

400,000 in 1980) behind the Federal capital Kuala Lumpur.

The sparsely inhabited island was acquired from the Sultan of Kedah in 1786 for the East India Company as an entrepôt for country trade. After initial success, it was overtaken by Singapore, remaining a subsidiary centre until the establishment of plantations in eastern Sumatra stimulated it again early this century. From 1805 it briefly had the status of a presidency under the English East India Company, from 1829 joined with Malacca and Singapore as the Straits Settlements, governed from Singapore after 1836, and in 1867 became a British colony. After the Japanese interregnum from 1942 to 1945, Penang was joined to the rest of Malaya in 1948 as a state of the Federation of Malaya (since 1963, Malaysia [*q.v.*]). It retained the free-port status it had enjoyed under British rule for some time. In 1970 it opened Malaysia's first free trade manufacturing zone, and soon became a significant centre for electronics component manufacturing.

Reflecting the commercial history of the settlement, the population is ethnically mixed. There is a Chinese majority, Penang having the lowest proportion of Malays found in any peninsular Malaysian state (Malays being dominant numerically and politically in the Federation as a whole: see MALAYSIA). Georgetown is a predominantly Chinese city (68% in 1980), with Malays (19%) and Indians (13%) in the minority. Muslims in Penang comprise the whole Malay community and a small proportion of the Indian population, including the so-called Jawi Peranakan or Jawi Pekan, Muslims of South Indian extraction who have to some degree adopted Malay language and customs. The latter, being urbanised, have provided political and intellectual leadership to Penang Muslims. Unlike Singapore, Penang has not had an important Arab community. As elsewhere in Southeast Asia, the *Shāfi'ī* law school is followed.

In the Malay states, the hereditary Ruler (Sultan) is head of religion, administering and regulating Islamic affairs through the agency of an advisory council of religious notables (Majlis Ugama Islam) and secretariat (see MALAY PENINSULA, 8). Such control was absent in the British colonies, beyond the appointment of a Muslim Advisory Board and a Muslim and Hindu Endowments Board to regulate *wakf*. In 1957 under the independence constitution, Islam became the official religion of the Federation of Malaya, of which Penang was a component state. The head of Islam in Penang was thenceforth the Federal Ruler or Yang Dipertuan Agung (chosen in rotation from the hereditary Rulers of the Malay states) and a religious administration parallel to that of the Malay states was set up under the Administration of Muslim Law Enactment of 1959. This provided for a Majlis Ugama Islam headed by a state Muftī, including among its activities the support of Islamic schools, propagation of Islam, supervision of the *khutba*, and administration of *zakāt* and *fiṭra*. A system of *kādi* courts (Mahkamah Kadi) to administer *shari'a* law was also instituted, though as elsewhere in Malaysia this jurisdiction extends only to Muslims in the areas of family and testamentary law, immorality, false preaching, and failure to fulfil religious obligations.

Given their cosmopolitan urban society, historically higher educational levels, and lack of governmental concern with religious matters, the British Straits Settlements became, in Roff's words, "sniping posts" for critics and reformers. In education, reformist ideals found expression in the foundation of the Madrasa al-Mashhūr in 1916, which used Arabic and

English as the media of instruction, while the Jawi Peranakan in general embraced the government English education stream. In the 1920s, thanks in large measure to the scholar-publisher Sayyid *Shaykh* al-Hādī, a Malacca-born Malay of Ḥaḍramī descent, Penang emerged as the centre of reformist thought and Muslim publishing in Malaysia, promoting the values of the young Turks or *kaum muda*, who stood for informed *idjtiḥād* rather than blind *taklīd*. Reformist journals like the Malay-language *Al-Ikhwān* (1927-31) circulated from Penang throughout Malaya, southern Thailand and Sumatra. Through the correspondence pages of the related and similarly-titled newspaper *Saudara* ("Brothers", 1928-41), arose Malaya's first national organisation, PASPAM or Persaudaraan Sahabat Pena Malaya ("Malayan Brotherhood of Pen-friends"), which espoused the economic and social progress of the Malay community. During this period, two Muslim presses in Penang were active among publishers of *kitāb* literature (Qur'ānic commentaries, manuals of *fikh*, etc.: see INDONESIA, vi. 5), and tracts, including some by Ahmadiyya [*q.v.*] activists, as well as modern novels adapted from English and contemporary Egyptian works.

Within Malaysia, Penang has retained its non-conformist milieu, as an urban centre removed from the centre of power. From Penang in the 1970s and 80s, Chandra Muzaffar, born in Kedah of Indian background, has been prominent in advocating the need for a liberal Islamic sociology unfettered by ethnicity in a modern plural society.

