

BEDİRHAN LAÇİN

NEW INCLINATIONS TOWARDS LAND USUFRUCT IN THE 18TH
CENTURY ANATOLIA

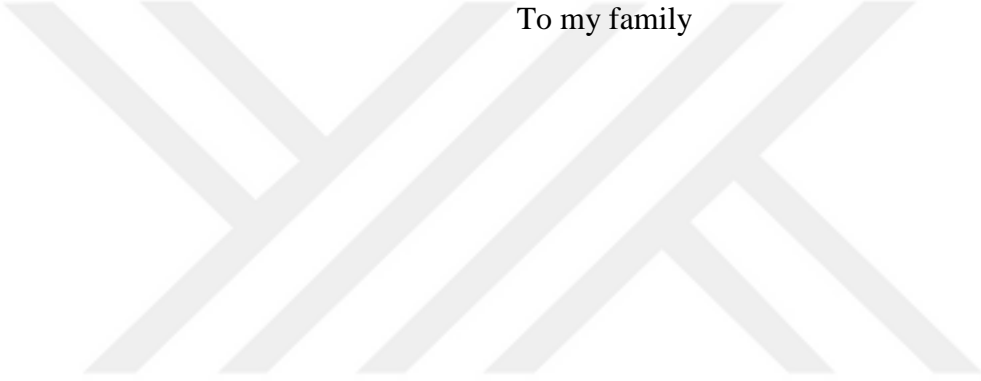
Bilkent University 2017

NEW INCLINATIONS TOWARDS LAND USUFRUCT IN THE 18TH CENTURY ANATOLIA

A Master's Thesis

by
BEDİRHAN LAÇİN

Department of
History
İhsan Doğramacı Bilkent University
Ankara
July 2017



To my family

NEW INCLINATIONS TOWARDS LAND USUFRUCT IN THE 18TH
CENTURY ANATOLIA

The Graduate School of Economics and Social Sciences
of
İhsan Doğramacı Bilkent University

by

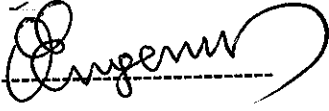
BEDİRHAN LAÇİN

In Partial Fulfillment of the Requirements for the Degree of
MASTER OF ARTS

THE DEPARTMENT OF
HISTORY
İHSAN DOĞRAMACI BİLKENT UNIVERSITY
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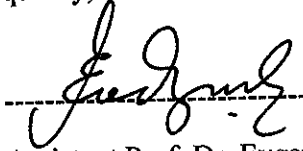
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Prof. Dr. Özer Ergenç

Supervisor

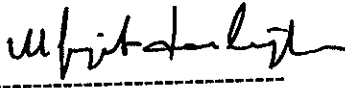
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Assistant Prof. Dr. Evgeni R. Radushev

Examining Committee Member

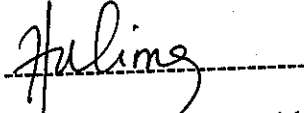
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Prof. Dr. Mehmet Seyitdanlioğlu

Examining Committee Member

Approved by the Graduate School of Economics and Social Sciences



Prof. Dr. Halime Demirkan

Director

ABSTRACT

NEW INCLINATIONS TOWARDS LAND USUFRUCT IN THE 18TH CENTURY ANATOLIA

Laçın, Bedirhan

M.A., Department of History

Supervisor: Prof. Dr. Özer Ergenç

July 2017

This thesis attempts to investigate the changing features of 18th century Ottoman agricultural production in the context of commercialization. New emerging landowners, long-termed usufruct of arable lands and the sharecropping system are analyzed in conjunction with one another respectively. It discusses the implications of the titles held by individuals who purchased arable lands and claims that the Empire's inability to maintain the classical state structure intact from the second quarter of the 17th century had particular impact on long-termed land usufruct and on the emergence of new land owners whose profession was not cultivation. It is argued in this thesis that in the 18th century, there was an inclination towards purchasing arable lands by individuals who resided in towns and city-quarters. It is argued that these new landowners made use of these fields, which were held long-term, by engaging in sharecropping contracts with villagers to receive a surplus of income. The main argument of this thesis is supported by analyzing empirical data composed of court cases regarding land sales and sharecropping contracts. This will display the inclinations of individual who purchased fields and engaged in sharecropping contracts. The empirical data used consists of 5 court registers: 3 of them belong to Konya and the remaining 2 to Antakya. This thesis aims to present an alternative perspective to previously conducted research by analyzing the commercialization phenomenon of agricultural production in the 18th century by suggesting that the sharecropping system was an important aspect of obtaining extra agricultural produce through the process of commercialization.

Keywords: commercialization, fields, property, sharecropping, titles

ÖZET

18.YY ANADOLUSU'NDA TOPRAK TASARRUFUNDA YENİ EĞİLİMLER

Laçin, Bedirhan

Yüksek Lisans, Tarih Bölümü

Danışmanı: Prof. Dr. Özer Ergenç

July 2017

Bu tez 18.yy Osmanlı tarımsal üretimindeki değişimleri ticarileşme olgusu bağlamında ele alıp değerlendirmeyi amaçlamaktadır. Ortaya çıkan yeni toprak sahipleri, uzun dönemli toprak tasarrufu ve ortakçılık birbirleriyle ilişkili olarak incelenmektedir. Ekilebilir arazi satın alan kişilerin sahip oldukları ünvanlar tartışılmakta, Osmanlı'nın 17.yy'ın ikinci yarısından itibaren tecrübe edilen devlet aygıtlarındaki kontrolünü yitirme durumu toprak tasarruf etmenin süresinde ve aynı zamanda bu toprakları satın alan ve mesleği çiftçilik olmayan yeni toprak sahiplerinin ortaya çıkmasında etkili olduğu iddia edilmektedir. 18.yy'da şehir sakinlerinin ekilebilir arazi almaya eğilimli oldukları öne sürülmektedir. Şehirlerde yaşayan bu yeni toprak sahiplerinin, uzun-dönem tasarruf edilebilir arazilerden köylüler ile giriştikleri ortakçılık faaliyetleri ile artık ürün elde etme yoluna gittikleri iddia edilmektedir. Konunun teorik boyutu kadı sicillerindeki tarla satışları ve ortakçılık ile ilgili olan davalarla desteklenmektedir. Bu davalar tarla satın alan ve ortakçılığa girişen kişilerin eğilimlerini göstermektedir. Ampirik veriler 18.yy'a ait Konya şehrinin üç adet Antakya şehrinin iki adet kadı sicillerinden müteşekkildir. Bu tez konu ile ilgili yapılmış olan önceki araştırmalara alternatif bir perspektif sunmayı, ticarileşme sürecinin fazla ürün elde etme imkanı doğuran ortakçılık sistemi bağlamında incelenmesini önerme yolu ile amaç edinmektedir.

Anahtar Kelimeler: mülkiyet, ortakçılık, tarla, ticarileşme, ünvan

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TABLE OF CONTENTS

ABSTRACT	i
ÖZET.....	ii
ACKNOWLEDGEMENTS	iii
TABLE OF CONTENTS	iv
CHAPTER I: INTRODUCTION	1
1.1 Objective of the Thesis	1
1.2 Literature Review	2
1.3 Methodology and Sources	11
CHAPTER II: NEW INCLINATIONS TOWARDS LAND USUFRUCT.....	13
2.1 Emergence of New Landowners	13
2.1.1 Assessment of Implications of Titles and Elkabs of the New Owners.....	13
2.2 Legal Dimension of Land Usufruct.....	39
2.3 Long-termed Land Usufruct.....	45
CHAPTER III: THE SHARECROPPING (MUZÂRA‘A) SYSTEM.....	59
3.1 Types of Joint Enterprises in the Islamic Law	60
3.1.1 Muzâra‘a	61
3.1.2 Sharecropping System in the Ottoman Empire: Evaluation of Primary Sources	62
3.2 Muzâra‘a As a Means of Surplus Extraction and As an Indicator of Entrepreneurship: The Case of a Governor Pasha.....	67
CHAPTER IV: CONCLUSION	72
REFERENCES.....	78
I. Primary Sources.....	78
II. Archival Documents.....	78
III. Secondary Sources	78
APPENDIX.....	82

CHAPTER I

INTRODUCTION

1.1 Objective of the Thesis

The objective of this thesis is to analyze the process of the commercialization of agricultural production in the eighteenth-century Ottoman Empire. Although the problem has been discussed in great extent in the 1980s, the changing interests of Ottomanists, from economic to cultural studies of the Empire, has resulted in a reduced interest in the problems concerning commercialization in the 18th century. Therefore, this study will attempt to, not only re-visit this crucial economic turn in the economy of the Ottoman Empire but will add to and further develop existing arguments that are now dated or unsatisfactorily explored. However, in order to precisely understand the changes and put forward a new interpretation, it is necessary to first analyze the current literature on the subject of commercialization in the Ottoman Empire.

1.2 Literature Review

In the Ottoman Empire, beginning in the seventeenth century, there occurred a shift from a provisionist¹ economy. This led to a transformation in the relationship between the *re'aya*², or the subjects of the Empire who were obliged to cultivate the land and pay taxes, with their landlords and the Empire itself. The *timar*³ system, which had been operating ever since the foundation of the Empire, began to lose its dynamism. It was a system that had previously stimulated expansion, subjugating new arable lands and giving the Ottomans the necessary apparatus to maintain their subject under their dominion by providing them with the means to sustain themselves. From the seventeenth century onwards, exhausting wars with the Hapsburgs along the East-Central European front of the Empire, and campaigns against the Safavids, who re-took Baghdad in the first half of the seventeenth century, a new period arose, marked by problems concerning the provisioning of the empire. The increase in the usage of gunpowder and siege warfare, led to a rise in numbers in the infantry army, as they proved to be more effective than mounted soldiers, or sipahis. However, the previous provisioning system was designed to maintain the cavalry soldier, who was becoming more and more ineffective in the battlefield. Therefore, in order to improve its military capabilities, the empire increased its infantry numbers by employing mercenaries in times of war. However, this led to the acquisition

¹ Mehmet Genç, "State and the Economy in the Age of Reforms: Continuity and Change" *Ottoman Past and Today's Turkey* (ed. Kemal H. Karpat), (Leiden; Boston: Brill, 2000), pp. 180-188. Provisionist economy is a policy of maintaining a perpetual supply of cheap goods in good quality in which exportation was mostly restricted and importation was fostered.

² *Re'aya* which in Ottoman literally means 'the flock' were only the tax paying subject of the empire, therefore not included in the administrative or military classes and were mostly composed of peasants involved in agriculture, craftsmen or townspeople and nomads(yörük).

³ The timar system was composed of taxes that were mainly collected by sipahis, the cavalry units that constituted most of the Ottoman army until the 17th century. These soldiers held the land not as property, but as grants of land revenue (timar) given at the sultan's discretion in return for military service. See Sam White, *The Little Ice Age Crisis of the Ottoman Empire: Ecology, Climate and Rebellion 1550-1750*. PhD. Dissertation, Columbia University, 2008.

of cheap firearms into the hands of landless peasants from the countryside, which this allowed them to actively participate in revolts, such as the Jelali insurrections, in the first decades of the seventeenth century.in the country sides and this led them to actively participate in Jelali insurrections in the first decades of the seventeenth century.⁴

Due to the necessities that arose from new forms of warfare, the Ottoman Empire needed to systematize its main source of revenue: agricultural production. While the *sipahis* maintained their positions as the cavalry arm of the army, economic conditions transformed, no longer depending on payment in-kind, as it had function under the timar system. Therefore, as the need for cash urgently increased, the Empire began to appeal to the *iltizam* or tax-farming more frequently than in previous times, particularly as that system proliferated in the seventeenth century. Furthermore, they began to rely more and more on the *malikâne* system, which consisted life term leases of state revenues. Eventually, the above-mentioned changes led to the emergence of local notables who wielded considerable power in their respected regions. Most of their wealth and authority came from these life-term leases of state fiscal revenues, together with the agricultural production on their lands, which had eventually been turned into *çiftliks* (personally held farms/private farms), of their own. It is thought that the commercialization of agricultural production began to flourish in the *çiftliks* of the local notables, in conjunction with the demands of the Western and Central European states. In accordance with the mentioned

⁴ The *Jelali* rebellions had their roots in Anatolia, and were led by a group of deserted peasants and *kapusuz levendât*, or wartime mercenaries who revolted against the empire. See Oktay Özel, *The Collapse of Rural Order in Ottoman Anatolia: Amasya 1576-1643*, (Leiden: Brill, 2016). Their dissatisfaction with the Empire and influence also spread into the Balkans in this period. See Ariel Salzman, "An Ancien Régime Revisited: Privatization and Political Economy in the Eighteenth-Century Ottoman Empire." *Politics & Society* 21, no. 4 (1993), pp. 393-398.

pre-supposition, considerable amount of studies have been carried out to thoroughly investigate the argument.

Immanuel Wallerstein, Hale Decdeli and Reşat Kasaba, in their jointly published pioneering article, “The Incorporation of the Ottoman Empire into the World Economy”, argued that the Ottoman Empire’s that the commercialization of the Ottoman Empire’s agricultural production developed due to integration or incorporation.⁵ They divided the social systems before the 1500 into three forms: world empires, world economies and mini systems. According to this classification, the Ottoman Empire was regarded as one of the world-empires, which was longer-lasting than the other two above-mentioned systems.⁶ After 1500, there happened something unusual in that the world economy was able to emerge as a distinctly European capitalist system. It had developed and then expanded thanks to its distinctly European internal dynamics. In this process, this new form of world-economy had incorporated entire globe, incorporating other systems and there emerged a single world-economy. “At some point in time”, after the 1500s, in various stages, the Ottoman Empire and its regions, Rumelia, Syria, Anatolia etc., were also subjugated and subsequently, peripheralized by this new world-economy. Within the empire, agricultural relations of production were changed by the shift from the *timar* system to that of the tax- farming of state revenues, which in turn led to the formation of large estates or *çiftliks* in the hands of local notables. The demands of Europe, furthermore,

⁵ Immanuel Wallerstein, Hale Decdeli, and Reşat Kasaba, “The Incorporation of the Ottoman Empire into the World-Economy” in *The Ottoman Empire and World Economy* (ed. Huri İslamoğlu-İnan), (Cambridge: Cambridge University Press, 1987). Ottoman Empire in 18th century at some point in the century became the supplier of wheat and cotton in the large-estates as raw materials to the growing demands of European industrialized production. This situation made the empire peripheralized and incorporated into the World-economy, or European economy.

⁶ Ibid., p. 88.

impacted and transformed social relations in regards to agricultural production, which encouraged production for the export market, focusing on over-growing such crops as cotton and maize.⁷ Scholars argue that this change caused by the Spanish silver influx, which coincided with population expansion in the empire, crippling traditional redistributive functions of the *timar* system. An increase in contraband trade due to the European price inflation, further disrupted the previous agricultural system the Ottoman had relied upon.

However, Bruce McGowan, using Wallerstein's incorporation theory, claimed that most of the holders of large estates were in fact, not entrepreneurs growing crops for export as would support Wallerstein's argument. Rather, they gained their wealth through various rental operations throughout Rumelia.⁸ Therefore, he attempts to place the Ottoman Empire's history from the sixteenth to the nineteenth centuries into the capitalist world economy through such as concepts of "incorporation" and eventually "peripheralization". McGowan is but one example of the influence that Wallerstein's world-systems theory had of Ottoman scholars and their understanding of the place of the empire within the world economy. Certain scholars, focused on the phenomena of 'incorporation' and placed it within the context of large-estate formation.

In 1984, for example, Halil İnalcık published "The Emergence of Big Farms, *Çiftlik*: State, Landlord and Tenants" in which he argued that the emergence of big estates was a

⁷ Ibid., p. 91. In the *çiftlik*s they argued the enserfment of peasants as caused by the loans granted by local notables and inability of the peasants to pay their debts. Peasants either became sharecroppers or enserfed in their large estates.

⁸ Bruce McGowan, *Economic Life in Ottoman Europe: Taxation, Trade and Struggle for Land, 1600-1800*, (Cambridge: Cambridge University Press, 1981.) pp. 76-79.

process that had taken place in the unused wastelands, or *mevat* lands, which were not regarded as *mîrî* (state-owned) lands, through a process of reclamation, or *şenlendirme*. Prior to the eighteenth century, such big farms were usually formed by the ruling elite and the necessary labor to run them successfully was provided by slaves or sharecroppers.⁹ He continues by stating that the transformation of *mîrî* lands by local notables into *waqfs* or privately-owned farms was through their engagement in tax-farming. This was furthered by diminishing state control and the economic motivations of the *ayans*, or prominent local notables, who were pressed by the expansion of external markets to invest in agricultural production by opening up more wastelands.¹⁰ After analyzing the probate inventories of two great ayans, Hüseyin Ağa *mütesellim* of Teke in southwest Anatolia, and Kara Osman-zâde Hüseyin Ağa *mütesellim* of Saruhan in western Anatolia, he concluded by touching upon Gilles Veinstein's arguments on the formation of çiftlik phenomena. Inalcik argues that even if most of the wealth of the local notables was obtained through life-long tax-farming and credit operations, they tried to make their lands suitable for agricultural production and therefore became the main actors in the negotiation of wheat and cotton export with French merchants in the eighteenth century.¹¹ It is fair to assert that, while centrally appointed governors and tax farmers whose tenure was restricted to three years tried to make quick gains, lifetime leases provided their owners the time to treat their lands with great care.

⁹ Halil İnalcık, "The Emergence of Big Farms, *Çiftlik*: State, Landlords and Tenants" *Studies in Ottoman Social and Economic History*, (London: Variorum Reprints, 1985), p. 110.

¹⁰ *Ibid.*, p. 113.

¹¹ *Ibid.*, p. 125.

This article was later presented by Inalcık at the Second Biennial Conference on the Ottoman Empire and the World Economy in 1986, and papers in the conference published in a book titled “Landholding and Commercial Agriculture in the Middle East” in 1991.¹² These articles attempted to answer the question of whether the Ottoman Empire entered a period of the commercialization of agriculture and if so, when and how. In particular, they analyzed the phenomena of *çiftlik* formation within the context of the empire’s incorporation into world trade networks. The importance of the book lies in its approach, which combined both theory and a thorough examination of new archival findings regarding *ciftlik* formation and agricultural production. .

