

The Muslim Community on Cyprus and British Colonial Policy, 1878-1915: The Significance of the Cyprus Evkaf in the Colonisation Process

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Abstract

Certain key factors interacted for the forming of the early years of British administration in Cyprus. A significant element that affected the new regime was the form that the Cyprus Convention assumed, mainly due to the conditions under which it was signed. As far as the Muslim community was concerned, the Ottoman government made an effort through special articles in the Convention to safeguard its position in the new regime and maintain its role as the ruling community of the island. However that effort was made by the Ottoman government in haste, thus the British administration was given the opportunity to actually intervene more easily in the community's affairs and to gradually control and 'colonialise' it, from within. The community's reaction, although not unanimous, was manifested early, initially by the Cypriot Muslim elite of the Ottoman administration. The initial anti-colonial sentiments of the Muslim community were triggered by the infiltration of the British into its social, economic and religious core. In that general context, an effort is made to follow and depict that process in its initial steps until the outbreak of World War One.

Keywords: Cyprus, Great Britain, Muslim Community, Evkaf, Vakif, Colonialism, Cypriot Muslims, Islam

The Effect of the Cyprus Convention on the Administration Established in the Island: The Muslim Community and its Incorporation in a Colonial State

Since the Cyprus Convention and the occupation by the British in 1878, and until the outbreak of World War One and the one-sided abrogation of the Convention by the British, Cyprus was being administered by a regime with unique characteristics. Specific Convention articles predetermined not only the suzerainty of the Sultan over the island, but also the sustainment of Ottoman legislature, foundations and institutions especially in the case of the Muslim community of the island. Through those articles the Ottoman government attempted to safeguard the rights of the Cypriot Muslim community as well as the Ottoman interests over the island. An analysis of the nature of the Muslim institutions will be attempted along with an assessment of their validity for the community. Then, a first aim is to see if, and to what extent that goal of the Ottoman government was achieved. That is, how were those articles of the Convention utilised by

the British administration of Cyprus and to what degree the Muslim community was allowed to maintain its communal institutions intact?

During the negotiations for the Berlin Pact (12 July 1878) that ended the Russo-Turkish war, the Cyprus Convention was signed, between the Ottoman Empire and Great Britain. The island was transferred to the administrative authority of the British, under the suzerainty of the Sultan, along with the obligation of the British government to pay a fixed tax per year [tribute], thus verifying the suzerainty of the Ottoman Porte.¹ Until then, the British had supported the Ottoman Empire and allied with the Sultan in an effort to control the advance of the Russians south towards the Straits and the Mediterranean Sea. However, the encroachment of Russia southwards through the Berlin Pact caused an immediate reaction by the British.

Consequently, the Convention was the outcome of an effort by the British to hinder the advance of the Russians in former Ottoman terrain. Originally the British cabinet hurriedly sought a 'place of arms', a naval base in the Mediterranean.² But as the eventuality of a war diminished, the acquisition of the island switched purpose; it now became the first step of an effort to secure in a pacific way the land route to India. In that general context, the Ottoman Empire could still be protected from collapsing, and in return the Sultan would allow the British to set foot in Asia Minor, while the Russians would hold on to their gains in Kars, Ardahan and Batum without any wish for expansion. Hence, a war could be prevented and the British government hoped to be able to gradually infiltrate Western Asia without ever openly doubting the suzerainty of the Sultan. In that way, a new, subtle, peaceful and economic way of colonial expansion would be possible through which the imperial interests would be served, and at the same time Britain could be presented as the imperial power that offered the peoples of Western Asia 'civilising reform' and protection from Ottoman arbitrary policies.³

Those were the intentions behind the Cyprus Convention that were agreed in Constantinople on 4 June 1878 between the British Ambassador to the Porte, Layard and the Sultan. After immense pressure by the British, and because of the difficult state they were in after their defeat in the Russo-Turkish war, the Ottoman government gave in to the Convention. In return for the occupation of Cyprus the British made a vague commitment to assist the Ottoman Empire in case of another threat by Russia.⁴ The British were neither clear nor unanimous over

1 G. Hill (1952) *A History of Cyprus: The Ottoman Province, The British Colony, 1571-1948*, Vol. 4, Cambridge: Cambridge University Press, pp. 300-303; and in United Kingdom, Parliament, Correspondence respecting the convention between Great Britain and Turkey of 4 June 1878, C. 2057, London: Harrison.

2 G. Georghallides (1979) *A Political and Administrative History of Cyprus 1918-1926*, Nicosia: Cyprus Research Centre, p. 6.

3 D. Markides (2006) 'Cyprus 1878-1925. Ambiguities and Uncertainties', in Faustmann, H. and Peristianis, N. (eds), *Britain in Cyprus. Colonialism and Post-Colonialism, 1878-2006*, Manheim und Möhnesee: Bibliopolis, p. 23.

4 Φ. Ζαννέτος [F. Zannetos] (1911) *Ιστορία της Νήσου Κύπρου από της Αγγλικής Κατοχής μέχρι Σήμερον, τομ. Β* [History of the Island of Cyprus from the English Occupation until Today, Vol. B], Λάρνακα [Larnaca]: Filokalias, p. 8.

the reasons for the acquisition of the island. The subject caused extensive controversy between the Conservative government that affirmed the Convention and the Liberals that were strongly opposed to it. The Conservative government of Prime Minister Lord Beaconsfield and his Foreign Secretary, Lord Salisbury followed an expansionist, imperialistic policy, which among others, aimed to occupy Cyprus as a 'place of arms'.

