

Corruption of a Social Institution From a Protective Family System to Servanthood

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Besleme uygulaması, zengin kimselerin, hem eğitmek ve korumak, hem de ev içi hizmet yaptırmak üzere, fakir aile çocuklarını anne-baba veya vasileri ile anlaşarak belli ücret karşılığında kiralamaları ve bu anlaşmayı kadiya tescil ettirmeleri esasına dayanır. İslam hukukunda kendine has özellikleri ile koruyucu aile-hizmetçi şeklinde düzenlenen uygulama, zamanla sosyal kurum haline dönüşerek, bazı dönemler kölelik kurumundan ziyade rağbet görmüştür. On dokuzuncu yüzyılda köleliğin yasaklanması, iç ve dış göçler ve yetersiz kurumsallaşma gibi çeşitli toplumsal sebeplerin etkisiyle, kurum koruyucu aile özelliğini yitirmiş ve gittikçe gelenekselleşerek kölelik kurumunun üstlendiği fonksiyonları yerine getirmeye başlamıştır. Bu aşamadan sonra, kız çocukların çeşitli şekillerde istismar edildiği ve emeklerinin sömürüldüğü bir sosyal sorun haline dönüşmüştür.

Anahtar kelimeler: Besleme, çocuklar, koruyucu aile, hizmetçi, ev içi hizmet, icar-ı sağır, tebenni

On the Concept of *Besleme*

In the eighteenth century, the word *besleme*¹ was defined as “domestic servant”,² while the verb *beslemek* (to feed) from which the word was derived was defined as “to feed someone, to provide one’s needs for subsistence”.³ In addition to the word *besleme* commonly used to refer to the institution, the words *kayı kıızı*, *beslek*, *görme*, *kızlık*, *emeksiz*, *beslengi* were also used in

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1 In my view, it would be better to use the original name since the institution has its peculiar characteristics. If I used the word *evlatlık* (adoptee), the best possible equivalent of the term, this could still cause misunderstanding. However, as its meaning suggests, it could be defined as “servant girl adopted at a young age both to be looked after and to be used in service”. Hereafter, it will be this very meaning to be referred.

2 *Dizionario Turgo, Arabo e Persiano* (Milano: Presso Luigi Nervetti Tipografo-Librajo, 1832), 72.

3 Yaşar Çağbayır, *Ötüken Türkçe Sözlük I* (Istanbul: Ötüken Neşriyat, 2007), 562; Pars Tuğlacı, *Okyanus Ansiklopedik Sözlük I* (Istanbul: Cem Yayınevi, 1983), 280.

Anatolia as traditional expressions.⁴ Although common male equivalents of the word included *ahiret evlatlığı*, *can evlatlık*, *manevi evlatlık* and *oğulluk*,⁵ the word *besleme* was sometimes used for boys as well in the pre-Tanzimat era.⁶ However, as a result of the social transformation that took place after the abolition of slavery, the word was confined to girls and defined as “a girl kept at home to work for peanuts”.⁷

The main reason behind the emergence of the institution was the prohibition of the longstanding tradition of classical adoption among the Arabs.⁸ In the pre-Islamic era, the Arab community had institutions that resembled the adoption practices around the world. In such practices, an adopted child was considered as a permissible intimate (*mahrem*) for the family members

4 Şerif Ali Bozkaplan, “Anadolu Ağzlarında Güzel Adlandırma Örnekleri,” *Turkish Studies: International Periodical For the Languages, Literature and History of Turkish or Turkic* 4/3, (Spring 2009), 385-390; Özhan Öztürk, *Karadeniz Ansiklopedik Sözlük I* (Istanbul: Heyamola Yayınları, 2005), 180.

5 BOA (Başbakanlık Osmanlı Arşivi), *NFS.d. (Nüfus Defterleri)*, no. 1143, 10,17; Abdurrahman Kurt, “Tanzimat Döneminde Koruyucu Aile Müesseseleri,” in *Sosyo-Kültürel Değişim Sürecinde Türk Ailesi II*, ed. Hakkı Dursun Yıldız (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu, 1992), 549-561.

6 In the Trabzon Population Register (*Trabzon Nüfus Defteri*) of 1834, a certain five-year-old Mehmed, who was living with the *muhtar* of the Şirin Hatun Mahalle was recorded as *besleme*. *NFS.d.*, no.1149, 64.

7 Andreas Tietze, *Tarihi ve Etimolojik Türkiye Türkçesi Lügatı I/A-E* (Istanbul-Wien: Simurg Yayınları, 2002), 223; James W. Redhouse, *Redhouse's Turkish Dictionary, English and Turkish and Turkish and English* (London: Bernard Quaritch, 1882), 30. The institution is often confused with the word *ahiretlik*. Implying larger and different meanings, the term *ahiretlik*, when used in the meaning of *besleme*, referred to “girls who are adopted and raised with the hope of good deeds in the afterlife (*ahiret*)”. As a result of the *hadith*, there emerged the colloquial term *ahiretlik* in the meaning of “investment for the afterlife, savior in the afterlife”. Particularly *besleme* children around the same age, who were adopted to look after young children, could also be made *ahiretlik* to each other. In this sense, it was established as a sub-category of the concept *besleme*. Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü I* (Istanbul: MEB, 1971), 30.

8 *The Holy Qur'an*, al-Ahzab, 33/4-5; There is a similar relation between *besleme* and *evlatlık* (adoptee) as is the case with the concept *ahiretlik*. Through a verbal decision, the servant girl brought home as *besleme* could usually end up with the status of an adoptee deprived of official rights. On the other hand, the terms *evladlık* and *kerime-i maneviye* were used for girls who could inherit property by a donation contract and *oğulluk* for boys. Edhem Veysi, *Besleme* (Samsun: Şems Matbaası, 1339), 23-25, 69; BOA, *A.MKT.UM (Sadaret Mektubi Kalemi Umum Vilayet Belgeleri)*, no. 392/50; The pejorative connotations of the word *besleme* led families to use the term *evlatlık*, which implied a softer meaning, which brought about the replacement of the latter with *besleme* over time. Bülent Davran, “Bir Sosyal Davamız: Beslemelerin Hukuki Durumu,” *Sosyal Hukuk ve İktisat Mecmuası 2* (October 1948), 51.

and an heir of the adopter and legally accepted as a child of the family.⁹ After these types of adoption were forbidden by the Quranic verse “Nor has He made your adopted sons your sons. Call them by their fathers: that is juster in the sight of Allah. But if ye know not their father’s names, (then they are) your brothers in faith, or your friends”,¹⁰ adoption practices based on the principle of blood child disappeared and were replaced by the institutionalized practice of protective family without bringing about any relationship of permissible intimacy (*mahremiyet*) and inheritance.¹¹

The institutionalization process is closely related to the *ijtihad* (jurisprudence) process of Islamic jurists. In particular, the *fatwas* issued about young children and servants at the time of Islamic jurists such as Numan ibn Thabit, Muhammad ibn al-Hasan al-Shaybani, Ya’qub ibn Ibrahim al-Ansari, and Muhammad ibn Idris al-Shafi‘ both led to the institutionalization of the practice and to the merging of the protective family system with servant status.¹²

Legal Rights of a *Besleme*: Working for Peanuts

Observed as a social institution in Ottoman social life, the *besleme* institution is a practice devoid of legal implications of adoption. Therefore, although certain documents refer to *tabanni* in relation to the concept of *besleme*, it differs from the practice of *tabanni* prohibited in the Qur’an.¹³ Since Islamic law put a ban on the institution of adoption, neither can adopted children be heirs to their adopters; nor can they be named after their biological

9 Ülker Gürkan, “Evlad Edinme ve Beslemelerin Hukuki Durumu,” in *Türk Hukuku ve Toplumuna Üzerine İncelemeler*, ed. Adnan Güriz and Peter Benedict (Ankara: Türkiye Kalkınma Vakfı Yayınları, 1974), 170-171; Ferhunde Özbay, *Türkiye’de Evlatlık Kurumu: Köle mi, Evlat mı?* (Istanbul: Boğaziçi Üniversitesi Yayınevi, 1999), 6-7.

10 *The Holy Qur’an*, al-Ahzab, 33/4-5.

11 *The Holy Qur’an*, al-Kahf 18/82; an-Nisa 4/2-6; al-Duha 93/6-8; Kurt, “Tanzimat Döneminde,” 548-567; Hamza Aktan, “İslam Aile Hukuku,” in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi* II, ed. Hakkı Dursun Yıldız (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu, 1992), 397-433.