In his article, Gilles Veinstein pointed out three theories regarding the *çiftlik* phenomena. The first regarded the Marxist approach, which argued that the emergence of *çiftliks* on the ruins of *timar* system was a shift from feudalism to capitalism. The second theory maintained the same features, however it stated that trade opportunities stemmed from the growing needs of Western and Central Europe for agricultural commodities, and that this led Ottoman landlords in search of alternative ways to maximize their profits by discarding old practices of agricultural production. Finally, Veinstein put forth the Ottomanist theory, which argued that *çiftliks* emerged as products of the corruption of classical Ottoman institutions such as allocation of timar and application of *devşirme* systems.¹³ He explained, that in the context of the Ottoman Empire, the ciftlik could be formed in various ways without considering the foreign demands: a çiftlik can be formed

¹² Çağlar Keyder, Faruk Tabak (eds.), *Landholding and Commercial Agriculture in the Middle East*, (Albany, New York: State University of New York Press, 1991).

¹³ Gilles Veinstein. "On the Çiftlik Debate", in *Landholding and Commercial Agriculture in the Middle East*, (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991), p. 36.

by turning timar lands into çiftliks, top-down, or consolidating a number of çifts, bottom-up and in the latter case the çiftliks owner was subject to *sahib-i arz*, or timar-holder. Therefore, Veinstein agreed with Inalcik's conclusion that the impact of export trade on the formation of *ciftlik* was questionable. He argued that the disintegration of old agrarian structures was not a preliminary condition for the formation of *çiftliks* and that several internal factors may well-have played a more crucial role, than the demand of European countries.¹⁴

Huri İslamoğlu-İnan, analyzed the cities of Tokat -Çorum during the sixteenth century. She claimed that due to excessive state control in regards to accessing land, commercialization played a limited role in rural economic development, and instead argued that increases in productivity were motivated by taxation demands, not by market demands.¹⁵ Therefore, in the sixteenth century, the revenue-holders dependence and need for assistance from the state, explains why, at this time population growth and urban commercial expansion did not result in the disintegration of small peasant holdings and the formation of large estates in this region.¹⁶ As early as the 16th century, despite a world economy already evolving and incorporation the empire within its orbit, agricultural activity or productivity was not motivated by market forces. In the 16th century it was motivated by dependence on the central authorities. However, some scholars push this argument even further and claim that the market had negligible effect in certain areas of the empire until well into the 19th century.

¹⁴ Ibid., p. 53.

¹⁵ Huri İslamoğlu-İnan, "Peasants, Commercialization, and Legitimation of State Power in Sixteenth-Century Anatolia", in *Landholding and Commercial Agriculture in the Middle East* (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991), p. 67-69.

¹⁶ Ibid., p. 74.

Dina Rizk Khoury arrives at the same conclusion regarding the province of Mosul, for a later period between 1750 and 1850. Even if commerce had an important role in the region's economy, European market demands had little effect on the transformation of Mosul's economy. Only the Jalili, a local notable family in eighteenth-century Mosul, seemed to engage in commercial affairs, such as holding olive and fruit groves, as well as a seed shop. However, Khoury concludes that Mosul did not develop any meaningful system of agrarian capitalism, as land owners always seemed inclined to make investments, which secured their political and social advantages, rather than invest any surplus into the agricultural production.¹⁷

As far as the Aegean region of the Anatolia is concerned, Suraiya Faroqhi's and Elena Frangakis-Syrett's article pointed out that the close geographic location of the region to existing trade networks did not aide in developing agricultural production or economic enterprises based on European demands. Faroqhi analyzed the probate inventory of Müridoğlu Hacı Mehmet Agha, a local notable of Edremit region, which revealed that most of his fortune was made from money-lending, together with the growth of olive groves and the sale of olive oil and 400 hectares of grain production.¹⁸ However, Faroqhi did not come across with the export trade of these agricultural commodities to the foreign markets.

¹⁷ Dina Rizk Khoury, "The Introduction of Commercial Agriculture in the Province of Mosul and its Effects on the Peasantry, 1750-1850" in *Landholding and Commercial Agriculture in the Middle East* (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991), p. 170.

¹⁸ Suraiya Faroqhi, "Wealth and Power in the Land of Olives: Economic and Political Activities of Müridzade Hacı Mehmed Agha, Notable of Edremit" in *Landholding and Commercial Agriculture in the Middle East* (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991), p. 91-93.

Syrett analyzes the of İzmir by the importance of cotton and cloth production in the region, together with the rise of intermediaries such as tax-farmers in the sector. Syretts concludes, however, by stating that this trade did not in fact change agrarian relations or production, rather cotton production worked to strengthen the position of local notables.¹⁹ On the other hand, Faruk Tabak takes a different stand in terms of analyzing the *çiftlik* phenomena, by leaving aside the formation of large estates and elaborating on other changes that occurred in the Syrian agricultural economy during the eighteenth century. He states that small-landholdings remained intact because they were able to adjust with price fluctuations in grain and barley, as well as as with changing climate conditions. He concludes that the absence of *çiftlik* estates is not necessarily an indication of the absence of agrarian change, but rather that in Syria, new crops and changes in rent collection were injected into the existing agrarian fabric of smallholders.²⁰ In this sense, Tabak's argument corresponds to Albert Hourani's consideration, where he rejected the so called "decline" thesis and argued that by the eighteenth century, the Ottoman Empire was a latecomer on to the scene of an already established commercial, political and intellectual global economy established and led by the West.²¹

It should be noted that the need to re-arrange the redistribution of the Empire's revenue sources coincided with its diminishing control over its revenues. This change in circumstances brought local notables on to the scene. However, in far as the findings of

¹⁹ Elena Frangakis-Syrett, "The Trade of Cotton and Cloth in İzmir: From the Second Half of the Eighteenth Century to the Early Nineteenth Century" in *Landholding and Commercial Agriculture in the Middle East* (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991), p. 109-111.

²⁰ Faruk Tabak, "Agrarian Fluctuations and Modes of Labor Control in the Western Arc of the Fertile Crescent, 1750-1850" in *Landholding and Commercial Agriculture in the Middle East*, (ed. Çağlar Keyder and Faruk Tabak), (Albany: State University of New York Press, 1991.), pp. 135-155.

²¹ Albert Hourani, "The Changing Face of the Fertile Crescent in the XVIII Century" *Studia Islamica*, No. 8 (1957), pp. 89-122.

this thesis are concerned, the intentions concerned ns of either these new players on the agricultural scene or the established state elites were nearly the same. The latter group, which are composed of local gentries, merchants and religious dignitaries of towns, are the subject matter of this study. These new actors can be compared to the established prominent local notables, known as *ayan-ı vilâyet*, but on a much smaller, local scale.

1.3 Methodology and Sources

The mentioned studies neglected the aspect of sharecropping, or *muzâra‘a*, in their analysis of agricultural change, including the effect of long-termed usufruct of the arable lands of new land owners, who were not cultivators but city dwellers. Özer Ergenç and Hülya Taş in their jointly published article “Assessments on Land Usufruct and Ownership in Anatolia during the 17th and 18th Centuries” touched upon the subject but did not analyze its effects in detail.²² Özer Ergenç in his article “XVIII. Yüzyılda Osmanlı Anadolu’su’nda Tarım Üretiminde Yeni Boyutlar: Muzâra‘a ve Murâba‘a Sözleşmeleri” dealt with sharecropping and trade venture contracts.²³ This thesis will attempt to elaborate upon the above mentioned studies in depth. The increasing demand in agricultural production, led those who were members of the *askerî* (military) class or tax-exempt and who could accumulate relative wealth, to search for ways in which they might be able to get long-termed usufruct of arable lands. As a result, these new landowners entered into sharecropping partnerships with villagers. This thesis will argue that due to these sharecropping partnerships, accompanied by the process of large estate formation,

²² Özer Ergenç, Hülya Taş, “Assessments on Land Usufruct and Ownership in Anatolia during the 17th and 18th Centuries”, *Ajames*, No.23 (2007), pp. 1-32.

²³ Özer Ergenç, “XVIII. Yüzyılda Osmanlı Anadolu’su’nda Tarım Üretiminde Yeni Boyutlar: Muzâra‘a ve Murâba‘a Sözleşmeleri” *Kebikeç*, No. 23 (2007), pp. 129-139.

that agricultural production inclined towards commercialization of in the eighteenth century. The conclusions reached are determined, primarily, from information analyzed in the eighteenth-century court registers of Konya and Antakya.

Court registers, or *şer'yye sicilleri*, are one of the most important sources among Ottoman archives. These court records contain legal proceedings, recorded by the *kadi*, or judge, of the district on every case in which he presided over. They include cases, which are related to the daily lives of the Empire's subjects on all manner of legal issues of law regarding economic, social and religious cases. Moreover, they possess detailed accounts of conflicts and agreements, such as: divorce, sales of moveable and immoveable assets, petty offences, marriage, tax, heritage and probate inventories of deceased persons. Once a case had been settled, the judge gave title-deeds, or *hüccet*, to the parties, these title-deeds were also registered in detail. In addition, centrally dispatched decrees, together with complaints and answers for submissions, are also recorded in depth.

The primary sources analyzed in this study, therefore primarily consist of cases, which are chosen from among the five court registers located in the Ottoman Archives of Prime Minister's Office (Başbakanlık Osmanlı Arşivleri). Three of them belong to Konya, and two of them belong to Antakya. The court registers of Konya are dated according to the *hijri* calendar: 1151-1153 (1738-1740), 1161-1162 (1748-1749) and 1138-1139 (1726-1727). The court registers of Antakya are dated: 1176-1177 (1762-1763) and 1147-1149 (1734-1736). Accuracy of this thesis's argument is going to be tested after analyzing the above-mentioned primary sources in depth.

CHAPTER II

NEW INCLINATIONS TOWARDS LAND USUFRUCT

2.1 Emergence of New Landowners

2.1.1 Assessment of Implications of Titles and Elkabs of the New Owners

Titles, in the Ottoman Empire, each had specific meanings, and these could imply a specific social, economic or military power of the individual holding the title. However, before assessing the meanings, applications and implications of these titles, it is helpful to first analyze class stratification within the empire. In the Ottoman Empire, there were two basic classifications of social classes, which were defined by those who collected taxes and those who paid taxes, in other words, those who produced the product for the purpose of tax collection. The first group was composed of the *askerî*, or military class, responsible for the administration of the Ottoman region. They were tax exempt, and carried out their missions by *berats*, (imperial diplomas), granted by the Sultan, which specified the duties and responsibilities within their assigned administrative region. The military class was further divided into *ümera* and *ulema*, or religious officials and dignitaries who were

educated in medreses and occupied in education, fatwa institution, pious organization and jurisdiction. Moreover, with a *berat*, members of society holding positions such as imam, rhetorician, trustee, seyyids, or city chamberlains could possess an *askerî* title and as part of this administrative class, also remained tax-exempt. Furthermore, as members of the *askerî* class, they were raised in kul system, and thus were primary representatives of the Sultan's authority within the empire. The second group, that *re'âyâ*, or "flock", were defined by their tax-paying status and were engaged in production activities. . Moreover, in the cities, merchants, craftsmen and *eşrâf ve a'yân*, or local notables were among the *re'âyâ* class. The *re'aya*, therefore, were composed of most of the subjects of the empire and their tax-paying status and economic activities were of great importance in regard to the income and commercial development of the empire as a whole.

Military officials of the Ottoman Empire can be divided into two groups, one consisting of those who performed the administrative/military duties within the empire and the other of religious officials administering religious activities throughout its lands. Within the military group, specific rankings existed, depending on the functions performed. One of the highest ranks an official could hope to obtain was that of *beylerbeyi*, who was the head of a province, which was the largest administrative zone in the Empire. The second important administrative official was *sancakbeyi*, or flag officer who was the head of *sancaks*, or sub-provinces. The *dergâh-ı âli çavuşları*, answered to the *sancakbeyi* and below them, in terms of importance of rank were the *kapıkulu sipahileri*, or Sultan's household troops and janissaries. The second group within the military class was the *ulema*, who were the representatives of the shariah in their respective localities. Medrese-educated *ulema* members carried the title of *efendi* and individuals who had extensive

religious legal knowledge were called *mevlana* or *molla*²⁴ in the court registers, and by the people of the regions where they were active, as a sign of gratitude.

According to Özer Ergenç “XVI. Yüzyılda Ankara ve Konya”, the court registers detail the ways in which these above-mentioned members of military class through the authorization of a *berat* provided by the Sultan, actively participated in economic activities through trade ventures, and the buying and selling of moveable and immoveable goods and properties.²⁵ As has been the case in other Islamic states in the Middle East, vertical social mobility was not due to the self-determination of an individual, but rather determined by the profession of family members, for example, if a father was born merchant, his son would, most likely follow in his footsteps.²⁶ However, in both the Ottoman Empire and other states, this “stagnation” in social, economic and political mobility did not last long.

This change in social mobility, therefore, requires close analysis of the titles used by individuals and within the family. Court registers are particularly useful in analyzing the family lineage of a person. In the registers, there are endowment deeds and probate inventories, both of which provide detailed information about a family, apart from information concerning their court cases. Hence, Ergenç analyzed forty-three individual names, without regarding any specific purpose, from samples taken from the Ankara and Konya court registers. Among 43 names or titles; 10 were *effendi*, which belonged to *ilmiye* or *ulema*, 5 were *halife*, which pertained to the sons of imams and preachers, 5

²⁴ “Molla”, *ET*, pp. 238-239.

²⁵ Özer Ergenç, *XVI. Yüzyılda Ankara ve Konya* (Istanbul: Tarih Vakfı Yurt Yayınları, 2012), p. 172.

²⁶ *Ibid.*, p. 196.

were sheikh and dervish, 5 were *çelebi* and 14 belonged to the sons of merchants.²⁷ His findings showed that persons who bore the title of *çelebi* were mostly engaged in trade and the professions of their predecessors, and descendants, also followed in this fashion. The title, *çelebi*, is by definition a well-informed and educated individual. It includes those who are noble, as well as individuals who might have belonged to the scribal office or had been educated in poetry in the palace school between the 16th and 18th centuries.²⁸ Moreover, apart from the well-known local magnate families of the eighteenth-century, the honorific titles such as: *efendis*, *çelebis*, *ağas*, *çavuşes*, *beys*, *seyyids*, imply a high social status in any given city, town or village.²⁹ Furthermore, before he was appointed as *kapıcıbaşı*, the head of the major Karaosmanoğlu *ayan* family in the eighteenth century, Hacı Hüseyin Agha, had also been called *efendi*, applied as an honorific title for an *ulema*, since he was a *müderris* of a medrese.³⁰

Another title which denotes a privileged position in a given locality is *seyyid*. In the Ottoman Empire, they were granted *temliknâme*³¹, which provide a person with certain immunities from taxes.³² The title defines a person who bears it as a descendant of

²⁷ Ibid., p. 197.

²⁸ “Çelebi”, *EF*, p. 239.

²⁹ Eleni Gara. “Moneylenders and Landowners.” In *Halcyon Days in Crete V a Symposium Held in Rethymno*, 2003, (Rethymno : Crete University Press, 2005), p. 143. Gara emphasizes the distinct place of *çelebis* especially in the mid-sixteenth century as literate persons in general including junior administrative officials, secretaries and merchants. We cannot be precise about dating when *çelebis* had begun to be associated with commerce. See in Ergenç, *XVI. Yüzyılda Ankara ve Konya*, p. 196. for a detailed study about *çelebis* as pointing out their mercantile features.

³⁰ Yuzo Nagata, *Tarihte Âyânlar: Karaosmanoğulları Üzerine Bir İnceleme* (Ankara: Türk Tarih Kurumu, 1997), p. 42.

³¹ “Temliknâme”, *EF*, p. 430-431. It is a deed signifies a region given to the individuals to be their private properties in return for their useful works for state by the Sultan.

³² Halil İnalçık, "Autonomous Enclaves in Islamic States: Temliks, Soyurghals, Yurdluk-Ocakhks, Mdlikane-Mukdta'as and Awqaf," *History and Historiography of Post-Mongol Central Asia and the Middle East: Studies in Honor of John E. Woods* (2006), p. 115.

Muhammad.³³ It has been put forward, by Hülya Canbakal³⁴, that having a title provided one with tax- exempt status, and individuals became more interested in findings ways to hold false ennoblement, such as the title of *seyyid*, to be able to avoid or meet the fiscal demands of the Ottoman Empire. In Mosul, number of persons who claimed descent from Mohammad multiplied in the eighteenth century and they were the ones who were mostly engaged in tax-farming activities.³⁵ Furthermore, it has been observed that in Damascus and Aleppo, there is a high degree of relevance between wealth and *seyyidship*.³⁶ Given the developments that had taken place in the seventeenth and eighteenth centuries of the Ottoman Empire, upward mobility also occurred outside of the military class. During the classical period, military affiliation dominated social mobility within the empire. However economic and fiscal transformation paved the way for individuals to exploit the legal status of military class membership by those who began to flourish as notables in certain localities.

However, it should be noted that regarding the Ottoman Empire's Anatolian region in the eighteenth century, there has not been an elaborate study conducted upon the economic conditions of *seyyidship*, unlike those found for Mosul, Damascus and Aleppo. Not every

³³ İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İltiye Teşkilâtı* (Ankara: Türk Tarih Kurumu Basımevi, 2014), p. 174. Seyyids in the Ottoman Empire had privileged status in a given locality. If seyyids came to the court, their cases had been put in first place.

³⁴ Hülya Canbakal. "On the Nobility of Provincial Notables". In *Halcyon Days in Crete V a Symposium Held in Rethymno, 2003*, (Rethymno : Crete University Press, 2005), p. 48. Canbakal shares statistics on the number of *seyyids* as in 1752, 31% of the households in the town of Alakenise in Niğbolu was *seyyid* and the *askeri* constituted %77 of the population and in the town of Eski Cuma located in Niğbolu, %11 was *seyyid* and %75 *askeri*. In Ayntab, in 1697, %12.5 of the population was *seyyid* and *askeri* %36. Also, Canbakal analyzed the attempts by the office of *nakibüleşraf* to control distribution of the *seyyid* title as encompassing three phases: 1500-1650, 1650-1700 and 1700 onwards. After 1700, the Imperial center delegated proof of certification for seyyidship to the local authorities.

³⁵ Dina Rizk. Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540-1834*, (Cambridge: Cambridge University Press, 2009), pp. 154-155.

³⁶ Op.cit., p. 39.

person with the title of *seyyid* in the eighteenth century legitimately possessed that title. Some belonged to the taxpaying class, or *reaya*, and received the title only through false ennoblement so that they could become tax-exempt. The situation has two advantages for the ones who could get the false ennoblement. In the localities far from the center, they could use state-backed advantages to consolidate their land holdings and could also receive a higher status than previously enjoyed. Those two privileges might lead them to engage in different sectors of the economy, as once they became part of the military class, they were excluded from cultivation and this probably a keen reason of getting the *seyyid* title after receiving tax-exempt status. The *seyyidship* is alone, an illustrative example of this change. Disintegration of the classical period's systems and institutions, not in a negative way but in terms of a transformation within the empire. This provided the subjects of the Empire to be able to benefit from the changes occurring in state control, as the timing in the increase in the number of *seyyid* titles coincided with decreasing state control over the localities in the eighteenth century.