Their approach on the issue was controversial and somehow opportunistic, because although they seemed to have high expectations regarding the value of Cyprus as a naval base and strategic asset, at the same time there was no assessment on the suitability of the island as a 'place of arms'. Accordingly, after the Convention it became apparent that the harbours of the island were unfit to accommodate large vessels.⁵ Furthermore, the Liberals opposed strongly the general Conservative's policy along with the acquisition of Cyprus to the extent that on 21 July Gladstone called the Cyprus Convention an 'insane covenant' and an 'act of duplicity of which every Englishman should be ashamed ...'.⁶ Even the conservatives were not thoroughly convinced about the value or the occupation of Cyprus, especially after reports arrived from Cyprus regarding the deteriorating health of the British soldiers who had been stationed there, as well as the desolate condition of the island itself.⁷

It is clear that the British government was not properly informed on the actual state of affairs in Cyprus and likewise the hastiness with which the Convention was agreed, added to the lack of preparation and planning on the administration that was going to be established in the island. Thus the transition from one regime to the other was difficult and full of ambiguities and contradictions. From the side of the Ottoman government, an effort was made so that the change in administration would have the least possible effect on the administrative and legal structures that applied to the Muslims of Cyprus. Until the arrival of the British, the Cypriot Muslims were a minority in respect of population (approximately 24.98% of the total) but formed the ruling class of the island.⁸

The Ottoman government pressed for the Cypriot Muslims to retain this status under the new regime, and for that reason special articles were added to the Convention. Because of this the Porte reserved the right to appoint the mufti [müftü: chief religious figure] as well as the chief kadı

5 The only functional harbour of the island, the harbour of Famagusta, needed a significant amount of money in order to make it suitable for large vessels, but in spite of this experts were not certain whether it would be able to provide sufficient refuge to British warships. See S. Papageorgiou (1997) 'The Genesis of the Greek and Turkish Nationalism in Cyprus, 1878-1914', *The Cyprus Review*, Vol. 9, No. 1 (Spring), pp. 56-65.

6 A. Varnava (2009) *British Imperialism in Cyprus, 1878-1915: The Inconsequential Possession*, Manchester: Manchester University Press, p. 98.

7 *Ibid.*, pp. 105, 113.

8 Σ.Π. Παπαγεωργίου [S.P. Papageorgiou] (1996) *Η πρώτη Περίοδος της «Αγγλοκρατίας» στην Κύπρο, 1878-1914. Πολιτικός εκσυγχρονισμός και κοινωνικές αδράνειες* [The first period of 'Anglokratia' in Cyprus, 1878-1914. Political modernisation and social idleness], Εκδόσεις Παπαζήση [Athens: Papazisis], p. 103.

[baş kadı: chief religious judge] and the inspector of the community's education. As asserted by the initial agreements, the retention of the Mahkeme-i Şeri tribunals [courts administering justice according to the Sheriat or saria – the religious laws which had jurisdiction to decide upon matters of family law too, i.e. divorces, dowry and inheritance matters] was decided. Finally, the Ottoman central government retained the right to appoint a Muslim Cypriot, which the British administration would also approve as one of two delegates of the department; the other would be an English officer appointed solely by the British. The department, known as *the Evkaf* [plural, for vakıf or wakf, the religious property], managed the religious properties and foundations of the island. It is important to stress here that the suzerainty of the Sultan over the island materialised in the Convention through the articles which provided that the Ottoman government maintained the right to sell or lease lands and properties that belonged to the Sultan or the Ottoman state. Also the British Crown had the right to buy land and property necessary for public works.⁹

After an initial unwilling consent to the signing of the Convention (24 July 1878), the Ottoman government attempted to extract as much financial profit as possible from a province that they were soon to lose. During the first months of the presence of the British on the island, Ottoman officers began to inquire after tax revenues, in addition to the yearly tribute decided by the Convention, arguing that the right derived from the Sultan's suzerainty over the Muslim religious properties and lands [vakıf, from which the whole Evkaf department assumed its name] of the island.¹⁰ More specifically, the presence of the British and their assumption of the island's administration interrupted the proper role of government departments that were also institutions that managed religious properties on the island.

The dispute began on four of the largest religious properties of Cyprus (the Evkaf of Sultan Selim II, the Sinan Pasha vakıf, Lala Mustafa Pasha vakıf and Horlulu Pasha vakıf) the excessive revenues of which were, until the occupation, sent to the Ministry of Evkaf in Istanbul. The British officials attempted to rebuff the Ottoman allegations, but their arguments were feeble, since the articles of the Convention left many important details open for subjective interpretation. The British official, Malcolm Seager, who undertook the task of interpreting the Evkaf registers and religious legislature that accompanied them, stressed this fact. He proposed that central government should come up with a final settlement and deal with the Ottoman demands on the lands and properties of Cyprus. The main reason for his proposal was not financial. The British official thought it best to weaken the influence of the Sultan on the local Muslim population –

9 Also by an additional article to the Convention on 3 February 1879 the Ottoman government and the Sultan were compensated for lost revenues by sales or leasing of specific lands of the island with £5000, Ζαβέτοϋ (1911), *op. cit.*, pp. 15-16.

