

The Early Relations between the Ottoman State and the Orthodox Church: An Instance of *Istimâlet*

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Abstract

Shortly after the capture of Constantinople in 1453, Sultan Mehmed II made Gennadios Scholarios the new ecumenical patriarch, defining at the same time the rights and privileges of the Orthodox Church under Ottoman rule. When in the 1530s, some Muslim leaders demanded that the city's remaining churches be closed, Sultan Süleyman the Magnificent refused on the basis of (a travesty of) a legal inquiry. A close reading of Greek and Ottoman sources sheds light on the accommodating policy, called *istimâlet*, which the Ottoman state pursued toward the Orthodox Church.

Keywords

Ottoman Empire, Ecumenical Patriarchate, Gennadios Scholarios, Jeremias I, *istimâlet*

Winning over the Christians

The siege and fall of Constantinople have been described by four contemporary Greek historians: Doukas (c. 1400 – after 1462), George Sphrantzes (1401 – c. 1478), Michael Critobulus (c. 1410 – c. 1470), and Laonikos Chalkokondyles (c. 1430 – c. 1470).¹ Curiously enough, given the importance of the event, only Critobulus,

¹ Since there is no established way of transcribing Greek names, especially those from the Byzantine period, which are often Latinized, I have resorted to the transcription used by the translators and researchers of these sources, aware of the inconsistencies.

well informed though not an eyewitness, gives an account of the events related to the enthronization of the first post-Byzantine patriarch Gennadios Scholarios by Sultan Mehmed the Conqueror. The others obviously had their own reasons for ignoring the event. George Sphrantzes, who faithfully served the last Byzantine emperor Constantine, hated Mehmed and was probably not inclined to give him credit for his gesture.² Laonikos Chalkokondyles and Doukas, on the other hand, had supported the reunion of the Churches of Rome and Constantinople, which Gennadios Scholarios had successfully opposed, hence their reluctance to pay tribute to him as the new patriarch.

Critobulus was born on Imbros (now Gökçeada in Turkey) and spent almost all his life on the island.³ In Constantinople, where he received a solid education, he was a fellow student of the future patriarch Gennadios. After the fall of Constantinople, he sent a delegation to Mehmed II to ensure that the islands of Imbros, Lemnos, and Thasos, instead of being annexed to the empire, would be given to a Genoese dynasty as an Ottoman fief. After the sultan finally conquered the islands in 1455–1456, Critobulus became the governor of Imbros. When the Venetians took Imbros in 1466, he left the island for Constantinople. There, he completed his *Hē zoē tou Mōameth B'* (Life of Mehmed II), covering the period from 1451 to 1467 and offering a vivid description of the fall of Constantinople and Mehmed's various campaigns in the Balkans. His biography of the Sultan remained unknown until 1860 when the German theologian Constantin von Tischendorf discovered it in the library of the Topkapı Palace in Istanbul and published the accompanying dedicatory letter to Mehmed.⁴ Obviously, the copy that von Tischendorf brought to light is Critobulus's own manuscript. No other copies of it have been preserved, and it is not mentioned, nor has it left any trace, in later sources.

Given the author's good relations with both Sultan Mehmed and Patriarch Gennadios, Critobulus's account of the enthronization should be read with caution. However, since it is the only contemporary source that we have at our disposal, it remains an obvious starting point for a discussion of the event.

Critobulus writes:

When the Sultan had captured the City of Constantine, almost his very first care was to have the City repopulated. He also undertook the further care and repairs of it. He sent an order in the form of an imperial command to every part of his realm, that as many inhabitants as possible be transferred to the City, not only Christians but also his own people and many of the Hebrews.

² For a long time, the *Chronicon maius*, attributed to George Sphrantzes, was cited as the major contemporary source on Gennadios's installation. However, since it has been proven to have been authored by the well-known forger Makarios Melissenos-Melissourgos in Italy c. 1580, the *Chronicon maius* will not be taken into account here.

³ Diether Roderich Reinsch, "Kritobulos of Imbros – Learned Historian, Ottoman *Raya* and Byzantine Patriot," *Zbornik radova Vizantološkog instituta/Recueil des travaux de l'Institut d'études byzantines* 40 (2003), 299–301.

⁴ Aenoth. Frid. Const. Tischendorf, *Notitia editionis codicis Bibliorum Sinaitici*, Lipsiae: F. A. Brockhaus, 1860, 123–4.

Next he ordered that those parts of the wall which had been destroyed by the cannon should all be strongly rebuilt, and that wherever else they had been damaged by the ravages of time, along the land or along the sea, they should be repaired. He also laid the foundations of the royal palace, choosing, as I said, the finest and best location in the City. He further ordered the construction of a strong fortress near the Golden Gate where there had formerly been an imperial castle, and he commanded that all these things should be done with all haste.