12 *Ansiklopedik İslam Fıkhu (Fetavay-ı Hindiyeye)* IX, trans. Mustafa Efe (Istanbul: Akçağ Yayınları, 2005), 426-443; see Vecdi Akyüz, “Aile Siyasetine Dair Risale (er-Risâle fi’s siyâseti’l-menziyye),” in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi* III, ed. Hakkı Dursun Yıldız (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu, 1992), 906-917; Ömer Nasuhi Bilmen, *Hukuk-ı İslamiye Kamusu (İstilahât-ı Fıkhiyye Kamûsu)* III, ed. Hayrettin Yücesoy et al. (Ankara: Gündüz Yayıncılık, 1996), 62-63.

13 Hayrettin Karaman, *Mukayeseli İslam Hukuku* I (Istanbul: Nesil Yayınları, 1978), 339.

fathers.¹⁴ An adopter can bequeath all of his property to an adoptee only if he has no other heir and one third of his property if he has other heirs. As a result, children living with protective parents were not bequeathed directly through adoption; instead, bequest in the form of donation has been preferred as a commonly used method.¹⁵ Furthermore, due to reasons concerning permissible intimacy, *beslemes* placed with a family would stay with them until puberty in theory and until the age of discretion in practice, marrying and leaving them when the term expires, whether they were converts, poor, parentless, and orphan or kept under the status of a servant.¹⁶

Over time, the institution was intertwined with the legal status of a servant. Under Islamic law, if a woman is afraid of living in a remote house around evil neighbors, her husband has to provide a companion for her at her wish. According to Maliki jurists, if either the husband or the wife is rich or if the husband is occupying a high position and it would not be appropriate for his wife to render domestic services, then he needs to hire one or more domestic servants. Shafi'i and Hanbali jurists argue that the husband needs to hire a servant if his wife is ill or old. The servant has to be a woman, a girl slave, a man who lacks virility, a relative, or a child, for whom it would be permissible to look after a non-*mahram* woman. The person hired as a domestic servant could also be a non-Muslim child. Although hiring an adult woman was also considered as permissible, it was not preferred particularly because it was difficult to comply with the rules of permissible intimacy in crowded surroundings. Furthermore, a wealthy man is obliged to pay for the maintenance (*nafaka*) of a slave, concubine or child serving his wife, an amount that at least equalled the maintenance money to be paid to a poor woman.¹⁷ In addition to these special terms, girls were more commonly preferred in practice due to reasons such as the will to observe the rules of *mahremiyet*

14 *KJD (Kastamonu Jurnal Defteri)*, I, 92a, h.4; it was found out in the Population Registers that this rule was observed. BOA, *NFS.d.*,no.1143, 10-17; Osman Çetin, *Sicillere Göre Bursa'da İhtida Hareketleri ve Sosyal Sonuçları (1472-1909)*, (Ankara: Türk Tarih Kurumu Basımevi, 1994), 88-89.

15 BOA, *A.DVN (Divan Kalemi Defterleri)*, no.104/4; the father had the right to right to retract the donation as long as he is alive. For further information, see Saffet Köse, "Hibe," *DİA (Diyanet İslam Ansiklopedisi)* XVII (İstanbul: Türkiye Diyanet Vakfı, 1998), 421-425.

16 Ahmed Midhat, "Firkat," *Letâif-i Rivayât*, (İstanbul: 1287), 34; "Evlat Edinme," *DİA* XI (İstanbul: Türkiye Diyanet Vakfı, 1995), 27-29; Hamza Aktan, "İslam Aile Hukuku," in *Sosyo-Kültürel Değişme Sürecinde Türk Ailesi* II, ed. Hakkı Dursun Yıldız (Ankara: T.C. Başbakanlık Aile Araştırma Kurumu,1992), 423.

17 *Fetaway-ı Hindiyi* IX, 435-443; Bilmen, *Hukuk-ı İslamiye* V, 258-263.

(permissible intimacy) in the family and the spiritual merit (*savab*) of looking after a girl.¹⁸

Dispatch of a child by his/her parent to live with another family is governed by a legal process that could be termed as procedural steps. First, the child's maintenance should be covered by his/her father or grandfather.¹⁹ The child will have to live on his/her own income or property if s/he has it and if the *qadi* rules so.²⁰ If the child does not own any property and the father is poor, then, upon his/her reaching the age of discretion, the father may let the child out on hire to cover for his/her maintenance and clothing.²¹ A child let out on hire by his/her parent or guardian may cancel the hiring contract if s/he reaches puberty during the term of the contract. The contract terms have to be honored before puberty.²²

A child may, through a hiring contract, be let out on hire to another individual or personally hired by his/her father, grandfather, guardian, and *qadi*, respectively. As the child's custodians, father and grandfather have authority over both his/her body and property.²³ If a child does not have custodians with such close relations, then guardians who act as his/her protectors such as brothers, uncles, and mothers may also exercise the same rights; however, if s/he has guardians of first degree, other guardians can only act to protect the child's person and property.²⁴

A child's income belongs to him/herself, even if s/he works upon the permission of his/her custodian. Maliki, Shafi'i and Hanbali jurists endorsed spending a part of an orphan's income only to meet his/her subsistence in case his/her custodian or guardian lacks the necessary means. Yet, there exists consensus upon the provision that the custodian or guardian is not allowed to spend the child's property and income if he enjoys his own property or is wealthy.²⁵ Hanafi jurists, on the other hand, note that a guardian can by no means spend any part of an orphan's property and income.²⁶

18 Bilmen, *Hukuk-ı İslamiye* III, 62-63.

19 *Kur'ân-ı Kerim*, Bakara, 2/233.

20 *Fetavay-ı Hindiye* IX, 441.

21 *Fetavay-ı Hindiye* IX, 442-443; Bilmen, *Hukuk-ı İslamiye* V, 256.

22 *Fetavay-ı Hindiye* IX, 442.

23 Aktan, "İslam Aile Hukuku," 427; Abdurrahman el-Ceziri, *Dört Mezhebin Fıkıh Kitabı* V, trans. Hasan Ege (Istanbul: Bahar Yayınları, 1981), 49-91.

24 *Fetavay-ı Hindiye* IX, pp. 363-366, 441-442; Bilmen, *Hukuk-ı İslamiye* V, 256.

25 Köse, "Hibe," 148-152.

26 Köse, "Hibe," 150; for detailed information about custodian (*veli*) and his rights, see el-Ceziri, *Dört Mezhebin Fıkıh Kitabı* V, 49-91.

The maintenance money to be paid to a child should be enough to meet his/her basic needs.²⁷ The father or whoever hires the child is obliged to keep the sum remaining from the maintenance money, which is spent for the child's basic needs, until s/he reaches puberty.²⁸

It was regarded as a must to conclude a contract and virtuous to write it down in order to protect the rights of a parentless and poor child.²⁹ A contract could also be a verbal one. In a hiring contract, one should write down the duration or at least, the type of the job.³⁰ It is possible to annul a contract at the beginning of the specified time frame as duration is laid down in contracts in months or years. For a hiring contract to be valid, the parties must be authorized to conclude the contract, the contract must be concluded in the presence of witnesses or in public, and the child must at least be at the age of discretion.³¹

Certain provisions were also laid down with regard to the child's working conditions. A child may be hired for non-hazardous tasks suitable for his/her gender and physical condition.³² In line with the provisions, girls were commonly hired for domestic services. The main purpose in hiring a child should be to prepare him/her for life, to teach him/her manners and to train him/her for a specific vocation. In this regard, children and particularly boys may also be hired for unpaid work; yet, it is forbidden for people other than the guardians of a child to let him/her out on hire for unpaid work after reaching the age of discretion. If he does so, the child himself or his attorney has the right to demand payment even after s/he reaches puberty.³³ Since wage was considered as a way to protect the rights of a child, paying him/her under a hiring contract was not disapproved, and various provisions were even laid down to protect the right in question.

27 Bilmen, *Hukuk-ı İslamiye* III, 62.

28 *Fetavay-ı Hindiye* IX, 442; Celal Erbay, *İslam Hukukunda Küçüklerin Himayesi* (İstanbul: Rağbet Yayınları, 1998), 200; Bilmen, *Hukuk-ı İslamiye* V, 255.

29 "İcare," *DİA XXI*, (İstanbul: Türkiye Diyanet Vakfı, 2000), 379-388.

30 Bilmen, *Hukuk-ı İslamiye* V, 255; *Fetavay-ı Hindiyye* IX, 364.

31 For detailed information, see "İcare," 379-388; *Fetavây-ı Hindiyye* IX, 362.

32 Erbay, *İslam Hukunda*, 200.

33 *Fetavay-ı Hindiyye* IX, 442. Two *fatwas* on the issue are as follows. "Question: Hind makes little Zeyneb work for free for a certain period, and spends for her in return for service during the period in question. May Zeyneb demand her wage when she grows up? Answer: Yes, she can". *Ceride-i İlmiye Fetvaları*, ed. İsmail Cebeci (İstanbul: Klasik Yayınları, 2009), 43; BOA, *DH.MKT Dahiliye Mektubi Kalemi*, no. 2568/15. For another example, see BOA, *DH.MKT*, no.361/29; Kınalızade Ali Çelebi, *Ahlâk-ı Alâî*, ed. Mustafa Koç (İstanbul: Klasik Yayınları, 2007), 390-393.