10 English National Archives, FO 78/5116, Evkaf Report by Malcolm Seager to Robert Biddulph, p. 71. Also in the same file, see Part V, Chapter I, 'Of the Control of the Authorities in Stamboul', p. 3.

which, according to him, was still significant – and to deprive him of an excuse to interfere in the administration of the island in the future.¹¹

He also proposed – as early as 1881 – that the religious legislature that managed the affairs of the religious institutions and properties of the island – especially those that referred to the Muslim community of the island – should be ‘gradually abolished’ due to the fact that they were ‘difficult to manage, obsolete and controversial’.¹² From the above it can be deduced that the British aimed to establish a secular colonial administrative mechanism, upon their arrival to Cyprus. However, owing to the fact that they needed to ensure the natives’ consent in order to rule the island and partly because the Cyprus Convention determined so, they did not attempt to modify the basis of the administrative pyramid, which remained in community terms, and religious parameters, for both communities, Christian and Muslim. The new administrative mechanism was secular, but the basis of the island’s society continued to deal with their affairs as they had done prior to the arrival of the British.

Muslim Community Institutions Assimilated by the Colonial Administrative Structure: The Vakıf Properties of Cyprus

The Cypriot Muslim community was traditionally administered by institutions that were co-dependent, and combined financial, administrative and religious characteristics. The basis of this administrative system was religious properties and lands, which were administered and supervised by the local Evkaf that was being audited by the Ministry of Evkaf in Istanbul. The affairs of the properties were regulated by Ottoman religious (şeriat) and secular (kanun, decrees [fermans], and orders by the central government) laws that were applied by the religious courts [şeri courts] of the community. A complex administrative mechanism evolved around the Evkaf which was centralised to a local Evkaf department.

The British administration approached these institutions more directly than those of the orthodox community, due to the terms of the Convention that allowed them to do so. The colonial administration infiltrated and secularised those institutions which they found to be more accessible and useful for their purposes, and gradually degraded the rest to mere religious relics of the Ottoman era.

One of the first priorities of the new administration was to decipher the Muslim communal, economic and religious organisational pattern. In order to achieve that, they attempted to organise the community records and check financial affairs, and at the same time detect the potential flaws of the system. Due to the aforementioned demands for tax refunds that the Ottoman government had raised immediately after the arrival of the British to the island, the officers were obliged to

11 *Ibid.*, pp. 12, 64.

12 *Ibid.*, ‘conclusion’, p. 24.

study thoroughly the affairs of the Cyprus Evkaf. A vakıf was characterised as any kind of property bequeathed either partially or in total to a charity cause or public work.¹³

The vakıf practice emerged out of the centralised military system of the Ottoman Empire, which had no provision for public welfare. The wealthy of the empire were therefore urged by the Sultan to adopt the practice of forming a special deed [vakfiye] and bequeath a part of the fortune that the Sultan had only temporarily entrusted to them, to the benefit of people in need. Many public works were financed in this manner, and the creation of Evkaf remained a common practice for parts of the empire that had been conquered recently and were in need of financial aid in order to instigate economic development.¹⁴

Gradually the practice became common for the subjects in the lower classes as well, but for different reasons. Wealth and property were dispersed only by the Sultan, and traditionally after the death of the beneficiary, the property or income had to be returned to the state. The only exceptions were those properties dedicated to religious or charity purposes, which belonged to the Evkaf. Every estate or income that became *vakıf* was accompanied by a dedication deed, the *vakfiye*, which determined the terms of its function and its purpose. The dedicator of a vakfiye had the right to predetermine a percentage of the property's income for the purpose of his choice, and a further percentage to be given to the trustees he appointed for supervising the property and its function according to *vakfiye* terms.

Subsequently, all dedicators named their heirs as *mütevellis* [trustees] of the vakıf they created, to enable them to bequeath at least a percentage of their estate to their next of kin. And since a *vakfiye* lasted indefinitely, the dedicator bound his property from state intervention, sale or confiscation and at the same time secured a standard income for his heirs for generations to come. As the years passed, the increasing tendency of establishing vakıf properties, substituted the lack of private property on the Empire.

The number of such institutions made it necessary for the establishment of the Ministry of Evkaf in Istanbul, which supervised them and received any surplus revenues. Furthermore, a local department of Evkaf was founded in Cyprus in 1863, as part of the Hatt-ı Hümayun (18 February 1856) reforms, in order to oversee the vakıf affairs locally. Its head official, known as *Muhasebeci*, was appointed by the central government.¹⁵

At the time of the arrival of the British, several vakıf categories were available throughout the Empire, but on the island of Cyprus two main categories were to be found:

13 A.C. Gazioğlu (1990) *The Turks in Cyprus: A Province of the Ottoman Empire, 1571-1878*, with a foreword by Geoffrey Lewis. London: K. Rustem and Bro., p. 191.

