

ARTISANS IN THE COURT: OPERATIONS AND PRACTICES OF THE OTTOMAN GUILDS

**Thesis submitted to the
Institute of Social Sciences
in partial fulfillment of the requirements
for the degree of**

**Master of Arts
in
Department of History**

**by
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**Fatih University
June 2010**

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AUTHOR DECLARATIONS

1. The material included in this thesis has not been submitted wholly or in part for any academic award or qualification other than that for which it is now submitted.

2. The program of advanced study of which this thesis is part has consisted of:

i) Research Methods course during the undergraduate study.

ii) Examination of several thesis guides of particular universities both in Turkey and abroad as well as a professional book on this subject.

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ABSTRACT

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This thesis aims to examine Ottoman guild organisation, judicial status of the guilds and position of qadı in the guild life. The guilds which have an important position in the Ottoman system, were closely controlled by government. They were ruled by both the government rulers and guild servants to run of the system as perfect.

In the first chapter of this study the revision of the studies which was made previously, the Ottoman economy in the eighteenth century and in the same century social life of the Istanbul was mentioned. Finally Ottoman guilds have been introduced generally. In the second chapter guild rulers who is appointed by guild organisation and selected by government is mentioned.

Furthermore in this chapter subjects of monopoly and slot which shows the relationship between government and guild organization apparently was mentioned. In the last chapter the relationship between qadı and artisans was examined in terms of crime and punishment.

In this study beside the archival sources, Ottoman cronicles and foreign travel books was used.

Key words:

Guild, artisans and qadı.

KISA ÖZET

Abdulgennan Mehmet Altıntaş

Haziran 2010

MAHKEMEDE ESNAF

Osmanlı Loncalarının İşleyişı ve Uygulamaları

Bu tez Osmanlı lonca teşkilatını, loncaların hukuki statüsünü ve kadıların lonca hayatındaki yerini incelemektedir. Osmanlı sisteminde önemli bir yere sahip olan loncalar devlet tarafından yakından takip edilmekteydi. Loncalar, sistemin aksamadan çalışması için hem devlet görevlileri hem lonca yöneticileri tarafından denetlenilmekteydi.

Bu çalışmada, birinci bölümde, lonca konusunda daha önce yapılmış önemli çalışmaların bir değerlendirmesi yapılmakta ve 18. yüzyıl Osmanlı ekonomisi ve yine aynı dönemde İstanbul'un sosyal durumundan bahsedilmektedir. Son olarak ise Osmanlı loncaları genel manada tanıtılmıştır. İkinci bölümde ise, lonca yönetimi için devlet ve lonca tarafından atanan görevlilerden bahsedilmiştir. Ayrıca bu bölümde lonca teşkilatının devletle olan ilişkisini açık bir şekilde gösteren inhisar ve gedik konularına değinilmiştir. Son bölümde ise, esnafın kadıyla olan ilişkisi suç ve ceza bağlamında incelenecektir.

Bu çalışmada, arşiv malzemelerinin yanı sıra Osmanlı kronikleri ve yabancı seyahatnameler kullanılıp onların değerlendirilmesi yapılmıştır.

Anahtar Kelimeler:

Lonca, esnaf, kadı, mahkeme.

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ACKNOWLEDGEMENTS

I wish to express my thanks and gratitude to several institutions and individuals who helped me in completing this thesis. My deep gratitude goes to staffs of Fatih University history department. I am also grateful to the staffs of the Center for Islamic Studies (ISAM) and Prime Ministry Archives in İstanbul.

It is a must to state that I owe special thanks to my supervisor Prof. Dr. Mehmet İpşirli who motivated me during my studies. He was a source of inspiration from the beginning of my studies and guided me throughout my MA. education. I also express my special thanks to Yusha Kozakiewicz for his patience in reviewing my English.

CHAPTER 1

INTRODUCTION

This thesis dwells on the guilds which had an important role both socially and economically in Islamic cities. This study aims to get some results regarding the guild system by putting the qadi, who had a very important role in the organization and management of the guild system, at the very center. In accordance with this, the study, with the help of the court registers, aims to answer the questions about what kind of a role did the court play in the running of the system, what kind of an impression did the artisans have about the court that had an important authority over the running of this system and for what reasons did the guilds go to the court as they were able to solve most of their problems within themselves thanks to their strong problem solving skills.

There have been many studies over the guild organization, which has a long history and became an important part of the urban life beginning from the Middle Ages, by many academicians in terms of economic and social topics. The number and diversity of these studies show how vast and complicated the topic of guilds is. In those studies the economic historians evaluated the topic with a large scope and tried to understand the Ottoman economic system in which guilds take a major part. They tried to understand the real place of the guilds in the Ottoman economic system, which they failed to understand fully, what kind of a role did it have in the economic crisis encountered in Ottoman Empire and how it was affected by those crises. Another topic that the academicians are interested in is the fact that even though the guilds system was inevitable in terms of economy of the country and they were subsidized by the state, they were neglected while giving the

capitulations to the Western countries. Also, they tried to determine the, wages, prices and the inflation in the country by examining the records of the guilds.

The researchers studying on the social subjects dwelled on the daily lives of the members of the guilds, their ethnic and religious backgrounds, their role in the rebellions in the country, and also the contribution of the guild system, which was a social institution, in socialization of the people in order to get information about daily city life during the Ottoman years.

The previous studies enriched our knowledge about the guild system in Ottoman Empire and the court registers had played an invaluable role in those studies. However, as these registers are considerably poorer compared to the other types of archive sources in terms of being informative, the academicians mostly used other types of sources as their main research materials and used those court registers as supplementary sources. So, there have been considerably few studies about the legal structure of the guild system or the relations of the guild members with the qadi. Engin Deniz Akarlı's study¹ which benefited a lot from "Esnaf Emri Alileri" in order to understand the role of law in Ottoman marketplace can be a good example for this thesis. Also Haim Gerber's study² about the guild system and its inner law is another important source.

In this study will try to evaluate the guilds and their members by putting the court registers and the qadis on focus. We will focus on the topics like the Qadi, who was a judiciary member, and his place in the Ottoman guild life, the law that the guilds were depending, the state's authority over the guilds, the institution's autonomy against the state in this study by examining the court

¹ Engin Deniz Akarlı, "Law in the Marketplace: İstanbul, 1730-1840," in *Dispensing Justice in Islam: Qadis and Their Judgements* edited by edited by Muhammad Khalid Masud, Rudolph Peters and David Powers (Leiden: Brill, 2006) 245-270.

² Haim Gerber, *State, Society and Law in Islam: Ottoman Law in Comperative Perspective* (Albany: State University of New York, 1994)

registers. In order to be able to do this we have planned to dwell on the issues in which the Qadi and the artisans were involved at the same time after classifying the topic into systematic titles benefiting from maximum number of court decisions.

In order to fully understand the guild system one should also understand the economic system it was built in very well at first place. The Ottoman economy was integrated to the outer world but at the same time it contradicted in its economy policies to the world economy from many aspects. Although its contemporary European countries adopted Mercantilist economic policies restricting import and encouraging export, the Ottoman Empire, on the other side, adopted provisionist economic policies.

Mehmet Genç bases Ottoman economic view, which did not go through a radical reform up-until 19th century, on three elements.³ The first one is “provisionism.” According to this principle, the consumer, namely the citizens, is put at the very center of the economy. According to this, the goods and services in the market should be abundant, quality and cheap as much as possible no matter from what origin they come. It is easy to understand the importance of the guilds in this sense. As the system puts the consumers to the center the state restricted and even prohibited export of some convenience goods from time to time and diverted all sources of the country to big cities. The goods coming to these cities were distributed to the guild members equally under the state control. Production was done under the control of the guilds. As a result these products were reaching the end user with a fixed price determined by the state or a price that the guilds

³ Mehmet Genç, *Osmanlı İmparatorluğun'da Devlet ve Ekonomi* (İstanbul: Ötüken, 2009), 47-53.

determined and had been approved by the courts. In this way the system was reaching its goal.

The second principle in the Ottoman economy was traditionalism. According to this, the economic equilibrium that took place in time in social and economic areas should be preserved, tendencies for change should be eliminated and if there has been a change, this should be restored. It is possible to see the influence of traditionalism on the guilds. Firstly, even though there have been minor changes for the applications stemming from *fütüvvet* and *ahilik* they have been preserved for long centuries. Another important point to consider is the inner structure and regulations of the artisans that were formed in time. The members of the guild used to determine their inner regulations themselves and get them approved by the court. Even though they had the right to change these regulations at any time they wanted, they usually tended to preserve it. They were quite hasty in carrying the actions against the traditional regulations to the court.⁴ Even though there have been many changes in different institutions and state organs of the Ottoman Empire in line with the changing world order, the guilds managed to exist throughout the 19th century with their traditionalist structure⁵.

The third and the last principle is fiscalism. With a general definition fiscalism is maximizing the treasury income and preventing this income from decreasing under this amount.

Another point that Ottoman economic historians focused on was the fact that the state was quite interventionist over the economy of the country. Knowing about the degree of these interventions will give us an idea about the autonomy of the

⁴ “Beynimizde muteber nizâm-ı kadimimiz mugayyeri hareket, hilaf-ı nizâm-ı kadim hareket”. These statements that aim to protect old guild agreements are frequently recorded in the court registers.

⁵ Şevket Pamuk, “Institutional Change and the Longevity of the Ottoman Empire,” *Journal of Interdisciplinary History* 34 (2004): 246.

guilds. There are two different opinions about this issue. According to the first one, the state took strict measures in economic and financial issue and monitored the guilds very closely. The state interferes in the economy by means of debasements (*tağşiş*) and fixed prices (*narh*). Şevket Pamuk, who shares the same opinion with Genç about the three principles mentioned above, has a different opinion about this point. He believes that the Ottoman Empire interfered the economy a little bit too much compared to the other Middle Age Islamic states and the Islamic Laws predicted⁶.

But he also believes that the extensive and strict interventionism adopted as an economic policy with the centralization during Mehmet II's reign in 15th century was replaced by selective interventionism in time. After Mehmet II's reign the state applied strict interventions only during economic crisis periods. The financial crisis period stemming from the successive wars in the late 18th century and early 19th century is a good example for this. Pamuk adduces the fixed (*narh*) price lists in order to prove that selective interference policy was applied during this period. According to this, when the fixed price lists of the 15th and 19th century period are examined it will be understood that these lists were not prepared regularly but they were prepared only during economic crisis periods⁷.

It will be beneficial to have a closer look at the 18th century Ottoman economy which was selected as focus point of the above mentioned thesis. The Ottoman economy was affected negatively by the domestic and international developments in the 17th century. As an economic stagnation was experienced in this century following the crises stemmed from the price revolution in Europe, the Ottoman economy had difficult years. There were also a series of domestic events

⁶ Şevket Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914* (İstanbul: İletişim Yayınları, 2007), 89.

⁷ Şevket Pamuk, "Osmanlı Ekonomisinde Devlet Müdahaleciliğine Yeniden Bakış," *Toplum ve Bilim* 83 (2000): 137.

in the Ottoman territory which were not perfect developments for the Ottoman economy. The Jelali revolts that began in the early 17th century, the negative developments stemming from the Karlowitz Treaty in 1699 and the unstable atmosphere of the country were all the negative developments that affected Ottoman economy throughout the century. However there was a pickup in the economy with the start of 18th century. The stable period between Karlowitz Treaty and the 1768 Ottoman-Russian war is important in this sense. As there was no war in this period that could affect the treasure and as the wars committed ended with victory in general and as there was no civil rebellions in the country besides the political and economic stability stemming from these factors the country realized an economic and political improvement. At this point a discussion emerges among the Ottoman Historians: decline paradigm. Some of the 20th century historians claim that the beginning of the decline period of Ottoman Empire should be taken to mid 16th century. As a reason of this, they bring forward the facts that commercial capitalism began in Europe in this period and there were throne struggles in the empire. However the fact that there were similar civil war events during the reigns of Bayezid II and Selim I weakens this claim⁸.

According to Pamuk, the historians have made wrong evaluations due to the philosophy, which is dominant over the modern Turkey's history writing understanding, to identify the society with the state and economy with treasure. With this point of view the periods in which the central administration weakened were accepted as social depression periods and the periods during which the financial problems emerged were accepted as economic depression periods. For

⁸ Suraiya Faroqhi, "Krizler ve Değişim," in *Osmanlı İmparatorluğu'nun Sosyal ve Ekonomik Tarihi*, edited by Halil İnalcık and Donald Quataert (İstanbul: Eren Yayıncılık, 2004) 678.

instance, the 17th and 18th centuries, during which the central authority weakened against both the European states and the local powers and economic depressions took place, are accepted as long-lasting depression periods for Ottoman economy and society by many historians⁹. However, when the guilds are examined it is possible to observe a successful adaptation skill to the economic improvements and changing conditions in 18th and 19th centuries even if the political condition of the country was not perfect.

For example, there happened to be a price difference between Eastern and Western Mediterranean in line with the price revolution and as a result Ottoman Empire began to export only raw materials to the European countries which caused the raw material dependent guilds to experience difficult days. According to Barkan, the lack of raw materials in domestic market due to increasing demand from the Europe led Ottoman production to an irrevocable decline period against increasing industrial competition power of Europe. In fact, the Ottoman guilds were affected by the price fluctuations in the 16th century negatively; raw material prices increased in this period and the production recessed in particular places. Luckily this shortage in raw materials disappeared later on and the guilds had a chance to recover. As a result it would be wrong to claim that the Ottoman industry began to collapse in 17th century. Because the recovery period in the 18th century is an improvement and stability period for Ottoman economy¹⁰.

The discussions about the 19th century focus on the effects of the industrial revolution. First of all, it is observed that the Ottoman guilds were affected by the revolution negatively and they became unfunctional beginning from the 19th century. From this point of view the guilds are expected to be

⁹ Şevket Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914* (İstanbul: İletişim Yayınları, 2007) 153.

¹⁰ Şevket Pamuk, "The Price Revolution in the Ottoman Empire Reconsidered," *International Journal of Middle East Studies* 33 (2001): 85.

affected by the revolution severely. However, Donald Quataert suggests that some guilds did not give up their traditionalist structure despite negative effects of the revolution and survived this period by even strengthening in particular production areas. For instance, even though the guilds which were weaving *tiftik* (angora) in Ankara could not resist to the imported goods and disappeared, the silk weaving industry in Ottoman territory improved. Likewise, while *lüleci* guild decreased its workplace number from 180 to 30 under the new circumstances imposed by the revolution, on the other side the new employment areas created by the newly introduced cigarette production facilities proves that the economic condition was not that bad¹¹.