Beslemes in Legal Texts

In the Ottoman society, children enjoying certain legal qualifications were placed with families as *beslemes*. The group of children most commonly placed with families included abandoned, poor, fatherless and motherless children below the age of seven, with whom it was impossible to conclude a contract of “infant hiring” (*icar-ı sağır*). If a custodian has difficulty in meeting the subsistence needs of a child in a large family, he has the right to send his child away to live with wealthy or cultivated families so that s/he can be raised in better circumstances.³⁴ Families admitting children as such often covered the children’s maintenance for free. Such practices also intended to “teach morals” is exemplified by Ahmed Midhat Efendi’s work titled *Felsefe-i Zenan* (*Women’s Philosophy*). Fatma Hanım, a former neighbor of Fazıla, a learned and cultivated woman, asked her to educate her seven-year-old daughter and upon the death of the child’s mother Fatma Hanım one and a half years later, Fazıla adopted her.³⁵

Another more exceptional group consisted of children exposed to maltreatment by their stepmothers. Due to such abuses common among stepmothers, it became a common practice to give away children as *beslemes* at a young age.³⁶ For instance, Aziz Nesin’s mother was adopted as a result of her mother’s behaviors.³⁷

The state could place Muslim children with Muslim families in order to take the child away from his/her former environment and ensure an Islamic education for him/her within a family starting from a young age. Since the *qadi* enjoyed the right of *velayet-ı amme* (public authority) on behalf of the child, he could send free and slave converted children living with non-Muslim parents to live with Muslim families.³⁸ For instance, Todoriçe born to Hüdaverdi, who converted to Islam in Bursa in 1842, was placed with his uncle Şakir, who had previously embraced Islam.³⁹ In cases involving children below the age of seven considered as the age of discretion, when it was

34 M.Ertuğrul Düzdağ, *Şeyhülislam Ebusuud Efendi Fetvaları* (Istanbul: Enderun Kitabevi, 1983), 35.

35 Ahmed Midhat, “*Felsefe-i Zenân*,” *Letâif-i Rivayât* (Istanbul: 1287).

36 Ferhunde Özbay, “1911-1922 Yıllarında Anadolu’nun Kimsesiz Kız Çocukları,” in *Savaş Çocukları: Öksüzler ve Yetimler*, ed. Emine Gürsoy Naskali and Aylin Koç (Istanbul: Kırmızı Yayınları, 2003), 109.

37 Aziz Nesin, *Böyle Gelmiş Böyle Gitmez-Yol*, I, (Istanbul: Adam Yayınları, 1982), 54-55; for another example about the same question, see Edhem Veysi, *Besleme*, 18.

38 Maverdi, *el-Ahkâmü’s-Sultaniyye*, trans. Ali Şafak (Istanbul: Bedir Yayınevi, 1976), 74.

39 Çetin, *Sicillere Göre Bursa’da*, 92-93; Kurt, “Tanzimat Döneminde,” 552.

ill-advised to separate a child from his/her parents, the *qadi* could allow the child to stay with his/her non-Muslim parents until s/he reached the “age of obligation”. However, after the expiry of the term, converted children were taken away from their non-Muslim parents to live with Muslim families as *beslemes*. The legal nature of such cases was explained in *Mülteka*, a sort of manual for Ottoman courts, as follows:

“Question: Jewish Hind is keeping Amr, her young son born to Muslim Zayd, his husband who divorced her; and Amr reaches the age of seven when he is able to understand religion (*taakul-ı din*); and the little boy has no relatives in Zayd’s Muslim family; and there is the risk of his conversion to another religion; and the judge decrees that the boy shall live with Bakr, a devote Muslim; does Bakr have the right to take the little child away from Hind and keep the child to educate him? Answer: Yes, he does”.⁴⁰

In opposite cases, it was forbidden for a non-Muslim to take a *besleme* after the age of discretion in order to prevent a Muslim slave or child from converting. Yet, non-Muslims were still allowed to take them until the age of seven, i.e. the age of discretion.⁴¹

Poor children could also be placed with others by an agreement of “infant hiring”.⁴² The system that entailed a step-wise legal process was based on the principle that children of poor families at the age of seven, i.e. the age of discretion, were hired in return for a certain sum by agreeing with their parents or custodians, an agreement which was registered by the *qadi*.⁴³ The wealthy family accepting the child with his/her custody promised to meet his/her subsistence until the young child became self-sufficient, and this was recorded in the court register by a written contract. Nevertheless, the rights of custody alienated to the new families of *beslemes* were not the same as the rights of custody enjoyed by his/her biological parents. Biological parents would follow up on the child for long years to come, meet him/her often if

40 İbrahim-i Halebî, *İzahlı Mülteka el-Ebhur Tercümesi*, II, trans. Mustafa Uysal (Istanbul: Uysal Yayinevi, 1968), 170; similar practices applied to boys as well. For further information, see Çetin, *Sicillere Göre Bursa’da*, 92-94.

41 BOA, *DH.MKT*, nr.392/7; Düzdağ, *Şeyhülislam Ebusuud Efendi*, 94; *BŞS (Bursa Şe’iye Sicili)*, no.3044, p. 26, h.2; Çetin, *Sicillere Göre Bursa’da*, 95; Robert Mantran, *XVI. ve XVII. Yüzyılda İstanbul’da Gündelik Hayat*, trans. Mehmet Ali Kılıçbay (Istanbul: Eren Yayıncılık, 1991), p.113; Rifat Özdemir, *XIX. Yüzyılın İlk Yarısında Ankara* (Ankara: Kültür ve Turizm Bakanlığı Yayınları, 1986), 128.

42 *TŞS (Trabzon Şer’iye Sicili)*, no.2105, p. 13, h.2.

43 Pakalın, *Osmanlı Tarih Deyimleri* I, 30.

s/he lived nearby and take him/her back in case of inconvenience. The supervisory responsibility for *beslemes* lay in the children's biological parents instead of the state, while the state recognized their right of appeal to official authorities.⁴⁴ In a relevant case, Zehra Hanım of Edirne petitioned to the Ministry of the Interior to investigate the whereabouts of her daughter, whom she had given up as "foster child" six years before since "she could not receive any news as to whether she was alive".⁴⁵

Such contract texts are commonly found in court registers. Such documents specified the reason for giving away a poor child as "since I am poor and in need and lack the physical and financial means to meet my basic needs" and the form of paying the maintenance money as "to promise to meet the basic needs of young Mehmet for free until he reaches the age when he can meet them by himself", which depended upon individual disposal instead of state's decision.⁴⁶ The contracts clarify the rights and powers of "the young child's biological father-custodian" and his/her father who enjoyed the right to let him/her out on hire; the fact that the contract was concluded by an attorney who was "authorized to endorse the procedures" –as was often observed in the documents–; and that the child had reached the age of discretion at the time, as a requirement for hiring the child. The contract went on to explain the purpose of issuing the document as "to serve in the house and to discipline and educate"; the fact that a part of the wage would be kept by the family to be paid back to the child as s/he leaves them "to keep and guard"; and that a part of the wage would be spent for the child's maintenance as "allowance for his/her basic needs, clothing and other vital needs". By noting "s/he has no property at all", it also makes clear that the child has no property to spend, which was a precondition to let him/her out on hire. Furthermore, this is confirmed by the custodian's statements that "I lack the means to meet her basic needs", "I am in need" or as put in some of the documents, "I suffer from financial hardship", all implying that the custodian cannot afford to maintain the girl's subsistence. If these two preconditions are proven to be as stated in the document, the *qadi* lets the child on hire for his/her maintenance; otherwise, he opts for either spending the child's property or placing on the father the responsibility of maintaining him/her. "Authorization to employ him/her within the limits stipulated by the law", as stated in the contract, indicates

44 BOA, *DH.EUM.AYŞ (Asayiş Kalemi Belgeleri)*, no.13/27; BOA, *DH.MKT*, no.2568/15.

45 BOA, *DH.MKT*, no.2570/106.

46 *BŞS*, no.3072, p. 44, h.3.

that the child would be employed in accordance with the working conditions established by Islamic law.⁴⁷

Child Labor in Domestic Services

The institution of *besleme* found for itself a wide spectrum of practice in Ottoman social life, as was the case in earlier Islamic societies. In the classical period, the *devşirme* system, which could be defined as the practice of placing *acemi oğlanları* (novice boys) under the service of Muslim families so that they could receive an Islamic education, had an obvious impact on the spread of the *besleme* institution. Providing important information about the functioning of the *devşirme* institution by the end of the seventeenth century, A. Bobovius touches upon the close relations developed between *acemi oğlanları* (novice boys) and the families by observing that “what mainly leads them to live among Turks is such friendships that are forged in the court and maintained until death under normal circumstances. Their adopting fathers (*ahiret babası*) treat them so well just as their biological father do in their own homes”.⁴⁸