*Bibliography*: W. Roff, *The origins of Malay nationalism*, New Haven 1967 (standard work); J. Nagata, *Malaysian mosaic*, Vancouver 1979, ch. 4; M. Yegar, *Islam and Islamic institutions in British Malaya*, Jerusalem 1979; M.B. Hooker, *Islamic law in South-East Asia*, Singapore 1984; H. Fujimoto, *The South Indian Muslim Community and the evolution of the Jawi Peranakan in Penang up to 1948*, Tokyo 1988.

(I. PROUDFOOT)

**PENÇE** (τ., from Persian *panḍja* "palm of the hand"), a term of Ottoman Turkish diplomatic. It was a mark, somewhat resembling an open hand and extended fingers, affixed (on either of the left- or right-hand margins or at the foot of the scroll) to documents, such as *fermāns* [see FARMĀN] and *buyuruldus* [*q.v.*], issued from the Ottoman chancery by higher officials such as viziers, *beglerbegs* and *sandjak* *begs*.

*Bibliography*: F. Kraelitz-Greifenhorst, *Studien zur osmanische Urkundenlehre. 1. Die Handfeste (Pençe) der osmanischen Wesire*, in *MOG*, ii (1923-6), 257 ff.; İ.H. Uzunçarşılı, *Tuğra ve pençeler ile ferman ve buyuruldulara dair*, in *Belleten*, v, nos. 17-18 (1941), 111-18, 131-57 and pls. XXXIV-LIV; idem, *Osmanlı devletinin merkez ve bahriye teşkilâtı*, Ankara 1948, 135-6; M.Z. Pakalın, *Tarih deyimleri ve terimleri sözlüğü*, İstanbul 1946-54, ii, 769-71. See also DIPLOMATIC. iv. Ottoman empire.

(ED.)

**PENDJIK** (τ., from Persian *panḍj yak* "fifth"), a term of Ottoman Turkish financial and administrative usage. It denoted the fifth which the sultan drew as the ruler's right (equivalent to the Arabic *khums* [*q.v.* in Suppl.]) from booty captured in the *Dār al-Ḥarb*. This involved, in particular, the collection of young boys from the Christian Balkans and Greece by the process of the *dewshirme* [see DEVSHİRME], and these were then trained for either palace or military service as the *kaḫi kulları*; the official in charge of the process of thus extracting the sultan's fifth was termed the *pendjikkî başı*.

*Bibliography*: İ.H. Uzunçarşılı, *Osmanlı devleti*

nouveaux amants malgré l'avertissement que le sort des précédents aurait dû leur donner (1).

Nous sommes ainsi loin des récits légendaires relatifs aux deux reines de Géorgie qu'ont accueillis Ibn Bibī et Ibn al-Aṣīr. La légende de Bakhtūs est sans doute la dernière transformation qu'ait subie leur légende et l'on ne peut manquer de s'étonner que Tamara et Rusudan, deux reines glorieuses et célèbres par leur beauté, aient fini par se transformer dans un roman arabe en une vieille horrible et vicieuse qui tue ses amants et est à son tour assassinée par l'un d'eux.

(1) Sur ce thème mystique, voir ĠAZĀLĪ, *Jhyd'*..., Calre, 1348 h., III, p. 186, où l'on trouvera plusieurs descriptions de ce symbole et les paroles que Jésus adresse à la « Duniyā ».

*-Pencil*  
*-Akinci*

## EN MARGE D'UN ACTE CONCERNANT LE PENĠYEK ET LES AQINGI\*

PAR

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*In memoriam F. Babinger.*

Le problème de la création du corps de janissaires a suscité et suscite encore l'intérêt des historiens. Depuis l'article de Palmer, qui n'a rien perdu de sa valeur, nombre de notules, d'articles, voire même un ouvrage ont vu le jour. Pourtant le problème est loin d'être résolu et tant que de nouvelles sources ne seront pas mises au jour, nous avons peu d'espoir de trouver une réponse satisfaisante à toutes les questions qui nous préoccupent.

Nous voudrions traiter ici seulement un aspect du problème, le recrutement de jeunes gens par le penġyek, c'est-à-dire par le quint prélevé sur le butin. Nous donnerons la traduction et un commentaire d'un document qui

(\*) Liste des abréviations utilisées :

Archives = Archives de la Présidence du Conseil à Istanbul.