He commanded also that the Roman prisoners should work, and should receive a daily wage of six aspers or more. This was in a way a piece of wise foresight on the part of the Sultan, for it fed the prisoners and enabled them to provide for their own ransom by earning enough to pay their masters thus. Also, when they should become free, they might dwell in the City. Not only this, but it also showed great philanthropy and beneficence, and proved the magnanimity of the Sultan.⁵

Critobulus explicitly points out that Christians participated in restoring and repopulating Constantinople as well, which the Ottoman authors do not mention. Only Ursun beg reports that “prisoners from the surrounding lands of the infidels, subjected by the sword” were transferred to the city.⁶ Derviş Ahmed Aşıkpaşazade in his *Menâkıb-ı* or *Tevârîh-i Âl-i ‘Osmân* (The Deeds or The Chronicle of the House of Osman) refers to the restoration of the city by immigrants but ignores the fact that Mehmed also invited – or forced – Christians to move there. He mentions, however, that Mehmed’s measures were bound to fail because he required the newcomers to pay taxes.⁷ He was forced to repeal the taxes but later introduced them again at the suggestion of one of his viziers, the son of an “infidel,” who, in order to secretly keep the city for the Christians, allegedly wanted to discourage Muslims from settling in Constantinople. After renewed protests, the taxes were repealed again.⁸

The tax controversy apparently made a deep impression on Ottoman historians; it is mentioned, for example, by Mehmed Neşri.⁹ It shows that Mehmed initially intended to repopulate Constantinople with Turks or Muslims; Christians were a second choice. Moreover, the repeated levying of taxes, despite all protests, suggests that Mehmed needed money. The shortage of cash may have induced him to repopulate the city also with Christians and Jews, who, in addition to being useful as artisans and construction

⁵ Kritovoulos, *History of Mehmed the Conqueror*, ed. and trans. Charles T. Riggs, Westport, CT: Greenwood Press, 1970, 92, <http://macedonia.kroraina.com/en/kmc/index.htm> [accessed November 11, 2022]; original Greek: *Critobuli Imbriotae Historiae*, ed. Diether Roderich Reinsch, Berlin: De Gruyter, 1983, 90. “Roman” here means Byzantine or Greek.

⁶ Tursun beg, *Tarih-i ebü'l-feth* [History of the Conqueror], quoted by Friedrich Giese, “Die geschichtlichen Grundlagen für die Stellung der christlichen Untertanen im osmanischen Reich,” *Der Islam. Zeitschrift für Geschichte und Kultur des Islamischen Orients* 19 (1) (1931), 271.

⁷ [Ahmed Aşıkpaşazade], *Vom Hirtenzelt zur Hohen Pforte. Frühzeit und Aufstieg des Osmanreiches nach der Chronik „Denkwürdigkeiten und Zeitläufe des Hauses ‘Osman“ vom Derwisch Ahmed, genannt ‘Aşık-Paşa-Sohn*, ed. and trans. Richard F. Kreutel, Graz–Wien–Köln: Verlag Styria, 1959, 200–1.

⁸ Giese, “Die geschichtlichen Grundlagen,” 264–77.

⁹ Mehmed Neşri, *Ogledalo na sveta. Istorija na osmanskija dvor* [The mirror of the world. A history of the Ottoman court], ed. and trans. Marin Kalicin, Sofija: Otečestven front, 1984, 271–2.

workers, paid significantly more taxes than Muslims. Critobulus points out that Mehmed treated the “Roman prisoners” well in order to keep them in the city.

Given the massacres that occurred during the sacking after the capture of the city and the distrust that the Muslims, judging from Aşıkpaşazade’s account, clearly felt toward Christians, Mehmed might have thought that some “confidence-building measures” would be helpful. According to some historians, the restoration of the Patriarchate was such a measure.¹⁰

Critobulus continues:

During that period he [Mehmed] called back Gennadius, a very wise and remarkable man. He had already heard much through common report about the wisdom and prudence and virtue of this man. Therefore, immediately after the capture he sought for him, being anxious to see him and to hear some of his wisdom. And after a painstaking search he found him at Adrianople in a village, kept under guard in the home of one of the notables, but enjoying great honors. For his captor knew of his virtue, even though he himself was a military man.

When the Sultan saw him, and had in a short time had proofs of his wisdom and prudence and virtue and also of his power as a speaker and of his religious character, he was greatly impressed with him, and held him in great honor and respect, and gave him the right to come to him at any time, and honored him with liberty and conversation. He enjoyed his various talks with him and his replies, and he loaded him with noble and costly gifts.

In the end, he made him Patriarch and High Priest of the Christians, and gave him among many other rights and privileges the rule of the church and all its power and authority, no less than that enjoyed previously under the emperors. He also granted him the privilege of delivering before him fearlessly and freely many good disquisitions concerning the Christian faith and doctrine. And he himself went to his residence, taking with him the dignitaries and wise men of his court, and thus paid him great honor. And in many other ways he delighted the man.

Thus the Sultan showed that he knew how to respect the true worth of any man, not only of military men but of every class, kings, and tyrants, and emperors. Furthermore the Sultan gave back the church to the Christians, by the will of God, together with a large portion of its properties.¹¹

Having decided to re-establish the Patriarchate, Mehmed II evidently chose Gennadios Scholarios as the new patriarch. Gennadios “the Schooled,” born Georgios Kourtesios (c. 1400 – c. 1473), was an extraordinary personality.¹² Although educated in the Palamist and Aristotelian tradition, he had acquired a formidable knowledge of Roman (Catholic) theology, more specifically of Aquinas, whom he sincerely admired. In addition to his scholarly pursuits, he worked as a teacher and served as a senator and a member of the Byzantine supreme court. After the 1437–1438 Council of Ferrara-Florence, in which he participated as a pro-Unionist, he gradually moved toward radical Orthodox positions and, in 1445, became the leader of the anti-Unionist party,

¹⁰ Giese, “Die geschichtlichen Grundlagen,” 264–77.

¹¹ Kritovoulos, *History*, 93–4; *Critobuli Imbriotae Historiae*, 90–1.