The *besleme* institution per se is first mentioned in the *fatwas* during the reign of Mehmed the Conqueror in relation to its earlier applications. The *fatwas* of Şeyhülislam Ebussuud Efendi, which reflect Ottoman social life, contain information that points out to the functioning of the institution and its different forms.⁴⁹ Certain referential works such as *Ahlak-ı Alai* (*Highest Morals*) and *Mevâ'idü'n-nefâis fi-kavâidi'l-Mmecalis* (*Tables of Delicacies Concerning the Rules of Social Gatherings*), books on family in the Ottoman period which clearly and extensively influenced various social strata, also had direct effects upon the popularization and institutionalization of the practice.⁵⁰

Still, contract texts recorded in court registers can be found starting from early dates. In an exemplary document, in the year 1601-1602, Ümmet

47 TŞS, no.2107, p. 131, h.3; TŞS, no.2108, p. 50, h.3.

48 Albertus Bobovius *ya da Santuri Ali Ufki Bey'in Anıları: Topkapı Sarayında Yaşam*, trans. Ali Berktaş (İstanbul: Kitap Yayınevi, 2009), 71-72.

49 Düzdağ, *Şeyhülislam Ebussuud Efendi*, 35,120; concerning the impressions of European observers, see Solomon Schweigger, *Sultanlar Kentine Yolculuk (1578-1581)*, trans. Türkis Noyan (İstanbul: Kitap Yayınevi, 2004), 201-202.

50 Kınalızâde Ali Çelebi, *Ahlâk-ı Alâî*, 393; Gelibolulu Mustafa Ali, *Mevâ'idü'n-Nefâis Fi-Kavâ'idü'l-Mecâlis*, ed. Mehmet Şeker (Ankara: Türk Tarih Kurumu Basımevi, 1997), 169-183.

bin Kaya in Ankara applied to the *qadi* on account of not being able to maintain his young daughter, whom he gave away as a domestic servant until the age of marriage.⁵¹ Wages vary depending on the servant child's age. By the end of the sixteenth century, a young girl servant was paid annually 250 *akçes* in Ankara, while wages paid to grown-up servants were as high as 600-700 *akçes*.⁵² A study on the eighteenth-century Salonika noted that using servants cost less than purchasing slaves.⁵³

The institution found practice among various social classes from the court to the provinces. In the Ottoman social structure, court traditions were first applied by the statesmen in the capital, and later imitated by provincial administrators, and finally by common people.⁵⁴ Among the daughters of Sultan Murad IV, Rukiye Sultan had a *besleme* called Zeyneb⁵⁵ and Esmâ Sultan's *besleme* was called Absib Hanım.⁵⁶ Since slaves and concubines could also be kept as *besleme* and adopted as children, infertile couples or widows would manumit child slaves and adopt them as *beslemes*, which was also a common practice. Bezmialem Sultan was also a slave adopted by Mısırlı Hanım, daughter-in-law of Muhammad Ali of Egypt.⁵⁷ Other adopted *besleme* girls included Nedime adopted by Fatma Hanım, wife of Colonel (*Miralay*) Numan Bey,⁵⁸ and Dilber by Mustafa Seyfi Pasha.⁵⁹

The practice was popular both with its aspects of protective family and servant. Aşçı Mustafa gave away "Şükriye, his ten-year-old sister whom he brought to Istanbul to give away for adoption" as a *besleme* on 18 March

51 For an extensive discussion on the issue, see Suraiya Faroqhi, *Osmanlı'da Kentler ve Kentliler*, trans. Neyyir Kalaycıoğlu (Istanbul: Tarih Vakfı Yurt Yayınları, 2004), 341-342. In her evaluation of the document, Faroqhi remarks that the custodian gave up all his rights and the girl now totally depended on the good will of her new family, which, given the legal process, seems as an exaggerated and misleading evaluation.

52 Faroqhi, *Osmanlı'da Kentler*, 341-343.

53 Eyal Ginio, "Living on the Margins of Charity: Coping with Poverty in an Ottoman Provincial City", in *Poverty and Charity in Middle Eastern Contexts*, ed. Michael Banner, Mine Ener and Amy Singer (Albany: NY: University of New York Press, 2003), 173-175.

54 İsmail Parlatır, *Tanzimat Edebiyatında Kölelik* (Ankara: Türk Tarih Kurumu, 1992), 14-15.

55 BOA, *TS, MA.d (Topkapı Müzesi Arşivi)*, no.10395; for the case of adopting a slave as a child, see Lucy M. Garnett, *The Women of Turkey and Their Folklore II* (London: D. Nutt, 1891), 409-411.

56 BOA, *A.MKT.NZD (Sadaret Mektubi Kalemi Nezaret ve Devair Kataloğu)*, no.317/56.

57 Garnett, *The Women of Turkey II*, 409-411; the wife of *Mirliva* (Colonel) Ahmed Pasha adopted two black girls as *beslemes*. BOA, *HR.MKT (Mektubi Kalemi Belgeleri)*, no.272/76; BOA, *HR.MKT*, no.279/52.

58 BOA, *MVL (Meclis-i Vala Riyaseti Belgeleri)*, no.859/54.

59 BOA, *A.MTZ(04) (Sadaret Eyalet-i Mümtaze Bulgaristan Evrakı)*, no.18/87.

1917.⁶⁰ Lola, who was given as a *besleme* to Ömer Bala in Shkodër,⁶¹ the *besleme* adopted by Hacı Manço in Tarnovo,⁶² the *besleme* of the sister of Muhacir Selim in Sinop,⁶³ and adoption of Hanife, daughter of Hacı Abdullah, a municipal carpenter in Istanbul, as a *besleme*,⁶⁴ all these records indicate that the practice was extensively applied in a large landscape extending from Rumelia to Egypt and Sinop.

In ways similar to Islamic law, Christian families also gave away young girls and particularly orphans to live with wealthy families as adoptees or *beslemes* and help with light domestic tasks, under the condition that their expenses for food and clothing would be covered by the adopting family. There was a widespread use of *beslemes* among non-Muslim urban high-middle-class merchants, craftsmen, bureaucrats, and officials. For instance, Domince Valo, daughter of Mavro Yani (Ioannis Mavrokordatos), the Voivode of Bogdan, also adopted many *beslemes*.⁶⁵ Also, a boyar who served the Wallachian Voivode had two *beslemes* and three servants.⁶⁶ Non-Muslims from various social classes including Sarraf (money-dealer) Metenez in Ortaköy,⁶⁷ Tiyatrocu (theater-owner) Naum,⁶⁸ Mirim Koli Efendi attorney in Büyükada (Prinkipo),⁶⁹ grocer Dane of Štip,⁷⁰ Março Kasta in the village of Gorince⁷¹ and Captain Dogmor in Rhodes all hired *beslemes* of their religions.⁷²

At times, Christians did not pay their *beslemes*; instead, the families gave them presents in the New Year or festivals, usually prepared marriage chests and gave them a small dowry when they reach an age to marry,⁷³ finding for them a clerk or craftsman as a husband. Greek girls were often employed as domestic servants in Armenian homes. Poorer Armenian girls were not that willing to work in other people's houses when compared to Greek girls. And

60 BOA, *DH.EUM.AYŞ*, no.13/27.

61 BOA, *BEO (Bab-ı Ali Evrak Odası)*, no.2841/213021.

62 BOA, *A.MKTUM*, no. 229/12; BOA, *MVL*, no.218/88; BOA, *MVL*, no.222/22.

63 BOA, *MVL*, no.502/97.

64 BOA, *DH.MKT*, no. 2570/106.

65 BOA, *C.ADL (Cevdet Adliye)*, no. 2/109.

66 BOA, *C.MTZ (Cevdet Eyalet-i Mümtaze)*, no. 20/988.

67 BOA, *HR.MKT*, no. 279/84.

68 BOA, *MVL*, no. 839/127; BOA, *MVL*, no. 980/23; BOA, *C.ADL*, no. 53/3230.

69 BOA, *Y.PRK.ŞH (Yıldız Perakende Evrakı Sadaret Maruzatı)*, no. 3/98.

70 BOA, *TFR.I.KV (Rumeli Müfettişliği Kosova Evrakı)*, no. 59/5851; BOA, *BEO*, no. 599/44887; BOA, *HR.TO (Tercüme Odası Belgeleri)*, no. 246/26.

