

The Ottoman Judge and the Undead: A Judicial Order to Stake Vampires*

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Context

Vampires have been part of Balkan, and by extension Ottoman, folklore long before they became heroes and villains of fantastic literature. Vampirism also existed in different parts of the empire under different names.¹ While we cannot get enough of vampire novels and TV series, Ottoman subjects were trying to get away from or get rid of them as quickly as possible. It is therefore not surprising that in one of his most well-known *fetvās*, Ebussuud Efendi addresses the legal permissibility of fleeing a village in the event of a vampiric incident.² In another, he outlines methods for dealing with such creatures.³ The fact that Ebussuud had to tackle the issue of vampirism clearly illustrates how legal discourse engages with the concerns of the populace even when those concerns may appear superstitious.⁴ The *mürāsele* (judicial order) copies transcribed and translated in this article further exemplify this point.

The *mürāsele* examples presented below appear in the marginalia of folio 156b of a manuscript titled *Sakk*, held in the Milli Kütüphane Manuscript Collection under catalogue number 606782. *Şakk* manuscripts are essentially compilations of anonymized judicial documents intended to serve as templates for subsequent legal issuances. They were widely circulated among legal practitioners and served as practical handbooks.⁵ The manuscript in question is named “*Sakk*” because the majority of the folios are de-

¹ The most general term used for vampires in the Ottoman Empire was probably *cādu*, while *karakoncoloz* was primarily employed in Greek-speaking regions, and *upir* in the Balkans. For a general overview of vampiric beings in the Ottoman Empire, see Marinos Sariyannis, “Of Ottoman Ghosts, Vampires and Sorcerers: An Old Discussion Disinterred”, *Archivum Ottomanicum* 30 (2013): 195-220. On the other hand, Kafadar argues that the vampire represents a distinct type of creature specific to the early modern period, see Cemal Kafadar, “Vampire Trouble Is More Serious Than the Mighty Plague.” in *The Land between Two Seas: Art on the Move in the Mediterranean and the Black Sea 1300-1700*, ed. Gülru Necipoğlu (Leiden: Brill, 2022), 126-151.

² Mehmet Ertuğrul Düzdağ, *Şeyhülislâm Ebussuud Efendi Fetvaları Işığında 16. Asır Türk Hayatı* (İstanbul: Enderun Kitabevi, 1972), 198.

³ *Ibid.*

⁴ As Kırgı points out in his book on vampires, the study of Ottoman vampires is most effectively approached through the legal sphere, since the majority of records pertaining to such cases are found within judicial documents, see Salim Fikret Kırgı, *Osmanlı Vampirleri Söylenceler, Etkiler, Tepkiler*, 4th ed. (İstanbul: İletişim Yayınları, 2022), 57.

⁵ Süleyman Kaya, “Mahkeme Kayıtlarının Kılavuzu: *Sakk* Mecmuaları” *Türkiye Araştırmaları Literatür Dergisi* 5, (2005): 379-416.

voted to a copy of Mustafa b. Şeyh Mehmed's renowned *şakk* named *Ravzatü'l-kudat fi'l-mehadiri ve's-sicillat*.⁶ The work was copied by Ömer b. Hüseyin in 1117 (1705).

A *Mürāsele* is an order issued by an Ottoman judge (*kāzī*) or a deputy judge (*nāib*) in the form of a letter.⁷ Ottoman judges typically send these letters to recipients within their jurisdiction, thus reflecting the local administration of justice. However, since these letters were not sent to the Ottoman capital and only circulated locally, they are rarely found in archives.⁸ Fortunately, many copies of these *mürāseles* can be found in the marginal notes of *şakk* manuscripts.⁹

The two *mürāsele* copies, both titled *Ervāḥ-ı ḥabīse mürāselesidir* (Judicial Order for the Evil Spirits), address similar supernatural concerns but differ markedly in wording, addressees, and prescribed actions. The first is sent to a village imam, instructing him to investigate graves (*maḳber*) for signs of unnatural death and report back to the judge. The second is addressed to the entire population of a *çiftlik*, authorizing them to directly eliminate the vampire (*vanpir*) by staking it in its pit (*çuḳur*) with a stake made from a specific tree (*yemiş*).