¹² C. J. G. Turner, “The Career of George-Gennadius Scholarius,” *Byzantion* 39 (1969), 420–55; Marie-Hélène Blanchet, *Georges-Gennadios Scholarios (vers 1400 – vers 1472). Un intellectuel orthodoxe face à la disparition de l’Empire byzantin*, Paris: Institut français d’études byzantines, 2008.

which earned him enormous popularity among the citizens of Constantinople. In 1446–1447, the Unionist Patriarch Gregory III ousted him from his position and forced him to enter a monastery. As a monk, he remained the driving force behind the anti-Unionist protests. On the eve of the official proclamation of the Union in December 1452, he wrote and distributed several manifestos, attempting to prevent it.

There is little doubt that Gennadios was chosen by the sultan for his anti-Roman stance. In 1453, Gregory III, who had left Constantinople in 1450, intimidated by the anti-Unionist protesters, was still considered by the supporters of the Union as the legitimate patriarch. Moreover, in the 1450s, the threat of an alliance between Catholics and Orthodox was not at all hypothetical. Only ten years before the siege of Constantinople, during the 1443 crusade led by the Polish-Hungarian king Władysław III / Ulászló I, the Orthodox Christians in the Balkans, despite all religious enmity, had supported the advancing Catholic armies. By the time of the 1444 Peace of Szeged, Mehmed's father, Murad II, had been forced to cede most of his possessions in the western Balkans. Mehmed saw fit to perpetuate the Roman-Constantinopolitan rivalry and to win over the Orthodox Christians in his realm. To this end, making the anti-Unionist Gennadios the new patriarch was a shrewd move. Gennadios, who had been held captive in the vicinity of Adrianople, was brought to Constantinople, where a synod ordained him successively deacon, priest, bishop, and finally patriarch.¹³

If Gennadios was chosen as patriarch for his anti-Roman stance, the Patriarchate itself was not restored solely in view of the threat from the Catholic world. After the defeat of the Western powers at the battle of Mohács in 1526, the Patriarchate continued to exist undisturbed. Even more revealing is the fact that after 1453, not only the Armenian Church but even the Jewish community, with which the Catholics were unlikely to ally themselves, were given the same rights and privileges as the Orthodox Christians.¹⁴

The most important reason why Mehmed II restored the Patriarchate was the traditional Islamic way of dealing with non-Muslim communities, established by the early Arab khalifs in the Near East (or, politically more correctly, Western Asia) and North Africa.¹⁵ According to this tradition, the "People of the Book" (*ahl al-kitâb*), Christians and Jews, confessors of a revealed monotheistic religion, were not forcibly converted to Islam but were allowed as *zimmi*s, beneficiaries of the *zimma* (from the Arabic *dhimma*, "covenant"), to freely profess their faith and live "according to their own law." In exchange, they had to pay a special tax, the *cizye*, and observe a number of restrictions, especially concerning their public visibility. The leaders of the three *millets* or non-Muslim religious communities – Orthodox Christians, Armenian Christians, and Jews – oversaw the relations with the Ottoman authorities and were responsible for

¹³ Turner, "The Career," 439.

¹⁴ Gunnar Hering, "Das islamische Recht und die Investitur des Gennadios Scholarios (1454)," *Balkan Studies* 2 (1961), 242–3.

¹⁵ Clifford E. Bosworth, "The Concept of Dhimma in Early Islam," in *Christians and Jews in the Ottoman Empire. The Functioning of a Plural Society*, ed. Benjamin Braude, Bernard Lewis, Vol. 1, New York: Holmes & Meier, 1982, 37–51.

peace and order within their communities.¹⁶ The *zimma* is often explained as “protection in exchange for submission.” However, Benjamin Braude and Bernard Lewis’s translation as “discrimination without persecution” is more appropriate.¹⁷ Among the discriminatory measures that Orthodox Christians faced was the confiscation of churches and monasteries. As a rule, the largest and finest churches in the cities were converted into mosques, while smaller churches were left to the Christians.

The *zimma* had been introduced already by the Seljuk Turks in former Byzantine Anatolia from the 11th century onward; it had also been applied by the Ottomans in their expanding empire prior to 1453.¹⁸ Seljuk rulers had occasionally shown tolerance and generosity toward their Christian *zimmi*s and had been praised for it in the same way that Critobulus praised Mehmed.¹⁹ From this point of view, Mehmed’s installation of a patriarch and the granting of rights to Orthodox Christians were fully in line with tradition.

However, Mehmed violated Islamic law in two ways. He assigned the status of *zimmi* to the population of a city, Constantinople, which had not surrendered voluntarily but had been taken “with the sword.” Consequently, its citizens could be killed or enslaved – as many of them indeed were – and were not entitled to “protection in exchange for submission.” In addition, he populated the conquered city, henceforth Muslim territory or *dar al-islam*, with “infidels.”²⁰ Obviously, the interest of the state trumped the Koranic commandments and prohibitions.

Thus, what happened on January 6, 1454, the date on which the enthronization is assumed to have taken place, was above all a pragmatic measure.²¹ I have already pointed out why contemporary Greek authors, except for Critobulus, apparently preferred not to mention the event. Contemporary Ottoman historians ignored it as well. For them, it was either the usual settlement of relations between a Muslim ruler and his non-Muslim subjects, which the rest of the Balkans and Anatolia were already familiar

¹⁶ In fact, the religious communities in question were officially called *millets* only from the late 18th century onward and were only effectively institutionalized during the *Tanzimat* (state reforms) period in the 19th century. However, the term “*millet* system” is commonly, though improperly, applied to the way the Ottomans treated their Christian and Jewish subjects starting from 1453 (Benjamin Braude, “Foundation Myths of the *Millet* System,” in *Christians and Jews*, 69–88; Paraskevas Konortas, “From Tâ’ife to Millet. Ottoman Terms for the Ottoman Greek Orthodox Community,” in *Ottoman Greeks in the Age of Nationalism*, ed. Dimitri Gondicas, Charles Issawi, Princeton, NJ: The Darwin Press, 1999, 169–79).