The question of there being an 'elite' class is another issue that may be useful to consider in the context of the social stratification of any given region in the Ottoman Empire. If they exist, then what particular kind of features characterize any individual as 'elite'? Mostly the subject has been debated in the context of sociology and political science, with particular reference to pre-industrial and industrial societies, however, it remains a point of contention within these fields. Furthermore, for Ottoman scholars, a similar ambiguity remains concerning what features constitute "elite" within the Ottoman Empire but some

consensus about the definition has been made.³⁷ These conditions are as follows: first, they are the ones whose have some local power and authority, second, they possess some sort of social, economic, religious or military power and third, they are the most respected people in their localities.³⁸ Inalcik has classified local elites, particularly in reference to *ayan* and *eşraf*, in to 4 detailed categories and the titles corresponding to each. They are as follow: (1) *ulema*: *molla*, *kadı*, *mufti*, *nakib*, *müderris*, *seyyid*; (2) *kapıkulları*: *serdar* (head of janissary garrisons), *kethüda yeri* (high officer of the Porte's cavalry unit), *muhtesib* (market inspector); (3) merchants and (4) leading guildsmen. Those are the incessant members of the local council of *ayan* which composed of most prominent men of the community such as local *ulema*, members of the military class within the localities (such as aghas and *çavuşes*), and wealthy or notable members of urban society such as merchants and guild masters. This council would assemble in the regional court house and was presided over by the *kadi*.³⁹ The council acted as an advisory committee for the *mütesellim*⁴⁰ of a given region. Therefore, members of the council had to possess any of the above-mentioned features, which include holding a title, in their respective localities in order to be able to participate.

³⁷ Antonis Anastasopoulos. "Provincial Elites in the Ottoman Empire." In *Halcyon Days in Crete V a Symposium Held in Rethymno*, 2003, (Rethymno : Crete University Press, 2005), pp. X-XXVII.

³⁸ *Ibid.*, p. XII.

³⁹ Halil İnalcık, "Centralization and Decentralization in Ottoman Administration." *Studies in Eighteenth-Century Islamic History* (1977), pp. 27-52.

⁴⁰ They are the appointed agents of provincial and sub-provincial governors to collect their revenues from their *hass* lands granted by Sultan to compensate their expenditures. From the beginning of the eighteenth century onwards, they began to reside elsewhere apart from their *arpalık*, *hass* lands. To retrieve their revenues, they assigned *mütesellims* chosen from among the notability of localities. In time, local *ayan* had taken over the authority of appointing *mütesellims* from the governor's hands. Thus, the post became hereditary among few powerful families. It would not be naive to assert the situation as a cornerstone which marked the eighteenth century as age of ayans and decentralization of the Empire in the literature.

However, given the vastness and diversity of the Empire it would not be feasible to make absolute judgments regarding all areas. Rather, regions or, even cities, in a specific time period differentiate from each other socially and different economic factors were shaped by climatic, geographil and topographic variations, which must be analyzed within their own context. As it will be shown in the following chapters, even if an individual did not hold all of the mentioned criteria, in order to be termed an ‘elite’, in the sample case-studies, their economic conditions distinguished them from the rest of the local population. Having analyzed the implications and importance of the development of title holding, the following section will specifically analyze eighteen cases of the sale of fields sale cases among these new actors, in the context of eighteenth century. It should be noted that fifteen sale cases below are pertinent to *bey-i sahih*, or sharia-permissible sales. The remaining three are subject to *tefviz*, or assignment, but this operation began to be perceived as holding private property, instead of having the land as usufruct by the subjects of the Empire. In relation to that, previously, the expression of *bey* ‘(sale) only pertained to the sales, which granted the parties full ownership over the assets. However, from the seventeenth century onwards in Anatolia, for *mîrî* land sales, the *bey*’, which were not supposed to be used for field sales, began to be recorded as sold in the court registers. This may indicate that arable lands were perceived as *mülks* by the Empire’s legal minds, as well as by its subjects.⁴¹

As far as the titles of the parties concerned, five of them are related with the *seyid*, four with *beşe*, three with *çelebi*, one with *kethüda yeri*, three with women buyers, two include

⁴¹ Suraiya Faroqhi, *Towns and Townsmen of Ottoman Anatolia: Trade, Crafts, and Food Production in an Urban Setting, 1520-1650*, (Cambridge; Newyork: Cambridge University Press, 1984), pp. 265-266.

sahib-i arz, or landholder's permission. They played their parts either as buyer, seller or "border-neighbors". It should be kept in mind that all of the buyers and most of the sellers, and probably some of the border-neighbors, were city-dwellers and engaged in purchasing or formerly purchasing fields located near the cities, in surrounding villages. Moreover, an individual could possess more than one title, such as holding *seyyid* and *çelebi* together. As it has been discussed earlier, among the two social groups in the Empire, the *re'ayâ*, was assigned to be responsible for the cultivation of arable lands of the Empire. In return, they received protection from the other group, the *askerî*, who was authorized to provide the necessary means to the peasant for him/her to properly maintain their duty. This also included the responsibility to bring the produce to the nearest bazaar to sell it and thus compensate for any expenditures and send the capital from the sale immediately to the Imperial center. It was the *timarli sipahi*, or mounted soldier who was charged with the above-mentioned duties.

In the court registers, most of the field sales conducted among individuals include elaborate information about the court proceedings as well. Information regarding the parties who engaged in the sale process includes their full names, their own personal statements and the court's verdict respectively. In the second stage of a sale process, there is detailed information about the field, such as where it was located and by whose properties its borders were defined. Moreover, the surrounding estates and their owners were also registered in detail, with their full-names and the kind of estates they possessed, on the borders of the field subject to the sale in a given document. With the information of these border-neighbors, which includes their written titles, we are also able to make some presumptions concerning the place these land-owners held within the social ladder

of the region. Therefore, we will analyze the possessions and titles of the buyers, sellers and border-neighbors of the fields that were subject to sales in the court cases below.

In a document dated on June 25, 1738 (1151),⁴² from the neighborhood of Şeyh Osman Rumi in the city of Konya, Mustafa bin Mustafa, who was the seller, appointed es-Seyyid Mehmed bin Hüseyin as trustee. The trustee came to the noble court with es-Seyyid Mehmed bin es-Seyyid Mustafa, who was the buyer in this case. The trustee stated that: “my client has a one and half acre field which includes a mulberry tree and its borders are defined properly in the outside of the mentioned city nearby “Çalıkli”. He sold the aforementioned field to es-Seyyid Mehmed bin es-Seyyid Mustafa by *bey’-i bât-ı sahîh-i şer’î* for forty-eight guruş together with an undefined amount of grain. The court reached a verdict by stating that the: “mentioned field is the property of es-Seyyid Mehmed. He may dispose of the field at his discretion.”

First of all, the buyer’s title was indicated as es-Seyyid and as far as his full name shows, his father also had possessed the same title which confirms that, not always, but most of the time, there existed a continuity in the professions and social positions of the individuals. As it has been discussed in the previous section, people who bore the *seyyid* title had *askerî* status, and that provided them with a tax-exemption from, for instance, ‘*öşr*, or tithe, *çift resmi* and *avarız*, which were the extra-ordinary levies the *re’âyâ* was obliged to pay from their produce. Secondly, since they were not farmers, they subsidized their income through the performance of religious duties, such as being a scholar in a *medrese* or an *imam* or *hatip* in a mosque. Such position paid their holder in regular

⁴² Konya Court Register (hereinafter referred to as KCR), 54, p. 61/3

intervals in cash, and they generally did not possess the knowledge and necessary skills to cultivate arable lands.

Similar cases can be found throughout, such as in another document dated on August 29, 1738 (1151),⁴³ from Keremdede neighborhood, located in the city of Konya. Molla Ahmed bin Ahmed, who was the seller, came to the court and claimed, in the presence of the buyer, es-Seyyid el-Hac İsmail Efendi that: “ ‘on the outside of the city, nearby a meadow, I have a twelve-acre field, the borders of which are well-defined by the partial properties of Abdülkerim and Küçük Hafız from one side, the property of es-Seyyid el-Hac İsmail Efendi from the other side, [the property of] es-Seyyid Hacı Musa Efendi from other side and a public way from another side.’ The buyer, after defining the borders stated that: ‘I sold the mentioned field with all its belongings and by *bey’-i bât-ı sahîh-i şer’î* to es-Seyyid el-Hac İsmail Efendi for seventy-five guruş. From now on, the field is the purchased property of es-Seyyid el-Hac İsmail Efendi. He may dispose the field at his own will.” First, the twelve-acres field in the mentioned case is nearby a meadow which is a pasturing area of livestock and cattle. Most probably it was a suitable area for cultivation, whether it was part of a meadow which had been rendered a field or not. Second, the title of the previous owner was *molla*, which refers to the highest level in the *ulema* class since a *molla* was a well-educated representative of Islamic knowledge in the Empire.

Again, in a document dated on December 5, 1748 (1161),⁴⁴

From the neighborhood of Akbaş located in Konya, Mustafa bin Ibrahim Beşe had sold his two-acres field to es-Seyyid el-Hac Abdurrahman bin Mehmed located on

⁴³ KCR, 54, p. 95/4.

⁴⁴ KCR, 57, p. 28/1.

the outskirts of the city, in the Karaoyuk quarter and bordered by property of es-Seyyid Mehmed from one side, property of Seyyid Safa from the other side, property of Şerife Hatun from the other side and a public way from another side for sixty-three gurus by *bey'-i bât-ı sahîh-i şer'î*. The court reached a verdict that: “the above-mentioned field is the purchased property of es-Seyyid el-Hac Abdurrahman. He may dispose the field as he pleases.

First of all, as it can be seen from the border-neighbors of the field that was subject to sale, there are three property owners, two of whom hold the title of *seyyid* and a female property owner. However, in all of the sale cases, if the border neighbor’s properties are not specified as a field, those properties should be regarded as estates like a house or a range, given that the place of the field was nearby a city. Secondly, as it can be seen from the location of the field, it was nearby the city, and most probably, in this case, the field was surrounded by the houses of the neighbors. Even if the size of the field may not be suitable for a considerable amount of agricultural production, it would have produced enough to compensate for other expenditures of a person. as far as the location information of the field cases concerned, we do not possess elaborate knowledge on what exactly the document means by saying *medine-i mezbûre haricinde*,⁴⁵ or on the outskirts of the city, meaning it is unknown how far the city’s border extends. Since the status of fields within the borders of a city center were not under the provision of *mîrî* lands, meaning lands subject to usufruct use by the peasants, rather they were regarded as the full-ownership of the subjects in the Ottoman Empire. Having exact information on the

⁴⁵ KCR, 57, p. 28/1, “... *medine-i Konya'da Akbaş mahallesi sükkânından Mustafa bin İbrahim Beşe nâm kimesne meclis-i şer'î enverde rafi'ül kitab es-Seyyid el-Hac 'Abdurrahman bin Mehmed nâm kimesne mahzarında ikrâr-ı tam ve takrîr-i kelâm idüip medîne-i mezbûre haricinde Karaoyuk mahallesinde vâkî' bir taraftan es-Seyyid Mehmed mülkü ve bir taraftan Seyyid Safa mülkü ve bir taraftan Şerife Hatun mülkü ve bir taraftan tarik-i 'amm ile mahdud eşçarı müştemil iki dönüm mülk tarlamı cemi' tevabi' ve levahıkıyla tarafeynden icab ve kabule havi bey'i bâtı sahîh-i şer'î ile merkûm es-Seyyid el-Hac Abdurrahman'a altmış üç guruşa bey' ve temlik ve teslim idüip ol dahi semen-i merkûm ile işтира ve temellük ve tesellüm ve kabul etmeğin semeni olan meblağ-ı merkûm altmış üç guruşu merkûm el-Hac Abdurrahman yedinden bi't-tamam ahz ve kabz idüip teslim-i mübi' eyledim ba'de'l yevm tarla-yı mahdud-u mezkûr es-Seyyid el-Hac Abdurrahman'ın mülkü müşterasıdır...”*

limits of a given city's borders in the Empire would have provided us with the knowledge from which point we should not regard a field as the private property of an individual. Though, defining the mentioned problematic is beyond the scope of this thesis.

Another document dated on September 8, 1726 (1139),⁴⁶ is quite interesting in the sense that as far as the titles of the parties concerned, they are composed solely of *seyyids* and *celebis*.

From neighborhood of Akıncı located in Konya, es-Seyyid Abdurrahman bin es-Seyyid Abdi had half of the six-acres field. The other half belong to es-Seyyid el-Hac Ahmed together with es-Seyyid el-Hac Mustafa bin es-Seyyid Mehmed in half shares. They came to the court and made a statement in the presence of es-Seyyid Abdülkadir Çelebi bin es-Seyyid el-Hac Mehmed who was the buyer that: “on the outskirts of the city, near the Güzelce Kavak, we had six-acres field well-defined by property of es-Seyyid Abdülkadir Çelebi from two sides, property of es-Seyyid Mehmed Çelebi bin Hacı Fakiye from one side and public way from the other side.” They sold the field to es-Seyyid Abdülkadir Çelebi bin es-Seyyid el-Hac Mehmed for forty-eight guruş without any trickery but by *bey ‘-i bât-ı sahîh-i şer‘î*. The court decided that: “the buyer may dispose the field as he pleases.”⁴⁷

The field in question had been possessed in half shares. Also, one of the halves had been split, again in half amongst two parties. It can be argued that the field on its own might have been regarded as an investment instrument in which agricultural production took place, given the size of the field at issue.

At this time, a *seyyid* sells his field to a person who did not hold any title and probably he was of *re‘âyâ* origin in a document dated on May 8, 1738 (1151),⁴⁸

⁴⁶ KCR, 50, p. 168/2

⁴⁷ Ibid., 50, p. 168/2.

⁴⁸ KCR, 54, p. 31/2, “...es-seyyid Mehmed bin es-seyyid Hasan nam kimesne meclis-i şer‘î hatîr-ı lazîmü't-tevkîrde râfi “ü'l-kitâb Mehmed bin Halil nam kimesne mahzarında ikrâr-ı tâm ve takrîr-i kelâm idüb Topraklık Mahallesi kurbunda vâki‘ bir taraftan Abdülaziz tarlası ve bir taraftan Ahmed tarlası ve iki taraftan tarîk-i ‘amm ile mahdûd Mahmud Paşa binâ eylediği meşcid-i şerîf vakfından olan bir kıt‘a on dört dönüm tarlayı cemi‘ tevâbî‘ ve levahıkıyla tarafeynden icâb ve kabûle hâvi bey‘-i bât-ı sahîh-i şer‘î ile

From Piri Paşa quarter located in Konya, es-Seyyid Mehmed bin es-Seyyid Hasan came to the noble court and stated in the presence of the Mehmed bin Halil, that: “near Topraklık quarter, I sold usufruct of fourteen-acres field with all its appendences and dependencies which belong to small-mosque waqf built by Mahmud Paşa and its borders well-defined to Mehmed bin Halil for forty-guruş by *bey’-i bât-ı sahîh-i şer’î* through the trustees of the above mentioned waqf.” Henceforward, the court decided that the: “fourteen-acres field is the purchased property of Mehmed. He may dispose the field as he pleases.”⁴⁹

Even if the number of cases related to parties who were regarded as part of the *askerî* class is high in number, there were few examples of those that had taken place between parties who did not hold any title. Full-ownership of the fourteen-acres field in the case belong to a waqf which had sold the property of land usufruct to es-Seyyid Mehmed bin es-Seyyid Hasan. This was a widely used method for waqfs and one can come across such court cases often. Since they might have had difficulty to find the necessary labor to cultivate the field, they applied to the court to not to leave these fields uncultivated. What is more striking is that when es-Seyyid Mehmed held the usufruct of the waqf land, he would not cultivate it by himself, but rather he would leave the land to be processed by the peasants through sharecropping.

A considerable amount of the field sale cases pertaining to the parties who hold the title *beşe*. This corresponds to “pasha” and to someone who is from the military class as janissary. From the seventeenth century, *beşe* began to specifically refer to these person in the Ottoman archival sources.⁵⁰ In the Ottoman Empire, the basic classification of the society was determined by the notion of whether one had tax-exempt status, due to being

mezbûr Mehmede kırk guruşa bey’ ve hakkı tasarrufumu bâ-ma’rifet mütevellî ferâğ ve tefvîz eylediğimde ol dahî semeni merkûm ile iştirâ ve tefevvüz ve kabûl itmeğîn semeni olan meblağ-ı merkûm kırk guruşu merkûm Mehmed yedinden bi’t-tamâm ahz ve kabz idüb teslim-i mebi’...”

⁴⁹ Ibid., 54, p. 31/2.

⁵⁰ Mehmet Ali Ünal, *Osmanlı Tarih Sözlüğü* (İstanbul: Paradigma Yayıncılık, 2011), p. 110

a part of the military class or tax-payer, and therefore belonging to the *re'âyâ*. However, a person did not have to be a combatant to be included in the *askerî* class. This was the case for the members of the *ulema*, who were part of this class, and therefore both tax-exempt, and as mentioned earlier, able to hold titles. However, in the case of the *beşe* title, it specifically signifies a person whose actual profession was soldiery.

The document dated on December 1, 1726 (1139),⁵¹ is about a *beşe* who had bought a thirteen-acre field, in half shares, with another buyer. Ali bin el-Hac İbrahim, who was the seller, from the neighborhood of Akıncılar located in Konya came to the noble court and stated in the presence of Abdullah Beşe bin el-Hac Mustafa and el-Hac Süleyman bin Veli, that:

I sold my thirteen-acres field located in the vicinity of Hacı Fakiye, to the mentioned Abdullah Beşe and el-Hac Süleyman for twenty-five gurus and a red horse which costs twenty-five gurus, in total, for fifty gurus by *bey'-i bât-ı sahîh-i şer'î*." Thereupon, the court stated that: "from now on, the aforementioned field is the purchased property of Abdullah Beşe and el-Hac Süleyman. They may dispose the field as they please."⁵²

In another document dated on January 8, 1749 (1162),⁵³, for this time, a *beşe* had sold his jointly-possessed properties in Konya. From the Çıralı Mescid quarter, Nasuh Beşe bin Mehmed together with his wife Emine Hatun had five-acres of field and two-acres of orchard, which included fruit trees, a hut and a room, located in the quarter of Hacı Cihan. Six shares out of eight belonged to Nasuh Beşe and the remaining two belonged to his

⁵¹ KCR, 50, p. 214/3.