These differences likely stem from the religious identities of the recipients: the first letter, probably addressed to a Muslim village, reflects greater judicial control and deference toward the dead, assigning only investigative duties to an imam. The second, likely directed at a non-Muslim community, delegates both judgment and execution to the local populace, perhaps allowing customary practices to guide the response. The shift in vocabulary from *maḳber* in the first letter to *çuḳur* in the second may also reflect broader patterns in pre-19th-century Ottoman legal writing, in which non-Muslims and their dead were referred to using less dignified terminology than Muslims. On the other hand, the first letter uses the general term *ervāḥ-ı ḥabīse*, the second employs the specific

⁶ *Ibid.*, 400-402.

⁷ Aleksandar Fotić. "The Belgrade Kadi's Müraseles of 1683: The Mirror of a Kadi's Administrative Duties," in *Belgrade 1521-1867*, ed. Dragana Amedoski (Belgrade: The Institute of History, Yunus Emre Enstitüsü, 2018), 65-77.

⁸ *Ibid.*, 66-67.

⁹ There are also personal *şakk* compilations that contain numerous *mürāsele* copies alongside other types of documents, see Fethi Gedikli, *Bosna Sakk Defteri: Hicri 1203-1288 (1788-1871) Tarihleri Arasında Bosna'da Hukuksal ve Toplumsal Hayat* (İstanbul: İz Yayıncılık, 2015).

word *vanpir*, which—if the letter is correctly dated to the late 17th or early 18th century—may represent the earliest known use of the term vampire in the Turkish language.¹⁰

The mention of a stake made from a *yemiş* tree is particularly notable, though the term *yemiş* broadly denotes various fruit-bearing trees, making its precise meaning ambiguous. *Îmâ-yı Törehât-ı Büldânân*, a travelogue with a particular tendency to record local customs and practices, sheds some light on this by noting that people in the Balkans use wood from what they call the *yemiş* tree, a species resembling *‘anber-i bâris* (common barberry) in both shape and fruit, to craft cross-shaped stakes.¹¹ Considering that hawthorn, known also as *yemişen* in Turkish, is traditionally used against vampires in the Balkans, it is likely that *yemiş* here specifically refers to hawthorn. It is also possible that Evliya Çelebi, when describing stakes used against vampiric beings in Circassia, employed a general term like *böğürdlen* (blackberry) to denote hawthorn or similar plants. Notably, barberry, hawthorn, and blackberry share botanical characteristics: all are thorny shrubs bearing small red to black fruits that stain the hands and resemble blood when picked, a fact familiar to many who have foraged blackberries.

¹⁰ The manuscript as a whole contains numerous dates, some as late as 1281 (1864). When examining the marginalia surrounding the *şakk* in an attempt to determine the original dates of the documents, one encounters a mixture of official and unofficial letters, orders, and judicial records, most of which include only partial dates. However, there is one document copy with a complete date on folio 77b, recorded as 29 Şa‘bân 1087 (6 November 1676). Although the reader need not necessarily have compiled these documents exclusively from the same period, it is likely that the original *mürâsele* examples belong to a timeframe between the second half of the 17th century and the first half of the 18th century. However the copies are at least a little older than the actual letters. On folio 1a, we find a copy of a letter from Kevakibizade Veliyyüddin Efendi, the kadiasker of Rumelia, addressed to Çivizade Ataullah Efendi. In this letter, the kadiasker authorizes Ataullah Efendi to collect the *askerî kısmet* in Prevadi, beginning from the first day of Rebiü’l-aḥîr 1134 (19 January 1722). Prevadi, located in present-day Bulgaria, remained an *arpalık* until 1135. One folio before that, there is a list of books that the author of the marginal notes took with him to Prevadi. Another, more extensive list appears on folio 171b; it includes the titles from the earlier list as well as many additional works. Taken together, these records strongly suggest that the same individual authored both lists. This, in turn, raises the possibility that the owner of these books traveled to Prevadi around 1722, likely serving either as a *nâib* or as a scribe working under Çivizade Ataullah Efendi.