Istanbul is chosen as the investigation area. There are several reasons for this. Firstly, Istanbul was one of the biggest cities of Europe as it is today. The population of the city was around 700-800.000. Secondly, Istanbul was outside dependent as it was a consumption, conversion and distribution center. It means they had to bring the raw materials to feed the guilds from outside¹². The number of guilds and artisans in a city of this size was, of course, more than other cities. In line with this fact, there were many guilds doing the same job in different locations of the city. This shows us a unique organization which nobody could see in any of the other cities in Ottoman territory. For instance, if there was more than one guild in the city, there was a higher guild warden (*kethüda*), which was a new type of administrative position superior to guild warden, to administer the guilds specialized in the same area¹³. Again, in line with the population of the city, the

¹¹ Donald Quataert, “19. Yüzyıla Genel Bakış: Islahatlar Devri 1812-1914,” in *Osmanlı İmparatorluğu'nun Sosyal ve Ekonomik Tarihi*, edited by Halil İnalcık and Donald Quataert (İstanbul: Eren Yayıncılık, 2004) 1004.

¹² Robert Mantran, *17. Yüzyılın İkinci Yarısında İstanbul*, trans. Mehmet Ali Kılıçbay, Enver Özcan, Vol. 1 (Ankara: Türk Tarih Kurumu, 1990), 167. Mantran describes Istanbul as a “stomach city”.

¹³ There were “başkethüdas” in some guilds such as butchers, shoemakers and boilermakers.

diversity of the guilds in Istanbul was higher than other cities. So this is a good chance for the researchers who are working on guilds. As the number of guilds is high the relations among the guilds are also intense. The number of agreements, disagreements and contracts among the guilds in Istanbul is sufficient for researchers.

Another important aspect of Istanbul in terms of guild studies is that the guild life related to commerce was lively. Goods and food were being imported to the city from different parts of the country via sea and land to meet the city's daily needs. These goods were being gathered at distribution centers (*kapan*) and were being distributed from there¹⁴. The distribution centers give us important information in order to understand the relations among the merchants and the guilds and the problems the guilds encountered while sharing the goods at the distribution centers.

All these make Istanbul a perfect subject of study. But, there are also drawbacks of studying this city. First of all, Istanbul was the capital of the empire. For this reason the effect of the state authority over the institutions like guilds is a little bit stronger than other cities. The state monitors the prices closely and can be directly effective in nominations of the guild administrations. This, in the first place, gives us the impression that the state authority is strongly observed over the guild system. However, at this point there is a risk of generalizing this effect throughout the whole country. The differences observed in different cities like Cairo, Jerusalem, Damascus, Bursa and Salonica proves that the information gathered from Istanbul cannot be generalized to the whole of the Ottoman

¹⁴ See Salih Aynural, "18. Yüzyılın İkinci Yarısında İstanbul Kapan Tüccarları," *Türk Dünyası Araştırmaları Dergisi* 80 (1992)

territory. The guild autonomy and the guild's inner running can change from region to region or from time to time¹⁵.

1.1. Sources of Ottoman Guild System

The classes which were realizing the production in the Islamic world and the Europe began to gather under different organizations especially beginning from the Middle Age. This organization was called “lonca” in Ottoman Empire¹⁶. Likewise the other institutions, the traditions of the previous states and the specifications of the geography were influential in forming the guild system.

When we look at the sources of the Ottoman Empire regarding the bases of the guild system we cannot find any information regarding the artisan activities in any of the sources including Qadi registers in the 14th and 15th centuries and other archive records in Istanbul, Bursa, and Edirne¹⁷. As we cannot reach the desired information from the present Ottoman sources we can benefit from other types of sources. For this reason investigating the previous states which were influential in organization of the institutions of the Ottoman Empire and the geography on

¹⁵ For instance, Istanbul had a very elaborate and sophisticated method of controlling the number of shops in any occupation; a method called *gedik* system, while nearby Bursa had noting of the kind. And then we have the case of Damascus, where almost everything was again different. It seems highly unlikely that one mind was responsible for inventing such a heterogeneous guild system. Gerber, *State, Society and Islam*, 115. Another example, as was the case in Bursa, certain elements were from our picture, for example, the religious element (although unlike Istanbul, and in a way reminiscent of contemporary Cairo, the term *Shayhk* was commonly used in Jerusalem in this context without any apparent religious connotation). Amnon Cohen, *The Gilds of Ottoman Jerusalem* (Leiden: Brill, 2000), 5. In Jerusalem, every miller had to pledge that he would never discontinue the operation of his mill, and he also formally cautioned both millers' and bakers' that if there was any obstruction and no bread was found in the market until the sunset prayer on any given day, they would be punished accordingly. Amnon Cohen, *Economic Life in Ottoman Jerusalem* (Cambridge: Cambridge University Press, 1989), 102. Another example, butchers and bakers were strictly forbidden to leave city even for a short while, if they wished to leave, they had to apply for a permit, and occasionally he had to supply a replacement. Cohen, *Ottoman Jerusalem*, 125.

¹⁶ It is considered that the word of the “lonca” comes from Italian word “loggia”. Ahmet Kal'a, “Lonca,” *Türkiye Diyanet Vakfı İslam Ansiklopedisi (DİA)* 27 (Istanbul: 2000) 211. Actually in the Ottoman sources were generally used “esnaf” and “taife” words. In the court registers the word of lonca was began to use extensively after eighteenth century.

¹⁷ Suraiya Faruqi, *Artisans of Empire: Crafts and Craftpeople Under the Ottomans* (London: I. B. Tauris, 2009) 25.

which the state was established should be examined. So we have two options. The first alternative is the Seljuq Empire. As known, Ottoman Empire was established as the successor state of the Seljuks of Rum and there was a strong influence of the Seljuq state tradition over the Ottoman state institutions. For this reason, we need to know about *fütüvvet* and its reflection in the Anatolian Seljuq Empire *ahilik*. On the other side, Ottoman Empire was established at the Byzantine border and expanded towards the Byzantine territory, which means towards west. For this reason we also need to know about western type guild system¹⁸.

1.1.1. Guilds in Islamic Territory

There are sources which mention the artisans and merchants in Islamic territory beginning from 9th century. However, the guilds did not have an Islamic

¹⁸ The commercial guilds in Europe were one of the best known ones of the Middle Age institutions thanks to their contribution to the cities' economic and political lives. The guilds were not only economic institutions. They had a tradition of religiousness and benevolence¹⁸. Sylvia L. Thrupp, "The Gilds," in *The Cambridge Economic History of Europe*, Vol. 3, edited by M. M. Postan (Cambridge: Cambridge University Press, 1965) 230. The guilds were undertaking the mission to transferring the sustainable skills to the following generations successfully throughout centuries by means of mentor system. The masters were forming the guild by gathering under the same umbrella. The headworkers and the apprentices were under the rule of the guilds however they did not have the right for membership. Economically, the guilds constituted a monopoly for raw material import and in the sale of the goods produced. Also, the guild was an administrative and political institution which used to protect its members from the urban aristocrats. S. R. Epstein, "Craft Guilds, Apprenticeship, and Technological Change in Preindustrial Europe", *The Journal of Economic History* 58, No. 3 (Sept. 1998): 684-685.

The guilds in Europe were small size institutions prior to 13th century. The guilds, which began to develop in 11th century, reached the necessary economic size beginning from 12th century. All groups began to gather under guilds for centuries for the following three purposes, which matured in time and began to be influential in administration of the guilds. There are, the right for monopoly, price control and tax. (The same features would be most important reasons of the existence of the Ottoman guilds in their matured situation after centuries.)

When we come to 13th century the guilds began to be used at important posts in the city administrations. In time their political power and responsibilities increased. They fulfilled the jobs of reconstruction of the cities and the society's preparation to wars. They developed rapidly in 14th and 15th centuries and double sized, however as the population decreased they caused commercial stagnations and financial crises. Thrupp, "Gilds," 132-133.

The European guilds, which weakened with the effects of the industrial revolution, disappeared not because they could not adapt to the industrial revolution but due to the state policies. Epstein, "Craft Guilds," 684.

character yet. They were more like Byzantine type state regulations and control over the market and the artisans¹⁹.

The establishment of the Islamic guilds and their gaining unique qualities took place with *karmatis*²⁰. In this period, the guilds were established as organizations of the labor class against the caliphate and its institutions. With these effects the Islamic guilds were formed as a synthesis of the Greco-Roman and Syro-Persian civilization heritage²¹.

1.1.2. *Fütüvvet*

The word *fütüvvet* is derived from the Arabic root *feta* which means young man. This word was used in old Arabic tribes for people who were very open-handed, who devoted themselves to their tribes, who were brave. It was similar to the Middle Age Western Chivalry²².

The concept of *fütüvvet* emerged in Emevis period. However, its emerge in the history as an institution that was established by a social group constituted by young bochelors against the social order in which the central authority weakened took place during Abbasid period²³. The Abbasid Caliph Nâsır-Lidinillah adopted *fütüvvet* in order to serve his own goals. The Caliph tried to spread *fütüvvet*, which gained a new dimension in his own personality, to all of the Islamic countries²⁴.

When Hülagü captured Baghdad in 1258 and ended Abbasid Caliphate the

¹⁹ Bernard Lewis, "The Islamic Guilds" *The Economic History Review*, Vol. 8, No. 1 (Nov. 1937): 25.

²⁰ Karmati name given to the adherents of a branch of the Isma'iliyya. Originally it is general reported to have referred to the followers of Hamdan Karmat, an Ismaili leader in the Sawad of al-Kufa. W. Madelung, "Karmati," *EI* 2, 660.

²¹ Lewis, "Islamic", 26.

²² Franz Taeschner, "İslam'da Fütüvvet Teşkilatının Doğuşu Meselesi ve Tarihi Ana Çizgileri", *Bellekten* 36, (Apr. 1972): 203.

²³ Ahmet Akgündüz, "Fütüvvet", *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, Vol. 13 (1996): 261.

²⁴ Franz Taeschner, "İslam Ortaçağında Futuvva Teşkilatı," trans. Fikret Işıltan, *İktisat Fakültesi Mecmuası* 15 (1953-54): 13.

fütüvvet institution was negatively affected however it did not disappear. It merged with tradesmen in Anatolia and survived under the title of *ahilik*²⁵.

1.1.3. *Ahilik*

The Islamic guild system, which emerged in Islamic world as a synthesis of different cultures, developed there in hundreds of years and gained its own unique characteristics, were first seen in Anatolia under the name of *ahilik*. The word *ahi* comes from Arabic and means my brother. Another view about the root of the word “*ahi*” defends that it derieved from the Turkic word “*aki*”, which means open-handed and brave²⁶.

The transition of *fütüvvet* philosophy to Anatolia as *ahilik* is a result of the Abbasid Caliph Nâsır-Lidinillah’s (1180-1225) policies. The Caliph saw the *fütüvvet* institutions as an important power to re-establish the state authority, whose political and social condition was declining step by step at the time, and tie them up under the political authority. The *fütüvvet* powers were re-organized and their principles were reformed with *fütüvvetnames*. After that they were sent to the other Sultans with ambassadors and *ferman* (sultanc order)²⁷. Anatolian Seljuq Empire Sultan Gıyaseddin I sent his teacher Sheikh Mecdü’d-Din İshak from Malatya to Baghdad to inform his *cülus* to Abbasid Caliph as soon as he comes to the throne for the second time. While coming back from this diplomatic visit the sheikh brought many scientists and other religious scholars to Anatolia with himself. Muhyiddin Ibnül Arabi and Ahi Evren, who will later be known as the founder of *ahilik* in Anatolia, were among those people²⁸. Ahi Evren²⁹ regulated

²⁵ Taeschner, “Futuvva”, 17.

²⁶ Neşet ÇAğatay, *Bir Türk Kurumu Olan Ahilik* (Ankara: Türk Tarih Kurumu, 1997) 43.

²⁷ Ziya Kazıcı, “Ahilik”, *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, Vol. 1 (1988) 540.

²⁸ Mikail Bayram, *Ahi Evren ve Ahiteşkilatının Kuruluşu*, (Konya: Damla Matbaacılık, 1991) 27.

both *sheikh-murid* relations by following the Islamic sufi philosophy and tradition and *fütüvvet* principles on the other hand he also regulated master-apprentice relations at the workplaces and shops. He had important contributions to establishment of *ahilik* system and its improvement.

Fütüvvet gained a different dimension in Anatolia. The first ahis were totally mystic people and they had nothing to do with *fişyan* type fütüvvet³⁰. Ahilik gained a commercial and industrial character in Anatolia unlike fütüvvet. Ahilik became an educational tradition in Anatolia with the member workplaces, shops, *tekkes* and *zaviyes*³¹.

One of the most important sources that give information about Anatolian ahi institution is the voyages of Ibn Battuta. Ibn Battuta's voyage, which he departed for visiting Hijaz for his religious pilgrimage mission, lasted 24 years. Battuta saw Africa, the Middle East and Far East in his long journey and came to Anatolia in 1330. He arrived Alanya after a 10-day voyage from Lazkiye (which he defined as *Bilad ar-Rum*) from where he departed with a Genoese galley³². Battuta began to travel in Anatolia beginning from here and his first stop was Antalya. His first encounter with ahilik was in there. He defined them as follows:

We stayed here at the college mosque of the town, the principal of which was Shaykh Shihab ad-Din al-Hamawi. Now in all the lands inhabited by the Turkmens in Anatolia, in every district, town and village there are to be found members of the organization known as the "Akhiya" or Young Brotherhood. Nowhere in the world will you find men so eager to welcome strangers, so prompt to serve food and satisfy the wants of others, and so ready to suppress injustice to

²⁹ "His original name is Şeyh Nasirüddin Ebü'l-Hakayık Mahmud b. Ahmed'dir. He was born in Hoy in 1171. He was student of Ahmet Yesevi's students. In 1206, he came Anatolia and settled down Kayseri. In this place, he founded a skin workshop and started to tanner. For this reason he was remembered as "debbağların piri". Later on Ahi Evran established "ahilik" as a combine of moral, craft and hospitality. The foundation has become leader of artisans along centuries". ÇAğatay, *Ahilik*, 49.