⁵² Ibid., 50, p. 214/3.

⁵³ KCR, 57, p. 41/2.

wife. They made a statement in the presence of Mehmed bin Hacı İbrahim who was the buyer, that:

We sold the previously mentioned five-acres field and two-acres orchard which includes fruitful trees and its well-defined borders to el-Hac Mehmed for two-hundred twenty-two gurus by *bey ‘-i bât-ı sahîh-i şer ‘î*. From that day onwards, the mentioned field has been the purchased property of el-Hac Mehmed. He may dispose of the field at his discretion.

Again, in a document dated on February 13, 1726 (1138),⁵⁴ a *beşe*, therefore again, a soldier, was a seller. Mustafa Beşe, who was from the neighborhood of Abdülvahid located in Konya, made a statement in the presence of el-Hac Hasan bin Abdullah who was the buyer and a freedman, that:

In the site of Yaka in the vicinity of Konya, I had sold two-acres of field which contain trees in it and which were well-defined for forty-five gurus without any trickery but by *bey ‘-i bât-ı sahîh-i şer ‘î* to el-Hac Hasan. From now on, the well-defined field is the purchased property of el-Hac Hasan. He may dispose of the field as he pleases.

In a document dated, January 12, 1727 (1139),⁵⁵ a *beşe* again was the seller. In the neighborhood of Ulu Irmak located in Konya, Musa Beşe bin Veli came to the court and in the presence of his mother-in-law, Fatıma bint Şaban, who was the buyer, stated that: “I sold three-acres of field in the site of İmnos, nearby “Küçük Çay” to Fatıma for twenty-five guruş by *bey ‘-i bât-ı sahîh-i şer ‘î*. I received the price of the field as twenty-five guruş completely and I no longer have any connections with the field.” The court verified the sale by stating that: “the field is the purchased property of Fatıma and she may dispose of the field as she pleases.”

⁵⁴ KCR, 50, p. 171/1.

⁵⁵ KCR, 50, p. 256/3.

The sale cases mentioned above are critical as they provide the necessary information to get glimpses concerning the inclinations of these individuals in socio-economic matters, in particular places and in the specific time periods. We have a sufficient number of studies addressing the janissaries' engagement in every branch of the economic sector of a given city, such as shop and grocery owners, butchers and bakers, etc.⁵⁶ On the other hand, their involvement in field purchase in such frequency and the question of how they made use of those arable lands necessitates an explanation, at least for the time period covering the 1720s to the 1750s. The following analysis will focus in particular on the parties belonging to the askeri, during this time period and what the court registers reveal concerning the inclination of these parties. In a document dated November 12, 1734 (1147),⁵⁷ there is significant information that well-demonstrates a field case of a *kethüdâ yeri*, The court proceeding states that:

From among the residents of Kastel neighborhood located in the city of Antakya, İshak bin Ebubekir Efendi who is pro se and as trustee of his brothers, İsmail and Süleyman, came to the noble court and made a statement in the presence of Fahrü'l Akran Bais-ü --- Kethüda Yeri Abdülkadir Ağa bin Kasım that: "in the Barbarun village located in the mentioned district, we had one piece of field called Çınarkolu whose right of disposition belongs to us and its borders were well-defined. We sold the usufruct of the field with the permission of the landholder, or *sahib-i arz*, to the

⁵⁶ Ergenç, XVI. Yüzyılda Ankara ve Konya, pp. 178-182.

⁵⁷ Antakya Court Register (hereinafter referred to as ACR), 7, p. 55/1, "Medîne-i Antakya mahallatından Kastel mahallesi sakinlerinden İshak bin Ebubekir Efendi nam-kimesne kendi tarafından asaleten ve li-ebeveyn karındaşları İsmâ'il ve Süleyman tarafından husus-u ati'üz-zikrde vekil olduğu El-hac Mustafa bin Mika'il ve El-hac ---- nam kimesneler şehadetleriyle sabit olup sübut-u şurut vekaliten hükm-ü şer'i'l hak olan mezbur İshak meclis-i şeri'-i enverde yine mahallat-ı medine-i mezburede Kantara mahallesinde sakin Fahrü'l Akran ----- **Kethüda Yeri Abdülkadir Ağa ibn-i Kasım Ağa** mahzarında bi'l asale ve bi'l vekale ikrar-ı tam ve takrir-i kelâm edüp **hakk-ı tasarrufu** benim ve müvekkilan-ı mezburanın olup kaza-i mezbure ta'bi Barbarun nam karye toprağında vâki' bir taraftan Umurcuoğlu ba'zen Ellici Mehmed bahçesi ve bir taraftan Mustafa ----- ve bir taraftan ----- ve bir taraftan kavaklık tarlası ile müntehi ve mahdud Çınarkolu dimekle ma'ğruf bir kıt'a tarlanın hakk-ı tasarrufunu yirmi beş guruş mukabelesinde **sahib-i arz izniyle** mumaileyh Abdülkadir Ağa yine bi'l asale ve bi'l vekale tefviz eylediğimde ol dahi ber-vech-i muharrer tefevvüz ve kabul edüp mukabele-i tefviz olan meblağ-ı mezbur yirmi beş guruşu mumaileyh Abdülkadir Ağa yedinden tamamen ahz ve kabz ve istifâ eyledim mezbur mar'uz zikr tarlanın hakk-ı tasarrufunda benim ve müvekkilan-ı mezburanın vech-en min el vücuh 'alaka ve medhalim kalmadı arz-ı mahdud-u mezkur mumaileyh Abdülkadir Ağa'nın müfevvezidir keyfen ma yeşa ve hüsna yuhtar mutassarrıf olsun dedikde gibb'üt-tasdik ma vaki' bi't-talep ketb olundu..."

afore-said Abdülkadir Ağa for twenty-five guruş which is retaliation of assignment price, or *mukabele-i tefviz*. We no longer have any affinity with the usufruct of the mentioned field. It is the purchased property of Abdülkadir Ağa. He may dispose of the field as he pleases.

First of all, the *kethüdâ yeri* is the high commander of the garrisons of *altı bölük halkı*, or the Sultan's household troops, located in the provinces. They were appointed by a firman issued by the Sultan and responsible to maintain order in his garrisons and to protect public security.⁵⁸ In regards to this case and what it tells us about the actions of an active military official, is that first of all, the high commander of the cavalry unit had bought a field in a village called Barbarun. Therefore, even if the fields that were located within the borders of city were suitable for cultivation, there were larger agricultural fields located in the villages, which were outside of the city. Secondly, in the document, the sale was pointed out as the sale of usufruct property, which was also called as *mukabele-i tefviz*, or retaliation of assignment price. The latter implies handing over of a property which was in this case, usufruct of the field. Thirdly, the sale materialized with the implicit approval of the *sahib-i arz*, or the landholder. This signifies a crucial change in the precedents of Ottoman agricultural features. In the classical period, a person could not perform a land or usufruct sale unless they did not have the necessary labor power to cultivate the field. However, beginning in the last quarter of the seventeenth century, no justification was needed for field sales and the permission of the landholder implies that these field sales had been accepted as normal procedures by this time, within the Empire. This case necessitates an answer for the question of how did he profit by this field, as his profession was not cultivation. Normally, even if it was not signified as the sale of usufruct property,

⁵⁸ Op. Cit. p. 94.

all field sale cases were actually the sale of usufruct. However, this came to be perceived as their own private property, by the subjects of the Ottoman Empire, which will be further discussed in the following chapter.

In the document dated June 2, 1738 (1152),⁵⁹ another sale case had taken place with the permission of landholder by parties who were most likely not from a higher social status, as they had not hold any titles. In the neighborhood of Muin, located in the city of Konya, Ömer bin Ömer and his full-brothers' trustee Hüseyin bin Ali came to the court. Ömer, together with his brothers, had a thirty-six acre field at their disposal, located in Humami Sagir village, as ten pieces and the borders of which were all well-defined. Ömer and the trustee of his brothers claimed that:

In total, it was a thirty-six acre field as ten pieces we jointly disposed. We handed over our usufruct of the thirty-six acre field to Mustafa bin Himmet for forty guruş with the permission of the landholder, or *sahib-i arz*. Henceforth, Mustafa is the tenant of the field. He may dispose of the field as he pleases.

In another document dated May 19, 1726 (1138),⁶⁰ a sale between a widow and a man bears the *çelebi* title providing comprehensive information about agrarian relations in a village called Botsa, located in Hatun Saray quarter in the city of Konya . Hüsnü bint Hasan came to the noble court and made a sound statement that in the presence of Mahmud Çelebi, who is the buyer, that:

From among the residents of the mentioned village, my son İbrahim bin Ali died elsewhere without leaving any child and the fields under his disposal remained unattended and the right of deed of mentioned that the land became my property. Since I did not have any potential to purchase the field in some way, I sold my *hakk-ı tapu*, or right of deed in the mentioned field to Mahmud Çelebi with the permission

⁵⁹ KCR, 54, p. 53/4.

⁶⁰ KCR, 50, p. 91/1.

of the *sahib-i arz*, or landholder for fifteen guruş. I granted, or *ferağ ve kasr-ı yed edüp*, the right of deed for the mentioned field. We settled our assets and liabilities.

This field sale case is noteworthy for three reasons: first, the seller could not afford to pay the small amount of money, also her son did not hold any title, which tentatively implies somebody of *reâ'ya* class, as we cannot see the title of husband of the seller. Either they divorced or the husband had died, since inheritance practices meant that the land would have been taken over by the male in the family after her son's death, if such a male existed. Also, it can be argued that the seller and her son are needy. Secondly, the field was located in a village where all the arable lands were acknowledged as *mîrî*, and therefore could not be sold and granted between the parties. Only through the permission of the landholder, could the fields in the villages be granted and sold. Thirdly, the buyer holds the title of *çelebi* which implies somebody who is not a cultivator but probably engaged in trading, which has been discussed above. That is, the buyer has enough money to spend on the field.

The other title of parties that participated in field-sale cases is *çelebi*, who, as stated previously was a person occupied with commercial activities.⁶¹ In short, in relation to their profession and respective place attributed to them as noble, their places in the social ladder was, as far as the available studies suggest, somewhere near to social-standing of a *seyyid*.

In the document dated May 3, 1749 (1162),⁶² *çelebi* is the buyer of a sixteen-acre field. The field was located on a site called Kovan Ağzı in Konya and the parties were from

⁶¹ Ergenç, *XVI. Yüzyılda Ankara ve Konya*, p. 197.

⁶² KCR, 57, p. 83/1.

the neighborhood of Sadrettin, also located in Konya. El-Hac Musa bin Mehmed sold the field, whose borders were well-defined, with all its appendances and dependencies, for one-hundred and ten guruş and an undefined bushel of grain to Mehmed Çelebi bin Ömer by *bey'-i bât-ı sahîh-i şer'î*. The court decided that: “From that time onwards, the mentioned field has been the property of Mehmed Çelebi. He may dispose of the field at his discretion.”

Another document dated November 28, 1726 (1139),⁶³ is about a field which was located in a village as follows:

Mustafa Çelebi bin Mehmed had been resident in the village of Demürciler located in the township of Maruliye. For the time being, he is resident in the neighborhood of Muhtar in Konya. He came to the court and claimed in the presence of es-Seyyid Mehmed Çelebi bin es-Seyyid Ali who was the buyer, that: “I sold my moiety in one and a half acre of our field borders of which was well-defined and have been possessed by me and my brother jointly in the village of Demürciler to es-Seyyid Mehmed Çelebi for forty-seven gurus by *bey'-i bât-ı sahîh-i şer'î*. The court reached a verdict that: “aforementioned well-defined field is the purchased property of es-Seyyid Mehmed Çelebi. He may dispose the field as he pleases.”⁶⁴

In the document dated September 9, 1726 (1139),⁶⁵ the property that is subject to sale is a wasteland, which is a unique case because it includes a *mevat* land and titled local notables:

From the tomb of Celaliye in the Civar quarter located in the city of Konya, Kerime bint Ahmed Çelebi bin el-Hac Ibrahim appointed Fahrü'l Mehadim veled-i Çelebi bin Abdülehad Çelebi as her trustee in the court. He came to the noble court and claimed in the presence of the holder of this document, Fahrü'l Akran Mustafa Çelebi bin Hidayet Çelebi that: “my client Kerime have five and a half acres wasteland, or *arsa-yı haliye* in the quarter of Civar and well-defined by: property of my daughter Şerife Fatıma from one side, partial property of my daughter Şerife Fatıma and partial property of my son es-Seyyid Mehmed Çelebi from the other side, another partial property of mine and my son es-Seyyid Mehmed Çelebi from

⁶³ KCR, 50, p. 207/4.

⁶⁴ Ibid., 207/4.

⁶⁵ KCR, 50, p. 169/1.

the other side and public way from another side. Kerime sold the mentioned five and a half acres of wasteland to Fahrü'l Akran Mustafa Çelebi bin Hidayet Çelebi for one-hundred gurus and an undefined amount of grain bushel without any trickery but by *bey 'i bât-ı sahîh-i şer'î*. I no longer have any relation with the aforementioned wasteland. It is the purchased property of above-mentioned Mustafa Çelebi. He may dispose of the field at his discretion.” After the sale, Kerime’s son, es-Seyyid Mehmed Çelebi come to the court and stated that: “I do not have any interest with the field.”

First of all, as far as the titles of the buyer, the trustee and the border-neighbors signify, this sale had taken place among individuals who were wielders of power. Kerime is the seller, who appointed Fahrü'l Mehadim veled-i Çelebi bin Abdülehad Çelebi. The trustees’ title indicates that his profession is not as a cultivator but probably as a trader at the very least. Moreover, the border-neighbors of the mentioned wasteland were the son and daughter of the trustee. Furthermore, the title of trustees’ son bears is both *seyyid* and *çelebi* together. Also, the title of the buyer implies somebody who is a wielder of power as they hold the title Fahrü'l Akran Mustafa Çelebi bin Hidayet Çelebi. The commodity is a wasteland, which necessitates further explanation.

It has been put forward by Halil İnalçık in his article, “The Emergence of Big Farms, *Çiftlik*s: State, Landlord and Tenants” that the emergence and the proliferation of the big farms in the hands of ruling elite emerged out of reclaimed wastelands before the eighteenth century.⁶⁶ As they were not liable to the provisions of *mîrî* lands, once they were reclaimed, they were transformed into the private properties of powerful individuals. They transformed these lands for production for the market by the *temliknâme*, a document of ownership from the Sultan, verified by the Finance Department, after an

⁶⁶ Halil İnalçık. The Emergence of Big Farms, *Çiftlik*s: State, Landlords and Tenants, reprinted in *Studies in Ottoman Social and Economic History*, pp. 108-109.

inspection conducted on-the-spot. Inalcık continues by analyzing a document about an entrepreneurship that had been undertaken by Feridun Ahmed Beg and Grand Vizier Sokullu Mehmed as the reclamation of a wasteland for the cultivation of rice, with the water brought from Sakarya river. In the above-mentioned case, the wasteland was purchased by an *ayan*. However, the person in this case, of course, cannot be comparable with the prominent ruling elites of the empire, in general, , nor with the powerful local notable families of the eighteenth century. Although the scale of purchase and the position of these individuals within society, cannot compare to the powerful families or ruling elites, the intentions in behind the purchase of wasteland can certainly be compared. These individuals, whose titles imply that their origins are not as cultivators, nevertheless had purchased wastelands with the intention to cultivate them. Therefore, we can conclude that their inclinations were similar to those of the empire and the powerful individuals within. In this case, most likely, Fahrü'l Akran Mustafa Çelebi would reclaim the land to make it suitable for cultivation.

Women, as commercial actors in the Ottoman Empire, add another aspect to land sales and agricultural change, which this thesis' sources will address as their involvement was another transformative unit in field-holding. Studies conducted upon the place of the women in the Ottoman public space and especially in their status in fiscal matters has been scarce. On the other hand, there are studies that can provide valuable insights towards understanding the subject at hand. Two studies will be explained for their relation with the topic. They both cover the nineteenth century and argue that women were valuable actors in business and had valuable information concerning their involvement in business ventures. In Rusçuk and Vidin, women played had roles in buying shops, vineyards and

gardens, some of which had values as high as 14.800 guruş in their respective localities.⁶⁷

In Syria, women were inclined to possess individually or jointly, olive trees in common plough lands. Furthermore, they possessed olive groves and gardens in large numbers, which were particularly substantial in the last quarter of the nineteenth century.⁶⁸ The different geographies and climates of the Ottoman Empire, also reflects diversified commercial interests among women. In the Balkans, women tended to purchase vineyards and gardens, together with shops, signifying a tendency towards urban dwelling. Whereas, women in Syria tended to buy olive trees and olive groves.

In a document dated January 27, 1739 (1151),⁶⁹ Şerife Fatıma bint es-Seyyid el-Hac Mehmed appointed Molla Süleyman bin Abdülkerim as her attorney. Es-Seyyid Süleyman Çelebi came to court and made a statement that:

I sold the followings: *menzil*, or a range located in the Sarı Yakub quarter, whose borders were defined and includes a room, a guesthouse, two huts and some trees in it together with half-acre vineyard and seventy-acres field, which is suitable for cultivation and its border is well-known, located in the Sahra district near the border of Karkın village to the mentioned Şerife Fatıma for one-hundred and fifty gurus as a lump sum payment without any trickery but by *bey'-i bât-ı sahîh-i şer'î*. From this day onwards, the above-mentioned range, vineyard and field are the purchased properties of Şerife Fatıma. She may dispose of them at her will.

The agricultural complex which was located in a village and includes a vineyard and a seventy-acre field, which was identified as *zirâate salih*, or suitable for cultivation, signifying a place geared towards the cultivation of cereals and fruit. However,

⁶⁷ Svetla Ianeva. "Female Actors, Producers, and Money Makers in Ottoman Public Space: The Case of the Late Balkans" ed. in *Ottoman Women in Public Space* by Ebru Boyar and Kate Fleet, (Leiden; Boston: Brill, 2016). pp. 48-91.

⁶⁸ Martha Mundy, Richard Saumarez Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria* (London; New York: I.B. Tauris, 2007), pp. 167-168.

⁶⁹ KCR, 54, p. 159/3.

significantly, the condition of women in the production process did not differ from other members of the *askerî* class, as both had not possessed the necessary skills and know-how to cultivate the land. Moreover, that much complex surely necessitated extra labor power for Şerife Fatıma.