71 BOA, *TFR.I.SL (Rumeli Müfettişliği Selanik Evrakı)*, no. 40/3984.

72 BOA, *HR.TO*, no.263/33; BOA, *DH.MKT*, no. 2423/118; BOA, *DH.MKT*, no.2516/10.

73 *Cihaz akçesi* (dowry money) refers to the money used in preparing for marriage.

a small number of poor Bulgarian girls living in cities preferred to work as servants.⁷⁴

Between the end of the nineteenth century and the early twentieth century, the institution fell into decay among Christians, losing its original functions. Poor girls from the Princes' Islands and around the Marmara would travel to work in the homes of rich Greek families in Istanbul "to work as a *besleme* for a few years so that they could earn their dowry money", but only fifteen percent could return to their countries. The rest ended up as prostitutes in Istanbul, while a great majority of those managing to return to their homelands had difficulty in adapting to their communities due to their behavioral changes. In the face of such disadvantages, the people decided with the church "not to allow any girls to leave for Istanbul to work as *beslemes* anymore", a decision which was only partially effective.⁷⁵

Reliable archival sources on the institution are more abundant in the nineteenth century. One of the most significant among such sources are the population registers. We cannot know the rate of using *beslemes* and concubines as the Ottoman census of 1834 did not record any information about the female population. However, by examining the 1834 Trabzon Population Register which provides information about the male population living Trabzon and the vicinity, we could arrive at some conclusions.⁷⁶

Covering the villages of Yomra, Akçaabat, and Trabzon, Trabzon Population Register lacks any record of "oğulluk (adopted son), *evladlık* (adoptee), *besleme* and *servant*", except for a few in rural areas.⁷⁷ The use of *beslemes*, domestic servants, *oğulluks*, and adopted children were more common in Trabzon and district centers, when compared to the villages. One could easily see that there was a labor flow from villages to district centers. Of the male slaves recorded as *ghulam*, a total of nine lived in the city center while only one was in the Yomra area. In the neighborhood of İskender Paşa, Hacı

74 Lucy M. Garnett, *The Women of Turkey and Their Folklore* I (London: D. Nutt, 1890), 53-54, 213-214, 307-308.

75 Ahmed Midhat Efendi, *Müşahedat*, ed. Necat Birinci (Ankara: Türk Dil Kurumu Yayınları, 2000), 139.

76 *NFS.d.*, no. 1149, p. 64. In population registers, the term *oğlu* (son of) was also interchangeably used with *hafidi*. Likewise, similar words such as *tebası*, *hizmetçi*, *oğulluğu*, *hizmetkar*, *evladlık* were alternatively used for *besleme*. *NFS.d.*, no. 1143.

77 In a relevant example, a certain nomad, Sofuoğlu Mehmed son of Hüseyin from Sürmene, adopted orphan Hasan son of Mehmed as his servant in the village of Cicera. *NFS.d.*, no.1149, p. 324.

Osman bin Mehmed had two sons, but still adopted a five-year-old İbrahim⁷⁸ and Mollaömeroğlu Ali bin Ömer from the Cicera village in the central district had five sons but adopted nine-year-old İsmail as their “oğulluk”.⁷⁹ Similarly, forty-year-old Sadullah bin Ali adopted two boys of the ages of ten and twelve as his *oğulluks*, even though he had a five-year-old son.⁸⁰ Except for a few records, most of those adopting *oğulluks* had their own sons, which indicates that these children were not adopted by families due to childlessness.⁸¹ Young children were often adopted because they were parentless and abandoned and for the purpose of using their labor. This possibility is strengthened by the fact that young children were described as “orphans” in the registers, where orphans were recorded as *hizmetçisi Yetim Ali oğlu Ali*.⁸² Many families were recorded to have more than a few *oğulluks*, adoptees, indicating that these people were considered as labor. The number of servants younger than fifteen by far exceeded the number of grown-up servants. Those who hired children as servants were often rich people living in urban centers such as *imams*, *muhtars*, merchants, *müderrişes*, *emins*, *ayans*, and *sipahis*.⁸³ *Ayan* families such as Şatırzade, Kalcızade, Gümrükçüzade, and Mısırlızade were the most prominent among the families that used both grown-up and young servants, slaves, and adopted children.⁸⁴ The use of multiple domestic servants in a single home was also common in urban centers. Some of the children hired as servants were employed in commercial fields.⁸⁵

The statistical data is available for the years 1885 and 1907, when the censuses counted the female population as well. F. Özbay, who studied the rates of using slaves, servants, and adopted children in these years, found that although the number of adopted children was lower than that of slaves and concubines in the 1885 register, it was tripled in 1907, which he attributed to the abolition of slavery. The use of slaves and concubines was almost halved during the same period. Özbay went on to say that adoptees purchased in twos and threes for mansion houses also served as concubines in the sense of “odalisques”.⁸⁶ Even though the author’s impression that the use of adoptees and servants rapidly increased after the abolition of slavery was correct,

78 *NFS.d.*, no.1149, p. 176.

79 *NFS.d.*, no.1149, p. 81, 282, 317, 323.

80 *NFS.d.*, no.1143, p. 10, 17.

81 *NFS.d.*, no.1149, p. 269.

82 *NFS.d.*, no.1149, p. 122,130,138,173,188.

83 *NFS.d.*, no.1149, p. 1,334, 267.

84 *NFS.d.*, no.1149, p. 1,144.

85 *NFS.d.*, no.1149, p. 80.

86 Özbay, *Türkiye’de Evlatlık Kurumu*, 16-17.

this conclusion is incomplete, given the earlier population registers. The rich records about slaves, servants, *oğulluks*, and *beslemes* in 1834 Population registers indicate that the slave culture previously co-existed with a widespread and rich servant-*besleme* culture.

Since a combined look at the data in population registers and the documents in found court registers will allow us to arrive at important conclusions, it will be useful to study the documents in Trabzon court registers. From the available documents, one could obtain information about the relation networks between villages and cities and between the provinces and the capital, social positions occupied by adopters, socioeconomic status of the families giving their children away, the legal framework of the contracts concluded, and the wages paid. A significant number of adoptee and *besleme* records are found in Trabzon court registers and archival documents for various periods. Almost all the documents studied mention the poverty of the children and their parents as the purpose of concluding the contract. This is usually explained by the following and similar remarks: “has no parents and relatives... has no property at all... is in need... I cannot afford the basic needs of the young child”.⁸⁷

As is demonstrated by Trabzon court registers, there was a population flow from rural areas to Trabzon and Istanbul, while archival documents reveal a flow from small provincial towns to medium-sized provincial cities and Istanbul. As for the rate of those hiring children, Istanbul ranked the first and Trabzon the second. There was an influx from villages to cities in other places in Anatolia and Rumelia. Child labor often flowed to the rich mansions in the capital, where children were employed for domestic services and its purpose was explained as “to serve in the house, to to raise and educate and teach morals”.⁸⁸ Adopting families were authorized to employ the children “hired and submitted along with their guardianship”⁸⁹ “within the limits of

87 *TŞS*, no.2107, p. 57, h.4; *TŞS*, no.2107, p. 33, h.1; *TŞS*, no.2107, p. 40, h.1; *TŞS*, no.2107, p. 23, h.4; *TŞS*, no.2107, p. 39, h.6; *TŞS*, no.2107, p. 33, h.2; *TŞS*, no.2107, p. 99, h.5; *TŞS*, no.2107, p. 131, h.4; *TŞS*, no.2107, p. 131, h.3; *TŞS*, no.2096/2, p. 135, h.1; *TŞS*, no.2096/2, p. 141, h.4; *TŞS*, no.2096/2, p. 142, h.1; *TŞS*, no.2108, p. 27, h.4; *TŞS*, no.2108, p.94, h.4; *TŞS*, no.2108, p.94, h.3; *TŞS*, no.2108, p.27, h.3; *TŞS*, no.2108, p.130, h.2; *TŞS*, no.2105, p.13, h.2; *TŞS*, no.2103, p.4, h.2; *TŞS*, no.2097, p.46, h.5.

88 *TŞS*, no.2096/2, p.135, h.1; *TŞS*, no.2096/2, p.141, h.4; *TŞS*, no.2096/2, p.142, h.1; *TŞS*, no.2108, p.27, h.4; *TŞS*, no.2108, p.94, h.4; *TŞS*, no.2108, p.94, h.3; *TŞS*, no.2108, p. 27, h.3; *TŞS*, no.2108, p. 130, h.2; *TŞS*, no.2107, p. 33, h.1; *TŞS*, no.2107, p. 23, h.4; *TŞS*, no.2107, p. 39, h.6; *TŞS*, no.2107, p. 33, h.2; *TŞS*, no.2107, p. 131, h.4; *TŞS*, no.2107, p. 131, h.3; *TŞS*, no.2105, p. 13, h.2; *TŞS*, no.2103, p. 4, h.2; *TŞS*, no.2097, p. 46, h.5.