¹⁷ *Christians and Jews*, 3–6.

¹⁸ Halil İnalcık, “The Status of the Greek Orthodox Patriarch under the Ottomans,” *Turcica* 21–23 (1991), 415.

¹⁹ Speros Vryonis Jr., *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century*, Berkeley: University of California Press, 1971, 210–1.

²⁰ Giese, “Die geschichtlichen Grundlagen,” 276.

²¹ For the date, see Theodore H. Papadopoloulos, *Studies and Documents Relating to the History of the Greek Church and People under Turkish Domination*, Aldershot: Variorum, 1990, 2, note 1.

with and which therefore hardly deserved any attention, or a violation of Islamic law which should preferably be passed over in silence.

Critobulus mentions Mehmed's plans to restore the City but does not explicitly link them as a "confidence-building measure" to the restoration of the Ecumenical Patriarchate. Although he may have been aware of the pragmatic considerations that motivated the sultan, he ascribes Mehmed's decision entirely to his magnanimity and to the extraordinary intellectual and moral qualities of Gennadios that deeply impressed the sultan. In fact, Critobulus glorifies the patriarch and the Church much more than the sultan. His admiration for the sultan was certainly sincere, but he nevertheless emphasizes the magnificence of the Byzantine Church, inspiring respect even in an all-powerful Ottoman sultan.

Other Greek authors have also set great store by Mehmed's alleged admiration for Greek culture and Christianity. The sultan was indeed interested in history, arts, and religion. There was a Greek scriptorium at his court, and he invited Greek intellectuals, including Patriarch Gennadios, to inform him about the Christian doctrine.²² Some of them even believed that he and his empire might embrace Christianity. However, Mehmed was and remained a devout Muslim. His interest in Christianity was mainly due to his concern about how to rule an empire that was still overwhelmingly Christian.²³ The interest he displayed might just as well have been another "confidence-building measure" designed to curry favor with Greek intellectuals.

In any case, the restoration of the Patriarchate implied or entailed the re-establishment of the relations of the local bishops and metropolitans with the central authority of the patriarch. We know from Gennadios's own writings that following his enthronization, he was totally preoccupied with the administration of the Church.²⁴ Critobulus's claim that Mehmed "gave him among many other rights and privileges the rule of the church and all its power and authority, no less than that enjoyed previously under the emperors" is confirmed by the internal doctrinal, judicial, and cultural autonomy that the Patriarchate under Ottoman rule eventually acquired. However, as an autonomous religious institution, the Patriarchate also served the interests of the empire. It was a convenient administrative tool for governing the Christian population and, given the taxes and bribes that patriarchs, metropolitans, and bishops paid upon their appointment, an inexhaustible source of income.²⁵

²² Julian Raby, "Mehmed the Conqueror's Greek Scriptorium," *Dumbarton Oaks Papers* 37 (1983), 15–34.

²³ Franz Babinger, *Mehmed der Eroberer und seine Zeit*, München: F. Bruckman, 1953, 451.

²⁴ Adamantios Diamandopoulos, "Gennadios o Scholarios, ōs historikē pēgē tōn peri tēn halōsin hronōn [Gennadios Scholarios as a historical source about the years after the capture]," *Hellēnika* 9 (2) (1936), 303.

²⁵ For this aspect of the Patriarchate, see Tom Papademetriou, *Render unto the Sultan. Power, Authority, and the Greek Orthodox Church in the Early Ottoman Centuries*, Oxford: Oxford University Press, 2015.

Solving a Problem the Ottoman Way

At the beginning of the 16th century, the conquest of Syria, Lebanon, Palestine, and Egypt made Muslims the overwhelming majority of the population of the Ottoman Empire. In 1517, after the capture of Cairo, the sultan assumed the title of khalif, the head of the worldwide community of Muslims. As a result, the Ottoman Empire acquired a more outspoken Islamic character. During the same period, the sultans waged several successful wars in Southeast Europe, culminating in the annexation, after the battle of Mohács in 1526, of nearly all of Hungary.

These developments increased the assertiveness of some members of the *ulema* (Islamic high clergy), who took offense at the many churches still functioning in Constantinople. Mehmed II had turned the Hagia Sofia into a mosque; other churches had been used as warehouses, arsenals, or stables; if damaged irreparably during the sacking, they had been left to fall into ruin. Some churches, however, were still used by the Christians for their divine services.²⁶ In the 1530s (or maybe already in the 1520s), some members of the *ulema* insisted that all the remaining churches in Constantinople be confiscated, arguing that the city had not surrendered but had been taken “with the sword.” Christians were thus not allowed to own churches. Churches had already been expropriated under Mehmed’s successor, Bayezid II (r. 1481–1512). However, in 1490, when he ordered the expropriation of the Pammakaristos Church, the Church of the All-Blessed Mother of God, which was the patriarchal residence, Patriarch Dionysios (in office 1466–1471 and 1488–1490) succeeded in persuading Bayezid to change his mind, proving that Mehmed II had granted the church to the Patriarchate.²⁷ Of course, Bayezid may have had his own reasons for doing so, but no matter how omnipotent the sultans were, in some cases, they nevertheless abided by the (Koranic) law or observed the decisions of their predecessors. In the 16th century, however, when the *ulema* demanded the confiscation of the remaining churches in Constantinople, the patriarch was unable to produce any proof of ownership. The charter that had been issued by Mehmed to Gennadios was allegedly lost in a fire.