In another document dated June 22, 1736 (1149),⁷⁰ the information recorded is regarding the sale of olive trees between a woman and a *dhimmi* in the city of Antakya, which is geographically and climatologically suitable for growing olives. Hunaş Vadin, who was the seller, is present as a guest in Antakya. Although originally from Diyarbakır, he was residing for the time being, in Aleppo and came to the noble court to make a statement in the presence of Şerife bint Mustafa Bey, who was the buyer, that:

In the Cum village I had one-hundred sixty olive trees whose borders were known by the folk and well-defined. I had also forty olive trees located in Zencar village and its borders were also well-defined. I also had a field which bears a walnut tree in the Cum village. In total, under my possessions, I had two-hundred olive trees and a field. I sold the mentioned olive trees and the field was sold by the permission *sahib-i arz*, to the above-mentioned Şerife for three-hundred eighty guruş without any trickery but by *bey'-i bât-ı sahîh-i şer'î*. From then on, it has been the purchased property of Şerife. She can use the field at her will.

First of all, before selling the trees and the field to Şerife, it is probable that Hunaş bought these trees with the intention to profit from the olive trade. However, as he was from Diyarbakır and at the moment when sale materialized, he was living in Aleppo, he arrived from there and bought the trees and the field in Antakya. The same would apply for the new owner, Şerife, as she made a considerable investment in the olive trees and field. Therefore, she also requires a place to sell what was produced from them. Secondly, as it

⁷⁰ ACR, 2, p. 238/2.

was the case for the *askerî*, for this to be achieved, extra labor power would have most probably been needed.

In a document dated September 3, 1726 (1139),⁷¹ this time, three women jointly purchased an agricultural complex, which included vineyards, orchards, a piece of wasteland, a summer house, and small house from Fahrü'l Akran el-Hac Hızır Ağa bin Abdi, whose title implies he is of military origin. He came to the noble court and made a statement in the presence of, Şerife Fatıma, Şerife Ayşe bint Cafer Efendi and Şerife Emine bint el-Hac Mehmed that: “At the outskirts of Konya nearby Bozhane, I had a vineyard which includes; a hayloft, a lodge, two *tahta* vineyard, a fair amount of orchard and woodland, a summer house, one piece of wasteland, a two and a half acre orchard, a small house, eleven *tahta* vineyards and a stable.”

In this vineyard, there is a six-acre orchard that el-Hac Hızır Ağa had leased from the Şeyh Sadrettin waqf for forty *guruş* annually and from the Bostancıoğlu waqf for eighty *guruş* annually. In this orchard, it is mentioned that el-Hac Hızır Ağa had the full-ownership of buildings and trees but only the usufruct of the field belonged to him. He continued by claiming that:

I sold the afore-mentioned vineyard and orchard with all their appendages and dependencies together with my usufruct on the leased orchard to Şerife Fatıma, Şerife Ayşe bint Cafer Efendi and Şerife Emine bint el-Hac Mehmed for two-thousand *guruş* with the permission of the waqf trustees by *bey ‘-i bât-ı sahîh-i şer‘î* in return for my debt and they also approved this sale in remuneration for my debt. The mentioned vineyard and usufruct of the orchard are jointly purchased properties of the above-mentioned Şerife Fatıma, Şerife Ayşe and Şerife Emine. They may dispose of it as they please.

⁷¹ KCR, 50, p. 157/2.

Similar to the previous two cases of women purchasers, these three women had bought a complex from someone who, as his title implies, was a wielder of power in his locality. Moreover, the sale was debt payment by the seller. When we consider the total value of the immovable estates, 2000 guruş, those three women were able to accumulate enough payment to lend that amount of money to the seller. Once he came to the point that he could not pay his debts, there occurred an exchange for his debts. Moreover, Şerife Fatıma and Şerife Ayşe are sisters and Şerife Fatıma appears to be an outsider. Above all, the crucial point here is the attempt of these three individuals to consciously, jointly, invest in a complex where, it seems, cultivation had priority over all other professions.

2.2 Legal Dimension of Land Usufruct

Since the Ottomans were liable to the provisions of Islam in all matters of social and economic spheres, together with the *örf*⁷², or Sultanic law, which corresponds to the authority and rulemaking power of Sultan, it is necessary to take a closer look at both the intention of the verdicts as well as the actual functioning of the court proceedings. Due to this reason, in the following part of the thesis, after first assessing what Islamic law stated concerning matters of sales, samples of court cases will also be analyzed.

In this section of the thesis, the court cases related to field sales among individuals are going to be analyzed by touching upon the notion of *bey'*, or engagement in transferring ownership between parties as found within Islamic law.⁷³ Then, *bey'-i bâ-t-ı sahîh-i şer'î*, or sharia-permissible sales will be addressed in the context of field sale cases as found in the Ottoman court registers. As it was mentioned previously, it should be noted, that it

⁷² “Örf”, *EF*, pp. 93-94.

⁷³ “Bey'”, *EF*, pp. 13-19.

had been usufruct ownership of the fields subjected to sales not the bare ownership of them. This is due to the fact that, as they were located in an ‘Abode of Islam’, in this case the Ottoman Empire, all bare ownership of lands, theoretically and legally belonged only to the Sultan. At his will, he can dispose of moveable and immovable estates to whomever he desires as their private properties. Before proceeding further with analyses of the documents at hand, it would be helpful to understand the essence and types of *bey*’ found in Islamic law, as well as the Ottoman shariah, out of which in accordance with the provisions of Islam, they had been shaped.

In Islamic law, sales are approved and recognized, firstly, by the oral statements of both of the parties engaged in deals concerning all kinds of moveable and immovable properties. For the sale to be acknowledged as authentic, two bilateral declarations are needed, namely, *icab*, or offer and *kabul*, or acceptance, as well as a witness, which was often the *kadı* in the Ottoman court.⁷⁴ While the former refers to a seller’s statement as *bey*’ and *temlik* which can appear as follows : “I sold this property of mine to you for, for instance, one thousand gurus or I disposed it to you”, *kabul*, *iştirâ* and *temellük* all of which refer to purchaser’s statement, instead appears as “I bought and agreed (on the terms of the sale)”. Also, the expressions can vary from region to region but in essence, these statements imply mutual consent concerning property appropriation between the parties who are in the presence of each other during the sale. The sales took place in front of a *kadı*, or judge, who was authorized to prepare a *hüccet*, or title-deed, through which a sale was verified and also contained the contents of the sale given to buyer. Once the parties

⁷⁴ Ömer Nasuhi Bilmen. *Hukuki İslâmiyye ve İstılahatı Fıkhiyye Kamusu*, Vol. 6 (İstanbul: Bilmen Yayınevi, 1967), pp. 89-92.

orally made their *icab* and *kabul* statements upon the sale terms they proclaimed, the sale could not be reverted back, particularly if the sale was *bey-i sahih*.

There are six types of *bey'* in the Islamic law.⁷⁵ The first type is the *bey'-i mün'akid*, or *bey'-i sahih* judgement, which pertains to full ownership in Islamic law. While the *bayi*, or seller becomes the proprietor of *semen*, or disbursement, the *müşteri*, or buyer appropriates a *mebia*, or asset. That is, they become true proprietors of what they exchanged among them. The second is *bey'-i batıl*, which involves safekeeping and conditional sales such as, for example, prohibiting the buyer from selling the asset to a third party.⁷⁶ Moreover, it does not include provisions of property like the first type and it can be broken. The third is *bey'-i fâsîd*, which holds the same provisions as the second type. The fourth type is *bey'-i nafîz* in which the parties hold the right to cancel on the condition that the sale becomes disadvantageous to either buyer or seller. The fifth is *bey'-i mevkuf* which pertains to the sales of *waqfs* and can be the property of an individual. The sixth is *bey'-i lâzım*, which has the same features as the third type. As far as this thesis is concerned, the first type, the *bey'-i sahih*, or as the Ottoman court registers of field sales put it, the *bey'-i bât-ı sahîh-i şer'î* will be analyzed using a sample pool of court case in Konya.

A document dated August 2, 1749 (1162),⁷⁷ well demonstrates the court's verdict in regards to the cancellation demand of a seller, after the property had been sold eight years ago. The seller, Hactur son of Mosis, was from the İmaret quarter in the city of Konya.

⁷⁵ Ibid., p. 93.

⁷⁶ Sabri Şakir Ansay, *Hukuk Tarihinde İslâm Hukuku*. (Ankara: Turhan Kitabevi, 2002), p. 162.

⁷⁷ KCR, 57, p. 117/3.

He went to the noble court. In the presence of el-Hac Hasan bin Mahmud who is the buyer, Hactur litigated him that: “eight years ago, I had sold my twenty-four-acre field, the borders of which were well-defined, to the mentioned el-Hac Hasan for three-hundred seventy guruş. However, the value of my field was five-hundred gurus at the time of the sale and so the sale was trickery and shall be cancelled. I demand cancellation of the sale.” After the court’s questioning of el-Hac Hasan, he claimed that: “eight years ago, at the time of the sale, Hactur said to me that: “actually, my fields’ value is worth five-hundred guruş but I handed it over to you for three-hundred seventy gurus, which was far below the actual value of my field.” To investigate what had been claimed by el-Hac Hasan, the court asked for information from el-Hac İsmail Abdullah Çelebi bin el-Hac Salih who was the residents of Mücellid quarter and were capable of knowing the case. Henceforth, they affirmed what el-Hac Hasan had stated at the court and the court reached a verdict on behalf of the buyer.

However, if both parties agree on the terms, they can make changes to the deal at the time of the sale. In a court case which pertains to the *bey‘-i sahih*, dated, December 13, 1726 (1139),⁷⁸ Mehmed bin el-Hac Mustafa, who was from the Zincilikapu quarter located in Konya, came to the court and in the presence of the buyers, Hüseyin, Hasan, Mehmed and Ahmed who were the sons of Abdülkerim, stated that: “by the side of Topraklık quarter, at the bridgehead, I sold a twenty-four-acre field, of which the borders are clearly defined, to Hüseyin, Hasan, Mehmed and Ahmed with all its appendages and dependencies for forty-nine guruş with one bushel of grain by *bey‘-i bât-ı sahîh-i şer‘î*”.⁷⁹ However, the

⁷⁸ KCR, 50, p. 234/2.

⁷⁹ Ibid., 50, p.234/2.

sale was broken since Mehmed renounced the deal, or *tasaddi eyledi*, and said that: “I demanded five guruş more for the sale of the above-mentioned field and they gave me five guruş more. I no longer have any affiliation with the field and they may use the field at their will.” Before leaving the court, the parties can, if they both give their consent, rearrange the terms, at the last moment, as the mentioned example demonstrates .

Sharia-approved sales not only applied to Muslim to Muslim sales but also to sales from non-Muslim to Muslim or vice-versa . In another document dated December 13, 1726 (1139),⁸⁰ a sale between a dhimmi and as far as his name implies, a Muslim in the city of Konya is clearly indicated. The dhimmi, Tokuzlu son of Mihayil, from the İç Kale quarter, stated in the presence of İsmail bin Mehmed who was the buyer, that: “in the site known as Sahrabudası located near-by the city, close by the watercourse, I sold my four-acre field the border of which was well-defined, to the above mentioned İsmail by *bey‘-i bât-ı sahîh-i şer‘î* for forty guruş with all its appendages and dependencies in it. From now on, the mentioned field is the property of İsmail. He may use the field at his discretion.”⁸¹

In the court, parties can appoint a trustee, or *vekil* for their cases and this does not violate the edicts of the *bey‘-i sahîh*. In a document dated February 15, 1739 (1152)⁸², it clearly shows that both parties engaged trustees in the court;

On the outskirts of the Konya, in the quarter of Pirhasanlı, Mehmed bin Hasan died some time ago and Saliha bint Hasan is the wife and beneficiary of him. She appointed Mehmed Çelebi bin Ali Efendi as her trustee at the court. Süleyman, İsmail, Hüseyin and Abdullah are brothers and appointed Süleyman bin Abdülkadir as their trustee in the court and he is the holder of this document. Mentioned Saliha stated that: “we sell our legated three-acre field, which includes trees and its borders are well-defined, with all its appendages and dependencies to the above-mentioned

⁸⁰ KCR, 50, p. 229/3.

⁸¹Ibid., 50, p. 229/3.

⁸² KCR, 54, p. 186/2.

brothers for one-hundred and seven guruş by *bey‘-i bât-ı sahîh-i şer‘î*. From now on, the afore-said field is the purchased property of Süleyman, İsmail, Hüseyin and Abdullah. They can dispose of the field as they please.”⁸³

In terms of sales, in return for the debt of a party, they can settle with each other. However, these kinds of sales cannot be regarded as *bey-i sahîh* in the Ottoman courts. In another document dated, February 27, 1739 (1152),⁸⁴ this situation is well-demonstrated. Ahmed bin Hüseyin was indebted to es-Seyyid Ahmed. Debtor Ahmed claimed that:

On the outskirts of the city of Konya, in a location called “Harmancık”, I had a half-acre orchard which includes trees and whose borders are well-defined. In the mentioned location, in a place called “Çakilyer”, I had usufruct of a thirty-acre field which was under the possession of Türbe-i Celâliye waqf and its borders also well-defined. I sold the mentioned orchard and field to es-Seyyid Ahmed with the permission of waqf trustees for thirty guruş which was the price of my atonement to get out of jail since I had ordered the mentioned es-Seyyid Ahmed to pay my atonement and I have been indebted to him. In exchange for my debt, I sold the mentioned orchard and field to es-Seyyid Ahmed to clear my debt. From now on, half-acre orchard and usufruct of thirty-acre field are the properties of Seyyid Ahmed. He can dispose of them at his own will.

The afore-said sale is not a direct sale, such as paying the price and receiving the property without any condition, rather it is the sale of the orchard and field in response to a compensation of a debt. That is why the *kadi* of the document did not write any version of *bey-i sahîh*. This implies that in the legal expressions, there was to some extent a standardization of the legal parlance in relation to the types of sales in the Ottoman court registers. Moreover, since the expression of *bey‘* (sale) pertains to sales which grant the parties full ownership over the assets, from the seventeenth century onwards in Anatolia, for the sale of *mîrî* land, the *bey‘* began to be used in the court registers, which may indicate that arable lands were now perceived as *mülks*.

⁸³ Ibid., 54, p. 186/2.

⁸⁴ KCR, 54, p. 162/1.

2.3 Long-termed Land Usufruct

At this point, three particular points have been evaluated and analyzed: first the sales under the verdicts of *bey'-i sahih*, which pertains to complete sales in the sense that it provides the parties with full ownership over what they purchased without any strings attached to the sale. Secondly, we have analyzed the implications of the titles held by the parties engaged in sharia-permissible field sales. Finally, in conjunction with the two mentioned sections, an attempt was undertaken with the help of available data to pinpoint the identities of those who bought and sold arable fields, together with the titles of the border-neighbors of these fields.

There are three uncertainties inherent regarding the types of land usage in the land regime of the Ottoman Empire: the ambiguous relationship between “landownership” and “land usufruct”, the problem of who is the holder in full-ownership of the land and who is the holder of land usufruct, and thirdly, the obscure relationship between state, landholder and *re'âya*.⁸⁵ ⁸⁶ In the absence of strict state control, which had begun to diminish from the seventeenth century onwards,. This situation opened the way up to the emergence of the concept of “mine”, which will be discussed and analyzed in detail through the available court case samples below.

It is necessary to state that, firstly, clients who were among the social group who could accumulate capital would seek ways to invest, and secondly, they would embark on such a venture unless they had relative assurance of a return on their investment. Most probably

⁸⁵ Özer Ergenç. *Osmanlı Tarihi Yazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012). pp. 215-217.

⁸⁶ John C. Alexander. "Between Theory and Praxis: The Notion of “Mine” and The Ottoman State" In *Halcyon Days in Crete V a Symposium Held in Rethymno*, 2012, (Rethymno: Crete University Press, 2015), pp. 2-5.

they must have thought an investment in fields provided some sort of guarantee, as can be surmised, to some extent, from the sharia-confirmed sales. More effective than this, we argue that there was another determinant that had been under-way from the end of the seventeenth century, which re-defined the relations of the subjects with agricultural production. In the Ottoman Empire, it was the waning state control over the localities led to the underestimation of previously enacted land regulations and laws, which allowed for them to be undermined by peasants and intermediaries.⁸⁷ This situation led to the emergence of a new condition in land holding, as it provided, to some extent, a consolidation of property in the hands of villagers and intermediaries. This is a process, which Cuno, studying such changes during and after Ottoman rule in Egypt, refers to as growth of de facto private property before nineteenth century.⁸⁸ This change could also ensure the sense of “de facto guarantee in holding properties” in the course of the eighteenth-century. It can be argued that it was the effect of the transformation itself, which eventually led clients to make investments in fields. In the following section, the mentioned change will be discussed in the context of the transformation that led to the formation of “de facto guarantee in holding property”. This change eventually made the subjects to perceive the usufruct of arable lands as if they were privately-owned estates, which can be observed from the inclinations reflected in the eighteenth-century court cases sampled below.

What exactly we mean by stating “de facto guarantee in holding property” in the context of the thesis, can be understood once the characteristics of the Ottoman land regime are

⁸⁷ Kenneth M. Cuno, "The Origins of Private Ownership of Land in Egypt: A Reappraisal." *International Journal of Middle East Studies* 12, no. 03 (1980), p. 247.

⁸⁸ *Ibid.*, p. 251.

addressed in detail. During the formative years of the Empire, its subjects had been treating the lands as their own property, selling and conducting realignment operations and the endowment of lands as philanthropic foundations. This can be seen from the edicts of Ebussud Efendi (1490-1574) in the introduction part of the *kanunnâme* of Skopje and Salonica.⁸⁹ In order to be able to reverse this malpractice of the land and, by implication, to realign the legal condition of landownership, Ebussud classified three categories for the lands located under the sovereignty of the Abode of Islam stating that: In an Abode of Islam, there are three types of land as necessitated by Sharia.

The first type is *‘öşrî* land. These were the lands that had been taken by conquest and left to be owned as private properties of the Muslims. Since they cannot be subject to the *harâc*, they were subjected to pay *‘öşür*, or tithe. The second type is *arz-ı harâciye*, which consisted of the lands conquered from non-Muslims and left for them to be their private properties. They were subject to pay the *harâc-ı mukâseme* tax in a ratio of 1/10, 1/8, 1/7 and 1/2 from the produce. Furthermore, they were supposed to pay *harâc-ı muvazzaf* once a year. These lands could be sold, bought and managed at the owner’s discretion. If the lands were taken over by Muslims, they were also subject to pay *harâc*. As long as owners of these lands cultivated it, they could dispose of it as they pleased. Lands of Sevat-ı Irak, or Iraq were under this category. There was also another type of land, which was neither *‘öşrî* nor *harâci*. It was called as *arz-ı memleket*. In fact, it is *haraci* but its ownership belonged to the State. I If the owners of these lands died, determining the taxes and allotment of it may have caused problems. For these reasons, ownership of this type of

⁸⁹ Ömer Lütfi Barkan, *XV. Ve XVI Asırlarda Osmanlı İmparatorluğunda Zirai Ekonominin Hukuki ve Mâli Esasları, I-Kanunlar*, 1943. pp. 296-298.

land was spared for Imperial treasury and allocated to peasants to be cultivated, turning them into orchards, vineyards or gardens. From the produce, they were supposed to pay *harâc-ı mukâseme* and *harâc-ı muvazzaf*. The lands of Sevat-I Irak were under this category as well. Land in the Ottoman Empire that was considered to be *arz-ı memleket*, or *mîrî* (the land under the proprietary of the Empire), only the *re'âya* possessed the usufruct of these fields.