89 *TŞS*, no.2096/2, p. 135, h.1; *TŞS*, no.2096/2, p. 141, h.4; *TŞS*, no.2096/2, p. 142, h.1; *TŞS*, no.2108, p. 27, h.4; *TŞS*, no.2108, p. 94, h.4; *TŞS*, no.2108, p. 94, h.3; *TŞS*, no.2108, p. 27, h.3;

law”.⁹⁰ Many families hired more than one child. The individuals hiring the highest number of children were Mürşide Hanım, wife of Mehmed Kadri Bey –Governor of Trabzon– who hired four girls, and Nesime Hanım, who hired two girls.⁹¹

Hired children were collected from the vicinity of Tonya, Trabzon, Maçka, Yomra, Gümüşhane, Vakf-ı Kebir, Sürmene, and Ordu. Tonya ranks the first with 10 hired children⁹², many of which were found in the village of İskenderli in particular. Except for a single case, all children were recruited from villages. The child in this exception, who was hired through a contract concluded with herself in the center of Trabzon, had recently migrated from a village. This contract is a good example of contracts concluded with the children themselves and is distinguished by its term stipulating “hiring and submitting my labor to my employer in return for a fee”. Thus, Aişe binti Mehmed, who was older than 15 at that moment, concluded the contract at her own wish.⁹³ Keloğlu Yahya from the village of Çıkanoy in Maçka district and Genç Alioğlu Hasan from the village of Dikne in Yomra gave away their daughters as *beslemes* to the same individual living in Istanbul.⁹⁴

Children were most commonly hired by their fathers in the capacity of *veliyy-ı mücbiri*, who were followed by their mothers, brothers and guardians. Fatherless children could only be hired by certain individuals based on a specific legal procedure. This procedure was applied by Mahmud and İbrahim, who gave away their sister Cebe Fatıma; and by Aşçı Mustafa, who gave away his sister Şükriye. In another incident, Aişe Hatun binti Ramazanoğlu Halil let out Fatma on hire upon the death of her father. In a similar case taking place in Trabzon; Zekiye, the daughter of Karabektaşoğlu Arif –a prisoner from Tonya–, was given away as a *besleme*.⁹⁵ In another case, a girl named

TŞS, no.2108, p. 130, h.2; TŞS, no.2107, p. 33, h.1; TŞS, no.2107, p. 23, h.4; TŞS, no.2107, p. 39, h.6; TŞS, no.2107, TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2105, p. 13, h.2; TŞS, no.2103, p. 4,h.2; TŞS, no.2097, p. 46, h.5.

90 TŞS, no.2107, pp. 98-99, h.7; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 27, h.3; TŞS, no.2108, p. 130, h.2; TŞS, no.2105, p. 13, h.2; TŞS, no.2096/2, p. 141, h.4; TŞS, no.2103, p. 4, h.2.

91 TŞS, no.2108, p. 27, h.4; TŞS, no.2108, p. 27, h.3; TŞS, no.2108, p. 94, h.4; TŞS, no.2108, p. 94, h.3.

92 TŞS, no.2108, p. 94, h.3; TŞS, no.2097, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 99, h.1; TŞS, no.2107, p. 57, h.4; TŞS, no.2107, p. 58, h.2.

93 TŞS, no.2105, p. 95, h.1.

94 TŞS, no.2107, p. 131, h.3; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 39, h.6.

95 TŞS, no.2097, p. 46, h.5.

Zehra was let out on hire by Genç Alioğlu Salih bin Hasan, and “it was testified by witnesses that she had no parents and relatives and he was her uncle and custodian”.⁹⁶ Only in Novi Pazar in Rumelia, a Christian family gave away their daughter to a wealthy Muslim agha.⁹⁷

Assigning an attorney for legal procedures in a court also represents the agency system. An attorney who shares the responsibility to a certain extent could guarantee on behalf of his client that he would meet the contractual requirements and thus, sign the contract.⁹⁸ In unofficial agency procedures, agents were often old women in the neighborhood.⁹⁹ Although there is no record indicating that agents were officially paid, one cannot rule out the possibility that some illegal interests were involved. Such agents assuming legal responsibilities through the power of an attorney were provincial officials holding important posts¹⁰⁰ such as *sandık emini* (cashier of the government), *müdde-ı umumi muavini* (deputy public prosecutor), servant, *istinaf mübaşiri* (usher in the court of appeals), *mektubi kalemi ketebesi* (clerk at the registrar’s office), and *ticaret reisi* (president of the chamber of commerce). Only in one record, a girl was hired through the power of attorney by Sakıb Efendi on behalf of his granddaughter Nesime Hanım, the daughter of Raif Pasha, living in a mansion house in Istanbul.¹⁰¹ Village councils of elders were also authorized to let out parentless children on hire on behalf of their custodians, a power which was exercised in a number of cases. All of the four girls hired for Mürşide Hanım living in Istanbul were procured by Mehmed Ziya Efendi, serving as *mektubi kalemi ketebesi*.¹⁰²

Individuals hiring servants included bureaucrats, statesmen and military officers in the capital and provinces, who belonged to the middle

96 TŞS, no.2107, pp. 98-99, h.7; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 27, h.3; TŞS, no.2108, p. 130, h.2; TŞS, no.2105, p. 13, h.2; TŞS, no.2096/2, p. 141, h.4; TŞS, no.2103, p. 4, h.2.

97 BOA, MVL, no.945/59.

98 TŞS, no.2107, p. 33, h.1; TŞS, no.2107, p. 58, h.2; TŞS, no.2107, p. 99, h.1.

99 Ahmed Midhat Efendi, *Müşahedat*, 138.

100 TŞS, no.2108, p. 94, h.4; TŞS, no.2108, p. 130, h.2; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 27, h.3; TŞS, no.2107, p. 40, h.1; TŞS, no.2107, p. 33, h.1; TŞS, no.2107, p. 39, h.6; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2105, p. 13, h.2; TŞS, no.2096/2, p. 141, h.4; TŞS, no.2103, p. 4, h.2; TŞS, no.2097, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1.

101 TŞS, no.2107, pp. 98-99, h.7.

102 TŞS, no.2108, p. 27, h.4; TŞS, no.2108, p. 94, h.3.

and high classes. These include the wives and daughters of member of the Council of State (*Şura-yı Devlet*), staff brigadier general (*erkan-ı harbiye mirlivası*), inspector (*müfettiş*), examining clerk at the Council of Accounting (*Divan-ı Muhasebat mümeyyizi*), *kaimmakam*, marine major (*bahriye binbaşısı*), member of the Ministry of Finance (*Maliye Nezareti azası*), legal counsel (*hukuk müşaviri*), member of the Military Council (*Meclis-ı Harbiye azası*), ambassador and reserve unit commander (*redif kumandanı*) in the capital; and *defterdar*, *naib*, governor and gendarme clerk (*jandarma katibi*) in the provinces.¹⁰³ All of the children hired in Trabzon were aged between for and five. 7-12 was the age group in which children were most commonly hired. All hired children were girls.¹⁰⁴ Some children were specifically hired for young girls. As a requirement of the *besleme* rules in practice, boys were hired for males and girls were hired for females, a rule which was carefully observed.¹⁰⁵

A child placed with a family as a servant or *besleme* was paid a certain sum termed as *nafaka* (maintenance) in return for his/her labor. In practice, maintenance money was the underlying principle in the system. Therefore, children were paid only to feed them and meet their expenses of clothing, food and basic needs depending on the economic conditions of the period. Such expenses involved “basic needs and vital needs like clothing”.¹⁰⁶

Annual contracts were concluded in two cases, while monthly hiring was preferred in all of the rest. Children around the age of ten were paid about 30 *guruş*, a sum slightly raised to 50 *guruş* for fifteen-year-old children. To make a generalization, around one-third of the wage was kept by the family

103 TŞS, no.2108, p. 94, h.4; TŞS, no.2108, p. 27, h.3; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 130, h.2; TŞS, no.2107, p. 40, h.1; TŞS, no.2107, p. 131, h.3; TŞS, no.2107, p. 102, h.3; TŞS, no.2107, p. 23, h.4; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 131, h.4; TŞS, no.2105, p. 13, h.2; TŞS, no.2103, p. 4, h.2; TŞS, no.2097, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1; TŞS, no.2096/2, p. 141, h.4.

104 TŞS, no.2107, p. 40, h.1; TŞS, no.2107, p. 102, h.3; TŞS, no.2107, p. 23, h.4; TŞS, no.2107, p. 39, h.6; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 130, h.2; TŞS, no.2108, p. 27, h.3; TŞS, no.2105, p. 13, h.2; TŞS, no.2103, p. 4, h.2; TŞS, no.2097, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1; TŞS, no.2096/2, p. 141, h.4.