14 The first vakıf property in Cyprus, according to tradition, was established immediately after the conquest of the island in 1571 by Sultan Selim II, and Lala Mustapha Pasha, the Ottoman general that conquered the island. See A.C. Gazioğlu (1990) *ibid.*

15 After the Hatt-ı Hümayun reforms the control of the central ministry on the local Evkaf departments became stronger and more frequent in order to avoid managerial discrepancies by local officials.

- *Mazbuta*, were vakıf properties administered directly by the Evkaf. They were the oldest and rarest types, which permitted the surplus revenue of the property to be deposited to the Evkaf treasury and used for the property's maintenance once its charity purpose had been fulfilled.
- *Mülhaka*, were those properties that were administered by trustees [*mütevellis*].¹⁶

Mülhaka vakıf which were more common since they served the aforementioned purpose of inheritance, evolved into two different categories:

- *Meşrutiyet* were characterised as vakıf properties that by terms of dedication provided their entire surplus income to their mütevellis after the charity or welfare service for which they were established, was fulfilled.
- *Non Meşrutiyet Mülhaka* or *Vakfouna*, were vakıf properties that paid a fixed salary to their mütevellis, and any surplus income had to be deposited to the Evkaf treasury for the maintenance of those properties.¹⁷

From the data mentioned above it can be concluded that, whereas the few but significant *Mazbuta* Evkaf that were established by the Ottoman rulers of the island had an aim to promote public welfare and generally boost the economy of the island, the *Mülhaka* Evkaf, especially the *Vakfouna Mülhaka*, were mainly an invention triggered by social need to secure private property and provide a will of inheritance.

Furthermore, most of the inhabitants had eventually become joint mütevellis, each owning a small percentage due to inheritance to more than one vakıf. For generations to come the security of a standard income or incomes, regardless of how small it or they would become, secured a tie between members of a small community like the Muslim Cypriots. Moreover, it strengthened the bond with the far and detached administrative centre of Istanbul and verified the overall power and care of the Sultan for his subjects. Finally, it underlined the role of the community as the ruling, Ottoman class of the island.

The speed with which the Cyprus Convention was agreed and the reluctance of the Ottoman government to offer any real consent, assistance and cooperation regarding the legal and, at the same time, religious frame of the Muslim institutions in Cyprus, together with the general stagnation of the Ottoman administrative mechanism for centuries before the arrival of the British, placed the new colonial administration in a difficult predicament. The first British delegate [*Muhasebeci*] of the Evkaf, Malcolm Seager, a barrister at law by profession, had to ask for information from the Sublime Porte regarding the administrative status and financial condition of

16 From a fiscal point of view, they were divided into *Icare-i Vahide* (single rent) and *Icareteyin* (double rent) A.C. Gazioglu (1990) *op. cit.*

17 English National Archives, FO 78/5116, official report of Malcolm Seager to High Commissioner Robert Biddulph, April 1880, p. 9.

the Cyprus Evkaf, after his commission to the post of administrative official.¹⁸

In addition, he had tried to translate the main religious laws that regulated the vakıf properties as well as categorise and assess the religious assets of the island.¹⁹ Also, he was asked by the High Commissioner to provide an analytical census of the vakıf properties of the island on April 1880, an effort that was started by Lord Gifford and continued by C. Wauchope.²⁰ Seager's predecessors had asked local mütevellis to furnish them with the necessary documents that verified their rights to the vakıf properties they attended, which were their *berat* deeds.

According to a report sent to them by the Ottoman government on 25 December 1878, in cases whereby a dedicator of a vakıf estate or his heir-mütevellî had died, the person(s) wishing to succeed them had to apply for a hearing by the Court of Religious Affairs [Mahkeme-i Şeri Tribunal] and present their case before the religious judge [kadı]. The judge, after examining the vakfiye terms and deciding that the claim was just, would issue his affirmative verdict [ilam].

The ilam was submitted to the local administrative council [Meclis-i İdare] of the province or village where the vakıf was located (the kadı was also a member of the *Meclis-i İdare* and if the vakıf was located in the province of Nicosia, the Evkaf *Muhasebeci* participated, too) and approval was thereby granted [mazbuta]. After the two documents were obtained, the *Muhasebeci* of Evkaf offered his personal paper of approval [called *inha* and later *Djihatchin*, (according to British transliteration)]. These documents were kept in the central Evkaf in Istanbul, and the trustee was furnished with an official document of appointment [Berat] by the Sultan's government which verified his lifelong prerogative of *mütevellî*-ship.

After the Cyprus Convention the Ottoman government decided that every appointment of trustee would result by acquiring a *ilam-ı şer-i* provided by the religious tribunal and a verifying *inha* provided by the British delegate [Muhasebeci] of the Cyprus Evkaf. In the new procedure, the Ottoman administration chose to exclude the municipal councils that had members elected by both communities. The Ottoman government aimed to exclude Christian members from the procedure in an attempt to safeguard the affairs of the Muslim community from their potential advances, now that the island was being administered by a Christian power.

This decision was indicative of a general tendency of the Ottoman government to protect the Muslim community by separating its 'communal' affairs and defining them by and large in a strict communal frame. However that tendency left the Cypriot Muslims susceptible to colonial intervention and manipulation. Instead of protecting the Muslim community's rights, it rather

18 The numerous obligations they were faced with, the lack of preparation and funding by central government, and the religious frame that blocked the initial efforts for the establishment of a colonial administrative mechanism, resulted in the reluctance of competent British officials, accepting posts in the early British administration in Cyprus. English National Archives, *ibid*.