³⁰ Claude Cahen, *Pre-Ottoman Turkey* (New York: Taplinger Publishing, 1968) 197.

³¹ Bayram, *Ahi Evren*, 6.

³² Ibn Battuta, *Travels in Asia and Africa 1325-1354*, ed. H. A. R. Gibb, (London: Routledge & Kegan Publishing, 1953) 123.

kill (tyrannical) agents of police and the miscreants who join with them. A Young Brother, or “akhi” in their language, is one who is chosen by all members of his trade (guild), or by young unmarried men, or those who live in ascetic retreat, to be their leader. This organization is known also as the “futüvve”, or Order of Youth. The leader builds a hospice and furnishes it with rugs, lamps, and other necessary appliances. The members of his community work during the day to gain their livelihood, and bring him what they have earned in the late afternoon. With this they buy fruit, food, and the other things which the hospice requires for their use. If a traveler comes to the town that day they lodge him in their hospice..... The members are called “fityan” (youths), and their leader, as we have said, is the “akhi”³³.

Later Ibn Battuta travelled in many cities in Anatolia including Konya, Kayseri, Sivas, Bursa and told many stories about how he was welcomed by ahis in every single city he visited. From here it can be seen how spread and important ahilik in Anatolia was at that time.

The wealth and workplaces of ahis were taken from them with the Mongol invasion. The ahis started several rebellions in several regions and spread to the farthest regions and villages which the Mongols failed to reach³⁴. All of these events took place in the second half of the 13th century during which Anatolian Seljuq Empire dispersed and Anatolian principalities were founded. In this period the ahis played important roles in establishment of several principalities³⁵. In the 15th century it becomes difficult to find any information about *ahilik*. However this tradition was followed in Ottoman Guild system even if partially. This tradition was followed especially by the leatherwork business artisans. Their leaders were called *ahi bâba* unlike guilds of the other professions³⁶.

³³ Ibn Battuta, *Travels*, 125-126.

³⁴ Bayram, *Ahi Evren*, 155.

³⁵ See Yusuf Küçükdağ, “Osmanlı Devleti’nin Kuruluşunda Etkin Rol Oynayan Konyalı İlim, Fikir ve Devlet Adamları” *Konya Şehrinin Fiziki ve Sosyo-ekonomik Yapısı*. (Konya: Selçuklu Belediyesi, 2004), This is an important article about Seljuks statesmen who played important roles in foundation of the Ottoman Empire.

³⁶ Franz Taeschner, “Akhi”, *Encyclopedia of Islam Second Edition*, 2.

1.2. A General Look at the Ottoman Guild System

The Ottoman Empire was founded in the early 14th century in Anatolia. As we have mentioned before, this region was melting pot of two different guild traditions. As the first period sources are scarce and do not give sufficient information we do not exactly know how Ottoman Empire's guild system was evolved or which tradition it followed. When looked at the Ottoman guild system in general it is possible to see traces from both east and west. For instance, even though we cannot say that ahilik was a model for institutionalization of the Ottoman guild system the effects of ahilik and fütüvvet can easily be seen over it³⁷. On the other side, it is also possible to see traces of western type guild systems, especially in terms of economy³⁸. However, it can be said that it was ahilik which was most influential on Ottoman guild system.

While ahilik was being transformed into the guild system the biggest difference that took place was the fact that its military and political character was eliminated and it was brought under the state control completely. The way how this transformation took place is unknown but it is easy to guess how it took place. The fact that Ottoman Empire had a centralist structure beginning from its foundation this caused ahilik's political and military aspects to disappear. The guilds also had duties of preparing the society to wars and publicize the state policies to the society however these are all under the state control.

³⁷ Suraiya Faroqhi, *Artisans of Empire*, 29. Actually some guilds made the ceremonies of *şed bağlama* or *peştemal bağlama* which is based on fütüvvet tradition during promoting from apprentice to senior apprentice. Guilds which remained connected to their traditions and continues own social structure have these ceremonies like tanners guild managed by sheiks called *Ahi baba*. Gabriel Baer, "Türk Loncalarının Yapısı ve Bu Yapının Osmanlı Sosyal Tarihi İçin Önemi", *Türk Tarih Araştırmaları Dergisi*, Vol. 8-12, (1970-74): 105.

³⁸ Monopoly, price control and tax farming were important elements formation of the European Guilds. These three elements were also effective on the Ottoman guilds. Thrupp, "The Gilds," 233.

We can reach sufficient information about the guilds beginning from the 16th century. It is known that there were artisans in this period in Istanbul, Edirne and Bursa operating under the administration of *ehl-i hibre*. The Istanbul *ihtisab kanunnamesi* (Law of the market supervisor) uses the term *ehl-i hurfet* for the artisans in Istanbul. The court registers start to give systematic information about the guild system beginning from 1570³⁹.

Here the following question may come up; for what reason did the guild system emerge in Ottoman society? Or, why did the producer and marketing class wanted to be under the control of a guild system in Ottoman Empire? In order to answer these questions one should first take the economic structure of the Ottoman Empire into consideration. Firstly, in the Ottoman economy that had a provisionist structure it was only the guild members who could produce goods⁴⁰. At the same time the profit rate that those people can make from their production was determined by the state and they could not make a profit beyond this level⁴¹. The only way to make more profit than the fixed rate was making illegal production. the most influential way to fight against this kind of artisans not following the regulations was to report them to the Qadi, which means to the state by means of the guild. For this reason the guilds were necessary in order to protect their rights from the outer factors.

The second factor which necessitated the guild system was the raw material issue. Grains (*zahire*) and the raw materials such as cotton, cloth and tobacco produced in the countryside were being brought to Istanbul's distribution centers (*kapan*) by the merchants. These raw materials were being stored in those

³⁹ Suraiya Faroqhi, *Artisans of Empire*, 31.

⁴⁰ There are some exceptions in this topic. See, Suraiya Faroqhi, *Artisans of Empire*, XXIV.

⁴¹ Prices are determined in such a way that normal profit margin which is allowed for the groups such as artisans and merchants who are dealing with exchange changes between %5 and %15. More profit was hindered by the threats harsh punishment. Genç, *Devlet ve Ekonomi*, 53.

distribution centers or store-houses. This process was being done under the control of *qadi* and *naib* and the distribution of those materials were being done under to control of *kethüda*, *yiğitbaşı* and *esnaf ihtiyarları* (elder artisans)⁴². As the amount of raw materials was limited there used to be some problems among the artisans while sharing them. They needed a guild administration in order to solve those problems.

Lastly, the guild system was a link between the state and the artisans. The *kethüdas* of the guilds played this role. When the artisans wanted to report an event to the *Qadi* they used to go to him under the leadership of the guild *kethüdas*.

1.3. State Control and Autonomy of the Guilds

In the Ottoman society an important part of the urban society had a relation with one of the guilds in the city. This character of the guilds let them to function as the institution linking the society with the state. the state used to control the society with the help of the guilds. As majority of the people were employed in a craft (*zanaat*) in accordance with their skills they were registered to the guilds. The *kethüda* (warden) of the guild was playing a bridge role that publicized the state order and announcements to the public⁴³.

The number of guilds and artisans in Istanbul was far beyond the ones in other cities of Ottoman Empire. This caused many problems within the guild and among different guilds. The guilds had two options to solve those problems. The first one was solving those problems within themselves. According to this, the

⁴² Robert Mantran, *17. Yüzyılın İkinci Yarısında İstanbul*, Vol. 2, trans. Mehmet Ali Kılıçbay, Enver Özcan, (Ankara: Türk Tarih Kurumu, 1990) 72.

⁴³ Gabriel Baer, "The Administrative, Economic and Social Fonction of Turkish Guild," *International Journal of Middle East Studies* 1, No.1 (Jan. 1970): 34.

kethüda, yiğitbaşı or elders were the first people to interfere with the problem that was encountered. The majority of the problems were being solved in this way. However we do not exactly know which matters did the guilds solve within themselves as these events did not appear in the records⁴⁴. As the guilds can act as it wanted upto this point they can be regarded as autonomous. When this inner structure fails to solve a problem, the guild goes to the court and that is the exact point where the guilds relation with the state, or the state's intervention to the guild start. Another issue that was carried to the court was reporting the inter-guilds issues or illegal production and marketing. When the artisans go to the court in fact they do not encounter the state control in the first place because the court firstly tries to make a decision under the light of the guilds own *nizâm* (guild agreement).

The state's political and economic point of view was influential in its evaluation of the guild system. The three basic elements of the states economic structure are provisionism, traditionalism and fiscalism as mentioned before. Even though the Ottoman administration was hesitant to intervene in the intra-guild or inter-guild issues, it was quite sensitive about provision of necessary goods and food to Istanbul. The reason behind the states relationship with the guilds was the fact that the guilds used to organize the trade, it used to serve to several state institutions in several ways, it used to pay taxes and supply the goods the urban society needed with low prices. Although the state did not take them under full control, the state authority was interfering with their activities in different ways⁴⁵.

⁴⁴ We indirectly learn knowledges about this topic from court registers. Forexample if a case which consisted in the past repeats it was carried to court by guild administration. When the problem solved in the court, it recorded court registers by qadı to use possible artisans' problems.

⁴⁵ Eunjeong Yi, *Guild Dynamics in Seventeenth Century Istanbul: Fluidity and Leverage* (Leiden: Brill, 2004) 176.

Nutrients and food was being brought from different regions of the country to meet Istanbul's daily need. The total daily wheat consumption of the bakehouses in Istanbul was 250 tons in the second half of the 17th century⁴⁶. Between the years 1755 and 1762 the average amount of wheat allotted to the millers and bakers at Un Kapanı (Flour Exchange) was 3.498.749,5 *kile* (1 *kile*= 25.6 kilos)⁴⁷. All of the Ottoman Sultans gave special importance to supplying the residents of Istanbul with sufficient and quality food. This concern was both political and humane. The Capital city was a gathering point for the Janisseries and sipahis (cavalryman), which were active elements of the state. If their need for food was not satisfied this could lead to dangerous situations like rebellions⁴⁸. Because of all those reasons, the state was following the raw material flow to the city, the production in the city and also marketing those goods very closely. It was trying to provide the city with abundant convenience goods.

The raw materials brought to the city were being processed by the guilds and they were also marketed by them. However they were not fully independent in doing all these. The quality and prices of these goods were being controlled by the state with an application called *narh* (fixed price). The control of *narh* was directly the job of grand vizier in Istanbul the Qadi and market inspectors used to help him in this job⁴⁹. It was not only the state's job to find low quality products

⁴⁶ Halil Inalcık, *The Ottoman Empire: Classical Age 1300-1600* (London: Phoenix Press, 1997) 145.

⁴⁷ Salih Aynural, *İstanbul Değirmenleri ve Fırınları: Zahire Ticareti (1740-1840)* (Istanbul: Tarih Vakfı Yurt Yayınları, 2001) 63.

⁴⁸ Robert Mantran, *17. Yüzyılın İkinci Yarısında İstanbul*, Vol. 1, trans. Mehmet Ali Kılıçbay, Enver Özcan, (Ankara: Türk Tarih Kurumu, 1990) 168.

⁴⁹ Mübahat Kütükoğlu, *Osmanlılarda Narh Müessesesi ve 1640 Tarihli Narh Defterleri*, (İstanbul: Enderun Kitabevi, 1983) 19. One of the intellectual and stateman of the period Defterdar Sarı Mehmed Paşa advised stateman about fixed price. "Bu konulara son derece özen gösterilmesi devletin gereklerindedir. Fiyat narhı konusu yalnız kadınlara ve çarşı Ağalarına havale edilmeyip her zaman yoklanmalı. Günlük narhla da gereği gibi ilgilenmeli ve her şeyi değer pahasıyla sattırılmalıdır. Zira aslında büyük işlerden olan narh durumu bir küçük işdir diye padişahlar ve vezirlerin ilgisinden uzak kalırsa, şehrin kadısı tek başına bu işi yürütemez. Memleketin yüksek yönetimi kadıya ait olmadığı için sadrazamlar narh ile ilgilenmemek yoluna gidemezler. Böyle olunca her kişi istediği gibi alır,

but also the guilds'. They used to report this kind of applications to the Qadi⁵⁰. The price and quality of the goods in the market were being controlled by the fixed price application and the provisionism principle was being applied.

Another point where the guilds and state got together was the tax issue. There were two types of taxes that Ottoman guilds were subject to. The *ih̄tisab* institution was dealing with the regular taxes and the guild administration used to deal with the irregular taxes. The taxes gathered were as follow: *avarız, cizye, bac-ı bazar, resm-i kapan, damga resmi, yevmiye-i dekakin and bitirme*⁵¹.

1.4. Guild Members and Their Daily Lives

The members of the guilds were in three groups. They were *usta, kalfa ve çırak* (master, headworker and apprentice). An apprentice who joins the guild do not participate in the production directly, he just watches the more experienced people. Meanwhile they learn how to cite Quran and they are also expected to gain the moral values of the guild system as a continuation of the fütüvvet tradition⁵². After that the apprentice become a headworker and takes his place in production. after getting necessary experience here the goods he produced are exhibited in a ceremony with the presence of the all of the other members of the guild. If the other members consider him qualified to do his profession alone then he could be a master. The expressions in the different fermans regarding the guilds show us that in order for a person to operate in a profession he needed to have following qualifications:

satar. Helal malına açgözlülükle yılan zehiri katar.” Defterdar Sarı Mehmed Paşa, *Devlet Adamlarına Öğütler: Nesâyihü'l-vüzerâ ve'l-ümerâ*, ed. Hüseyin Ragıp Uğural (Ankara: Türk Tarih Kurumu Basımevi, 1979) 24.

⁵⁰ Baer, “Function of Turkish Guild,” 37.

⁵¹ Yi, *Guild Dynamics*, 188.

⁵² Baer, “Türk Loncaları,” 100.