Many scholars have doubted whether Mehmed did indeed issue such a written document. Critobulus does not mention it. How likely is it that a charter restoring the Ecumenical Patriarchate and affirming its right to exist had been lost and that no one knew about it until the charter had to be presented in court? The Ottomans issued *berats* (*orismoi*, “orders” in Greek) on many occasions. The *berats* relating to the appointment of Patriarch Maximos III and Patriarch Symeon, issued in 1477 and 1483, respectively, have been preserved.²⁸ It is thus very probable that a charter had indeed been written in

²⁶ Steven Runciman, *The Great Church in Captivity*, Cambridge: Cambridge University Press, 1968, 188.

²⁷ Ibidem, 189.

²⁸ Dimitris G. Apostolopoulos, “Continuity and Change. The Patriarchate in the Early Ottoman Period I. The Survival of a Byzantine Institution,” in *A Companion to the Patriarchate of Constantinople*, ed. Christian Gastgeber et al., Leiden–Boston: Brill, 2021, 103.

1454, granting the rights and privileges of the ecumenical patriarch and his church. In any case, it was eventually lost, which caused a huge problem for the patriarch in 1538, when the *ulema* once again demanded the expropriation of the churches.²⁹

The earliest source relating to the event is the *Historia politica et patriarchica Constantinopoleos*, written – or adapted from another source – by Manuel Malaxos in 1578 at the latest.³⁰ It was included, with a Latin translation, in Martinus Crusius's *Turcograeciae libri octo*.³¹ Malaxos apparently relied ultimately on Damascenus Stoudites's *Katalogos chronologikos Oikoumenikōn Patriarchōn tēs Konstantinopoleōs* (Chronological catalogue of the Ecumenical Patriarchs of Constantinople), completed in 1572. Unfortunately, this work, except for a small fragment in Konstantinos Sathas's *Mesaiōnikē bibliothēkē* (Medieval library) concerning another event, has not been published.³² Although little is known about Malaxos, it is assumed that he belonged to the immediate circle of the patriarch and had access to sources that were eventually lost.³³

I translate here the entire relevant passage from Malaxos's *Historia politica*:

When Jeremias ascended the patriarchal throne for the second time, there was great perturbation and confusion in the Great Church [the Pammakaristos] and among all the pious, clerics as well as laymen. All the literates and scholars among the Turks had gathered, for they had found in their books written evidence that Constantinople had been conquered with the sword by Sultan Mehmed. They issued a *fetva* [legal ruling] saying that in any city conquered with the sword and not surrendered, no Roman [Byzantine, Orthodox] Church should celebrate the liturgy. There should not even be any churches; they should be pulled down to their foundations. Referring to this *fetva* and convinced that the city had been conquered, they continued to persuade the emperor and all the people that the city had been taken with the sword, as we have said. One day, they threatened to destroy the Great Church and the other churches located in the city, thus carrying out the *fetva* and the order of the emperor.

Archon [magnate] Xenakis was a friend of the *kadiasker* [chief judge] of that time. He went to offer his obeisance to him, as he used to do every day so that he would not alienate himself from him despite all submissiveness, and as he was leaving, the *kadiasker* said to him: "You should know that within five days, they will destroy all your churches and the Patriarchate because they have found a *fetva* saying that in a city against which they have waged war and which has been defeated with the sword, absolutely no church should remain or be founded." When Xenakis heard this, his face

²⁹ In his *History of the Growth and Decay of the Ottoman Empire* (London 1734, 102–4), Demetrius Cantemir, relying on an unidentified Ottoman historian named Ali Efendi, relates a suspiciously similar case that occurred in 1520 under Patriarch Theoleptus I (in office 1513–1522) and Sultan Selim I (r. 1512–1520). It is not clear which case is authentic; maybe both happened. However, the 1538 case is more reliably documented, and I will focus on it.

³⁰ For a discussion of the sources and the relationships between them, see Marios Philippides, Walter K. Hanak, *The Siege and the Fall of Constantinople in 1453. Historiography, Topography, and Military Studies*, Farnham: Ashgate, 2011, 53–6.

³¹ Martinus Crusius, *Turcograeciae libri octo*, Basileae: Per Leonardum Ostenium, Sebastiani Henricpetri impensa, 1584. Malaxos's *Historia politica*, with Crusius's Latin translation, was published separately by Immanuel Bekker: [Manuel Malaxos], *Historia politica et patriarchica Constantinopoleos. Epirotica* (Corpus Scriptorum Historiae Byzantinae), Bonn: Impensis E. D. Weberi, 1849.

³² Konstantinos Sathas, *Mesaiōnikē bibliothēkē*, Vol. 3, Venetia: Typois tou chronou, 1872.

³³ Philippides, Hanak, *The Siege*, 53–4.

changed, he trembled and looked like a dead man. Having made his obeisance to the *kadiasker*, he left him and went, crying bitterly, to the Great Church and the patriarch, but he had no strength to tell him. The patriarch asked him: "Why this sorrow and why these tears?" After some time, the *archon* told him: "There is a *fetva* and an order issued by the emperor that since the city has been conquered with the sword through war, all the churches of the Christians in it must be destroyed." When the patriarch heard this, a great fear and trembling came over him, and sweat poured from his face like rain from heaven to earth. Immediately he left his cell and ordered the church to be opened. Standing in front of the icon of the Pammakaristos and crying, he sang a prayer and kissed the Pammakaristos. Then he left the church, mounted his mule, and, together with *archon* Xenakis, rode to the pasha. The patriarch had access to him because the pasha loved him very much. He was Toulphi pasha [Lütfi pasha], the grand vizier. The pasha advised him to come to the *divan* [state council] and explain that in the beginning, when Sultan Mehmed besieged the city, there was fighting and many walls were destroyed, that Emperor Constantine then came out, carrying the keys of the city, that he offered his obeisance to the sultan and gave him the keys, and that the sultan kindly received him and his *archons* and all the people. When the patriarch heard the pasha's words, he found some consolation in them. On the same day, he hurried to visit the notables of the court and other people, and he honored them according to their position.