19 English National Archives, *ibid*, p. 13.

20 *Ibid*.

deprived the community of its traditional prerogatives and this created a tendency for introversion. Moreover, the final verifying word was entrusted to the British and not to the Muslim delegate. This provision, which was also acknowledged by the Ottoman government, certified the predominance of the British delegate over his Muslim colleague.²¹

The Ottoman report included 131 vakıf properties, 82 of which were *Mülhaka* (administered by trustees) and 10 *Mazbuta* (administered directly by the Evkaf). In contrast, the local survey conducted by the British revealed 192 properties in total, 10 of which were *Mazbuta* and the rest, regardless of how small their value might have been, were *Mülhaka*. Malcolm Seager noticed that the Istanbul records were inconsistent to a large extent with the properties that were discovered after the local survey.²²

Nevertheless, a large number of *İcare-i Vahide Mülhaka* vakıf (single rent, to be delivered for the purpose of its creation) were discovered to have been transformed into *İcareteyin Mülhaka* (double rent, a small amount paid for the religious purpose of its creation and the rest of its income delivered to its *mütevelli*) by *mütevellis* who had access to the former Ottoman *Müdür* – later to be called *Muhasebeci* – of Cyprus. The Evkaf *Müdür who* – according to Seager – was prone to this kind of illegality was Mehmet Akil. He had handled the affairs of Evkaf approximately sixty-years prior to British occupation.²³

In accordance with the British delegate of Evkaf, money that could have been given to charity or public works, or even to the Evkaf treasury, was illegally collected by *mütevellis* who played an active role in the local administrative mechanism. Moreover the *İcareteyin* properties were liable to laws of inheritance, whereas the *İcare-i Vahide* were perpetually held in Evkaf ownership. ‘Transformed’ properties were leased and even conveyed from one trustee to another.

The delegate also reported that in most cases, the *mütevellis* that acquired properties in the way he described had sold them and left Cyprus shortly before the arrival of the British, hence no legal action could be taken against them by the current Evkaf administration. In his conclusive report in 1881, the British delegate blamed ‘the ... decline of the Ottoman administration system, even after the reforms of Hatt-ı Hümayun for the deprived and ruinous condition [he] found the majority of the estates to be in.’²⁴ The above mentioned arguments worked as both justification and

21 *Ibid.*, p. 20.

22 *Ibid.*, p. 71.

23 Along with the *Müdür*’s consent, two eye witnesses had to verify that the vakıf was indeed *icareteyin*, and if the *seri* judge or *kadi* did not object, the resolution was passed. English National Archives, p. 11.

24 According to his findings, throughout the entire eighteenth century due to the urgent need for financial aid, the Ottoman central governments called provincial governors to Istanbul in order to assist the Empire by giving money, facing dismissal or even death in the opposing case. In order to satisfy the government every *Muhasebedji* of the Cyprus Evkaf sent as much money as he could to the central Evkaf in the hope of satisfying it and retaining his seat. In this manner, the repair work in the local vakıf properties was kept as low as possible to keep it operational. English National Archives, ‘As to Collection of Evkaf tithes by government’, p. 77.

excuse for the British delegate towards his decision not to furnish the Ottoman government with information on matters of the Cyprus Evkaf.

Likewise he expressed his unwillingness to discuss his decisions with the Ministry of Evkaf regarding the distribution of Evkaf funds on repairs and expansions to local Evkaf property. Thus, the detailed inquiry that the British delegate presented on Evkaf matters of Cyprus, not only gave him the necessary knowledge to manage the institution, but also provided the argument he needed to justify his opinion to the local and, most importantly, to the central British government to avoid cooperation with the Porte on Evkaf matters. That being said, Seager did not send a report to the Evkaf in Istanbul on the situation of the Cyprus department and by 1879 he had collected the income surplus by the local vakıf properties on behalf of the British administration. The colonial administration abolished the tithe farming (that is the subletting of the collection of rent or taxes that constituted the main income of vakıf properties in the island) by law in March 1879.

The delegate, however, wished for more government intervention since he was being pressured, first of all by the Ottoman government that 'sought ways to secure more income from the Cyprus Vakıf properties, based on the dubious articles of the convention'. And even though 'the ottoman intentions were clearly perceived' by him, he 'could not fight them', due to the complex and overlapping şeri laws that the delegate did not know in depth and could not handle effectively.²⁵ He again admitted that the Ottoman laws that were still in full power not only gave the Ottoman government a head start in the negotiations but proffered several strong points on which to stand and demand a significant portion of the island's cultivated, or in any other way profitable, lands. In the delegate's opinion, the total secularisation of the main laws that regulated the Evkaf affairs was imperative, if the British administration wished to rule the Muslim community and its institutions 'in any way'.²⁶

The main resistance to the delegate's intentions came from within the island and not from the Ottoman Empire. After the census he conducted in relation to the religious properties of the island, the British delegate concluded that many Cypriot Muslims acted as mütevellis without a *koçan* (the license that the local Evkaf furnished the mütevellî with, after receiving his *Berat* and keeping it for archival purposes), or claimed that they supervised an İcareteyin vakıf, whereas the Evkaf had the property listed as İcare-i Vahide. Seager and his Cypriot Muslim colleague, Şekerzade Esseid Ahmet Hulusi Efendi, dismissed all 'non-compliant' mütevellis and placed all the 'confiscated' properties under the supervision of two mere Evkaf clerks, Hacı Nuri Efendi and Samih Efendi.²⁷ The reaction to this by Cypriot Muslim religious officials was intense. This initiative was contrary to both şeri law and to an administrative practice that had been in use by the Ottomans for centuries.