“Hudâyi-perver olmayıp pîr-perver olmak, hâm-dest olmayup bir müddet usta yanında hizmet eyleyerek sanatın esrârını öğrenmek, ikmâl-i sanat ve hüner etmeden istediği vakitte başka dükkana çıkarak serbestçe icrâ-yı sanat edemeyüp bu hususta kethüdâ, yiğitbaşı ve esnafın ihtiyarlarınınyani ileri gelenlerinin muvâfakatını istihsal etmek ve münhal gedige intizar eylemek, bir usta veya gedik sahibinin vefâtında evsâf-ı lâzimeyi hâiz oğlu var ise o tercih olunmak.⁵³”

Majority of the apprentices were sons of the masters. After the slot system spread among the guilds beginning from the 17th century the tradition of passing the profession from father to the son developed. However other people also could enter the guilds. There were two ways for this. Firstly, this person should hire or purchase one of the shops in the guild with all of its equipment. Or a master from outside the guild should establish a partnership with one of the masters of the guild⁵⁴.

Istanbul was like a small world where Muslim, Christian and Jewish groups were in interaction⁵⁵. It is possible to observe this structure in the guilds also. While some guilds consisted of only one group, in some others it was possible to see members from all of those three religions, Muslim, Christian and Jewish. The non-muslims could come to any position in the guild with an exception of the position of kethüda. Also, they could go to the Qadi with other Muslim members or alone. The only intervention of the state to the guilds of the non-muslim members was nominating a Muslim kethüda.

⁵³ Osman Nuri Ergin, *Mecelle-i Umûr-ı Belediye*, Vol. 1 (İstanbul: İstanbul Büyükşehir Belediyesi, 1995) 535.

⁵⁴ Yi, *Guild Dynamics*, 55.

⁵⁵ Robert W. Olson, “The Ottoman Empire in the Middle of the Eighteenth Century and Fragmentation of Tradition: Relation of the Nationalities, Guilds and the Sultan, 1740-1768”, *Die Welt Islams*, Vol. XVII, Issue ¼, (1976-1977): 73.

CHAPTER 2

ACTUAL ORGANIZATION AND OPERATION OF GUILDS

2.1. Rulers and Servants of the Ottoman Guilds

As it was explained above the guilds had an important role in the administration system of the Ottoman Empire. As it was one of the most important missions of the state to provide the cities with their daily needs, the guilds which were supposed to do this job were being followed and monitored by the state very closely. The guilds responsible for daily needs of the big cities were quite crowded because of their importance. So they needed to have a strong organization and administration in order to function perfectly. At first, this organization was administered by people assigned by the state itself and these administrators were trying to solve the problems. The artisans were being grouped according to their professions and then they were being systemized under a hierarchical order. There used to be a dicephalous system. The guilds were being administered and monitored by both their own administration and the state at the same time.

The officials that assigned by the state to this system were qadis and market inspectors. The guild administration consisted of guild warden, *yiğitbaşı* and guild elders (*ihtiyarlar*), who were also under the control of the state even if the guilds were autonomous.

2.1.1. State Rulers

2.1.1.1. Qadi:

The qadi institution at the Ottoman Empire came up as a reflection of the Islamic tradition. The Qadi, which is a theological term that emerged in the first years of the Islam, is defined as the person who is assigned by the Islamic State in order to solve

the cases and the problems among the citizens in accordance with the Islamic rules⁵⁶. The Qadis were depended directly on the central authority in the Ottoman Empire. The Qadis were independent of the local administrations and authorities in the provinces they were assigned⁵⁷. The qadis were selected among the educated and qualified people with the Sultan's personal consent. They were taking the Islamic Rules and also the laws made by the Sultan (orfi laws) into consideration while making their decisions at the courts⁵⁸.

The qadis used to have a wide range of area of authority in Ottoman Empire. Besides their basic mission, justice, they also had duties regarding administrative, civic, financial and military issues. However, here we will only dwell on their duties regarding the guilds in the frame of the thesis' focus point. Ergin summarizes the qadi's meaning for the guilds as follows:

Kadılar esnafın merci-i resmîsi idi. Erbâb-ı sanâyiinin kâffe-i umûrunun ru'yeti yani beyne'l-esnaf nizâ' vukû'unda halli, kethüdâ ve yiğitbaşı intihâbı ve lede'l-hâce bunların azli veya tebdîli, narhın tezyîdi veya tenkîsi, mevcut gediklerin teksîr veya ilgâsı, gedik alım ve satımının tahrir muâmelesinin ifâsıyla sicillâtı şer'iyeye kaydı, esnaf arasında mer'i teamül ve nizâm-ı kadimin muhafazası hep kadının veya vekili bulunan bâb nâibinin cümle-i vazifesinden idi⁵⁹.

The Qadis had a very important place in the lives of the guilds. The guilds used to register all of their agreements, contracts, regulations and documents to the qadis like today's modern notaries. These regulations were later becoming their inner law. The guilds used to bring the problems they could not solve within themselves to the courts where the qadis decided. The qadis played a bridge role between the guilds

⁵⁶ İlber Ortaylı, "Kadı," *DİA* 24 (2001): 66.

⁵⁷ İlber Ortaylı, "Osmanlı Kadısının Taşra Yönetimindeki Rolü Üzerine," *Amme İdaresi Dergisi* 9 (1976): 95.

⁵⁸ Halil İnalçık, "Mahkama", *Encyclopedia of Islam*, 5.

⁵⁹ Ergin, *Mecelle*, 291.

and the state. The state delivered its announcements to the guilds with the help of qadis⁶⁰ and the guilds delivered their requests from the state with the help of qadis.

The biggest weakness of the Şer'i (Islamic) courts was the lack of police force which could guarantee practice of the court decisions. However even though the court and the police force were different institutions they used to work in cooperation. The police force that cooperated with the Qadi was called the *ehl-i örf*. These were subaşı and guild warden, who were assigned by *muhzır, çuhadar, market inspector and sancak beyi*⁶¹. Needless to say the biggest helper of the qadi about the issues regarding the guilds was the *market inspector*.

2.1.1.2. Muhtesib (Market Inspector)

The market inspectors, who were mostly known as *ihtisab Ağası* or *ihtisab emini* in the Ottoman Empire, emerged with the foundation of the state⁶². The ihtisab institution is based on the Islamic hisbe. Hisbe is protection of the public ethics and order, individual, public and state rights in balance and under the light of the religious-örfi principles⁶³.

In Ottoman Empire market inspectors were introduced by the qadis and were assigned with the Sultan's ferman (written consent) which also included the authorities and also responsibilities of the market inspector. As the Hisbe's actions were religious activities the market inspector had to be selected among the

⁶⁰ Baer, "The Administrative, Economic and Social Function of Turkish Guild," 38.

⁶¹ Ronald C. Jennings, "Kadi, Court, and Legal Procedure in the 17th C. Ottoman Kayseri: The Kadi and the Legal System," *Studia Islamica* 48 (1978): 148-149.

⁶² Ziya Kazıcı, "Hisbe" 143.

⁶³ Cengiz Kallek, "Hisbe" *DİA* 18, İstanbul 1998, s. 133.

trustworthy and religious people. The market inspectors were responsible for application of the şeriat (religious laws) and providing a religious lifestyle in the cities. This responsibility of the market inspectors is based on a verse in the Quran which tells the muslims to encourage the good, heavenly attitudes and to discourage bad, negative attitudes⁶⁴.

Market inspector who was the implementer of the civic rules of urbanism was getting his authority and responsibility indirectly from the qadi. Even though the civic affairs were under the responsibility of the qadi in the first place, mostly these issues were forwarded to the market inspectors due to the vast amount of judicial works the qadis had to deal with⁶⁵. The regulations regarding the authority and responsibility of the market inspectors were determined with *ihtisab kanunnameleri* (lawbooks). The kannunnames included everything regarding the market inspector's responsibilities of monitoring, punishment, correction and tax collection. The first known ihtisab regulation was made during the reign of Sultan Bayezid II⁶⁶.

The first mission of the market inspector was to prevent fraudulence at the bazaars, apply the rules of the hisbes and make sure of the application of the fixed prices. Also, he had to control the accuracy of the length and weight standards⁶⁷. The market inspectors controlled the guilds that made production and sale in the market. The merchants coming from outside the city were out of the market inspector's

⁶⁴ Halil İnalçık, "Istanbul: An Islamic City," *Journal of Islamic Studies* 1 (1990).

⁶⁵ Ziya Kazıcı, *Osmanlılarda İhtisâb Müessesesi*, (İstanbul: Kültür BasınYayın Birliği, 1987) 42.

⁶⁶ Robert Mantran, "Hisba", *Encyclopedia of Islam Second Edition* 4, 489.

⁶⁷ İnalçık, "Istanbul".

authority⁶⁸. The taxes that market inspectors collected from the guilds were *ihtisab rüsümü, yevmiye-i dekakin, bac-ı Pazar, bitirme, damga resmi and resm-i kapan*⁶⁹.

2.1.2. Guild Servants

Besides the above mentioned officials of the state, there were also the guilds' own officials. When the guild members become masters they had reached the uppermost step of their profession. However some of those masters could also take part in administration of the guilds in accordance with their proficiency and prestige. The primary job of those officials was to organize the internal affairs of the guilds and organize their relations with the state. Those officials were guild warden, *yiğitbaşı* and guild elders. When we look at the court registers about the guilds, we observe that the names were mentioned in the following order; guild warden, *yiğitbaşı*, guild elders, muslim masters and non-Muslim masters. This proves that there was a hierarchic structure in the guilds⁷⁰.

2.1.2.1. Guild Warden (Kethhuda)

⁶⁸ Halil İnalçık, "Capital Formation in the Ottoman Empire" *The Journal of Economic History* 29 (1969): 98.

⁶⁹ Mantran, "Hisba" 489.

⁷⁰ Forexample, in the one record of Istanbul yogurtcu guild dated 1180 can be seen their hierarchy: *Mahmiye-i İslambol'de kârhane yoğurtçuları kethüdası Mustafa ve yiğitbaşları Halil, ustalarından diğer Mustafa ve İbrahim ve diğer Mehmed ve Ali ve süleyman nân kimesneler ile zimmi ustaları meclis-i şer-i şerife ihzar ettirdikleri...* İK: 112b.

Guild warden is a Persian word meaning the leader of a family or a household. In Ottoman Turkish its meaning changed into a high-level state official who was in charge of important state affairs⁷¹.

The heads of the guilds were also called as *guild warden* in Ottoman Empire. However the heads of the guilds were not guild wardens in the early Ottoman Period. Before guild wardens, the artisans sheiks, who were parts of the *fütüvvet* tradition, used to administer the guilds. The sheiks played important roles over the artisan class during the Middle Age during when the tarikats were quite influential over the institutions. During the 16th and 17th centuries, however, the sheiks began to lose their power over the guilds, which then had already reached necessary maturity both economically and administratively. Beginning from this period, the guild wardens, who were mostly interested in administrative and practical problems, began to take stage in the guilds' administrations⁷². The artisan sheiks continued to function besides the guild wardens till the end of the 16th century, when they totally disappeared from the administration of the guilds, and later they began to deal with totally religious affairs⁷³.

The guild wardens were mostly elected among the artisans and especially the artisan elders⁷⁴. Guild warden both administered the guilds and also represent it at

⁷¹ Cengiz Orhonlu and Gabriel Baer, "Ketkhuda", *The Encyclopedia of Islam Second Edition*, (Laiden: E. J. Brill, 1978) 893-894.

⁷² Mantran, *İstanbul*, 340.

⁷³ Baer, "Türk Loncalarının Yapısı," 14. One record of Antep dyer guild dated 1189, in order to the guild sheikh was against artisans agreement the guild member demanded a new sheikh. In the same court record, duties of the sheikh were defined and it appears that duties of sheikh and guild warden were same. Zeynel Özlü, *Gaziantep'in 120 Nolu Şer'iyye Sicili, Transkripsiyon ve Değerlendirme*, (Ankara: Gazi Üniversitesi Sosyal Bilimler Enstitüsü, 1999) 409. 17 c.evvel 1189. In the another record dated 1201, Kayseri tanner guild still was ruled by guild sheikh and it demonstrated that there was not a guild warden in the guild. Tufan Gündüz, *1201-1202 Tarihli 165 Numaralı Kayseri Şer'iyye Sicili*, MA. Thesis, (Ankara: 1990) 59.

⁷⁴ One record of smallware-dealers dates 1732 gave information about appointment procedure of guild warden. Warden of the resigned with his freewill and his son who was accepted other guild members

the central administrative. For this reason it was important for the guild wardens to be competent and qualified. The saddle-maker (eyerciler) artisans described their ideal guild warden as: Cümlemizin emin ü mu'temedi ve örf-ü adetlerimize vâkıf ve nizâm-ı intizâmımızı mucib olan umur-u ahvallerimize ârif ve her vech ile kethüdalık uhdesinden gelmeğe kadir...⁷⁵

Guild wardens were being posted in two ways. The first one was with a selection among the masters of the guilds and the second one was being selected by the state and directly assigned⁷⁶. The guilds of certain professions like tanners, turban makers, and barbers could elect or remove their own guild wardens themselves. The masters acted pragmatically and realist while electing their guild wardens among themselves. The fact that certain guilds changed their guild wardens very often proves that the guilds had autonomy against the state authority⁷⁷. The guild warden position was being renewed if the present guild warden died, resigned or removed. When we examine the application of the *billur makulesi eşyası sellers'* guild members to the court dated Receb 1179 in Istanbul we can clearly see what kind of a guild warden they wanted. According to this, the application indicates that one of the trustworthy artisans of the guild was assigned as guild warden and this was also *hüccet ile zapt* by the Qadi⁷⁸. Again in another case the Çubukçu guild in Istanbul applied to the court on 25 Zilkade 1179 and stated that their guild warden died and nobody in the guild volunteers to be the new guild warden so the guild warden's post was empty. Later they elected Ali b. Ayasofyalı Hüseyin from their own guild as their new guild

appointed as guild warden. Halil İnalçık, "The Appointment Procedure of a Guild Warden (Kethuda)" *The Middle East and the Balkans under the Ottoman Empire: Essays on Economy and Society* (Bloomington: Indiana University, 1987) 195.

⁷⁵ Ekrem Yılmaz, *Istanbul Mahkemesi* 60, 27 (16 Şevval 1205)

⁷⁶ Yi, *Istanbul Guilds*, 74.

⁷⁷ Yi, *Istanbul Guilds*, 77.

⁷⁸ İK 25: 2b.

warden. They demanded the necessary consent for the new guild warden from the court⁷⁹. In Muharrem 1193 as the guild warden of coarse woolen garments makers resigned from his post the guild elders of the guild went to the court under the leadership of the *yığıtbaşı* and demanded that Mehmet Necib, another member of the same guild, to be assigned as their new guild warden⁸⁰.