In the morning, the horrifying *divan* gathered so that everything would be heard in the entire city. Turks, Romans [Orthodox Christians, Greeks], Armenians, Jews, and all other nations flocked together. There was such a crowd that people stood outside as far as the Hagia Sofia to learn the emperor's decision. The patriarch entered the *divan* and offered his obeisance. He stood before the pashas, looked at them, and was impressed by their glory and their boldness. Sweat poured profusely from his face and soaked his cassock and all his clothes like those of Christ during the Passion. With him was the most glorious *archon* Demetrios Kantakouzinus and *archon* Xenakis. The pasha said to him: "Patriarch! A *fetva* and an order of the emperor have been issued that you, Romans, should not have any Roman churches, neither here in the city nor in any other of the emperor's cities taken with the sword by his ancestors, the other emperors. Tell your priests, if you have in your churches any clothes that you wear according to your rank, books, and whatnot, to take them and to close your churches so that we may turn them into what the *fetva* and the order of the emperor command."

The patriarch answered the pasha, speaking in a shrill voice: "My lord, for the churches outside the city, for those in the other cities, I am not responsible. As for those within the city, I can say that when Sultan Mehmed came and waged war on this city, Emperor Constantine Palaeologus, the *archons* and the people made their obeisance to him and voluntarily surrendered the city." After the patriarch had said these words, the pasha answered: "These words that you speak, do you have any Muslim witnesses who were in the army of Sultan Mehmed when he came and captured the city so that we can learn whether it was conquered or surrendered?" The patriarch answered: "I have, my lord." The pasha said to the patriarch: "Come tomorrow to the *divan*, I will be the emperor's mediator, and whatever he decides shall be done."

The patriarch and his escort left the pasha, followed by the entire crowd of Christians. Together they entered the Great Church, and all said with one voice: "We are prepared not only to give gold coins to free our churches but also to die, together with our children." When the patriarch heard these words from the people, he was very thankful, blessed them, and then went up to his holy cell.

In the morning, the clerics and the *archons* came, took the patriarch, and went to the *divan*, followed by all the Christians, clerics, and laymen of the city and of Galata [the district on the northern shore of the Golden Horn]. The patriarch, the clerics, and the *archons* entered the *divan* and stood again before the pashas. Then Toulphi pasha, the grand vizier, said: "Patriarch, I have come here to the *divan* of the emperor, I have become the mediator. He has ordered you to bring those Muslim

witnesses you said you have so that we can ask them what they know. And when we have heard them, I will become the mediator again, and whatever the emperor decides shall be done.” The patriarch answered, saying to the vizier: “My lord, my witnesses are not here but in Adrianople; I ask for a twenty days’ delay so that I can send someone to bring them here.” When the pasha heard this, he granted him the delay. The patriarch offered him his obeisance, left the *divan* with his escort, and went to the Great Church. Immediately, he sent the most skillful envoys. They traveled to Adrianople with many gifts and presents, found the Muslims they were looking for, and brought them [to Constantinople]. They spoke to them and gave them the presents, as they wished. Then they mounted their horses and, together with the envoys, went to the patriarch in the Great Church. The patriarch came down to the courtyard, embraced them, and welcomed them with great love. Immediately, he offered them a seat. They sat down, and he brought them all kinds of food and clothing. On the second day, when they had rested, he took them to the pasha. The pasha, because of the love he felt for the patriarch, received them. They persuaded them to testify as the patriarch had told them and assured them to have no fear. The patriarch and the witnesses left the pasha and returned to the patriarchate.

The next day, the patriarch took them to the imperial *divan*. He appeared before the pashas and made his obeisance. According to the rules of the house, he left the witnesses outside. When the pasha saw him, he said: “Patriarch, the twenty days’ delay you requested to bring the witnesses has expired. What do you say now? Be careful not to lie to the emperor, for you will suffer great anger, punishment, and condemnation.” The patriarch answered the pasha, saying: “My lord, after the delay, I have brought my witnesses. I do not lie to the emperor nor to your highness.” The pasha said: “And where are they?” The patriarch said: “They are waiting outside the *divan* with my monks.” When the pasha heard this, he immediately sent a *chaush* [guard]. The *chaush* ran to bring the witnesses before the pashas. When they saw them, they were astonished by their old age. Their beards were as white as pure snow. From their eyes, tears were flowing, they were red like raw flesh, and their hands and legs trembled from old age. The pasha asked one of them: “What is your name?” He answered: “Mustafa.” “What did they call your father?” “Junus.” He said to the other, the second one: “What is your name?” He answered: “Piri.” “And your father, what was his name?” And he said: “Rustem.” Then he said to them: “How many years ago did Sultan Mehmed conquer Constantinople?” They answered: “Eighty-four years ago.” He said again: “And you, how old were you then?” They said: “Both of us were eighteen.” Again, he said to them: “How old are you today?” They answered: “Hundred and two.” When the grand vizier and the other pashas heard this, they were amazed and shuddered. Again, they asked them: “What function did you have at that time in the sultan’s army?” They answered: “*Nopetzides* [Turkish *nöbetçi*, “guardians”], that means Janissaries.” In Frankish, they say *souldadi*. Again, they said: “How did the sultan take this city, by war or after it surrendered?” They told the pasha that it had surrendered. “Listen, my lord, how it happened, and learn about the matter in detail.”