105 Kurt, “Tanzimat Döneminde,” 554-555.

106 TŞS, no.2107, p. 57, h.4; TŞS, no.2107, p. 131, h.3; TŞS, no.2107, p. 131, h.4; TŞS, no.2107, p. 99, h.5; TŞS, no.2107, p. 39, h.6; TŞS, no.2107, p. 102, h.3; TŞS, no.2107, p. 33, h.2; TŞS, no.2107, p. 23, h.4; TŞS, no.2108, p. 27, h.4; TŞS, no.2108, p. 94, h.3; TŞS, no.2108, p. 94, h.4; TŞS, no.2108, p. 130, h.2; TŞS, no.2108, p. 27, h.3; TŞS, no.2105, p. 13, h.2; TŞS, no.2096/2, p. 141, h.4; TŞS, no.2103, p. 4, h.2.

“for safekeeping”¹⁰⁷ and “to keep and guard” for the child.¹⁰⁸ The sum was retained by the family to be used as *cihaz akçesi*, as traditionally termed. Although the wages paid to children varied with age, wealth and inflation, such differences were inconsiderable. Only Marangoz Hacı Abdullah gave away her sister Hanife as *kerime-ı maneviye* in 15 liras, which he kept himself. Even though it was a common rule to record the witnesses in contracts, some contracts were preferred to be concluded “without producing any witnesses”.¹⁰⁹

Transformational Power of Social Events

Ensured that children could be raised and educated in a family setting, the institution of *besleme* underwent some changes influenced by certain social developments.

The principal reason for this transformation was the abolition of slavery. In Ottoman social life, the use of female slaves was widespread in mansions, villas and houses particularly owned by high and middle class people.¹¹⁰ Concubines obtained by various means were often purchased as “odalisques” in the harems of rich people, and some were used as domestic servants.¹¹¹

Filling a substantial gap in labor supply, slavery gradually started to disappear from the second half of the nineteenth century, first upon the sultan’s wish, and later under the pressure of European public opinion. An imperial decree (*irade*) issued by Sultan Abdülmecid in 1847 prohibited the trading of black slaves and the slave market in Üsküdar was abolished the same year.¹¹² More effective measures were taken and certain laws were enacted in later years to make slave trade more difficult, resulting in its final demise.¹¹³

107 TŞS, no.2108, p. 94, h.4; TŞS, no.2108, p. 94, h.3; TŞS, no.2107, p. 40, h.1; TŞS, no.2107, p. 102, h.3; TŞS, no.2107, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1.

108 TŞS, no.2105, p. 94, h.2; TŞS, no.2097, p. 46, h.5; TŞS, no.2096/2, p. 142, h.1.

109 TŞS, no.2107, p. 111, h.5.

110 For detailed information about the legal status of slaves and captives in Islamic law, see Nihat Engin, *Osmanlı Devletinde Kölelik* (Istanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 1998), 22-30,89-99.

111 M.A. Ubicini, *Osmanlı’da Modernleşme Sancısı*, trans. Cemal Aydın (Istanbul: Timaş, 1998), 360-361; G.A. Olivier, *Travels in the Ottoman Empire, Egypt and Persia*, Vol. I and II (London: Longman and O. Rees, 1801), 111-123.

112 BOA, *C.ML (Cevdet Maliye)*, no.3177; BOA, *İ.HR (İrade Hariciye)*, no.1888; BOA, *İ.DH (İrade Dahiliye)*, no.1858; Ahmed Lûtfi Efendi, *Vak’anüvis Ahmed Lûtfi Efendi Tarihi VIII*, tr. Yücel Demirel (Istanbul: Yapı Kredi Yayınları, 1999), 133-134.

113 Pakalın, *Osmanlı Tarih Deyimleri I*, 554.

Abolition of slavery, an institution that met the society's need for domestic labor, created a great gap in the society. The society sought for alternative solutions, and right at this moment, the institution of *besleme* gained prominence as a critical solution. However, treatment of *beslemes* as servants was the result of a gradual process. The servant function assumed by the institution of slavery was imposed on *beslemes*, a process that started in the last quarter of the nineteenth century in parallel to the abolition of the institution, and was fully established in social life with the Second Constitutional Era.¹¹⁴ Until the mid-nineteenth century, the institution remained in the foreground with its protective aspects in the form of protective family-servant; and was transformed into servant or servant-protective family upon the abolition of slavery. In Istanbul, slave labor was completely replaced by *beslemes*, servants or adoptees; thus, the abolition of slavery not only changed the meaning assigned to *beslemes* in the capital, but also lent impetus to this type of labor.¹¹⁵ In the provinces, on the other hand, there was always greater demand for *besleme* labor as opposed to slave labor, highlighting the aspect of protective family. Nevertheless, the demand for *beslemes* in the capital turned the Anatolian and Rumelian provinces into a labor market, so the provinces also assigned a similar meaning to the institution, which was similar to what it meant in the capital.

The Anglo-Ottoman Treaty dated 25 January 1880 and the Brussels Conference of 1890 introduced the necessity for black slaves travelling with their owners as servants to keep *şehadetnames* (a document of proof), and if they failed to produce the document, the slaves would automatically be free, a provision leading families to official servant contracts.¹¹⁶ To avoid penalties for charges of slave trade, families chose to register labor through servant contracts. It was probably this fear which caused the lack of any entry for *cariyes* (concubines) in the 1907 Census, while Istanbul Population Registers of 1885 contained records of *cariyes*.¹¹⁷ This process was accelerated by the

114 Ömer Şen, *Osmanlı'da Köle Olmak* (Istanbul: Kapı Yayınları, 2007), 187.

115 Ömer Şen, "19. Yüzyılda Osmanlı Devleti'ndeki Köle Ticaretinde Kafkasya Göçmenlerinin Rolü," *Toplum ve Ekonomi* 6 (Mayıs 1994), 171-192.

116 EHUD R. TOLEDANO, *Osmanlı Köle Ticareti 1840-1890*, trans. Y. Hakan Erdem (Istanbul: Tarih Vakfı Yurt Yayınları, 1994), 196; According to Article 1 of the Treaty, the female and male slave shall obtain a document indicating the reason why s/he is travelling with his/her master, as well as his/her age and other distinctive characteristics. GÜLNIHAL BOZKURT, "Köle Ticaretinin Sona Erdirilmesi Konusunda Osmanlı Devletinin Taraf Olduğu İki Devletlerarası Anlaşma," *OTAM* 1 (1990), 44-77.

117 ÖZBAY, *Türkiye'de Evlatlık Kurumu*, 16; MUZAFFER ESEN, "Besleme," in *İstanbul Ansiklopedisi* V, (Istanbul: İstanbul Ansiklopedisi ve Neşriyat Kollektif Şirketi, 1961), 2556.

practice of turning slaves into *beslemes*, which was gradually becoming widespread. Yet, the state managed to prevent greater and more serious social unrest by totally abolishing slavery, as was in the case of the Hedjaz Revolt.¹¹⁸ In later years, slave trade continued to a certain extent under the name *besleme*, despite the ban on slavery and penalties.¹¹⁹

The transformation process of the institution was further accelerated by migrations resulting from successive wars particularly in the last quarter of the nineteenth century and the first quarter of the twentieth century, just in the process of the abolition of slavery. The first development that initiated the process is the Circassian migration which became regular in the 1850s under Russian pressure, but took on a mass character following the Crimean War.¹²⁰ Slavery and similar practices commonly adopted among Circassians not only helped the acceleration of the institution of *besleme*, but also further complicated the problem.¹²¹

The death of a large number of adults during migrations as a result of epidemics, breakup of many families in the ensuing turmoil, and loss of contact among family members all increased the number of orphan and parentless children. The state saw in the institution of *besleme* a way to prevent parentless children from suffering and being traded as slaves. During the migration, parentless boys were placed in military schools and *esnaf* institutions, while girls were given as adoptees to demanding families by Immigration Commission (*Muhacirin Komisyonu*). Since such agreements were often concluded through indistinguishable practices resembling slavery contracts, certain cases involved incidents that could be considered as selling girls.¹²² Probably as the first example of mass distribution of girls to houses by the state, this practice¹²³ was also influential in the establishment of the tradition of selling girls. Initiated by the Circassian migration, this policy would be sporadically implemented in the internal and external migrations in later periods as a conscious, effective, and necessary strategy.

118 Özbay, *Türkiye'de Evlatlık Kurumu*, 12.

119 Abdullah Martal, "19. Yüzyılda Kölelik ve Köle Ticareti," *Tarih ve Toplum* 121 (Ocak 1994), 18; Şen, *Osmanlı'da Köle Olmak*, 209; Özbay, "1911-1922 Yıllarında Anadolu'nun Kimsesiz Kız Çocukları," 108; Şen, "19. Yüzyılda Osmanlı Devleti'ndeki Köle," 182.