When we look at the guild warden assignments made by the state, we observe that majority of these were done at the guilds which were directly related to the daily needs of the cities. The guild wardens assigned to those guilds were usually selected among the *kapıkulları*. The state was gaining a few benefits from this situation. The first one was that, the most important guilds of the cities like the bakehouse guilds, which were very big and important for the food needed in the city, were being controlled and monitored and their taxes were being collected easily in this way. The second advantage was rather economic. The state assigned some retired soldiers to the guilds as guild wardens especially during economic recession periods and transferred their pensions to the treasury. These guild wardens got their incomes directly from the guilds or from the taxes they collected⁸¹. On the other side, the guilds were not very happy about the state's assigning the guild wardens directly. They went to the court in order to change the guild wardens that they did not like.

Guild warden's responsibilities: Guild warden's responsibilities can be examined under three main categories according to its aspects related to the state and the artisans. The state had two expectations from the guild warden. First, they were supposed to run the guilds smoothly without blocking the system and second, they

⁷⁹ IK 25: 34b.

⁸⁰ Mustafa Nuri Türkmen, *İstanbul Mehkemesi 43 Numaralı Şer'iyeye Sicili*, MA.Thesis (İstanbul: Marmara Üniversitesi Türkiyat Araştırmaları Enstitüsü, 1995) 63.

⁸¹ Yi, *Istanbul Guilds*, 75.

were supposed to collect the taxes from the artisans regularly. Also the members had to pay another fee called “guild warden’s *avaid*” in order to finance the guild’s administrative affairs. According to a record of the basket makers guild dated 23 Rebiülâhir 1208 the guild members paid 1500 kuruş⁸²-125 kuruş per month- to the guild warden under the title of *avaid* and *bitirim*⁸³.

The most important responsibility of the guild warden in terms of ensuring the endurance of production and provision of the daily needs of the city was providing the raw materials and distributing them equally among the guild members. It was rather difficult to do this perfectly especially in big cities like Istanbul. The vast number of court registers about this issue proves this fact. There could happen many problems from the goods’ reaching at the ports to their distribution. At this point the Qadi, *gümruk emini*, and guild wardens worked together. The court register dated 25 Muharrem 1208 summarizes how a certain amount of raw material, which more than one guild had to share, was shared. According to the regulation made by the guilds of the cobblers, boot makers and merchants altogether, the semi-processed leather and unprocessed leather was being brought to the places called *lonca yeri* by the customs inspector (*gümruk emini ağa*) after their custom taxes were paid no matter from where -Anatolia or Thrace- they were brought. After that, these goods were being distributed to the artisans with the help of merchants, boot makers and cobblers guild wardens and *yiğitbaşları* after the auction⁸⁴. In another court register dated 9 Receb 1208 we can understand how the raw materials reached the artisans. According to

⁸² Decline of the akçe had posed serious challenges to the Ottoman administration. During the second half of the seventeenth century the government had made numerous attempts at establishing a new currency. The new Ottoman currency was kuruş. The kuruş or piaster was then fixed at forty paras or 120 akçes. The early kuruşes weighed six and a quarter dirhams (20,0 grams) and contained close to 60 percent silver. Şevket Pamuk, *A Monetary History of the Ottoman Empire* (New York: Cambridge University Press, 2000) 160.

⁸³ IK 63: 19/2a

⁸⁴ IK 63: 5b.

this, the *mısrî süpürgesi* was distributed to the artisans and was sold to the citizens after its price was written on them by guild warden when it was brought to Istanbul⁸⁵. According to the regulation of the butchers guild dated 23 muharrem 1180 the sheep folds coming to Istanbul were being distributed to different districts of Istanbul with presence of *kasabbaşı*, guild warden and guild elders⁸⁶.

Another responsibility of the guild warden was to provide the apprentices and the senior apprentices working in the guilds with professional training and education. This was a continuation of the *fütüvvet* tradition and it was important to give this training to apprentices and senior apprentices, who were accepted as masters of the future. The complaint letter that the *bükücü* artisans sent to the court on 6 Sefer 1208 clearly shows the responsibilities of the guild wardens over the senior apprentices. According to this, “taifedeki zımmi ve müslüman kalfalardan bazıları *hilaf-ı şer’i şer ve mugayyer-i nizâm-ı kadim* hareketleri olmasına rağmen kethüdanın bunlara müsamaha ve müsaade etmesini marifet-i şer ve zabitan marifetiyle cezalandırılmamalarını ve te’dib edilmemelerini şikâyet etmektedirler”⁸⁷.

Other guild wardens participated into the price fixing process and its control, worked as foundation administrators and conduct the negotiations with the guild members about an artisan who wants to enter the guild or a shop to be opened⁸⁸.

The guild wardens assigned to the Ottoman guilds were usually selected among muslims even some of the guilds consisted of only non-muslim artisans. However there are examples of non-muslim guild wardens also, even if this is very rare. For

⁸⁵ İK 63: 23a.

⁸⁶ İK 25: 86c.

⁸⁷ İK 63: 7a

⁸⁸ Nalan Turna, *The Everyday Life of Istanbul and Its Artisans, 1808-1839*, Ph. D. Thesis (New York: Graduate School of Binghamton University, 2006) 175.

instance the saddle-maker guild, all of the members of which consisted of non-muslim artisans, registered its guild warden Kabril, who was a non-muslim, to the court⁸⁹. The non-muslim members of the muslim-non-muslim guilds began to separate and form their own non-muslim guilds beginning from the second half of the 18th century. These new guilds first gained the right to elect their own *yiğitbaşı* within themselves and later even their own guild wardens⁹⁰. A court register of the carpenters (*doğramacılar*) dated 17 Şevval 1206 brings a new detail to the guild warden issue. According to this, there are two guild wardens in the guild, one muslim and the other non-muslim⁹¹. In addition to this, again in the same period we observe that not only the guild warden of the chain-maker artisans but also their head chain-maker was non-muslim according to a record of the chain-makers guild⁹².

Even though we do not know for sure why the state assigned Muslim guild wardens to the guilds which consisted of only non-muslim artisans, we can make a few guesses. Firstly, we think that the state might have wanted to control the non-muslim community in a better way by assigning especially retired military personnel as their guild wardens. Another alternative is that the non-muslim guilds wanted muslim guild wardens in order to empower their position against the state in this way⁹³.

2.1.2.2. Yiğitbaşı

Yiğitbaşı was the secondary administrator of the guilds after the guild warden. The Turkic word *yiğit* (young and brave man) is equivalent of *fata* in the

⁸⁹ Ekrem Yılmaz, *İstanbul Mahkemesi* 60, 26, 15 Şevval 1205

⁹⁰ Ergin, *Belediye*, 546.

⁹¹ Ekrem Yılmaz, *İstanbul Mahkemesi* 60, 155, 17 Şevval 1206

⁹² Türkmen, *43 Numaralı Şer'îyye Sicili*, 40.

⁹³ Engin Deniz Akarlı,

fütüvvet tradition. Yiğitbaşıs worked as assistants of guild wardens and also as vice-guild warden. Organizing the communication between the guild warden and the artisans was also within their responsibilities⁹⁴. Unlike guild wardens the number of non-muslim yiğitbaşı was quite high in Ottoman guild system. For instance the *cedid esvab* guild, who did not have a yiğitbaşı at the time, applied to the Qadi and demanded that they want Kazer – a non-muslim- to be their yiğitbaşı as they had organizational problems⁹⁵. There could be more than one yiğitbaşıs per guild⁹⁶. Also, according to the records of the second half of the 18th century, there was a *başıyiğitbaşılık* position in the cobblers' guild⁹⁷. There is no evidence regarding existence of this position prior to this period.

2.1.2.3. Artisans Elders

The guild elders were elected among the active, experienced and honorable artisans by the guild members. A guild elder ranked the third hierarchically after the guild warden and yiğitbaşı. This was a transition step to pass to the other levels⁹⁸.

The guild elders had important roles in all decisions taken within the guilds, distribution of the materials among the artisans and also punishment of the artisans⁹⁹. The most important responsibility of them was to help the guild warden

⁹⁴ Ergin, *Belediyye*, 549.

⁹⁵ Ekrem Yılmaz, *1205-1207 Tarihli İstanbul Mahkemesine Ait Olan 60 Numaralı Hücet Sicilinin Transkripsiyonu*, MA. Thesis (Sakarya: SÜ. Sosyal Bilimler Enstitüsü, 1997) 78, (17 Safer 1206)

⁹⁶ Mantran, *İstanbul*, 351. buna ben de örnek bulabilirim.

⁹⁷ IK 63: 5b and 11a.

⁹⁸ Forexample, “Galata’da vaki berber esnafının kethüdaları esseyid elhac Ahmed Ağa ve yiğitbaşıları Abdüllah Ağa ve esnâf-ı merkumenin esen ve ihtiyar ustalarından Mehmed Ağa ve Mahmud ve Mehmed ve Ali Ağa...” GK 479: 5/2b.

⁹⁹ Mantran, *İstanbul*, 352.

in especially their affairs with official institutions and report the situation of the members to upper levels¹⁰⁰.

2.1.2.4. Other Servants

Besides the above mentioned officials there were other officials in the guild system also. However it was impossible to reach further information about this issue within the borders of this thesis. There could be two reasons for this. First, these officials might have lost their function by the second half of the 18th century. Secondly, the court registers could be poor about this issue. However we will shortly dwell on those officials. These are *nakib, duacı ve çavuş*.

Nakib's responsibility was to ensure that the artisans were obeying the rules. In other words they had a similar job as the market inspector. The job that nakib did at the fütüvvet guilds was replaced by *yiğitbaşı* gradually and in the end this position disappeared¹⁰¹.

Even if their number was small the *duacı*s (prayers) persisted their existence in the guild system till the end of the guild system. They were responsible for the religious ceremonies in the guilds. The artisans gathered around them in early morning before opening their shops and prayed for abundant profit during the day¹⁰².

We do not know when the *Çavuş* emerged or even disappeared. The researchers complain about the documents' being silent about the *Çavuş*. As *çavuş* was mentioned with guild warden, *yiğitbaşı* and guild elders at the same time in a watchmaker guild record dated 1208 in Istanbul (according to the Islamic

¹⁰⁰ Baer, "Türk Loncalarının Yapısı ve Bu Yapının Osmanlı Sosyal Tarihi İçin Önemi", 107.

¹⁰¹ Baer, "Türk Loncalarının Yapısı ve Bu Yapının Osmanlı Sosyal Tarihi İçin Önemi", 108.

¹⁰² A barber apprentice to be senior apprentice or master had to shave a *duacı* in a seramoni. Ergin, *Belediyye*, 539.

calendar) we understand that they were responsible for a different job than the other officials¹⁰³. However there is not a job definition for çavuş.

2.2 . Actual Operation and Basic Rules of the Ottoman Guilds

2.2.1. Guild Agreement (*Nizâm*)

Artisan agreement is a set of rules issued by mostly the guilds and sometimes the state in order to ensure perfect functioning of the guild or prevent possible problems. These written rules were later recorded to the courts. Artisan agreement is kind of law of the artisans. The distinctive side of this law is that it is made by the artisans themselves. The artisans of a particular guild got together and decide the rules to obey inside and outside the guild. In this way the artisan law was formed and the guild members acted accordingly after that. The guild administrators tried to solve the problems they encountered in the light of those rules. If the problem was not solved within the guild they went to the court. The first legal source that the court would apply was again the artisan law of the guild.

The important point to draw attention here is the autonomy the guilds have while deciding on those rules. There was no restriction for deciding those artisan laws as long as they did not violate red lines¹⁰⁴ of the state. The guild autonomy should not be contradictory rule of general law¹⁰⁵. There could even be totally different artisan laws belonging to different guilds. This freedom that the guilds had about deciding their own artisan laws shows the autonomy they had against the state authority.

¹⁰³ “Asitane-i alide vaki saatçi esnafından saatçıbaşı ömer usta ve kethüdarları Osman usta ve yiğitbaşları Salih usta ve çavuşları elhac mehmed emin ve ihtiyarlarından ahmed şakir...” İK 62: 4/2a.

¹⁰⁴ Fixed price can be example red-lines of the state. There was strict control on production and selling of the main consumption materials. Production against fixed price was one of the main factors punishing of the artisans. (see the last chapter)

¹⁰⁵ Ahmet Kal'a, *İstanbul Esnaf Birlikleri ve Nizâmları 1* (İstanbul: İstanbul Araştırmaları Merkezi, 1998) 71.

The guilds' being free in changing their own artisan laws did not mean they changed it very often. The traditionalist understanding that dominates especially Ottoman economic institutions showed its effect on the guild system. The guilds made their new artisan laws if the older one became unfunctional or when a new guild was formed. This traditionalist understanding can be understood from the following expressions cited in court registers: "kadimü'l-eyyamdan berü, ez kadim, nizâm-ı kadim, ber-mu'tâd-ı kadim, nizâm-ı muteber, kaide-i kadime, şurut-u mer'iyye etc. It means that the traditionalist structure of the producers influenced also the artisan laws. For instance, the complaining of the Jewish artisans about the Muslim artisans in the paper-seller guild shows us how often the artisan law of this particular guild was changed. The Jewish artisans complained in 1727 that the Muslim artisans sold their goods according to the 1653 and 1692 artisan laws not according to the latest artisan law and so they were making undeserved gain¹⁰⁶. Considering that this court register was dated 1766, it can be clearly seen that the latest artisan law was being used for 39 years. Also there had only been 2 changes in the artisan laws in the 123 year period.

The traditional rules usually had good connotations for the artisans. If there was an objection to the traditions this was regarded as a negative attitude. However all these did not necessarily mean that the old one was always good and the new one was always bad. As some innovations were against the traditions and the laws they were regarded as negative. There were some interesting reasons for being so devoted to the traditions. For instance, a guild could object to a new tax introduced by the state by simply claiming that it was against the traditions. Or they could object to a new guild warden assigned by the state showing the

¹⁰⁶ İK 25: 98b.

traditions as an excuse¹⁰⁷. This shows that they could use their traditions as trump card against the state authority.

Each guild formed their artisan laws on different in accordance with their needs. The most basic topics that artisan laws were prepared for were production, monopoly, deciding the number of masters and shops, quality, raw material distribution and fixed prices¹⁰⁸.