“When we came here with the sultan and his army, we set up our tents outside the city and settled down. We did not start fighting until the armada, the galleys, arrived from the Black Sea. When they arrived, the sultan informed the emperor of the Romans that if he surrendered the city voluntarily, he could make him his brother, and both could be rulers and emperors. The emperor had to surrender it if he wanted to keep his country mansions and cities and other revenues and live in prosperity together with his *archons*. Neither the emperor nor the *archons* accepted the sultan’s proposal. Full of anger, the latter ordered without delay to start the fighting – the galleys from the sea and we from the mainland. The world became dark due to the cannons and the muskets and the masses of people. The day looked like night. Many great men from the sultan’s army perished in the war – the *beylerbey* of Rumelia, that means the West [the Balkans], agas, flag-bearers, *sipahis* [horsemen], and many others. We caused great trouble to the Romans with our cannons, muskets, and arrows and partly destroyed the city walls and houses.

When the emperor of the Romans saw how many of his men had perished, he feared that they [the Ottomans] would take the city and decapitate his men. He sent *archons* of his palace as envoys to our sultan. In the name of their emperor, they offered their obeisance to him in order to establish friendly relations and to surrender the city to him. [They begged him] to give the emperor's *archons* their manor houses and not to threaten, rob, and maltreat the people, but to leave them peacefully in their houses, without any *corvée* or other heavy tasks. The sultan listened to the words that the envoys said in the name of the emperor. He received them very well, with great joy, and gave them a written charter, saying: 'I, Emperor Sultan Mehmed, by this written charter, declare to the emperor of the city Constantine Palaeologus and his *archons* that I allow them to live in their own way, to have [all that is necessary] to live in prosperity as *archons*, to have all conveniences and their male and female serfs. I want the rest of the people to be free of all *corvées* and other heavy tasks. Never will I take children as Janissaries, neither I nor the inheritors of my empire. Let this charter be steadfast and enduring.' The sultan personally handed this charter to the envoys to pass it on to Emperor Constantine. After they had offered their obeisance, they went to the emperor and gave him the charter. When the emperor saw the sultan's charter, he rejoiced greatly and immediately took the keys of the city and went, with his *archons* and the people, to the sultan's tent and gave him the keys in his hands. The sultan embraced the emperor, kissed him, and seated him on his right side. He ordered festivities to be held for three days and three nights. Then the emperor took the sultan with him; they entered the city, and he surrendered it to him."

When the pasha had heard all this from the witnesses, he went to the sultan and, as a mediator passing on everything, he told him about their age and longevity. When the sultan heard all this, he was very amazed and without delay issued a charter to the patriarch that the churches would be neither threatened nor embarrassed as long as the World existed.

When the patriarch had taken the charter, he went to the patriarchate with the entire people of the Christians and put the charter in the sacristy. On that day, in great devoutness, we sent litanies and thanks to our Lord Jesus Christ and to the All-Blessed, the All-Glorious Holy Mother of God, the hope and anchor of pious and orthodox Christians.³⁴

The event referred to in the *Historia politica* can be dated between July 1539 and April 1541, when Lütfi pasha, called Toulphi pasha in the text, was the grand vizier of Sultan Süleyman the Magnificent. Patriarch Jeremias's second patriarchate (*ton deute-ron patriarchikon thronon*) lasted from 1525 to 1546.

The story is intriguing in many ways. Compared to the friendly relations between Patriarch Gennadios and Sultan Mehmed described by Critobulus, the submissive attitude of Patriarch Jeremias toward Sultan Süleyman is striking. While Mehmed frequented the patriarchal residence and conversed with the patriarch, Süleyman is absent, conveying his unlimited power through his mediator, the grand vizier, and the *divan*.

Surprisingly, it is grand vizier Lütfi pasha, the second most powerful man in the empire, the sultan's confidant and his representative in the *divan*, who advises the patriarch to bribe some elderly Turks and make them commit perjury by claiming that Constantinople had been surrendered. The same Lütfi pasha is the author of a history of the Ottomans, in which he explicitly states that Constantinople was not surrendered but taken by storm!³⁵ The grand vizier's friendship with the patriarch, emphasized twice

³⁴ [Manuel Malaxos], *Historia politica*, 158–69. Additions in square brackets are mine.

³⁵ Giese, "Die geschichtlichen Grundlagen," 276.

in the text, could be explained by his Christian background – he was an Albanian from Vlorë, recruited through *devşirme* (child levy).³⁶ Jeremias I was born in Zitsa in Epirus, which at that time had a dense Albanian population. However, it is impossible that Lütfi pasha would have acted on his own, without the sultan's knowledge. Süleyman's evidently smooth acceptance of the unlikely testimony of the former Janissaries suggests that he and the grand vizier concocted together a way out of the embarrassing situation in which the *ulema* had put them.

The witnesses' story about Emperor Constantine's voluntary surrender of Constantinople to the Ottoman sultan is also mentioned in a *fetva* issued by the famous Ebussuûd Efendi, *kadi* (judge) from 1533 to 1537 and *şeyh ül-islam* (grand mufti) from 1545 to 1574:

Question: Did the immortal Sultan Mehmed conquer Constantinople and the adjacent villages waging war?