120 Toledano, *Osmanlı Köle Ticareti*, 151-153.

121 Abdullah Saydam, "Esir Pazarlarında Yasak Ticaret: Hür İnsanların Satılması," *Toplumsal Tarih* 28 (Nisan 1996), 43-49.

122 BOA, *BEO*, no.190, p. 265,281; BOA, *İ.DH*, no.20689.

123 Şen, *Osmanlı'da Köle Olmak*, 176-177; Özbay, *Türkiye'de Evlatlık Kurumu*, 11.

In addition to the abovementioned reasons, migrations resulting from frequent wars prevented taking effective measures in the form of institutionalization in the Ottoman Empire, as happened elsewhere in the world, which forced the state to come up with a solution by traditional methods. The practice of *besleme* was also extensively applied in greater mass migrations caused by the Russo-Ottoman War of 1877-1878, Tripoli War, Balkan Wars, and the First World War, which took one after another place not long after Circassian migrations. Given that the immigrant population coming from the Balkans and the Caucasus to Anatolia and Thrace in this period approximately numbered one million,¹²⁴ one could easily estimate high number of hungry, miserable, unprotected and parentless children.¹²⁵ The martyrs dying in these unending wars left behind an increasing number of orphans and parentless children with the number of orphans reaching 100,000 at one point. Only about 11,680 of these orphans could be accommodated in 65 orphanages,¹²⁶ while there were humble efforts to look after the rest in boarding schools and by traditional ways.¹²⁷ An order issued by the Cabinet (*Meclis-i Vükela*) on 12 September 1920 informed that the Ministry of Finance could not cover the expenses and ordered the ministries of the Interior (*Dahiliye*), Finance, and Education (*Maarif*) “to send the girls in the orphanage to suitable families as adoptees and carry out this distribution in a rapid fashion so that the heavy expenses of girls’ orphanage could be halved”.¹²⁸

The Ottoman Empire established a fundamental organization but failed to raise their number to a sufficient level. A letter sent by the Poor House (*Darülaceze Müdüriyeti*) to the Ministry of the Interior (*Dahiliye Nezareti*) on 31 January 1907 proposed “to send widows and adolescent girls to the houses of people looking for domestic servants and to send the children in nursery to those wishing to adopt children”. The letter justified the proposal by stating the following purposes: “to save them from idleness, ensure that they get accustomed to working and are paid for their service; both to prevent unnecessary expenses to be incurred by the institution and to make room

124 Özbay, “1911-1922 Yıllarında Anadolu’nun Kimsesiz Kız Çocukları”, 105-118.

125 Ebubekir Sofuoğlu, “Osmanlı Devletinde Yetimler için Alınan Bazı Sosyal Tedbirler”, in *Savaş Çocukları: Öksüzler ve Yetimler*, ed. Emine Gürsoy Naskali and Aylin Koç (Istanbul: Kırmızı Yayınları, 2003), 49-50.

126 *Meclis-i Âyan Zabıtları* I, 42 (31 Kanûn-ı Sâni 1334), 120-126; *Meclis-i Âyan Zabıtları* I, 26 (14 Şubat 1334), 392; Nafi Atuf, “Talim ve Terbiye: Bizde Darüleytamlar,” *Türk Yurdu*, 151 (1 Kanûn-ı Sâni 1334).

127 Sofuoğlu, “Osmanlı Devletinde Yetimler,” 49-58.

128 BOA, MV, no.220/85; BOA, DH.İ.UM (*Dahiliye Nezareti İdare-i Umumiye Evrakı*), no. 19-19,1/37.

for other people in need". The Ministry of the Interior allowed the fees to be distributed among children "by demanding documents guaranteeing their return to the institution, not anywhere else".¹²⁹ However, General Directorate of Security (*Zabtiye Nezareti*) expressed certain reservations, when the Ministry of the Interior stipulated that "records should be kept for the women and girls given away by the institution as domestic servants and adoptees as required by the directorate and the adopters should inform the directorate once in every six months and police investigation should be conducted about the children who are not brought for control at the expiry of the term" to avoid any unfavorable circumstances.¹³⁰ These decisions were effectively implemented at times of peace, but careful inspections could not be maintained in the chaos of wars. A document dated 1921-1922 stressed the need for demanding official documents from those wishing to have servants or adoptees, conducting relevant investigations, ensuring that their financial means are sufficient, and observing the rule of demanding guarantors.¹³¹ These distributions carried out by authorized institutions upon the permit of the Ministry of the Interior were influential in forging a traditional perspective toward the institution of *besleme*.

If we add Muslim and non-Muslim children left parentless as a result of internal migrations to the already high number of immigrants' children and war orphans arriving in the Empire, it will be clear for anyone to see the extent of the problem the state was faced with. In particular, the ruptures experienced in such distribution periods led to the emergence of a state that was similar to the distinction between classical and modern taking shape in various imperial organizations in the institutionalization of social aid as well, resulting in complete traditionalization of the protective family system, which had existed for centuries among the public in a conventional form.

Conclusion

Based on the Islamic law, *beslemes* were adopted by rich families for various purposes such as to be protected, educated to fulfill the familial role they would serve in the future, and to work as domestic servants and nannies.

129 BOA, *DH.MKT*, no.2704/97; BOA, *DH.İ.UM*, no. 19-19,1/37; BOA, *MV (Meclis-i Vükela Mazbataları)*, no. 220/85.

130 BOA, *DH.MKT*, no.2718/13; BOA, *DH.MKT*, no. 2704/97; BOA, *ZB (Zabtiye Nezareti Belgeleri)*, no.329/106.

131 BOA, *DH.UMVM (Umur-ı Mahalliye-i Vilayat Müdüriyeti Belgeleri)*, no. 119/19.

Religious conversion was also among these purposes. In this respect, it also served the *devşirme* system. At this stage, the aim was not simply protecting poor and orphan girls any longer; the primary aim was now to raise Muslim individuals who embraced Turkish traditions for the society.

Under the influence of various social factors such as abolition of slavery in the nineteenth century, internal and external migrations, and the lack of institutionalization, the institution lost its protective family aspect; gradually traditionalized; and started to fulfill the functions assumed by the institution of slavery. After this point, the classical protective family system disappeared as a part of the system, turning into a social problem, in which girls' labor was exploited.

During this transformation process, the rich slave culture found in the Ottoman society was applied to the servant culture, while categorizations and the concepts referring to the institution were used in exactly the same way in some cases.

One can see the two sides of the coin given the functions of this institution which filled an important gap. R.E. Koçu summarizes the positive role played by the *besleme* institution in Ottoman society as follows: "They welcomed with open arms so many poor boys and girls who ended up living in the streets with bare foot and no proper clothing, at a loss to know what to do after being neglected by ignorant parents and suffering in the hands of cruel stepmothers; provided them with dowry, capital, jobs, and occupations; and created family homes for them." In this observation, the author is referring to the classical structure of the institution.

The same author describes its negative aspects as well: "The energy in the young body of a parentless, unsupported, poor child is ruthlessly exploited in the daily living cycle of a household and these poor children are worked to death with the flattest and thinnest of mattresses placed in the worst part of the house and leftovers served to them. Not to mention the patronizing attitudes, harsh talk, scolding, and beating".¹³²

In the face of such disadvantages, various legal arrangements were made to inspect the institution during the last period of the Ottoman Empire, an effort which however failed.

132 "Evlatlık", in *İstanbul Ansiklopedisi X* (Istanbul: İstanbul Ansiklopedisi ve Neşriyat Kollektif Şirketi, 1971), 5411-5413.

As a result of the institution's corruption, some weak criticisms were also raised in this period. In fact, the first serious criticisms were voiced by Ahmed Midhat Efendi, but breaking out of mass migration prevented effective reactions of the public opinion. One had to wait for the mid-twentieth century for serious criticisms about its abolition to be raised. This social problem that could not be resolved by the measures taken was bequeathed by the Ottoman society to modern Turkish society.

The practice of *besleme* is based on hiring of children from poor families by wealthy individuals by agreeing with their parents or guardians in return for a determined fee both to be educated and protected and to be used in domestic service, an agreement that was registered by the *qadi*. Arranged in the form of protective family-servant with its peculiar features in Islamic law, the practice evolved into a social institution over time, being at times more popular than the institution of slavery. As a result of the abolition of slavery in the nineteenth century and various social motives such as internal and external migration and lack of institutionalization, the institution lost its quality as protective family, and gradually traditionalized, coming to fulfill the functions assumed by the institution of slavery. After this stage, it turned into a social problem involving the abuse of girls and exploitation of their labor by various means.

Key words: *Besleme*, children, protective family, servanthood, domestic service, *icar-ı sağır*, *tabanni*