal state are also our will. I am sure it would be pretty difficult to see it at work. Having said that however we do not have other way around to solve the problems. In order to maintain dialogue we have to respect each other's territorial dignities, and try to understand that we are living in a real world not in the history