Ebussuud's classification had its repercussions on other parts of the Empire. Similar attempts were made at almost the same time in particular regions of the Ottoman Empire by other jurists, like his contemporary Ibn-Nujaym (1520-1561) in Egypt, to reinterpret the legal status of lands upon the request of the Imperial center in 1549. However, in Egypt, similar land codification of Ebussuud was not able to be implemented, as it would have required turning Egypt's lands back into state property, or making all the lands *mîrî*. Based upon the study conducted by Baber Johansen on the transformation of legal ordinances related to land and tax in Islamic states such as those under the rule of the Fatimids, Mamlukids and Ottomans, in Egypt it can be most clearly seen how jurists attempted to secure the privileged positions of the landed class.⁹⁰ Among the Ottoman Empire's regions, Egypt and Syria played a particular role. Kenneth M. Cuno conducted an elaborate study regarding land regimes and landownership, analyzing its development in Syria and Egypt. He illustrates how the jurists tried to find alternative ways for both

⁹⁰ Baber Johansen, *The Islamic Law on Land Tax and Rent: The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London: Croom Helm, 1988), pp. 80-93. Johansen formalized a notion called "the death of proprietors". In the Hanafite school, paying haraj tax were received as privately owning a piece of land. Ibn Nujaym transformed this by stating the condition of insolvent haraj paying individuals as they passed away their lands reverted back to state treasury since they were not able to pay the tax and the reverted land becomes the property of the Sultan. Later on, the land assigned to a new owner for a certain amount of rent.

securing their material interests and those of the notables in their districts. They attempted to find ways to prove that the lands of their respective provinces were under *kharaji* status and thus could be held as private property.⁹¹

In another article, Cuno attempts to analyze the joint household formation with respect to landholding in the nineteenth century Egypt, and how the geography and climate conditions shaped the family unit in land disposal. In Egypt irrigation was a serious problem, together with the fear of losing the lands after the proprietor's death. Due to this, people tend to live under the same roof with their married brothers, nieces and cousins together with the eldest member of the family, in order to protect their ownership status from the constraints of not producing a male. Living in a single household always possessed that threat, and so people were inclined to live together and this formed the concept of *ail-i vahide* in Egypt.⁹² However, this was not the case in Anatolia where irrigation was not a problem.⁹³ Rather, family members were inclined to seek their own fortunes outside of the family, as land was abundant compared to Egypt.

Ebussuud acted upon the request of the Sultan, which signifies that the Empire tried to consolidate its power over land use. It did not allow full ownership of *mîrî* lands, which eventually may have led to splitting the lands into pieces among heirs. The Empire believed that if this occurred, it may experience difficulty in controlling tax-resources

⁹¹ Kenneth M. Cuno, "Was the land of Ottoman Syria Miri or Milk? An Examination of Juridical Differences within the Hanafi School." *Studia islamica* 81 (1995), 121-152. Moreover, in the article, one can see two parties in an effort for reconciliation of the Ottoman Imperial edicts on land as: the ones who were anti-revisionist and took up the position with state by claiming the death of proprietors would be a problem in *mülk* lands once the proprietor vanished, the state apparatus would have difficulty to control the property. The revisionist party points out the possession as an ultimate tool to prove one's ownership in *kharaji* lands. Every party interpreted the situation not free from their personal backgrounds.

⁹² Kenneth M. Cuno, "Joint Family Households and Rural Notables in 19th-Century Egypt." *International Journal of Middle East Studies* 27, no. 4 (1995), 485-502.

⁹³ *Ibid.*, p. 493.

in the future. Ebussuud's attempts at defining the land category, as *mîrî* clarified the distinctive line between the landowner and the holder of the usufruct. As has been analyzed in detail by Ömer L. Barkan, *kanunnâmes* did not reflect society as a whole, rather they were a positive law text which did not necessarily reflect the actual situation. The laws were formed unsystematically and had not been modified for the regions they promulgated, as the previous *kanunnâme* was put into effect almost unchanged in subsequent versions.⁹⁴ That is, the actual conditions in society and the community of a locality cannot be traced only by looking at these normative texts. From the second half of the seventeenth century, this dividing line had become blurred, as subjects had begun to act in some ways that undermined the edicts written during the formative years. While Ebussuud claimed that: "lands inside the cities are *mülk* and so their owners can sell, grant and endow and once the owners died, they reverted back to the his/her successors but *arzi mîrî* are the lands located at the vicinities of the villages, in which agriculture is made and these cannot be sold and granted and are not liable to the terms of redemption and of entrustment and of endowments as *waqf*." He gives a *fatawa*, which states that "even if a *kadı* legalized one of these mentioned transactions, it will be regarded as invalid and only through the permission of *sâhib-i arz* was the sale able to be authenticated."⁹⁵ The efforts of the jurists signify a failure in defining a concrete legal status for arable lands in the legal terms: *mülk*, or private property, *rakabe*, or *nudas proprietas*, *intifa hakkı*, or usufruct, *waqf*, *mîrî* and sultanic.⁹⁶ Since there are documents, as has been shown, that

⁹⁴ Barkan, *XV. Ve XVI Asırlarda Osmanlı İmparatorluğunda Zirai Ekonominin Hukuki ve Mâli Esasları, I-Kanunlar*, pp. XXXV-XXXVII.

⁹⁵ Dror Ze'evi, *An Ottoman Century: The District of Jerusalem in the 1600s*, (Albany: State University of New York Press, 1996), p. 131.

⁹⁶ *Ibid.*, p. 132.

parties purchased lands whether they were *mîrî* or not proves this legal ambiguity. On the other hand, as long as the field had been cultivated, *sâhib-i arz* and other third persons could not interfere or lay their hands on the field. Once the field had been exchanged, their use was at the discretion of their owners. The process of land ownership, therefore, began with the acquisition of the usufruct of the fields and ended up with the formation of a *de facto* private property right of the fields. In spite of the fact that the Empire tried to hold open the channels through which agricultural surplus was flooding, obscure expressions in provisions defining land ownership went hand in hand with the eventual diminishing power of the Imperial center. This led to subjects having the ability to act comfortably in accordance with their own economic concerns. Ze'evi corroborates the argument of Faroqhi, that *mülk* came to mean a combination of *rakabe*, or functional ownership, with *intifa hakkı*, or usufruct, and it applied only to individuals who were tax-exempt to make use of that kind of combination, as far as the city of Jerusalem was concerned in the seventeenth century.⁹⁷ However, individuals who had the titles of *seyyid* and *beşe* found in the court case samples analyzed in this thesis were tax exempt. In this sense, they seem to have enjoyed the privileges with the above-mentioned combination. It provided them with the right to possess long-termed usufruct of the lands, which could develop into a *de facto* guarantee in terms of holding the field and making use of it as though it were their private properties. This situation will be discussed in this light in the cases below.

In a document dated August 25, 1763 (1177),⁹⁸ field sale case well-illustrates holding a long-termed usufruct of two piece of field and mulberry grove. Moreover, this case gives

⁹⁷ Ibid., p. 136.

⁹⁸ ACR, 7, p. 34/1.

information concerning the buyer, the seller and border neighbors' features including their titles and possessions. From the neighborhood of Sofiler, located in the Antakya city, Hüseyin bin Muharrem Ağa bin İbrahim Ağa came to the noble court and litigated in the presence of the holder of this document, Mehmed Çelebi bin el-Hac Ali, who was from the same quarter:

“Sixteen years ago from now, in the Maşukiye hamlet, my father, Muharrem Ağa had bought half share of a piece of mulberry grove which includes a stable, fruitful and fruitless trees and bordered by Musa Ağa's field from one side, the Maşukzadeler orchard from the other side, Tüfenkçi Mustafa Beşe's meadow from another side and the mentioned Tüfenkçi Mustafa Beşe's field from the other side for two-hundred eighty-two guruş from el-Hac Ali. However, when I was a little boy, my father had passed away and our mentioned half share in mulberry grove had been detained. As of now I have reached lawful age, I demand what is necessary to be made in accordance with the sharia.” After asking about what Hüseyin claimed to Mehmed Çelebi, he stated that: “the half share of the mentioned field did belong to the father of the plaintiff but twenty-three years ago, the afore-said Muharrem Ağa had sold the half share of the mulberry grove together with half share of usufruct in two piece of field that can be sowed totally with nine grain bushels, located at Maşukiye hamlet to my father el-Hac Ali for three-hundred guruş. This situation provides to me the tenure of the mentioned fields.” The court demanded proof of what Mehmed Çelebi explained. After detailed investigation, the court had appealed to the trustworthy Muslim witnesses, Ahi es-Seyyid el-Hac Ali bin es-Seyyid el-Hac Mehmed and Kasabcı el-Hac Hasan bin Hasan to check on the claims of Mehmed Çelebi. The mentioned witnesses testified that: “in point of fact, the father of the plaintiff, Muharrem Ağa twenty-three years ago, had sold the above-stated half share of the field and the mulberry grove to the father of Mehmed Çelebi, el-Hac Ali for three-hundred guruş in our presence.”⁹⁹

Their testimonies had been found satisfactory and the court reached a verdict that the plaintiff, Hüseyin had no rights or claim over the mentioned properties. First of all, the mulberry grove and the field were located nearby the village in which the lands were *mîrî* and agriculture had been the way of gaining subsistence for these villagers. Furthermore, selling and granting lands in the vicinity of villages had been prohibited, at least on paper,

⁹⁹ Ibid., 7, p. 34/1.

by the verdicts of Ottoman jurists and to some extent, it did work for the periods when the *timar* system operated in conjunction with the expectations of the Imperial center in the formative periods of the Empire. Again, in the document the expression of sale and grant used was the *bey' ve temlik ve tefviz eyledikde*. Regarding the sales of fields, *bey'* had not been used in regards to fields before the seventeenth century. Secondly, it can be seen that Mehmed Çelebi inherited the mentioned estates from his father. In relation to that, another aspect of private-property, which is pertinent to bequeathing, should be mentioned. The field sale had taken place twenty-three years ago, and since then the owner made use of the estate. Thirdly, as far as the titles of the border neighbors suggest, they were not peasants, as the held *tüfenkçi beşe* and *ağa* titles, respectively. Among them, Tüfenkçi Mustafa Beşe had two other fields surrounding the Mehmed Çelebi's field. If one used the land, then he considered it to be private-property and treated it so, regardless of what the law actually stated. And that this land was not held as usufruct by peasants, but by those with some power in the community and possessing titles.

A similar example can be found in another document dated December 26, 1726 (1139),¹⁰⁰ where field sale had taken place thirty years ago between peasants, in other words, *re'aya* who did not hold any title or tax-exempt status. This situation was as follows:

In the neighborhood of Zincirli located in the city of Konya, İshak bin Ramazan died some time ago and his younger son Mehmed and younger daughters, Raziye and Rahmiye became recognized as legal clients of the aforementioned Mehmed in the presence of the court, witnessed by Derviş İbrahim bin Mustafa and es-Seyyid Sadık bin es-Seyyid Mehmed, who were attorneys of aforementioned Raziye and Rahmiye. Mehmed stated that: "our deceased father İshak, thirty years prior to the formation of this document, sold his six-acre field, located in the quarter of Kerim Dede and bordered by the real estate of Bayram Çelebi, by public way from two sides and a threshing floor, in return for twenty bushels of grain and six *guruş* to

¹⁰⁰ KCR, 50, p. 241/2.

Halil bin Mevlüd. My father got twenty bushels of grain and three guruş when he was alive and we got remaining three guruş from aforementioned Halil. The aforesaid field has been the property of the mentioned Halil for thirty years and it has been the purchased property of him.¹⁰¹

This case is an example of the usual proceedings concerning land use in the “classical period”, which occurred among average peasants. However, what is important in this study is the fact that most of the field sale cases sampled, from the eighteenth-century Konya and Antakya court registers, are mostly about individuals who were not peasants. This clearly reflects the change in the process of agricultural production. Now land sales did not occur between peasants who cultivated the land, such as the above example, but rather between titled individuals who did not. One can see that the duration of proprietorship covers thirty years. This time span also provides an individual a sense of guarantee in holding the field, through which he/she could make investments comfortably. Moreover, it is clear that the *de facto* situation in holding fields was a general inclination of the eighteenth-century Konya and Antakya regions and that it also applied to the peasants in the above-mentioned case. Therefore, although the majority of land-holding cases involved titled-individuals, as we can see, some peasants were also able to participate in the changing property-holding and agricultural atmosphere.

According to the court proceedings in a document dated June 4, 1726 (1139),¹⁰² the landholder, or *sahib-i arz* appeared in every stage of the field sale case. From the neighborhood of Arablar, located in the city of Konya, the holder of this document, one

¹⁰¹ Ibid., 50, p. 241/2.

¹⁰² KCR, 50, p. 94/2.

el-Hac Mustafa bin Halil Efendi came to the noble court and litigated Mehmed Efendi bin Mehmed, who was present in the court together with the *sahib-i arz*:

In the province of Karaman, there was a ranch known as “Bozlak Hassı” which was located on the outskirts of the city and had been spared for the governors of the mentioned province and bordered by: a dried watercourse from one side, a Keriz way from the other side, “İn” stream from the other side and the field of Halil Efendi from another side. Usufruct of the ranch had been pertained to Emrullah Dede and Mehmed bin Bende as being fifty-fifty partners in controlling the nearby watercourse in turns and the ranch until the year 1116. Since then, I have been possessing the usufruct of the aforesaid ranch as Emrullah Dede and Mehmed bin Bende sold the usufruct of the ranch to me with the consent of the *sahib-i arz* and provided to me a title deed given by the *sahib-i arz* for thirty gurus and an undefined amount of grain bushel. Since 1116, I have been cultivating the ranch and paying the tithes year by year to the *sahib-i arz* but the mentioned Mehmed Efendi disturbed me. Due to this, I recommend that Mehmed Efendi to be forbidden. Plaintiff el-Hac Mustafa brought a supportive document which was a title deed and taken by the *sahib-i arz*. After the investigation of what it was brought by the plaintiff, the court heard Mehmet Efendi and he claimed in his statement that: the father of the plaintiff el-Hac Mustafa, Halil Efendi assigned the field by stating that: “the field was under my disposition.” Upon these statements, the defendant Mehmet Efendi disavowed that the usufruct of the field belongs to el-Hac Mustafa. Upon requesting proof from el-Hac Mustafa to prove his allegation, trustworthy Muslim folk were present at the court on behalf of the el-Hac Mustafa. After a detailed investigation, the court appealed to Mehmed Dede bin Mehmed and Receb bin Ali, Abdülbaki bin Musa, Mustafa bin Ismail, Süleyman bin Usi, Ali bin Musa, Mustafa bin Usi, Cafer Beşe ibni Abdurrahman Bey, Imam oğlu İbrahim and Ahmed Dede ibni el-Hac Mehmed for their testimonies which were on behalf of el-Hac Mustafa that they predicated what had been told by el-Hac Mustafa bin Halil and reached a verdict that the usufruct of the field in question belong to above mentioned el-Hac Mustafa.¹⁰³

First of all, the field was referred to as “Bozlak Hassı”, which had been cultivated on behalf of the personal income of the Sultans and therefore, could be used by governors of the region to be their means of living, upon the wishes of Sultans. Why this field was rendered from *hass* to a field that could be possessed by peasants is not clear. Secondly, the field had been bought by two parties, jointly, as a commodity and rebought by the

¹⁰³ Ibid., 50, p. 94/2.

complainant twenty-three years prior to the date of the case. This situation points to the fact that all arable lands (regardless of their original legal status) were perceived as a commodity by the parties whether they were peasants or not. In the first sale, the sellers brought a *sahib-i arz tezkiresi*, or title deed of landholder, and instead of owning only usufruct rights, transformed one commodity into another, into a privately owned estate, and treated it as if they had been granted full-ownership right by the parties. As long as they tilled the land, nobody could interfere, which was the case in this particular instance, as they held the land for twenty-three years. Furthermore, the expression of *tarih-i mezkureden berü maru 'z-zikr araziyi ben zira 'at ve hırasat edüp 'öşrünü sahib-i arza sene be sene eda ve teslim idegelmişken*, or 'since the time I bought the field, I cultivated it and payed the tithe to the landholder annually' points to the fact that ownership, and not usufruct, was now defined defined by paying the tithe regularly over a long span of time. This gradually turned usufruct into private-property, because a *de facto* guarantee had been granted in regard to holding the fields on the condition that taxes were continuously paid.

In another document dated January 7, 1727 (1139),¹⁰⁴ the sale concerned a ranch and a field, which had already been sold thirty-one years ago by the owner as follows:

From the Selamlu village located in the district of Mut in the province of İçil, es-Seyyid Hacı Ağa son of es-Seyyid Abdulhumen died some time ago. As his beneficiary and his wife, Şerife Fatıma Kadın the one whose presence was legally recognized and is the owner of this document, bint es-Seyyid Abdülkadir Efendi ibn es-Seyyid Abdülcelal Efendi and her older sons es-Seyyid Abdülmuin Beg and es-Seyyid Hüseyin Beg and her younger son es-Seyyid Salih Beg and her older daughter Şerife Ayşe said that: "while our deceased father was alive, he had sold the followings to our mother; a farm known as Bıçaklu Çiftliği in the district of Sarıkavak which included the well-defined orchard and vineyard together with

¹⁰⁴ KCR, 50, p. 254/1.

houses in the mentioned big-estate with five pair of oxen and one-hundred goats. In another region located in the district of Sarıkavak in the village of Turtsuyu with three-hundred gurus price which was assignment price, or *bedel-i tefviz*, he had sold usufruct of well-defined three-hundred-acres field with the permission of landholder, *sahib-i arz* in 1108. Also, he sold a mill to our mother. In total, all of the aforementioned commodities were worth one-thousand five hundred guruş. The aforementioned real estates and the field have been properties of our mother Şerife Fatıma by the title-deed given by a judge since aforesaid year”. The court reached a verdict that: “she can dispose the field as she pleases”.¹⁰⁵

The title of the previous owner of the ranch and the three-hundred-acre field was *seyyid* and *ağa* together. The latter corresponds to someone who had been engaged in military affairs. That is, his profession was not agriculture. In his ranch called “Bıçaklı Çiftliği” there was an orchard, a vineyard, five pair of oxen and one hundred goats. Because of that, it can be fairly stated that horticulture and husbandry was the occupation of the ranch. In the village of Turtsuyu, a three-hundred-acre field implies that he engaged in agricultural production with the five pair of oxen located in his ranch. However, he most likely left the land to be cultivated by the peasants through a sharecropping system. There might be two reasons for his decision to engage in agricultural production through sharecropping: due to long-termed usufruct land use the land became de facto private property and results in an implied guarantee on his investment. since the time span as it can be seen from the cases at hand would allow someone to make long-termed investments especially if the agriculture is the question. Again, the mentioned field and the ranch had been sold to the wife of the husband, thirty-one years ago by the approval of the landholder.