25 English National Archives, 'conclusion', p. 25.

26 *Ibid.*, p. 77.

27 *Ibid.*, p. 5.

The ruling class of the community (called *softa*), consisted of religious officials, used to promote and succeed one another to the religious and at the same time administrative posts of the island. The appointment of Ahmet Hulusi Efendi as the Muslim colleague of Seager was proposed by the British administration and ratified by the Mufti Ahmet Reşit and the Chief Kadı Nuri of Cyprus.²⁸ The Ottoman administration had the right – according to the terms of the convention – to select the Muslim delegate of Evkaf, but did not exercise it.

After numerous appeals, the colonial administration proceeded to appoint a person they had selected, and applied to the local Muslim officials for their ratification.²⁹ Even though the two colleagues were supposed to be equal, and each charged to report to his own administration, only the local government was aware and authorised their actions, and the Muslim Muhasebeci received orders via his British peer from the very beginning of their appointment.³⁰

Although the colonial administration faced many challenges in Cyprus with an extremely tight budget, reformations regarding the Muslim community seemed imperative from the outset of their occupation of the island. The fact that all religious laws and institutions remained active but with neither a figure head nor supreme authority after the withdrawal of the Ottoman government, gave local officials the opportunity to interpret the law as they saw fit and to try and occupy the power vacuum that the British administration, due to its mere secular nature, was not in a position to occupy.

Because of Seager's unique role as both British official and head of an Ottoman institution he was aware of the gap between the transcending authorities and stood by point of authority over and sometimes above his government. The fact that he often gave orders instead of receiving them was not in accordance with the colonial government, especially the Chief Secretary.³¹ However, the problem did not seem to be recognised officially other than in the office of the British delegate itself. Within a very short period of time, at least three British officials had resigned from their posts following conflicts of authority with their fellow officials of the Cyprus government.³² The official justification for their resignation was 'excessive workload'.³³

28 The Mufti of Cyprus was the supreme religious authority on the island, and as all Muslim religious officials he had many administrative duties, mainly verifying Evkaf and Şeri tribunal decisions and ensuring that they abided by the şeriat laws. Cyprus had five kadı judges, one for every province. The kadı of Nicosia was called chief kadı. For details regarding the judicial and administrative system of Cyprus during the Ottoman era, see A. Gazioglu (1990) *op. cit.*

29 Cyprus National Archives, SAI/1520/1882.

30 Cyprus National Archives, SAI/1519/1882.

31 Cyprus National Archives, SAI/1014/1882.

32 Malcolm Seager most probably resigned in 1882. His post was temporarily covered by H. Kitchener, and R.E. Grant succeeded him shortly after. He left his post in 1886, and C.N. Hilgrove took over. Cyprus National Archives, SAI/1219/1886.

33 Cyprus National Archives, SAI/1014/1882.

In early 1885, a discussion began in the administration regarding the post of the delegate and the clarification of its duties. The Chief Secretary had requested the former (Seager, Grant) and the current (Hilgrove) delegates to present the problems they faced in their work and whether their post's aims were feasible.³⁴ Seager and his peers referred to the many and overlapping religious laws and the various contradictory-tried cases that served as a precedent and could literally overthrow any solid verdict the department might try to pass. They underlined the fact that two equal heads operated in a department with an Ottoman basis, and a secular, colonial overcoat. They requested full secularisation of the department and the laws that regulated its functions in order for the Evkaf to be in a position to coexist with the other new administrative services.

Seager also took the opportunity to underline the fact that even with the Ottoman 'overcoat' that came with his post, he could not relate and interact with the local population: Even as a facade for legitimating purposes in the eyes of the Muslim Cypriots, the old Evkaf could not serve the government's interests.³⁵ The early friction between the British officials that attempted to run the local Evkaf and the remainder of the British administration enabled the latter to realise the major significance that the specific institution held for the Muslim community. Furthermore, it was evident that the administration of the said institution could not continue in the same religious-secular basis as in the Ottoman regime.

Finally, the census that Seager conducted helped the administration to realise the significant financial role that Evkaf held, not only for the Muslim community but also for the British administration, who could save significant support funds if the Evkaf surpluses could be utilised in that direction. During the years that followed, almost until 1922, the British would follow an invasive colonial policy towards the Muslim religious institutions and the Evkaf, which they would try to infiltrate and '*colonialise*' from within. Along the route, the old *Ottoman* administrative elite of the community was set aside and a new one started to form with the Muslim delegate of Evkaf at its centre, and being compliant with the new administration.