The court registers are good sources about the artisan laws as the guilds had to have their artisan laws approved to the courts. We cannot reach many verdicts about artisan laws in the court registers as the guilds did not change their artisan laws very often. The information needed for this issue can be reached indirectly. If an action was brought to the court with a claim of violation of the artisan law, the rule that this particular action violated was also mentioned in the application letter. This situation enriched the registers in terms of artisan law rules¹⁰⁹.

When the guilds were newly formed or the previous artisan law becomes unfunctional they made a new artisan law. The most common reason for changing the present artisan law was the fact that it gave harm to the public. For instance, the porters' guild decided on fixed prices for different destinations from the dock to different destinations for the porters to carry goods. However it was indicated that the fee of the oxcart owners who carried timber and different things did not

¹⁰⁷ Yi, *Istanbul Guilds*, 117-118.

¹⁰⁸ Ahmet Kal'a, *Istanbul Esnaf Birlikleri ve Nizâmları 1*.

¹⁰⁹ If there is a situation against guild agreement, the guild members complaint the situation to the court and they show their old agreement as a proof. For instance, brooms-maker in their application to the court "1197 senesi Şaban tarihiyle müverrah derkenar olunub yedimizde olan emr-i şerif-i alişânda zikr ve beyan ve tasarrih ve ayan kılındığı üzere mısırî süpürgesi kadimü'l-eyyamdan berü..." with these statement they pointed out their old agreement. IK 62: 23a.

change for a long time. And as this situation gave harm to the public a new artisan law was formed¹¹⁰.

The basic reason behind creation of artisan laws was to ensure the system to function in a perfect way. For this reason, the responsibilities of the administrators and how the system should work were indicated in the artisan laws. For instance, the Kuyumcu guild in Istanbul defined the responsibilities of the kuyumcubaşı in its artisan law and defined how the guild should operate. According to this the kuyumcubaşı had the authority to give permission to open a new shop in the jewelry guild to let a new artisan to enter to the guild. The kuyumcubaşı was also responsible for warning and punishing the ones who violated the artisan law of the guild¹¹¹.

The amount of raw materials coming to Istanbul was limited and there were too many customers for them. So, there were many problems happening while distributing and sharing those materials¹¹². As the guilds did not want to experience many problems about this issue the guilds formed artisan laws among and within themselves. These kinds of artisan laws were observed in the guilds which were crowded or the ones which use the same raw material even if they were doing different jobs. For instance, the 6 *sehem* of sugar coming to Istanbul was divided among perfumers (*attaran*), confectioner (*şekerci*), sugar candy-seller (*akideci*) guilds with the help of a artisan law¹¹³. According to this, the attaran guild was getting 3.5 *sehem* of the sugar coming from the country and *şekerci* and *akideci* guilds were getting 2.5 *sehem*s. Bootmakers, cobblers and merchants guilds formed a artisan law to share the semi-processed and unprocessed leather

¹¹⁰ İK 25: 70b.

¹¹¹ Türkmen, 59, 25 Muharrem 1193.

¹¹² Mantran, *İstanbul*,

¹¹³ İK 25: 87c.

coming from Anatolia and Thrace. According to this, the raw materials were being brought to “lonca yeri” in the market by *customs superintendent* after their customs tax was paid and it was being distributed among those guilds by guild wardens and *yiğitbaşısı*¹¹⁴. The saltmakers’ guild explained their artisan law to the court in one of their applications to the court regarding the raw material distribution as follows:

Yedimizde olan tuğra ile manun ve ferman-ı âlişân mantukunca ez-kadim bahr-ı sefid ve siyahdan gelen enva-ı tuz getüren sefineler hasr iskelesine yanaşub ve tuz yalnız bakkal metaı olub biz dahi bakkalâna mülhak ve ekser nas meta-ı mezkuru bakkaldan almağa meluf olmağla İstanbulda ve tevabiinde olan her bakkal işтира ve dükkanın vaz’ ve narh-ı ruz resmi ile ibadullaha fûruht ide gelüb ve esnaftan olanlar ihfa ve ihtikar itmek ve ecanibden olanlar asla karışmamak şurutundan iken...¹¹⁵

The breadmakers and butchers guilds were depended on their artisan laws more than others as they were more crowded than other guilds and they were providing the society with food. Also, the state control over those guilds was more than others¹¹⁶. The butcher guilds were totally import depended. In 1205 the drovers who brought 160 cattles to Istanbul signed a contract with the butchers’ guild about the price. According to this, they agreed on selling each *vukiyye* of beef and fat to 26 akçes. Also the artisan law of the butchers predicted that they would sell each *vukiyye* the fat to the candle maker artisans from 40.5 akçes and the meat from 30 akçe¹¹⁷. In order not to have problems in sharing the goods the rules were determined and put with the artisan laws. According to a butcher

¹¹⁴ İK 62: 5b.

¹¹⁵ İK 25: 76b.

¹¹⁶ For instance, in Jerusalem, bakers and butchers were strictly forbidden to leave even for a short while, if they wished to do so, they had to apply for permission and often had to provide a replacement. Moreover, millers and bakers were made personally responsible for the uninterrupted supply of good quality bread to the populace. Gerber, *State, Society, and Islam*, 125 (125-102)

¹¹⁷ Ekrem Yılmaz, *1205-1207 Tarihli İstanbul Mahkemesine Ait Olan 60 Numaralı Hücet Sicilinin Transkripsiyonu*, MA. Thesis (Sakarya: SÜ. Sosyal Bilimler Enstitüsü, 1997) 29 (Şevval 1205)

artisan law, the weak and fat sheeps coming to Istanbul were being distributed to the butchers by means of lottery by the headbutcher and elder masters in order to prevent any discussions over the quality of the sheep shared. 160 of each sheep drove were being given to butchers of Valide Sultan Mosque and 200 of them were given to Eđrikapı butchers¹¹⁸. In another butchers artisan law, the sheep coming to Istanbul could only be distributed by the headbutcher, butchers guild warden and elder masters¹¹⁹.

A new artisan law was becoming operant only after it was accepted and approved by the court. For this reason, it was very important to publicize the artisan law before it becomes operant. However it was not that easy with crowded artisans which had more than one guild in one city like bread-makers. One record of breadmakers guild dated 20 Rebiulahir 1179 tells us how a new artisan law was announced to the artisans. According to this, the breadmakers guild warden, artisan law masters and 150 breadmakers gathered at the court. The new artisan law rules were announced to them there and the questions of the artisans regarding the new rules were answered there¹²⁰. Another record belonging to Galata breadmakers guild gives information about one of their artisan laws. According to this, the breadmakers were producing two kinds of breads, pure bread and white bread and they sold those breads in accordance with the fixed price determined by the artisan law. However, the breadmakers complained that some of the bread-makers were making a new type of bread named *Okka Bread*. As a result a new artisan law was made. According to the new artisan law it was stated that the ones who make breads different from the *narh-ı ruz* described in

¹¹⁸ İK 25: 3a.

¹¹⁹ İK 25: 83b.

¹²⁰ İK 25: 7b.

the artisan law would be punished¹²¹. According to Habbazan guild's artisan law, if owner of a bakehouse dies or runs away due to bankruptcy, his belongings were being sold by the guild and his debt was paid in this way¹²².

The guilds could form artisan laws about many different topics besides above mentioned basic issues. For instance, the straw-mat makers (hasircilar) guild mentioned the conditions to be met in order to be accepted to the guild as a master in their artisan law. According to this, if a master in the guild dies without having any sons to continue his job a new master could replace him among the masters of the guild and no interference from outside could affect this process¹²³. The sherbetcis guild's artisan law determined the number of masters and shops according to their religions. According to this, the muslims could have 14 masters and 23 shops, non-muslims could have 13 masters and 17 shops and Jews 85 masters and 110 shops¹²⁴.

Almost all of the artisan laws explain how the people who violate the rules would be punished. The interesting point here is that the type of punishment was also determined by the guild itself. As a result, the rules and punishment was determined by the guild and the Qadi was just applying those rules. For instance, in a contract between the akideciler and sherbetcis the type of punishment was also determined in case someone did not obey the rules.

Şerbetçiler esnafı ile biz mahmud paşa mahkemesine varub fima bad kendi halimizde olub bu misüllü emirlerine karuşmamak üzere muahedemiz sabk ve ilam olunmuşidi hala ahdi sabıkımız fırının odasına şeker bazarı için asla varmayub ve emrü esnaf-ı salisi mezkureye bir vech ile karışmamak üzere tekrar taahhüd ve eğer hilafına hareket idersek tediba küreğe vaz olunmağa razı olmamız ile takrimimiz tescil olunub ilam olunmak matlubumuzdur

¹²¹ GK 479: 15/2a.

¹²² İK 62: 15a. 20 rebülevvel 1208

¹²³ İK 25: 46a.

¹²⁴ Türkmen, s. 11, 28 Şevval 1192.

deyü takrir ve temennilerini esnafı mezkura tasdik ile kelam eyledikleri iltimas ile huzur-ı alilerine ilam olundu¹²⁵.

2.2.2. State Guarantee at the Market: Slot and Monopoly

In order for the Ottoman guilds to be able to produce they needed to have some institutional and individual rights and qualifications. These rights were given to the artisans by the state. In this way the state was intervening in the process. This was good for both the state and the artisans. We need to mention at the beginning that in the Ottoman system, where there was not free market economy, the state was dependent on the artisans and the guilds and the artisans were depended on the state at the same time. There is no system in the world in which both parties were depended on each other that much. When the state gave production permission to the artisans it was gaining the right to control those guilds. In this way, one of the most important tasks of the state – providing the daily needs of the city, was being ensured; on the other hand, collecting the taxes from the artisans was getting very easy. On the other side, the artisans were gaining some advantages by accepting the state authority. Firstly, one of the most important and difficult issues for the artisans, that is getting necessary raw materials for production, was being handled by the state for the artisans. Secondly, they were protecting their market from other guilds and illegal production. Lastly, they were solving their individual (among the artisans) and institutional (among the guilds) problems with the help of Qadi, who was a state official, and they were registering their contracts to the Qadi. In order for an artisan to make production he had to have a Slot. Similarly, the guilds had to

25: 87c. 14 muharrem 1180.

select a monopoly area for themselves in order to gain state guarantee for their market and they would sell their goods in that area.

2.2.2.1. Slot (*Gedik*)

Slot is maybe the most complicated topic of guild studies. The reason for this is that the boundaries of this system was still not known for sure and its roots could not been explained properly. Also, as the slot's meaning changes from time to time and place to place the researchers failed in making generalizations on this issue.

Slot, which is a Turkic word, means “deficiency, weakness, inaccuracy, wreckage and crack.” However, its judicial and financial meaning is more important for Ottoman historians¹²⁶. As a financial term slot means “capability to perform trade and a profession” and “necesary tools and machinery needed to do an art¹²⁷.” Even though the expression “person with slot” was used for soldiers and state officials until 18th century it was also used for artisans and merchants¹²⁸. Slot's judicial meaning has changed among the artisans throughout the history. We can discuss the term slot in two periods. First period was a period when monopoly in trade was impossible. In this period, slot was getting its meaning from the Islamic term *sükna* and meant the tools necessary to perform a profession and job. During the same period, due to the financial problems, the artisans were handling the maintenance job of the *vakıf* (pious foundation) shops with the condition that they would hire those shops later. The hirers were bringing

¹²⁶ Ahmet Akgündüz, “Gedik”, *DİA* 13, 541

¹²⁷ Mehmet Zeki Pakalın, *Osmanlı Deyimleri ve Terimleri Sözlüğü I* (İstanbul: Milli Eğitim Basımevi, 1971) 656-659.

¹²⁸ Ergin, *Belediyye*, II, 635.

their own tools to those shops for production. In the second period, slot began to mean monopoly in trade, privilege and a kind of patent¹²⁹.

The first information that can be found in the documents belong to 17th century is scarce and is in an untidy order. The amount information begins to increase when we come to 18th century¹³⁰. When the court registers are examined this information will be confirmed. The intensity of the information regarding the slots increases from 17th century to 19th century.

Then, what does the second half of the 18th century, which is the focus point of this thesis, mean for the guilds? In this period, slot had already become an important system for the guild system. Slot was a right to become master in the guilds and it would stay the same until 1840. We observe that the slot system spread so much that it had never done before. The reason for this was the economic recession's influence over the guilds especially in the last quarter of the 18th century. The artisans wanted to prevent production outside the guilds in order to finance their families. The only way of this was to limit the artisans making production with the help of slot system¹³¹. Slot was a kind of private property and it could be handed over to other individuals legally¹³². The court registers give enlightening information about this. For instance, according to Istanbul butchers artisan law, if a butcher dies without a son and he owes to the drovers (celep) then his slot was being sold by the trustees of the foundation that the butcher shops were connected and his debt was paid¹³³. Slot of a butcher

¹²⁹ Akgündüz, "Gedik", 541.

¹³⁰ Yi, *Istanbul Guilds*, 149.

¹³¹ Suraiya Faroqhi, *Osmanlı Dünyasında Üretmek, Pazarlamak, Yaşamak* trans. Gül Çağalı Güven, (İstanbul: Yapı Kredi Yayınları, 2003)138.

¹³² Engin Deniz Akarlı, "Gedik: A Bundle of Rights and Obligations for Artisans and Traders 1750-1840," *Law, Anthropology, and Constitution of the Social: Making Persons and Things*, ed. Alian Pottage and Martha Mundy (New York: Cambridge University Press, 2004) 187.

¹³³ İK 62: 21b.

having son was sold after his death to pay his debt with consent of his wife. Slot of another butcher, who had sons, in Istanbul was sold to the other shareholders with the consent of his wife in order to pay his debts¹³⁴. Again, as one of the butcher masters, who owed 60 kuruş to drovers, died his slot was sold to 60 kuruş with consent of mother of his sons¹³⁵. All of these cases show that slots could be sold after death of the owner with permission of his children's mother. Another case is about cloth-sellers artisans. Wife of an artisan of the cloth-sellers guild wanted to sell his slot after his death however her demand was rejected as the artisan had previously sold his slot while he was alive according to the records¹³⁶.

The guild masters could hire or sell their slots while they were alive. A master of the wool-sellers (sofçu) guild sold his slot to 850 kuruş in Istanbul¹³⁷. Another master from the breadmakers guild rented his slot to 17 kuruş per month¹³⁸. A master of the *kirişçi* guild began to work at his shop after taking over his father's slot. However he was reported to the court as he said he could do his job anywhere he wanted as he had his own slot and the court decided he could do his job only at the area his slot belonged to¹³⁹.