Answer: As far as is known, waging war. However, the fact that the churches were left intact indicates that the city had been taken in a peaceful way. In 945 [of the Hijra, May 30, 1538 – May 18, 1539], the question was investigated. They found two men, one being 130 years old, the other 117, who told the investigators: "The Jews and the Christians secretly agreed with Sultan Mehmed that they would not help the Byzantine emperor; therefore, the sultan would leave them as they were and not enslave them. In this way, the capture took place." On the basis of this testimony, the old churches were left intact.³⁷

The false testimony of two bribed old men, who certainly lied about their age too, can hardly be considered a historical source. However, Steven Runciman thinks that "it would have been perfectly possible" that some quarters in Constantinople (Petrion, Phanar) surrendered to the local Turkish assailants as soon as the city walls had been breached. Consequently, they were protected by Mehmed's military police against looting and were allowed to keep their churches.³⁸ If some quarters of Constantinople had indeed surrendered in this way, that fact was clearly forgotten by 1538 since the witnesses tell a different story. In any case, what is relevant here is the readiness of Sultan Süleyman, his grand vizier Lütfi pasha, and *şeyh ül-islam* Ebussuûd Efendi to feign belief in two men of an improbable age who claimed that Constantine had voluntarily surrendered his capital, contrary to what all Ottoman historians, including Lütfi pasha himself, were convinced of. Moreover, it was not an accident that Sultan Mehmed was called *Fatih*, the Conqueror.

Most likely, the sultan and his advisers wanted to avoid a confrontation with the city's Christian population. The claim that the city had surrendered served as

³⁶ Mehmet İpşirli, "Lütfi Paşa," in *İslam Ansiklopedisi*, Vol. 7, Eskişehir: Milli Eğitim Basımevi, 1997, 96–101, <https://islamansiklopedisi.org.tr/lutfi-pasa> [accessed November 11, 2022].

³⁷ Johannes Heinrich Mordtmann, "Die Kapitulation von Konstantinopel im Jahre 1453," *Byzantinische Zeitschrift* 21 (1912), 136.

³⁸ Steven Runciman, *The Fall of Constantinople 1453*, Cambridge: Cambridge University Press, 1965, 202–3.

a justification for the survival of the churches, which was in fact a violation of Koranic law. Ebussuûd Efendi is known for his creative adapting of the Holy Law to the interest of the state. In general, the Ottomans preferred to keep things as they were and “follow time-honored patterns in administration.”³⁹ At first glance, it may seem that the patriarch came out on the winning end. However, most of the Constantinopolitan churches were eventually expropriated and turned into mosques, not all at once but surreptitiously, one by one, without provoking any upheaval. The Pammakaristos Church was turned into the *Fethiye* Mosque in 1591, under Sultan Murad III.

Istimâlet

The enthronization of Gennadios in 1454 was not a generous gesture, as Critobulus would have us believe, but was intended to make the Christians who were needed for the restoration of the city feel safe in Constantinople and to reconcile them to the prospect of living under Ottoman rule. For the Muslims, the re-establishment of the Patriarchate might have seemed in keeping with the Islamic tradition of *zimma*, but it was a violation of Koranic law. Critobulus claims that the sultan was deeply impressed by Gennadios’s personality; however, in Mehmed’s eyes, Gennadios was in fact primarily a tool to deepen the rift between Orthodox Christians and Catholics. Nothing was really what it seemed, but as long as all parties involved kept up appearances, they could live with the existing situation.

In 1538, the Ottoman *ulema* insisted that the authorities confiscate the remaining churches, arguing that since Constantinople had been taken “with the sword,” Christians were not entitled to own churches. For some reason, probably to avoid problems with the Christian population of Constantinople, Sultan Süleyman preferred not to give in to the *ulema*’s demands. Ostensibly complying with Islamic law, he pretended to believe two decrepit greybeards who claimed that, contrary to everything contemporary Ottoman historians had written on the subject, Constantine had surrendered the city to Mehmed. The churches in Constantinople turned out to be perfectly legitimate and were saved, at least for the time being.

Gunnar Hering calls this event “eine Komödie.”⁴⁰ However, both the enthronization of Gennadios and the sham use of fake witnesses can also be seen as examples of a policy that allowed the Ottomans to maintain their position of power vis-à-vis a non-Muslim population by accommodating it and giving in on issues of minor importance, while at the same time ensuring that they did not antagonize Muslims by “creatively” interpreting and applying Islamic law.

³⁹ George Georgiades Arnakis, “The Greek Church of Constantinople and the Ottoman Empire,” *The Journal of Modern History* 24 (3) (1952), 235.

⁴⁰ Hering, “Das islamische Recht,” 255.

The Turkish historian Halil İnalcık defined this policy as *istimâlet*:

[I]n the early period of their expansion, the Ottomans pursued, primarily in order to facilitate conquest, or to make the indigenous population favorably disposed, a policy called *istimâlet*. It was intended to win over the population, peasants and townspeople, as well as military and clerics, by generous promises and concessions, sometimes going beyond the limits of the well-known, tolerant stipulations of Islamic Law concerning non-Muslims who had submitted without resistance.⁴¹

However, *istimâlet* should not be idealized as a token of tolerance; it was, just like the use of violence, a tool allowing the state machine to operate smoothly. *Istimâlet*, together with coercion, has been appropriately compared to “the carrot and the stick.”⁴² Both were used by the sultan at his sole discretion.

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⁴¹ İnalcık, “The Status,” 409.

⁴² Elias Kolovos, “İstimalet: What Do We Actually Know about It?” in *Political Thought and Practice in the Ottoman Empire*, ed. Marinos Sariyannis, Rethymno: Crete University Press, 2019, 59–70.

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