Therefore, land sales and grants, as far as the eighteenth-century Konya and Antakya court registers are concerned, had been the general inclination of action among subjects who

¹⁰⁵ Ibid., 50, p. 254/1.

could accumulate wealth and who sought ways to invest their capital. Furthermore, the benefit of holding a long-termed usufruct of arable fields, as well as the fields located in the vicinities of the quarters, which were also suitable for agriculture, allowed them to purchase lands and invest their wealth in agricultural production. In this manner, under the light of the aforementioned cases, long-termed usufruct of the arable lands as perceived and handled as if it were the private-properties of the parties.



CHAPTER III

THE SHARECROPPING (MUZÂRA‘A) SYSTEM

As it has been discussed earlier, the *askerî* class was the only social layer that enabled its members to save cash capital, together with merchants and moneylenders, however the last two were included in the *re‘âyâ* class and therefore, not the subject matter of this thesis. Until their retirement, or *mütekaid*, the *askerî* could accumulate capital and with that saved money could pursue other ways to earn their livings. Therefore, they could purchase the fields of various seyyids, beşes, çelebis, a *kethüda yeri* and women who were land owners. s However, can we explain their involvement in agriculture, only in terms of finding alternative ways to make capital? If this was not the case, then what could be the possible rationale which prompted them to purchase agricultural lands, especially the fields? What were the benefits in purchasing fields?

First of all, in the court registers, there are considerable amount of field sale cases, which authorize us to state that individuals who were capital owners were inclined to engage in purchasing arable fields. Secondly, as it has been analyzed above, the self-appointed

essence of *bey-i sahih* could provide immunity from the intervention of a third party with his/her trivial assertions, together with a *de facto* guarantee in terms of holding the land. In relation to that, these two factors could give the parties a sense of confidence to invest in the fields, since the duration of ownership, as far as it can be seen from the sources, exceeded twenty years at least. However, a final question remains, , what possibly could these new land-owners t have done with their purchased fields, as they were neither farmers nor cultivators, in order to continue profiting from this alternative means of earning capital. Were they able to extract an extra gain from their investment, or were their agricultural pursuits simply for the sake of extracting basic subsistence? A possible explanation emerges in the analysis of the system of *muzâra 'a*, or sharecropping. This apparatus facilitated those who were not cultivators, but who were engaged in purchasing fields to actually be able to accumulate capital. Before attempting to conduct in-depth analysis of sharecropping by using available court cases, other types of joint enterprises in the context of Islamic law will be briefly discussed.

3.1 Types of Joint Enterprises in the Islamic Law

In the Islamic law, there are six types of joint enterprises. The first are *mudârebe* provisions, where one of the parties puts their capital or assets, while the other performs the trade, for instance, carrying merchandise from one place to another and the interest was determined on the basis of rates.¹⁰⁶ The second is *müfâvaza* in which the parties have equal status, and the gains and losses are shared equally. The third is *müşâreke* in which the parties are obliged to invest in equal shares of which there are two types, general and

¹⁰⁶ Murat Çizakça, *İslam Dünyasında ve Batı'da İş Ortaklıkları Tarihi*, (İstanbul: Tarih Vakfı Yurt Yayınları, 1999), pp. 54-56.

personal. While the former refers to any trade ventures of any goods and the latter pertains to all legitimate enterprises, from this aspect it is similar to medieval English one-off trade ventures. The fourth is *vücuḥ*, which is composed of parties who do not possess any capital but a good reputation and the profit is determined in accordance with the parties' investment rates, which is not the case in the other types. These four types are the joint enterprises related with trade ventures. The fifth is *muzâra'a* and the sixth is *müsâkat*.

3.1.1 Muzâra'a

Muzâra'a, *muhâbara*¹⁰⁷, or sharecropping, and *müsâkat* pertain to joint enterprises in agricultural production. The following analysis will focus on this system of sharecropping in a sample of court cases. The former, which is also referred as *icâre-i ademi*, or hiring a man¹⁰⁸, simply means "joint enterprise on land". In this enterprise, two parties make a contract, in advance of attempting the venture, in order to define their expected proportion of profits. In this company, one party provided the capital and the other provided the labor. For example, one of the parties could provide their land, together with seeds, thus providing the capital to the cultivators. The other party, in this agreement, would provide the necessary labor power for sowing, cultivating and harvesting the seeds. There were variations to this agreement, however, where for example one of the parties could provide the land, see and animals, while the other joined the venture by providing only their labor power.¹⁰⁹ The *müsâkat* was subject to the same provisions of the *muzâra'a* but referred to

¹⁰⁷ Ziaul Haque, *Landlord and Peasant in Early Islam: A study of the Legal Doctrine of Muzâra'a or Sharecropping* (Islamabad: Islamic Research Institute Press, 1977), p. 19. Haque in his impressive book tried to point out the essence of sharecropping in Islamic History by making use of extensive hadith and provisions of prominent Islamic scholars. He refers to muzaraa as primitive tenancy since it first applied, as to one narrative, in Khaybar took place between Muslims and Jews after the conquest of Khaybar town.

¹⁰⁸ Ansay, *Hukuk Tarihinde İslâm Hukuku*, p. 184.

¹⁰⁹ Bilmen. *Hukuki İslâmiyye ve İstilahatı Fıkhiyye Kamusu*, Vol.7, p. 123.

growing trees and cultivating vegetables, which were supposed to remain on the land over one year. Before the venture, the proportion of the profit sharing could be determined as half, one third and two-third after the harvest. There are sufficient number of samples regarding the sharecropping system in our documents to clarify their role in the changing agricultural economy.

3.1.2 Sharecropping System in the Ottoman Empire: Evaluation of Primary Sources

In a document dated January 1749 (1162),¹¹⁰ it is clearly demonstrated how the sharecropping system operated among the subjects of the Empire in their agricultural production relations. In the neighborhood of Karaoyuk, located on the outskirts of the city of Konya, two brothers, known as Köstekçioğulları, Mustafa and İbrahim, sons of Mehmed, had been residents and also partners in their all possessions. Before some time ago, they died one after the other. As the beneficiary of the deceased İbrahim, Şerife, who was the daughter of Hüseyin and the wife of the İbrahim, was present with her son in the court, together with the sons of the deceased Mustafa, Ali and Abdurrahman whose beneficiary was Mustafa bin Abdi appointed by the court. They litigated Ali Beşe bin Mehmed, personally and by proxy. The deceased ones were the partners of Ali Beşe in a sharecropping venture, or *muzâra'a*. Shortly before the harvest, Mustafa and İbrahim died. After having received his share from the harvest, Ali Beşe also retained the shares of the deceased brothers. These were twenty-six bushels of grain, six bushels of barley, nine hay bales and a pair of oxen worth thirty-five guruş. Due to this, the beneficiaries of the

¹¹⁰ KCR, 57, p. 55/1.

deceased brothers demanded to retrieve what Ali Beşe had retained. Upon their litigation, Ali Beşe was questioned and subsequently rejected the accusation. He claimed that:

I was not the one to be accused by. I sold grain to the deceased ones and from that transaction, they owed me six guruş and five bushels of grain and nine hay bales in the presence of the other residents at that time. Upon their debt, even if they were partners in their possessions, their debts were apart. Nevertheless, in total, they owed me seventy-six guruş and after they passed away, I retained a pair of oxen worth thirty-five guruş, four hay bales, two bushels of grain and half bushel of barley and I could not retrieve the remaining assets of mine.¹¹¹

After hearing Ali Beşe, the court asked the complainants to prove what they accused Ali Beşe of, but they were not able to prove their assertions. The court then asked Ali Beşe to provide evidence to support his own assertion. Upon that call, the court appealed to trustworthy Muslim witnesses to testify on behalf of Ali Beşe's assertion. Ali bin Abdurrahman and Hüseyin bin İbrahim testified that while they were alive, the deceased brothers said that: 'were indebted to Ali Beşe for taking out a loan of seventy-six gurus, as a price of grain and five bushels of grain and nine hay bales in our presence at that time.'¹¹² The court determined in favor of Ali Beşe and reached a verdict to preclude the beneficiary of the deceased brothers from interfering with Ali Beşe by any means and to let Ali Beşe have what he retained from the inventories of the deceased brothers.

This document is a good example of a *beşe*'s partaking in *muzâra 'a*, with regard to the inclination of an individual who was of military origin. Firstly, one can observe from the sharecropping case, which was not a typical *muzâra 'a* contract, that it did not include any information the proportion they had agreed to and who was to provide the field and the seeds. On the other hand, it is clear that the labor and oxen belonged to the cultivators.

¹¹¹ Ibid., 57, p. 55/1.

¹¹² Ibid., 57, p. 55/1.

Due to the fact that the parties most probably had agreed on the terms previously, where the capital and the field belonged to Ali Beşe, the oxen and the labor power pertained to Mustafa and İbrahim, who were most likely of *re'âya* origin since they did not hold any titles. Moreover, Ali Beşe might have given the capital to his partners for buying grain, which implies that the cultivators were the needy party, since, presumably they borrowed seventy-six guruş from Ali Beşe to supply necessary materials for cultivation. Secondly, one of the parties held the title of *beşe* and he was well off, as he could give a considerable loan and could provide the field for his partners in sharecropping. Thirdly, the field which was subject to the sharecropping contract, was located most likely in the mentioned neighborhood, Karaoyuk, where the cultivators and the *beşe* resided. In the document, the neighborhood was specified as being located on the outskirts of the city of Konya. This implies that was not far from the township center and it was not located in a village, as if it had, this would have been specified as located in the village, and the registers would have included the name and the location together. Therefore, agricultural production was not restricted to places defined as villages in the court registers, but rather also developed outside of the cities or the vicinities of the neighborhoods located near the cities that may have been well-suited for cultivation.

In another document dated October 10, 1726 (1139),¹¹³ a *seyyid*'s engagement in sharecropping is shown. From among the residents of Sinan Perakendesî neighborhood, located in the city of Konya, the owner of this document, es-Seyyid el-Hac Mehmed bin

¹¹³ KCR, 50, p. 191/3.

Abdülkerim litigated Şaban bin Salih who was from the neighborhood of Arablar. He stated that:

We were partners in sharecropping, or *muzâra'a*, with the aforementioned Şaban with half and half from the product. The field and seeds belong to me and the labor power belongs to Şaban to cultivate the field. Upon these terms, I gave sixteen bushels of grain seed to Şaban and he drilled them. Thereupon, when I demanded half of the grain harvest from Şaban, he refused to give it.

The court then heard Şaban and he also approved this partnership in sharecropping with es-Seyyid el-Hac Mehmed, but Şaban argued that: “he gave me only eight bushels of grain seed, not sixteen”.¹¹⁴ To prove his assertion, the court demanded witnesses from es-Seyyid el-Hac Mehmed and from trustworthy Muslim witnesses, el-Hac Hüseyin bin Ali and Ahmed bin Mustafa, who were present in the court on behalf of es-Seyyid el-Hac Mehmed. They witnessed to what had been told by es-Seyyid el-Hac Mehmed. Then the court adjudicated for the benefit of the mentioned Mehmed and ordered Şaban to give half of the harvest collected from the sixteen bushels of grain seed.

First of all, the above-mentioned case is a typical example of a sharecropping contract which had taken place between a *seyyid* and a villager. Since, the document records the specified terms agreed upon, the field and the seeds belonged to es-Seyyid el-Hac Mehmed and the labor power belonged to the villager, Şaban. As it has been pointed out in detail, the *seyyid* title implies somebody who is tax-exempt and that provided him with necessary competence to save up capital. As far as it can be observed from the case, the *seyyid* chose to invest in agriculture through sharecropping. Secondly, again, as it is indicated in the document, the field belonged es-Seyyid el-Hac Mehmed, most probably

¹¹⁴ Ibid., 50, p. 191/3.

located in the neighborhood of Sinan Perakendesi, since Şaban was specified as a resident of the Arablar neighborhood. Therefore, lands inside neighborhoods, nearby the cities were being used for agricultural activities.

In the document dated October 12, 1726 (1139),¹¹⁵ a sharecropping contract between two parties, most probably of *re'âya* origin, is illustrated below:

In the neighborhood of Hıdırlar, in the city of Konya, Süleyman bin Yakup was present in the court and expressed his complaint about the owner of this document, Ahmed bin Mustafa, who was [also] from the mentioned quarter. Süleyman bin Yakup stated that: “we were partners with the aforesaid Ahmed in sharecropping, or *muzâra'a*. I gave nine bushels of grain seed and five bushels of barley seed to Ahmed and he had taken them. On the basis of sharecropping, he admitted that: “we are partners in sharecropping and I will sow nine bushels of grain seed in a twenty-five-acre field and five bushels of barley seed in a fifteen-acre field, in total we are partners in sharecropping for a forty-acre field” and the presence of the trustworthy Muslim witnesses. The mentioned Ahmed, however, stated that: “I sowed only five bushels of grain seed out of nine and two bushels of barley seed out of five and I ate the remaining”. Süleyman bin Yakup verified his litigation with the testimonies of trustworthy witnesses. After the adjudication, Süleyman stated that: “since there was quarrel between us to retrieve what I was supposed to get from him, thanks to the arbitrage of Muslims, Ahmed gave me ten bushels of grain and ten bushels of barley. We both agreed on these terms peaceably.”¹¹⁶

This is another sharecropping contract, which bears significant indicators regarding the actual inclinations of the subjects who were residents of eighteenth-century Konya, but it does not include the actual terms that they agreed upon in regards to who was the provider of field and oxen. It was only specified who was to provide the field and oxen but it was not specified who was to provide seeds and labor power. First of all, as their titles show, the parties are villagers. Their profession was cultivation, which is beyond any doubt. In this sense, their partaking in sharecropping contracts is not an unexpected attempt, as they

¹¹⁵ KCR, 50, p. 193/3.

¹¹⁶ Ibid., 50, p. 193/3.

might have had difficulty providing the necessary apparatus to conduct cultivation and sustain their livelihood. What is interesting is the fact that individuals who were not cultivators began to partake in sharecropping contracts in order to attain the extra produce to accumulate capital. Unlike the villagers, *seyyids* and *beşes* were tax-exempt, and thus were not subjected to pay taxes at regular intervals, therefore their engagement in sharecropping implies that they were motivated by the prospect of producing a surplus in order to sell it and accumulate capital. Yet, it is also fair to assert that one did not have to be tax-exempt in order to become involved in such activity. However, it is incontrovertible that being tax-exempt would make it easier to spare capital for those whose profession, for instance, was trade, such as *çelebis* or women landowners, who partook in field sales and olive groves together with ranches in considerable numbers. Also, these above mentioned individuals were neither of military origin or tax-exempt, but they are not cultivators and thus were obliged to engage in the sharecropping system, rather than outright land ownership.

3.2 Muzâra‘a As a Means of Surplus Extraction and As an Indicator of Entrepreneurship: The case of a Governor Pasha

Local notables, Imperial household members and military officials were the members of the Ottoman customary (*örfi*) group and they were the ones, together with merchants and moneychangers, who could accumulate wealth in cash. To increase their revenues as much as the conditions of the time would allow, they became the actors in every branch of the agricultural sector except, except in regards to becoming cultivators. In short, the landowner would rent his land to the farmer to be cultivated and the farmer did not pay for the privilege in advance, but after the business was completed .

Detailed studies have been made in regards to eighteenth century local notables in the Ottoman Empire. In these studies, even if we see that a *muzâra'a* system was applied by the local notables, members of the military class or the Imperial household, none of them contain elaborate information.¹¹⁷ The empirical data for this paper are the *muzâra'a* contracts of an Ottoman statesman, Çelik Mehmed Pasha, from the court register of the city of Konya, dated 1765. These contracts were different as they show a widespread application of the *muzâra'a* both in the Empire and Islamic Law, in terms of its application and owner. The documents in the mentioned context had been analyzed by Özer Ergenç in his article “XVIII. Yüzyılda Osmanlı Anadolu’sunda Tarım Üretiminde Yeni Boyutlar: Muzâra’a ve Murâba’a Sözleşmeleri.” We re-evaluate the documents and share a new sharecropping contract of the governor’s that we found in conjunction with the mentioned findings discussed in the related sections of the thesis.

In a document dated October 7, 1765 (1179),¹¹⁸ from the village of Avşar, 18 villagers went to the court and stated that:

We were the partners of the deceased governor in a sharecropping contract. For the expenditure of cultivating the lands (belonging to the villagers, not to the governor), the governor agreed to grant us 935 *guruş* and for the expenditure of wheat and barley, 568 *guruş*, in total, 1,503 *guruş*. In return, we agreed on giving 100-bushel of wheat and 80-bushel of barley after the harvest. (One Konya *kiyel* is equivalent to 36,000 kg)¹¹⁹. We established the company in the aforementioned manner.¹²⁰

In this sample, the labor power and arable lands belonged to the villagers. The governor vizier only provided his capital. This *muzâra'a* contract was different from those

¹¹⁷ Yuzo Nagata, *Tarihte Ayânlar: Karaosmanoğulları Üzerine Bir İnceleme*. (Ankara: Türk Tarih Kurumu, 1997).

¹¹⁸ KCR, 58, p. 126/1.

¹¹⁹ Halil İnalçık, "Rice Cultivation and the Çeltükci-Re'aya System in the Ottoman Empire." *Turcica Strasbourg* 14 (1982), pp. 109-115.

¹²⁰ Op.cit., 58, p. 126/1.

traditionally formed between lower-strate members of society. Normally, participating in a venture only with cash money was seen in *mudaraba* contracts, and these were mostly conducted outside of agricultural enterprises.