Cyprus Evkaf and its Significance for the Muslim Community

Throughout the early years of its presence on the island the pressure of the new administration fell mainly on the Muslim community. The fact that the occupation of Cyprus was the outcome of negotiation and not of war, gave the British the negotiating advantage of appearing as the successors as well as the custodians of the Ottoman power in Cyprus. Moreover, through the Cyprus Pact the new government, though secular, had every right to infiltrate the main religious and legal norms that regulated the social, economic and religious life of the community. The most prominent paradigm of this intervention is the case of the Cyprus Evkaf.

34 Cyprus National Archives, SAI/1392/1885.

35 *Ibid.*

By its creators it was defined as: 'Department of land and property administered by the religious foundations of Cyprus'. Because of the way that the Muslim community was organised, the Evkaf regulated almost all of its financial, social and religious life. Via the *vakıf* properties, the Ottomans established a pattern through which the economic life of their communities evolved around religious foundations, sacred laws and state financing. When the British took over the administration of Cyprus, the majority of the Muslim Cypriots cultivated land and received various small wages acting as *mütevellıs* for numerous portions of vakıf properties they had received from family and relatives over the years. They were strongly connected to the Ottoman state in the belief that it was their main employer and provider of prosperity. Additionally, the right to inherit property and to manage it in the name of the state and Islam bestowed an identity on Muslim Cypriots as the ruling community of the island.

The new administration understood the importance of Evkaf for the Muslim community. The appointment of both the British and the Cypriot Muslim delegate placed the foundation under direct British control, which actually grew firmer over the years. In doing so, they appeared as the lawful successors of the *Imperial* Ottoman power. Gradually and drastically, the British began to secularise the Evkaf by diminishing the role of the religious [şeriye] tribunals and placing Evkaf matters under the jurisdiction of civil courts. Furthermore, to simplify its function and cut out unnecessary expenses, many small vakıf properties were abolished; their *mütevellıs* were compensated with a fixed sum and were dismissed from their posts.

After Ahmet Hulusi's death, the British appointed Musa İrfan Bey as the new Evkaf delegate on 1 May 1899³⁶ He was educated in Britain and had worked as a civil servant in the past for the British government. However, the religious officials that legalised their power in the Ottoman period – the *former* Ottoman administrative elite – were already reacting to British manipulation. Leading figures in those movements were two officials, the mufti and the chief kadı, who had the largest influence in the old regime, and were now afraid that they would be deprived of it.

In 1907 (6 March), Münir Munib Bey, supported by the new chief kadı Numan Efendi, sent a letter to the Grand Vizier Kamil Pasha in Istanbul, complaining about the way İrfan Bey administered the vakıf properties in Cyprus. According to Münir Munib and other mütevellıs that co-signed the letter, İrfan Bey administered the properties without taking into consideration the religious laws. Moreover, according to the petitioners he was not suitable for the post of the Muhasebeci of Evkaf. He was elected arbitrarily, without taking into consideration the proper line of succession of the existing religious officials, and he was not selected by the Grand Vizier, as Convention terms dictated.

36 M.H. Altan, R. Jennings and J. McHenry (1997) 'Kıbrıs'ta Evkaf' [The Cyprus Evkaf], 'Archival Materials and Research Facilities in the Cyprus Federated State: Ottoman Empire, British Empire, Cyprus Republic', *International Journal of Middle East Studies*, Vol. 8, p. 3.

From the above it can be concluded that the former Ottoman officials were not attacking İrfan Bey personally, but they were protesting against the practices of the new administration; the administration that controlled Muslim religious institutions without taking into consideration the religious laws, precedence and authorities.³⁷ They felt threatened by the new practices, but they could not attack the new regime directly since it was secular and beyond their reach. Moreover, Ottoman officials traditionally obeyed and never criticised state authority. To some extent it was being approved by the Ottoman government due to the Convention, so they could not oppose it openly. This being the case, they criticised the Muslim Muhasebeci because he was the only person of the new regime that also belonged to the old one, and they believed they had the right and the obligation to do so.³⁸

Oddly enough, Kamil Pasha was convinced by the letter and issued a ferva of dismissal from his post for İrfan Bey.³⁹ Yet the colonial administration did not follow the decision of the Grand Vizier, and the latter never attempted to enforce it.⁴⁰ Indicative of the non-existent relations of the two governments was the fact that the British ambassador in Istanbul had to act as an intermediary, since there was no defined path for any kind of communication or cooperation on the matters of the community.

Even though the old administrative elite had begun to realise that the situation had changed and that the Ottoman government could not, or would not, assist them against the British intervention in communal institutions, and sensing that the time of their banishment from any real authority was not far off, they kept trying to secure their rights and prerogatives. The leader in this effort had for a long period of time been the Chief Kadı Numan Efendi. His basic weapon in that struggle was the fact that the new administration was not familiar with the religious laws that regulated the community's judicial, administrative and financial institutions and foundations.