¹¹ Mehmed Hâşim, *Îmâ-yı Törehât-ı Büldânân*, ed. Feridun M. Emecen and İlhan Şahin (Ankara: Türk Tarih Kurumu, 2022), 190. It is also noteworthy that one of the vampire incidents recounted in the text takes place in Prevadi—a location where the owner or reader of the manuscript may have personally served, as suggested by the marginal notes he recorded.

This suggests a symbolic association between these plants, blood, and vampiric folklore.¹²

As a final point, one might ask why these judicial orders were issued in the first place, and why the owner or reader of the *şakk* manuscript chose to anonymize and copy them into his manuscript. The rationale behind the original issuance appears relatively straightforward: any interference with graves required formal judicial authorization. Without such permission, tampering with the dead could constitute a serious offense, both legally and ritually. Indeed, *Törehât-ı Büldânân* again provides a relevant example of how such a *mürāsele* might be obtained and employed. In one case, a rumor began to circulate that İnce Mehmed Ağa had become a vampire after death. As the rumor gained traction, a group of ten to fifteen individuals approached the court and requested a *mürāsele* to exhume and burn the body. Their request was granted, and the body was burned.¹³

This case exemplifies how any action against the suspected undead required judicial sanction. However, the fact that the *mürāseles* in question were anonymized, copied, and appended to the work of Mustafa b. Şeyh Mehmed suggests a further layer of meaning. It implies that the compiler believed these documents might serve a practical purpose in the future, that such cases were not as rare or anomalous as one might assume. This is significant not only because of the act of supplementation itself, but also because it points to a possible judicial practice: that Ottoman judges may have handled vampiric incidents primarily through the issuance of *mürāseles*, without formally recording such cases in court registers (*sicil*), since it may not have been necessary to do so. If most of these judicial orders have not survived or were never preserved in archival collections, this absence may lead to a historiographical bias—causing vampiric incidents to appear far less frequent in the historical record than they likely were.

¹² I thank Dr. Mahmud Esad Kalıpçı for raising this insightful point during our conversations on the matter.

¹³ *Ibid.*, 152.

Transcription

Ervāḥ-ı ḥabīse mürāselesidür

Fülān ḳarye imāmı el-mükerrem ba'd'es-selām inhā olunur ki ḳarye-i mezbûre meḳābirinden bir iki yirde ervāḥ-ı ḥabīse olmaḳ ḳann olunmağın açılıb naẓar olınmaḳ içün mürāsele iltimās eylemeleriyle taḥrir ve irsāl olındı lede'l-vuşûl ol maḳûle ḳann olınan maḳberleri açub fî'l-vāḳı'a meyyit ḥāline teḥallûf bir ḥālet üzre bulınsa bu ṭarafa i'lām eylesün ki mücibiyle 'amel olına ve's-selām.

Dīger

Fülān nām çiftlik ahālisi mezbûrda vanpir nāmında bir ḥabīs zāhir olub müteezzī olduğunuz ecilden mürāsele irsāl olınmuşdur lede'l-vuşûl mazanne ittiḥāz itdüğünüz çukuru keşfidüb göresiz vāḳı' ise yemiş ağacı ile çukuru içine mıḥlayasız ve's-selām.

Translation

Judicial Order for the Evil Spirits

Reverend imam of such and such village,

After salutations, what is requested of you is the following: since it is suspected that there are evil spirits in couple of graves in the aforementioned village and since the people have asked that those graves be opened up and examined, this order has been written and sent. Upon receipt of this letter, you are to open the suspicious graves. If you observe any deviation from the natural state of death, report back to us so that appropriate measures may be taken.

And peace [be upon you!]

Another [example]

People of the such and such named çiftlik,

As an evil being known as a “vampire” has emerged in the aforementioned location, and as it caused you distress, this order has been issued. Upon receipt, you are to inspect the suspected pit. Should your suspicions prove accurate, nail it down to its grave with a berry stake. And peace [be upon you!]

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