In another document dated mid-October, 1765 (1179),¹²¹ from the village of Kurtlar, 13 villagers came to the court and asserted in the presence of heirs of the deceased governor and in the presence of their guardian, Seyid Ahmet Bey, those villagers said their names and asserted that: “we were in ruins before the protection and support of the governor. He gave us a complimentary amount of 300 *guruş* together with 20 bushels of wheat and 20 bushels of barley for raising our seeds in return for giving back annually 40 bushels of wheat and barley after the harvest.”¹²²

This document is important to understand the essence of the *muzâra 'a*. The vizier would not receive all of the produce from the harvest, but rather he would receive half of it. That is, in the region, the productivity was one to four from the harvest, and there farmers were supposed to give half of the produce to the Vizier. This was a *mûnasafa* kind of sharing, which meant half and half. In central Anatolia, this productivity level is an optimal yield in the eighteenth century in the Ottoman Empire.¹²³

Almost an identical attempt can be observed in the following document dated, again, in April, 1765,¹²⁴ which is as follows: “from the village of Akburun, the deceased Vizier Çelik Mehmed Paşa gave a complimentary amount of 300 *guruş* to the villagers when

¹²¹ KCR, 58, p. 125/3.

¹²² Ibid., 58, p. 125/3.

¹²³ Mehmet Öz. “16. Yüzyıl Osmanlı Anadolu’sun’da Tarımsal Verimlilik Meselesi”, XIII. *Türk Tarih Kongresi, 4-8 Ekim 1999, Bildiriler*, Ankara 2002, c. III/3, pp. 1643-1651. See Özer Ergenç. *Osmanlı Tarihi Yazıları: Şehir, Toplum, Devlet* (İstanbul: Tarih Vakfı Yurt Yayınları, 2012). pp. 220-245.

¹²⁴ KCR, 58, p. 124/1.

they were in ruins for *çift tedariği* i.e. for cultivating their lands in return for getting 50-bushels of wheat and 50-bushels of barley after the harvest at once.”

These two identical documents show that Mehmed acted like a quasi-entrepreneur who aimed to reclaim the economic status of the villagers surrounding his place of duty, by granting them necessary amount of money to cultivate the land and to survive. While he was trying to revive the socio-economic well-being of the villagers, the Vizier was able to increase his own wealth. Interestingly enough, in all of the available *muzâra'a* contracts, the Vizier was not renting out his own *çiftlik* lands to be cultivated by the farmers who took part in sharecropping. He was participating only through the provision of capital, by providing the necessary cash for the villagers to then invest and cultivate other lands, themselves. As we have seen from the probate inventory of the late Vizier, he possessed two big estates, one among which hasda *saray*, i.e. palace on it.¹²⁵ In his two big estates, the value of wheat, barley and maize harvest was substantial and approximately constituted one-tenth of his total wealth, which was about 60,980 *guruş*. In this sense, the main reason behind the *muzâra'a* attempt of the Vizier can be regarded as a means of increasing agricultural yield and therefore, his own wealth, by implementing the system of *muzâra'a* as a method of labor productivity within arable lands. To maximize agricultural production, instead of increasing the acres of the lands by reclamation and intensifying production (as agriculture in England achieved with the Norfolk Four-Course rotation and the support of fertilization),¹²⁶ labor power to cultivate

¹²⁵Alpay Bizbirlik, “Karaman Valisi Çelik Mehmet Paşanın Terekesi” *Türkiyat Araştırmaları Dergisi.*, I., Konya, 1994, pp. 175-221.

¹²⁶ See Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy 1500-1850*, (Cambridge; New York : Cambridge University Press, 1996.)

the land was increased. Even if the methods differ from each-other, this economic mentality was seen in other individuals who could accumulate wealth in cash, like local notables and tax farmer military officials, whether retired or not, who also aimed to increase their wealth. These documents help us to understand changes in agricultural relations of production, however, they should only be applied to this particular time and region rather than as representative of the Empire as a whole.



CHAPTER IV

CONCLUSION

The results of both inferences and assessments in this thesis were given at the end of each related section and chapter. However, we can further discuss, possible internal and external effects on the commercialization phenomenon. This thesis aims to further contribute to the understanding of the possible commercialization processes, which might have shaped - and may be an alternative applicable answer to - the changing social relations of agricultural production in the Ottoman Empire in the eighteenth-century. It did so by analyzing and stating the importance of three phenomena: (1) long-termed land usufruct, which gave individuals a sense of holding private property of their own, and (2) their sales among individuals who were not cultivators and not engaged in such sales, particularly in preceding centuries and (3) making use of those long-termed possessed lands by implementing sharecropping contracts.

As state control began to diminish, it could no longer keep the previously operating social and organizational power that had functioned well during the period of expansion or

classical period. The situation allowed for social mobility and economic improvement among the mentioned individuals giving them entrance into an “upper class”. In this case, as far as the primary sources of the thesis reveal, they were the ones whose primary professions were not cultivation, but any other occupation, which could lead them to accumulate capital. Among those professions, military and trade are the preponderant ones. However, as the sampled cases show, the most prevailing economic undertaking among the mentioned individuals was agriculture. Furthermore, this thesis argues that those with the title of *çelebi*, who were primarily occupied in trade, *beşe*, those whose profession was janissary, and women landowners, whose professions cannot be traced as they did not hold any titles, needed extra labor power for the lands they purchased. These lands were located within the cities, within neighborhoods located nearby city centers, or in the vicinities of the cities and in villages. This was also true for religious dignitaries, or *seyyids* who enjoyed the privileged status of being tax-exempt. None of these individuals were actively involved in the cultivation of agriculture. We argue, therefore, that in order to cope with the demand for extra labor to cultivate the purchased land, they sought ways to engage in sharecropping, or *muzâra ‘a*, as from in the cases of a *seyyid*, a *beşe* and the governor Pasha, Çelik Mehmed, discussed in chapter three. It should be noted that mentioned inclinations of the individuals which are subject matter of this thesis was tried to be understood in their very respected regions and time period. For this reason, findings of this thesis cannot be generalized for all the regions of the Empire in the 18th century.

What possible external factors might have motivated the lower strata of society to towards new inclinations of land disposal in Anatolia in the 18th century Ottoman Empire? Looking at the subject at hand from a broad perspective, many valuable scholarly attempts

were made and discussed in detail, in the historiography of the Ottoman Empire's agricultural history since the 1970s.

In this sense, it is fair to assert that when the population is disposed to increase, labor spared for the cultivation of lands might become scarce unless reclamation pace of new lands competes with the population an upward growth. Due to this, prices of agricultural products are expected to have an upward trend. Europe's population began to increase in the eighteenth century after roughly a century-long stagnation. This situation would lead to the increase in the prices of lands and cereals, which increased, by 283 percent in Denmark, 259 in Austria, 210 in Germany, 163 in France.¹²⁷ Given the percentage-rises, the condition of cereals prices in Europe might lead European states to find new sources, which had lower prices than their home countries, or to cope in some other way with the need to feed the growing population on the continent. Therefore, it would not be naïve to imply that the Ottoman Empire, willingly, or unwillingly, would turn into a hub for those tentatively searching for cheaper cereals. To answer the demands, the Empire might be able to reshape itself by instinctively loosening its restrictive classical character.

On the part of the Ottoman Empire, the aforementioned possibilities might have shaped the economic mindset of the Empire in the sense that it became more integrated into outside trade networks than in preceding centuries when the “stagnant” *timar* system had

¹²⁷ Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton: Princeton University Press, 1978), pp. 241-242. Blum shares population increase chart in millions between 1750 and 1850, the population went up in most of the European countries; in Germany from 18.9 to 35.4, in France from 22.0 to 34.9, in Denmark from 0.8 to 1.5, in Austrian Monarchy from 18.3 to 34.9, in Russia from 24.0 to 66.3. He argues possible reasons of the price increase in grain as the gradual effects of the increase in money supplies and de-valued silver coins. Also, he mentions the sharp price increase in land in the eighteenth century as being far more than the rise in manufacturing goods' prices.

been operating properly.¹²⁸ It can be considered ‘stagnant’ in the sense that the accumulation of money into the hands of individuals was restricted to those who belonged to the *askerî* class, together with merchants and moneychangers, due to the fiscal mindset of the Empire. However, from the close of the second quarter of the seventeenth century, transformations, which had been spurred on by the proliferation of a new group of whose power allowed them to accumulate wealth like *askerî* class, led to the emergence of *eşraf* and *ay’ân* families¹²⁹ in the last quarter of the seventeenth century. They became representatives of their localities since they were the ones who had wealth derived by holding and processing tax-farming and long-term tax-farming units. By maintaining lifelong tax farming right from the beginning of last decade of the seventeenth century, they managed to appropriate arable lands until their death and could, therefore, bequeath them to their families. This feature of tax farming could give them a sense of ownership of the land, which led them to treat their lands with greater care and seek new ways maintain the right of tax-farming. They tried to extract more of what was produced by the harvest and could probably attain a surplus of agricultural goods. To convert this surplus in agricultural production into cash money, they might have sought ways to bring the produce into inter-regional, or *ba’id* bazaars instead of local-regional, or *karib* ones. That is, they might have engaged in smuggling the produce to foreign merchants, which was

¹²⁸ See İsmail Hakkı Kadı, *Ottoman and Dutch Merchants in the Eighteenth Century: Competition and Cooperation in Ankara, Izmir, and Amsterdam* (Leiden; Boston: Brill, 2012), pp. 311-323. İsmail Hakkı states the characteristic of the eighteenth-century Ottoman trade by evidencing the changing roles of the indigenous merchants and local notables, Karaosmanoğlus and Müderriszades, in the face of both the Imperial Center and European trade partners. In addition, one can see the articulation of Ottoman Empires’ economy to the Europe with the effects of local notables who engaged cotton production and its export.

¹²⁹ The *eşraf* and *ay’ân* phenomena had been debated and analyzed thoroughly in the Ottoman Empire historiography. Those were the groups engaged primarily in economic activities such as holding the right of tax-farming and lifelong tax-farming. Their power scales differ in accordance with their wealth. See for detailed studies on the subject

the case in Cyprus.¹³⁰ However, in this thesis, the focus was on the origins and intentions of those who entered the agricultural sphere rather than on the results of their venture, such as smuggling commodities. As far as the individuals who engaged in field sale cases analyzed in this thesis, even if their power and wealth never matched that of prominent local notables, not including the governor Çelik Mehmed Pasha, we argue, that their inclinations were essentially the same, which were to increase their capital by obtaining surplus from agricultural production. In relation to that, sharecropping contracts seemed to be perceived by various individuals as a convenient way to make use of arable fields. In this sense, such contracts could be regarded in Max Weber's terms as "purposive contracts", which are characterized by the exchange or market economy with specific obligations ascribed to each party, rather than being "status contracts", which are shaped by not with economic rationales but by customary practices such as an individual's origin, social status and education.¹³¹ However, the concept of obligations signifies rationality among the parties when arranging the sharing of work. Furthermore, there is an understanding concerning the proportion each receives from the profits when the contract terms come to the end. Every rational business organization needs the possibility, for particular cases as well as for general purposes, of acquiring contractual rights. These contractual agreements by both parties show that to some extent there was a rationalization of the economic mind. As far as the Ottoman Empire's post classical era is concerned, it seems they began to understand how to articulate the process as agricultural production began to be dragged towards the overseas markets. This process was led by either foreign

¹³⁰ Antonis Hadjikyriacou, "Local Intermediaries and Insular Space in Late-18th Century Ottoman Cyprus", *The Journal of Ottoman Studies*, XLIV (2014), 427-456.

¹³¹ Max Weber, *Law in Economy and Society* (New York: A Clarion Book, 1954), pp. 100-140.

merchants or by prominent local notables and, individuals, who had knowledge of the tendencies regarding the region in which they lived in and how to manipulate it. In this sense, this *muzâra'a* contracts would be regarded fair signifiers in understanding the changes both in the minds as well as in the actions of individuals in the Ottoman Empire during the eighteenth century. Individuals who, as it has been observed by the empirical data, were inclined to accumulate capital. Therefore, much can be learned concerning the commercialization process of the Ottoman Empire's agricultural production through the study and analysis of the *muzâra'a* point of view.

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مردینه قریب خاریج فری او یوک حمله ساکنندون اولوب بوجی مال امر ترک اریک یوزک اقمه متعاقباً
 خوت اولان کوس سبکی اوغلدریج یکیم معروف مصطفی و ابرهیم ابی محمد نام قریب یوزدن متوفای مزبور ابرهیم
 وراثتیه ذوی صیغه بنت صبیح و صید صغیر اوغلی محمد و اولوب و متوفای مزبور مصطفی کد
 وراثتیه صغیر اوغلدریج و عبد الرحمانه مضمون اولدوغی شرعاً معتقد اولدقنصکم فایقه تقریب
 شرعی ایلم معرفت اولانله مزبور شریعه اصالت و صغیر اولدوغی روکنه قیل شرعاً منصوص و صید
 اولان مصطفی بزرگبری نام کسکه وصایه هلیس شریع انورده انشورافیه کتاب علی بن ابراهیم محمد نام
 محض نه همدور بالاصالت و الوصایه اوزرینده عور و غیره کلام ایروب و قوم علی بن ابراهیم مزبور
 مزبور اولان ایلم سؤکت مزور عدده شریکله اولوب و وقت حصا و ده دوس حرمه انشا سنه متوفای
 مزبور اولان متوفای فوت اولملمه موقوف علی بن حزمه کسکه لندره کنز حصص سن الدردنصکم متوفای
 مزبور اولان حصص مزورده دخی یکیمی ایله کیل بغدادی و ایله کیل شعیب و طوقور کور صمان و او طوقور شیخ مزبور
 قیسمت متوفای مزبور اولانک بر صفت او کوزلرین حضوره انذ و تهنی اتمکله ذکر اولانله بغدادی و غیره و صمان
 و او کوزلر مزبور علی بن ابراهیم مزبور اولوب ایروب کسکه مصلوب غرور و دیگر کسکه غرور اولدوغی
 علی بن صمان متوفای مزبور اولان متوفای مقدمه کسکه اولدوغی بیع ایله کسکه بغدادی برساننده تهنی ایله غرور
 و صمدیه دخی تهنی کسکه بغدادی و طوقور کور صمان الا جم اولوب جم اولملمه غرور و بغدادی و صمان و صمدیه
 الا صغیر اولدوغی حیانه ندره حضوره سلیمان اقرادخی ایله کسکه کسکه دیو ندره کسکه ایله اولدوغی
 حاله فوت اولملمه و متوفای مزبور اولان بغدادی بهایه تهنی ایله غرور حقدن ذکر اولان او کوزلر
 غرور تهنی صغیر و صغیر او کوزلر ایله فقط درت کور صمان و ایله کیل بغدادی و ایلم کسکه صغیر و غیره ایله
 باغ حقدن متوفای مزبور اولدوغی مصلوبه مصلوبه صغیر و صغیر ایله تهنی ایله غرور مزبور اولان کسکه ایله
 کیل بغدادی کسکه درت کسکه و شعیب کسکه و صمان کسکه کسکه ایله صغیر مزبور اولان کسکه ایله
 و موقوفه شریعه قانونه و موقوفه مزبور دخی موقوفه کسکه کسکه درت کسکه بغدادی و تهنی کسکه شعیب و کسکه
 صمانه حضوره ایله کسکه مسینه مسینه طلب اولدوغی ایله کسکه ایله ایله ایله ایله ایله ایله ایله ایله
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 و ابرهیم ابی محمد حال حیات و کمال عقل و صحت کسکه کسکه ایله ایله ایله ایله ایله ایله ایله ایله
 تهنی ایله غرور و موقوفه موقوفه دخی تهنی کسکه بغدادی و طوقور کور صمان مزبور علی بن ابراهیم
 بزم حضوره کسکه اقرادوغی ایله ایله مزبور موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه
 همدور اولدوغی کسکه شریعه ایله کسکه ایله ایله ایله ایله ایله ایله ایله ایله ایله ایله ایله ایله
 ذکر اولان تهنی ایله غرور و بغدادی و صمان کسکه متوفای مزبور اولدوغی موقوفه موقوفه موقوفه موقوفه
 اوزله اقرار لندره کسکه جزاً و کلاً متوفای مزبور اولان حیانه ندره انذ و تهنی و یا هبه و یا حواله یا طریقه
 شریعه ایله بطریق ایله متوفای مزبور اولدوغی ایله ایله ایله ایله ایله ایله ایله ایله ایله ایله ایله
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 بغدادی و یا ایله کسکه درت کور صمان و موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه
 شریعه قانونه و موقوفه مزبور موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه موقوفه
 محمد اولدوغی سوز ابرهیم ایله سید اسمعیل الطایح احمد محمد اغا ذکر زاده ملا محمد

2. Konya Court Register, 57, p. 55/1

مس... سکنند زین سیدمان بز عیوب نام کند مجلس شرع خط لازم التوفیق؟ حکم منوب
 محمد فونید؟ صدر لرحله سکنند زین سیدمان بز عیوب نام کند مجلس شرع خط لازم التوفیق؟ حکم منوب
 سکنند زین سیدمان بز عیوب نام کند مجلس شرع خط لازم التوفیق؟ حکم منوب
 مزارع ابله شکر اولوب مزارع ابله شکر اولوب مزارع ابله شکر اولوب مزارع ابله شکر اولوب
 ذکر اولنان طفوز کیل بغدای تخمین بکری بش و نم نارایه و مارالذکر بش کیل ارب تخمین اون بش دوم نارایه زرع
 ایدوب سنگله ذکر اولنان قرد دوم نارایه سنگله مزارع ابله شکر زیمو مزارع ابله شکر مسکنده کراوم ارا
 اقرار و اعتراف اینست کن مزارع ابله شکر اولنان طفوز کیل بغدایک بش کیل سنه زرع و مارالذکر بش کیل ارب سنه
 ایکی کیل سن زرع ایدوب باقیسنه اکل ایلدم حیوانکار ایدوب بندخی مزارع ابله شکر اولنان طفوز کیل ارب سنه اقرار
 شریه و عدول ابله اثبات ایدوب تحصیله بعد الحکم بنی مزاج کنیره واقعه اولفایه بوسط المسلمین
 علی طریق الصلح دعوی مشروعه مقابله سنده مزارع ابله شکر اولنان طفوز کیل بغدای ابله اول کیل ارب و وروب
 بندخی قبض و قبول ایدوب خصوص مزارع متعلقه عامه دعا و ادای بری بریزد و منسلی ابراهام قاطع
 التزاعله ابراهام ایلدک دیدکده عبد الصدیق الشرعی ما وقع بالطلب کتب اولندی فی الیوم الحادی عشر
 من صفر الحادی عشر و ثلثین و مائة و الف
 بنی بن السید علی بن مصطفی جلبر مصطفی
 افرانه السید سلیمان ای احمد
 ابرهیم جلبر
 ای احمد انا
 داود بن
 علی

4. Konya Court Register, 50, 193-3