'ĀṢIQAŞAZĀDE = 'ĀṢIQAŞAZĀDE, *Die allosmanische Chronik des 'Āṣiqaşazāde*, éd. F. GIESE, Leipzig, 1929.BARKAN, XV ve XVI = Ö. L. BARKAN, *XV ve XVI-inci asırlarda osmanlı imparatorluġunda zırat ekonominin hukukt ve mall esasları* (« Les bases juridiques et financières de l'économie agricole dans l'Empire ottoman aux xv<sup>e</sup> et xvi<sup>e</sup> siècles »), Istanbul, 1945.GÖKBILGIN, Edirne = M. T. GÖKBILGIN, *XV-XVI asırlarda Edirne ve Paşa livası, vakıflar-mülkler-*

*Revue des Études Islamiques* c. 37 (say. 1),  
s. 21-44, 1969 (PARIS)

NOT: Bu makale "AKINCI" posetindedir.

## 2 Traditional Ottoman Policies towards Slavery before the *Tanzimat*

Sanctioned by the *Şeriat* and approved by custom, slavery was an institution of vital importance in Ottoman society. Well-entrenched in the state apparatus through its military-governmental form and almost synonymous with the *harem* system through the employment of slave domestics and concubines, slavery influenced areas as varied as politics and the private lives of the Muslim subjects of the Empire. But slavery as an institution was by no means left on its own to function in the Ottoman Empire even before the Western – that is, mainly British – involvement in the Ottoman slave trade and slavery. The aim of this chapter is to look at traditional Ottoman policies before the Western involvement, which coincided with the *Tanzimat* reform movement (1839–76). This will help us in later chapters to evaluate the changes in the Ottoman attitudes and policies after the proclamation of the *Tanzimat* and to discern ‘traditional’ elements in the policies of the later Empire in regard to slavery.

The *Şeriat* provided the wider base for these policies by supplying a vast body of rules and regulations. The same *Şeriat* also protected the individual Muslim’s rights against the state, among them the right of owning slaves. The notion of the sacredness of Muslim *harems* created a formidable barrier to the outside world which was difficult even for the state to penetrate. In theory an ill-treated slave could apply to the *Şeriat* court to secure his or her manumission, but the state abstained from regular interference in the treatment and punishment of slaves owned by private individuals. However, it tried to prevent a number of ‘abuses’ while slaves were still in the market. Thus it confined its efforts to seeing to it that free individuals were not illegally enslaved and slaves were not used in inappropriate capacities – for example, as thieves. The Ottomans, however, could interpret the *şer’î* injunctions in quite radical ways at times, as in the case of the Ottoman denial of the right of *zimmîs* to employ slaves; and Ottoman practice could be rather different from classical Islamic patterns, as in the case of the enslavement of Shi’ite

Safavid Muslims. The Ottomans could also develop policies for pragmatic reasons, but not necessarily in conflict with the *Şeriat*, as will be seen in the case of prohibition of the slave trade to Egypt at the end of the eighteenth century – half a century before the first British interference.

### THE *PENCİK* TAX AS A MEANS OF MARKET CONTROL

The Ottoman slave system was an open one in which slaves were continually integrated into society as full members.<sup>1</sup> Therefore the system required a continuous supply of new slaves to perpetuate itself. Because of the prohibition on the enslavement of freeborn Muslims and *zimmî* non-Muslims it turned to outside sources for the supply of slaves. Thus, war constituted the single most important source of slaves during the expansion period of the Ottomans in Europe. The Ottoman government interfered in the capture of slaves by private individuals as early as the mid-fourteenth century when it reportedly began to levy one-fifth of the war prisoners (*pencik*), or 25 *akçe* per slave – a supposed one-fifth of the value of a slave – in cases when there were fewer than five slaves.<sup>2</sup> The raiders could bring their captives in groups of fewer than five and might have preferred to pay the monetary *pencik* which was probably lower than the one-fifth of the market price of a slave. Perhaps in recognition of this, it was stated in a law dated 1492 that the bringing of slaves by individuals other than their actual owners was prohibited.<sup>3</sup> Evidently the big raider chiefs were dividing their flocks of captives into small batches and sending them with their men to avoid the seizure of one-fifth of them. There is evidence that the *pencik* became increasingly monetarised. With another law dated 1510 a tariff was issued to determine the tax for different categories of captives.<sup>4</sup>

The Ottomans kept the monetary *pencik*, which remained as an *ad valorem* import tax on slaves till 1857.<sup>5</sup> Slaves without the proper title deed (*pencik varakası*), which was issued to the importer by the custom houses upon the payment of the *pencik* tax, could not be sold and otherwise transported in the Empire. Slave-dealers who had the *pencik varakası* could travel with their slaves without hindrance and would normally not be made to pay the tax again. But in May 1722, a slave-dealer named Mustafa who brought twelve black female slaves from Tunis complained that, although he had paid the tax at the Chios custom-house, he had to pay again in Edirne.<sup>6</sup> Even when it worked smoothly, the *pencik* tax increased the cost and market prices of slaves.