The aforementioned laws were still in use, and the British government was bound by the Convention terms to retain them as far as the Muslim community was concerned. In an effort to fortify his role and keep intact his rights, Numan Efendi dismissed several mütevellis from their posts. The mütevellis in question were appointed by the new Evkaf administration. But when they

37 Cyprus National Archives, SA1 3297/1892, SA1 434/1900.

38 In his defence, İrfan Efendi reported that the only reason Numan Efendi made all these allegations against him was because he was not appointed delegate of the Evkaf, even though he had been in the Ottoman administrative system for many years, and according to the traditional, Ottoman practices he was next in line to be made Muhassebedji. İrfan Bey, perfectly aligned with the new regime, not only did not try to relate in any way with the Ottoman government or the religious laws, but declared proudly that 'he had received different education and learned to operate in a different environment (than his rivals who were professionally educated in the ottoman environment) and to appreciate a different culture', referring to Great Britain. See Cyprus National Archives, SA1/907/1907.

39 *Ibid.*

40 *Ibid.*

protested to the Evkaf that their appointments were sanctioned by the kadıs residing in their provinces, and that the chief kadı had no jurisdiction to dismiss them, the chief kadı replied that he had appellate jurisdiction over the other kadıs of the island and, therefore, he could overthrow any decision made by 'the Evkaf side'.⁴¹

The Evkaf delegates searched the relevant laws in order to determine whether the chief kadı had indeed appellate jurisdiction over the other provinces of the island, while İrfan Bey was obliged to explain his actions to the government. The final findings of the British delegate regarding the law were, as always, inconclusive, but there was no solid proof that the kadı did have any jurisdiction over other provinces on the island other than Nicosia. The kadı had concluded that since the supreme ratifying authority in the Empire, that is the Şeyh-ül İslam, was not available and the authority pyramid was headless, he was the next in line with the right to administer religious justice, and to take over and make sure that the law was justly enforced.⁴²

The British delegate, perceiving the legal dead-end that faced this and many similar cases to this that were about to erupt, warned his administration peers to move the solving of these particular problems to civil rather than religious courts in order to halt turbulence and enable the reformation of the Evkaf foundation to continue without obstacles.⁴³ What he proposed was the secularisation not only of the Evkaf foundation but also of its legal infrastructure, which meant the neutralisation of the şeriye tribunals and their substitution by civil courts.⁴⁴ At first, the British administration chose to ignore the intervention of the kadı to the Evkaf cases. The decisions of the kadı were not carried out, and the delegates went on with their schedule. Gradually, the chief kadı was stripped of the essential duties of his post, which was nullified in the 1920s, while the post of the mufti was abolished. The şeriye courts suffered the same fate: They were gradually weakened, the majority of their cases being transferred to civil courts. Finally, they became a small fraction of the civil courts with very limited jurisdiction. The şeriye judges became part of the colonial administrative mechanism.

What must be underlined here is that the Muslim community of Cyprus did not cooperate willingly with the British colonial administration, even though there were administrative and ideological mechanisms that obliged the community to accept close British administrative control. Nonetheless, the reactions of the former influential and powerful religious officials that exercised power or property realised that this was being endangered sporadically by the new regime. It was not organised but fierce and constant, given the time it took to manifest itself.

On 5 November 1914, the same day that Anglo-Turkish relations were severed by Order in Council, the British abrogated the 1878 Cyprus Convention and related instruments and annexed

41 Cyprus National Archives, SAI 617/1894.

42 Cyprus National Archives, SAI 3297/1892 and SAI 434/1900.

43 Cyprus National Archives, SAI /907/1907.

44 *Ibid.*

Cyprus to Britain.⁴⁵ The abrogation of the Sultan's sovereignty over Cyprus certainly did nothing to improve the morale of the Muslim community, but even afterwards, several *mütevellis* that were deprived of their vakıfs still continued to protest. The traditional religious officials of the Ottoman past – the old administrative elite – were the first to demonstrate anti-colonial initiatives within the community, even if their motives were personal. Thus the impact of the British reforms to the Evkaf and the secularisation of the main institutions of the community had a profound effect on the mentality of the Cypriot Muslims and heightened social conditions for the genesis not only of anti-colonial but also nationalistic sentiments.

Conclusion

This article has attempted to depict the transition from the Ottoman to the British regime, focusing on the effects that transition had on the institutions and foundations of the Muslim community of Cyprus. The Cyprus Convention, instead of safeguarding the Cypriot Muslims' rights and their position as the ruling class of the island, created the prerequisites for the colonial infiltration of the British to the main Muslim institutions. Through articles of the Convention the British managed to pass as the guardians and administrators of the Muslim communal institutions, mainly the Evkaf, due to the joint supervision they had over it with the Ottoman government. At the same time, the Ottoman government could not, or would not, interfere in the administration of the Evkaf, thus leaving the British to administrate the institution unattended and at the same time with full Ottoman legitimation.

Subsequently, the British managed to validate themselves in the community as successors of the Ottoman Imperial power and as custodians of the Cypriot Muslim position in Cyprus. At the same time, the Evkaf and other communal institutions such as religious tribunals underwent major reformations that stripped them of their communal and religious character. The Ottoman elite of the community was sidestepped by the British – in spite of their reactions – while a new elite started to form, having the new Evkaf administration at its centre and being compliant with the British. The result was an effort of 'colonisation' of the Muslim community by the British largely through its institutions. The latter had become communal only in name, whereas in reality they were departments of the British colonial administration.

45 G.S. Georghallides, *op. cit.*, p. 88.

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