As it can be seen in the court registers mentioned above, all processes of the slots were being recorded. This situation stemmed from the fact that slots were being used for many reasons. Some people were using slots to make money or as an investment tool¹⁴⁰. More importantly, slots were being showed as a guarantee for trade by the artisans to the merchants. The artisans were showing their slot

¹³⁴ Türkmen, *43 Numaralı Şer'iyye Sicili*, 4. 23 Şevval 1192.

¹³⁵ Türkmen, *43 Numaralı Şer'iyye Sicili*, 30. 27 Zilkade 1192.

¹³⁶ Türkmen, *43 Numaralı Şer'iyye Sicili*, 41. 21 Zilhicce 1192.

¹³⁷ İK 62: 2b. (11 Muharrem 1208)

¹³⁸ İK 25: 132b. (13 rebiülevvel 1180)

¹³⁹ Türkmen, *43 Numaralı Şer'iyye Sicili*, 31. (27 Zilkade 1192)

¹⁴⁰ Mantran, *İstanbul*,

certificates as a security to the merchants for their debts and even in some cases the merchants were getting the slot certificate as guarantee for their debts owed¹⁴¹. For instance, one of the bakers artisans, who was thought to be fugitive, owed a total of 6778 kuruş to distribution centers (kapan) merchants and the treasury. The guild sold equipment of his shop and his 28 horses in order to pay his debt¹⁴². In another case, the agreement between the butcher's guild and the drovers bringing cattle and sheep to them from outside Istanbul proves this as follows:

Âsitâne-i aliyye ve tevâbi'inde vaki olan selhhânelerden birine merbût kassab dükkanlarında gedik ta'bir olunan alât-ı lâzıme celeb ta'ifesinin ağnamı zayı olmamak için, merbût selhhanelerde zebh olunub ve gedik mutasarrıflarından biri bilâ veled fevt oldukda, celeb ta'ifesine deyni zuhur ederse, mutasarrıf oldukları gediği mal celbe bedel olub Sa'adettü Yeniçeri Ağası, İzzetlü Kassabbaşı Ağa ve cümle usta ma'rifeti ve ma'rifet-i şer'le âhara ferağ ve tefviz ve kassab dükkanları merbût olduğu vakf-ı şerifin mütevellisi tarafından gedik için temessük olub semeni namıyla ahz ettikleri meblağdan celeb ta'ifesine deyni eda olunub celebânın malı zayı olamamak mu'tad-ı kadim şürût-ı nizâmılarından olmağla....¹⁴³

When there was shortage of daily goods in Istanbul, the merchants bringing goods to the city gained power against the artisans. The merchants applied to the *divan* and the *divan* approved the condition that the artisans had to sponsor each other while shopping from the merchants. Also the artisans would not be able to change place of their slot without permission of the court and move to another shop. The artisans had to apply to the court get permission in order to sell or rent their slots. A slot which was charged by a merchant could not be sold¹⁴⁴.

2.2.2.2 Monopoly (Inhisar)

¹⁴¹ Akarlı,

¹⁴² İK 62: 15a. 20 Rebiülevvel 1208.

¹⁴³ İK 62: 21b.

¹⁴⁴ Akarlı, "Gedik and Ottoman Legal System," 177.

In 18th century the artisans who were providing the daily needs of the city had more than one guild. Those guilds were getting themselves a monopoly area in order to work more efficiently and prevent possible problems. They would register those areas to the court this area would belong to a guild from then on. By registering their market area to the court the guilds were guaranteeing their monopoly areas with state authority. If there was an intervention to their area they would report this to the court. By creating monopolies the artisans were also controlling each other. The state's interest in the monopoly system was the taxes. Each artisan having a shop had to pay taxes to the state. However the tax he paid was making him privileged at the state level¹⁴⁵. This privilege was being used a lot by the artisans. When we look at some of the verdicts at the court registers we can see that the artisans complained the ones making production out of the guilds claiming that they were not paying taxes.

In 18th century, the guilds administrations also become a source of tax and began to be sold as life-term tax farms (*malikâne*). So the guilds strengthened their monopoly. In the same period the monopolies spread. The state was not preventing the monopolies; in contrast, it was encouraging them. Because, the state was preventing illegality in this way and also decreasing the tax collection costs. The state was realizing provisionism by increasing production, production quality and easing taxation¹⁴⁶.

Many guilds had their own monopolies in Istanbul. The court registers are rich in this sense. However, a guild discussion covering all of the guilds in Istanbul would make the study rather complicated. For this reason, it would be

¹⁴⁵ Haim Gerber, *Economy and Society in an Ottoman City: Bursa 1600-1700* (Jerusalem: Hebrew University, 1988) 36

¹⁴⁶ Mehmet Genç, "Ottoman Industry in the Eighteenth Century: General Framework, Characteristics, and Main Trends," *Manufacturing in the Ottoman Empire and Turkey, 1500- 1950*, ed. Donald Quatert (Albany: SUNY Press, 1994) 62.

beneficial to dwell on breadmakers guilds, which will reflect the monopoly issue the best. Bread has been the people's favorite and basic food throughout the history as it is both nutritious and cheap¹⁴⁷. Istanbul's most crowded guilds were the breadmaker guilds. As they were gathering under the umbrella of guilds with different names like breadmaker, *francalacı*, bakehouse owner, *habbazan*, "tablakar" (pedlar, a person who goes from place to place selling small goods), we understand that their number was vast. When we consider the reasons causing monopoly, we can see that it was the bread-maker guilds which needed the monopolies the most. Similarly when the court registers are examined many court decisions will be found regarding the monopolies of the breadmaker guilds. The most common topics of the court registers are creation of monopoly areas and intervention of another individual or guild to the monopoly area of a particular guild.

The bakehouses selling bread were using a unique method to create their monopoly. This was called "iskemle"¹⁴⁸. The shops and *tablakars* in Istanbul could buy their breads from only the bakehouses listed in the artisan agreement. So the shop was being the *iskemle* of this particular bakehouse. *İskemle* is mentioned in a court register dated 1180 as follows:

Küçük Mustafa Paşa fırını etmekçisi Begos meclis-i şer-i hatirde Müfti Hamamı fırını etmekçisi Hüseyin'den işbu meclis-i hatir İlya nam zimminin bakkal olduğu dükkan benim fırınımın iskemlesi iken mezbur hüseyin dükkanı mezkur ile fırınım kurbunda helvacı olan yine işbu meclisde hazır olan esseyid İsmail'in helvacı dükkanı kurbunda etmek irsal ve hilaf-ı ferman iken iskemle ihdas murad etmekle nizâm-ı kadimimizin ihtilaline bais olur deyü...¹⁴⁹

¹⁴⁷ Fernand Braudel, *Maddi Uygarlık: Gündelik Hayatın Yapıları*, trans. Mehmet Ali Kılıçbay (Ankara: İmge Kitabevi, 2004) 120.

¹⁴⁸ The *iskemlecis* and pedlars played important roles to access of people to bakery products. Their profit margin could change between %10 and %5. It depended on their places. Aynural, *İstanbul Değirmenleri*, 131.

¹⁴⁹ İK 25: 118b. 28 sad. 1180.

The bakehouses were registering their *iskmele* to the courts and also the *başmuhasebe* like their slots. The areas that one particular bakehouses has its *iskemle* were regarded as its monopoly area. Only this particular bakehouse could sell bread to the shops and *tablakars* in that area. According to the Istanbul *francala* bakehouses' artisan law, the bakehouses in Istanbul's Eyüp, Galata, Beyoğlu and Üsküdar could only sell their breads in their own districts. Also, each of the 4 bakehouses in Istanbul could only have 20 *tablakars* and they were not allowed to exceed this number¹⁵⁰. In another record, the Istanbul (central) bakers guild registered their 28 *iskemles* to the court and the *başmuhasebe*. The regions where those *iskemles* were placed were mentioned in this record¹⁵¹. Also, a bakehouse in Mercan Çarşısı had seven *iskemles*¹⁵². The Çağalazade bakehouse had 17 *iskemles*¹⁵³.

We get our information about the monopolies from complaint cases at the courts as we did for artisan laws. If there was an intervention to the monopoly area of a guild, then they would report this to the court. There are quite a few court decisions about these issues in the court registers. However the necessary data about this issue will be given in the following chapter, under the title of Monopoly Interventions.

¹⁵⁰ Türkmen, 43 Numaralı Şer'iyye Sicili, 14. 1 Zilkade 1192.

¹⁵¹ *Kaliçeciler köşkü kurbunda Sahanlu demekle maruf bir bâb ekmekçi fırınına, kadimü'l-eyyamdan berü berbut iskemlelerden odabaşılar Ağakuyusu kubunda, biri bahçe köşesinde, biri Latif Paşa'da, biri Molla Gürani'de, biri Horhor'da, iki Aksaray'da, biri Aksaray hammam civarında kababçı dükkanında, biri Hüsvrev Paşa'da bakkal dükkanında...* Türkmen, 43 Numaralı Şer'iyye Sicili, 50, 14 Muharrem 1193

¹⁵² İK 25: 83c. 22 Muharrem 1180.

¹⁵³ İK 25: 153b. 8 rebiülahir 1180.

CHAPTER 3

ARTISANS IN THE OTTOMAN COURT

So far we have explained the general structure of the Ottoman guild system. The state's expectations from the guilds and its role in the guild system's foundation were also explained. Regarding the guild system, the way they were run, their place in the economic structure of the state and their need for the state

were discussed. In this chapter, the inoperative parts of this system, the boundaries and rules of which were previously described, and the solutions to these will be discussed. Of course, we will see the Qadi at the very center of solution processes for those problems and management of these problems. So far, artisan administration, notary and urban services were taking attention regarding the qadis. In this chapter, however, we will also see the qadis in terms of their judicial character.

The guilds in Istanbul were being controlled by the state as well as by their own administrators. This dual administration and control caused a more systematic guild system compared to the other cities in the Ottoman territories. For this reason, when we look at the court registers we realize that majority of the inconsistencies derived from individual (among the artisans) problems rather than institutional (among the guilds) problems. The problems regarding the system can be categorized as intervention to the monopolies, violation of artisan laws, and the guild wardens' malpractices.

3.1. Intervention in Guild Monopoly

As it was mentioned in the previous chapter, the state gave monopolies to the traders and the guilds in order to encourage them to produce and serve. There were two types of monopolies. The first one was the right to produce (slot). According to this, only the certified artisans could make production in a particular profession. The second type of monopoly was sale monopoly. An artisan could only sell his products in the area he was permitted.

There were two types of problems for those monopolies. The first one was that illegal production or sale by an individual who is not member of a guild, which means who was not accepted as a master. The main reason for this problem was the merchants who came to Istanbul from the countryside to bring cheap products and sell them. When the artisans detected this sort of situation the first thing they did was to go to the court. They reported that the individual was cheating the public by selling cheap and low-quality goods. They would also apply to the court claiming that they were losing money due to illegal production and sale in their own monopoly's area. For instance, the Istanbul Salt-makers' guild applied to the court, claiming that some people who were not from their guild were selling the salt, left over from the previous year, that they had kept in their depots and had begun to interfere with sales in their monopoly area. The illegal sellers confessed the violation and accepted to sell their salt to the salt maker artisans instead¹⁵⁴. The glassmaker guild's artisans applied to the court to complain about an individual who was selling low-quality glass even though he was not certified. They claimed that this person was not a master but a fraud and demanded that he should be prohibited from doing this job¹⁵⁵.

The second case is kind of a more common one; intervention of a guild or guild member to another guild's monopoly area. The reason for this is the vague points in the artisan laws and exploitation of them, if we neglect deliberate violation of the artisan laws. These kinds of events are mostly seen among the guilds who were using the same raw materials. For instance, there were many guilds like tanners, *sepicis*, shoemakers, who used only leather as a raw material. If one of them violated the production monopoly of the other one then it was

¹⁵⁴ İK 25: 76b. 12 Muharremülharam 1180.

¹⁵⁵ İK 25: 148d. 2 Rebiülahir 1180.

accepted as intervening in the monopoly area. For instance, according to the law book of Mehmet IV (1680) only the tanners had the right to both process and sell the leather¹⁵⁶.

Even the artisans from different religious communities had their own monopolies although they were under the same guild¹⁵⁷. Also, it was very common to see one guild selling its products in the area of another guild doing the same job. For instance, the coal-sellers of Galata applied to the court to complain about the traders who brought coal to Istanbul to sell, although there was already a coal-seller guild in Istanbul. They showed *emr-i âli*, which prohibits sale of coal in Istanbul without obeying the coal sellers' artisan law, to the court as proof¹⁵⁸. In 1208, the boatmen of the Samatya dock complained about Kumkapı dock's boatmen for violating their monopoly. The Samatya boatmen complained to the court that the Kumkapı boatmen were getting customers from Samatya even though it was prohibited according to their artisan law and later in the afternoon they were bringing those customers back to Samatya¹⁵⁹.

It was the bread makers who had the most numerous problems regarding monopolies¹⁶⁰. The problems here stemmed primarily from the *tablakar*, who was getting the breads from the bake houses and selling them on the streets. A peddler could sell his breads only at his bake house's monopoly area. For instance, Okçularbaşı bake house complained about a peddler for selling bread in front of it

¹⁵⁶ Ergin, *Belediye*, 404.

¹⁵⁷ According to Istanbul sellers of prayer beads agreement beads of Muslim could have only sold by muslim masters and non-muslim beads could have only sold by non-muslim masters. According to the same agreement muslim master could sell beads in the shops. On the other hand the non-muslim masters could sell beads at street and market. Şevket Nezihi Aykut, *Istanbul Mahkemesi 121 Numaralı Şer'iyeye Sicili*, (İstanbul: Sabancı Üniversitesi Yayınları, 2006) 26.

¹⁵⁸ GK 479: 21/2c. 24 ramazan 1200.

¹⁵⁹ İK 62: 23/2a.

¹⁶⁰ In Konya, the bread makers guild complained 15 women who sell bread at the market despite they are not member of guild. Mehmet Altan, *1748-1749 Yıllarında Konya'da Sosyal ve İktisadi Hayat (57 Numaralı Şer'iyeye Sicillerine Göre)*, MA. Thesis, (Konya: SÜ. Sosyal Bilimler Enstitüsü,) 277.

even though he was another bake house's *tablakar*¹⁶¹. Another issue regarding the peddler was their affairs with the bake houses they belonged to. A peddler could get bread from only the bake house he was working for. The master of Kuşpazarı bake house applied to the court and complained about his peddlers for getting bread from other bake houses¹⁶².

3.2. Complaints about the Guild Warden

The work ethics of the members including the guild wardens was very important in the guild tradition. Having its roots from the *fütüvvet*, this tradition existed in the history until the Ottoman guild system diminished. A child, who entered into a guild, was trained and educated by the guild administrators and masters until he became a master, and would be punished by the elites of the guild if he did not obey the rules. The rules of the guilds were operant for the guild wardens and head guild wardens also, even though they were at the highest post of the guilds. The state gave the artisans the right to report their guild wardens to the court if he made a mistake. The guild wardens, no matter whether they were elected by the artisans or assigned by the state, were replaced if the artisans complained about them.

The most common reason for the artisans' complaints to the court was abuse of power. Guild wardens were responsible for the raw material distribution and the business the artisans were doing. Some guild wardens were getting all the customers for themselves and in doing so; gaining illegal and unethical profit even though they were obligated to share their business. The artisans also complained about this to the court. For example, the guild warden of the Armenian chain-

¹⁶¹ Türkmen, s. 21, 15 Zilkade 1192.

¹⁶² İK 25: 93b. 3 saferülahir 1180.

makers guild had all of the gun carriage chain business, which he got from the state, for himself only. The artisans complained about the guild warden to the court for violating the artisan law of the guild¹⁶³. Another example of abuse of power is the guild wardens' accepting new members to the guild by taking monetary bribes from them. The boatmen of the Balat Dock complained to the court about their guild warden for accepting new boatmen to the dock from among unqualified people by taking such bribes from them. They also reported to the court that the majority of the money that the guild was paying to the state shipyard had been gathered from the masters and even the senior apprentices (kalfa) and apprentices, and they demanded from the court that their guild warden should be punished if this happened again¹⁶⁴. The *tulumba şerbetçis* guild had consisted of 150 workbench (destgah) operated by a total of 112 people. According to their artisan law, the workbenches had to be given to the artisans with Qadi's consent. However, the guild warden was reported to the court for creating new workbenches illegally and selling them, as well as capturing the workbench of the artisans who died without leaving sons to continue their job¹⁶⁵.

Some guilds demanded their guild wardens to be dismissed as they did not like them. For instance, the Istanbul porters' guild wanted their guild warden to be dismissed as he was distracting the porters, using slang and being gluttonous¹⁶⁶. The prayer bead-sellers (tespihçi) guild, which consisted of Armenian masters, demanded a Muslim guild warden to be assigned, as their Armenian guild warden failed in doing his job properly¹⁶⁷. The candle-maker artisans, on the other hand,

¹⁶³ Türkmen, 40. 23 Zilhicce 1192.

¹⁶⁴ İK 25: 91d. 28 m. 1180.

¹⁶⁵ Türkmen, 12, 28 Şevval 1192.

¹⁶⁶ İK 62: 4c. 22 Muharrem 1208.

¹⁶⁷ İK 62: 6a. 27 Muharrem 1208.

dismissed their own guild warden with an election and brought the previous one back¹⁶⁸.

The artisans did not go to the courts just to complain about their guild wardens. Sometimes, they went in order to protect their guild wardens they like from attacks. The tinsmiths (kalaycı) artisans went to the court to protect their guild warden, who they claimed was a trustworthy person and was doing his job very well, from the threats and accusations of the old guild warden, who tried to replace him illegally with the help of a few people around him¹⁶⁹. A similar event was seen in the coal-sellers guild. They reported their satisfaction with their guild warden to the court, as he did his job very well and did not accept bribes. They also complained about their old guild warden, who was dismissed from his position previously, for trying to replace the new guild warden illegally¹⁷⁰.

3.3. Violation of the Guild Regulations

The actions violating the artisan law are one of the events that the guilds complained to the courts about very often. The artisan laws prepared by the guilds and the state were the most important part of the guild system. For this reason, the problems with the artisan law were being followed by both guild administrations and the state very closely. All of the events we have discussed so far regarding the intervention to the monopoly and complaints about the guild wardens may also be included under this title. The cases mentioned under the next title may also be included here. For this reason we will dwell on this issue very shortly.

¹⁶⁸ İK 62: 12/2a. 13 Rebiülevvel 1208.

¹⁶⁹ İK 62: 17/2a. 26 Rebiülevvel 1208.

¹⁷⁰ İK 62: 19a. 11 Rebiülahir 1208.

According to the butchers' artisan law, the weak and fat sheep were being distributed among the butchers by means of lottery. However, one of the butcher guild wardens came to the market earlier one morning and distributed the fat sheep among his own artisans. The problem had its solution when this guild warden promised not to repeat the action¹⁷¹.

3.4. Crime and Punishment in the Ottoman Guilds

Punishment in the Ottoman guilds was handed out in accordance with Islamic law and the guild artisan laws. There were different steps of applying punishment in the guilds. The first step was punishing the violator within the guild by means of an administrator and elders. The second step was carrying the issues to the court if it had not been resolved.

Islamic law was taken into consideration while preparing the guild artisan laws and making court decisions. Islam gives special importance to the creation of a lifestyle and society with a low crime rate and prevention of bad behavior and its spread. For this reason, the religious and ethical system it brought gives importance to prevention of the crime and the reasons of it rather than just punishing the guilty party. The aim of punishment is preventing the spread of crime within the society and the correction of the criminal¹⁷².

According to Islamic law there are three types of punishments: *had*, *kisas* (retaliation) and *ta'zir* (discretionary punishment). *Had* is a penalty sanctioning that which should be applied for Allah's, and for the society's, sake, in pre-determined methods and limits. Infidelity, robbery, theft, and terrorization are all related to this kind of punishment. *Kisas* (retaliation), on the other hand, is applied

¹⁷¹ İK 25: 3a.

¹⁷² Ali Bardakoğlu, "Ceza", DİA, 7, (1993) 472.

in cases of deliberate injury, leaving someone handicapped or murder. In those cases the criminal is punished in the way he committed crime. The rules of these two types of punishment are explained in the Holy Quran. All other types of punishment, which were determined by the lawmakers, and evaluated under the title of *ta'zir*¹⁷³.

In Ottoman law the illegal actions were not categorized systematically. There is only one very general category called *ta'zir* which includes the *cürm-i galiz* (grave offences) and all other crimes¹⁷⁴. When Ottoman laws are examined, we realize that the punishments applied to crimes under the categories of *had* and *kisas* were applied in accordance with the Islamic laws. On the other hand, as Islamic law left a wide authority to lawmakers to take initiative for the *ta'zir* crimes, the Ottoman Sultans used this as an opportunity to apply legal norms throughout the country. Taking their roots from the Sultan, these regulations were called *örfi* law¹⁷⁵.

The majority of artisan crimes are under the title of *ta'zir*. We see the expressions like “hakkından gelmek, te'dib, tedib ü tazir” as synonyms of *ta'zir* in the court registers¹⁷⁶. The Qadis decided on the *tazir* cases and the punishments were to be applied with his consent. The punishments included imprisonment, charges, fines, shaving the guilty party's beard, painting the criminal's face black and penal servitude. Janissary Ağası, *subaşı*, market inspectors and *yasakçıs* were responsible for applying these penalties¹⁷⁷.

¹⁷³ Bardakoğlu, “Ceza”, 473.

¹⁷⁴ Uriel Heyd, *Studies in Old Ottoman Criminal Law*, ed. V. L. Ménage, (London: Clarendon Press, 1973) 259.

¹⁷⁵ Mehmet Akif Aydın, “Ceza”, 478.

¹⁷⁶ İK 25: 2a, 87b. İK 62: 11a.

¹⁷⁷ Heyd, *Ottoman Criminal Law* 272. For instance, “saire muceb-i ibret için mezbur el-Hac Hasan boğazkesen kalesinde izzetlü yeniçeri Ağası marifetiyle tedib olunmak bâbında...” İK 25: 83b.

When the court registers are examined it is noticeable that the artisan laws included the penalties to be applied if the rules of the artisan law were violated. For example, the artisans of the Istanbul cobblers' guild stated in their artisan law that they accept *tedib* as a penalty if they intervened in the monopolies of each other¹⁷⁸. Again, the artisans of the Istanbul butchers guild stated in their artisan law that they accept *tedib* as a penalty if they intervened in each other's monopolies¹⁷⁹. The glassmakers' guild artisans accepted penal servitude as their punishment if they intervened each other's monopoly¹⁸⁰. The guild selling *mağrib metai* explained which penalties they would apply to the ones violating their law as follows:

Bundan akdem ilam olunduğu vech üzere mağribden gelen fes ve şal ve kuşak ve ihram iki tarafın kethüdaları ve yiğitbaşları ve ihtiyarları marifetleriyle bazar ve iştira ve onu onbir faideden ziyade ile ibadullaha bey itmemek üzere taahhüd ve tevzii ve taksimde birbirlerinin sahasına müdahale ve gadr ve himaye ve hilaf-ı şer-i şerif falaka ve değnek ile esnafını kethüdaları ve yiğitbaşları darp darp ve rencide etmeyüb ve iktiza eden tazir-i şerileri istanbul mahkemesinde badesübut icra olunub ve hilafı nizâm hareketleri olur ise esnafından tard yahud tedib iktiza iderse kezalik İstanbul mahkemesinde firkateynin kethüdaları muvacehelerinde görülüb mucib-i icara olunmak ve bundan sonra birbirlerinin kethüdalığını ve sair emürlerini hilaf-ı şer-i şerif ve mugayyer emri münif ihrac vatani aslilerine nefi ile...¹⁸¹

We observe from those examples that these punishments try to prevent the situations causing crime rather than punishing the crime, similar to the penal system in Islamic law. Also, as the ideas of all artisans in the guild are taken into consideration while making the artisan law of the guild, the deterrence of these rules increased. It is possible to conclude that creating the artisan laws in this way, by getting approval by each artisan in the guild, made them more important than the state laws in the eyes of the artisans. This is because the artisans were directly

¹⁷⁸ İK 62: 11a. 1 Rebiülevvel 1208.

¹⁷⁹ İK 62: 15/2a. 26 Rebiülevvel 1208.

¹⁸⁰ İK 25: 87c. 14 Muharrem 1180.

¹⁸¹ İK 25: 87b. 17 Muharrem 1180.

involved in the law making process. The reason behind the guilds' use of artisan laws for many years could be this fact. As a result, as the artisan laws were prepared by the artisans themselves, they solved their problems effectively. Maybe the reason behind the guild system's persisting for so long and its being adopted so easily is this process.

We can still find records of individual punishments according to the artisan laws in the court registers. These penalties range from light punishments like warnings and confiscations to heavier punishments like penal servitude, imprisonment and exclusion from the guild.

3.4.1. Punishment with Warning and Fine

In the Ottoman guild system, bilateral control was dominant rather than competition in the market. This understanding was inherited from the *fütüvvet* tradition and showed its influence over the guilds until they completely disappeared. According to this, the administrator and the elders in the guilds were responsible for the ethical behavior of the members and their obedience to the rules. If they witnessed attitudes violating the rules, they had the right to intervene. For this reason, they attempted to solve the problems in the guild within the guild at first by warning the violators. We can understand this from the expressions “biddefeat nush ile pend olundukda bir dürlü ısga etmeyüb fesadında ısrar etmekte¹⁸²” that we find in many of the court registers.

Sometimes the guilds wanted the courts to produce the warnings. Relevant information about this can be seen in the court registers. For example, the Galata coal-sellers guild applied to the court to warn a man who was selling coal secretly

¹⁸² İK 62: 10/2a.

in Galata, even though he was not registered in the guild. The coal seller admitted his violation in the court and was warned not to sell coal in that neighborhood anymore¹⁸³.

The Topkapı glassmakers guild reported Osman to the court with the claim that he was selling low quality glass in their monopoly area at low prices, even though he was not a master. The court warned Osman not to intervene in the monopoly area of the others and harm the public's benefit¹⁸⁴. The Istanbul Karhane yogurt-producers guild wanted the court to dismiss Arnavud Davud, who was an artisan of Davutpaşa Karhanesi, from his job, as he was selling yogurt in the monopoly areas of the other guilds, despite being warned several times not to do this. However, Davud admitted his violation to the court and promised not to repeat it and accepted imprisonment if he did it again. For this he was not dismissed¹⁸⁵. In a similar case, the Istanbul shoe-makers guild complained about shoemaker Hüseyin to the court for violating the artisan law of the guild. They demanded Hüseyin to be dismissed from the guild as he repeated his violation many times although he was warned not to do so several times. However, Hüseyin promised not to violate the guild's artisan law anymore and accepted dismissal from the guild if he repeats his faults. Consequently he was forgiven¹⁸⁶. So far we have observed that the artisans, who were complained to the court, did not get any punishment as they promised not to repeat their violations.

Besides those warnings, there were also other kinds of light penalties like confiscation of the slot and fining. For instance, Mehmet bin Hüseyin from the milk-sellers guild reported to the court that yogurt seller Mustafa owed him 447

¹⁸³ GK 479: 22/2c. 29 Ramazan 1200.

¹⁸⁴ İK 25: 148d. 2 Rebiülevvel 1180.

¹⁸⁵ İL 25: 112b. 21 Safer 1180.

¹⁸⁶ İK 25: 127b.

kuruş and if he did not pay this to him in one month then he would confiscate Mustafa's slot for his debt¹⁸⁷. In the Ottoman law books the fines are usually mentioned as "kınlık, cürm, cerime and ta'zir bi'l-mal". Whipping and bastinado penalties were usually executed as fines¹⁸⁸. For example, the law book of Mehmet IV declares that if the breads or cookies the bake houses produced were not cooked well, if they had black dots, if they did not taste well, or if they did not weigh the pre-determined weight, then the artisans had to pay one *akçe* per dirhem missing or per piece not having the required quality. The same rule was applied to the butchers as well; according to this if the butchers overpriced the meat they sold, then they would have to pay one *akçe* per dirhem as a fine¹⁸⁹.

3.4.2. Penal Servitude on the Galley (Kürek Cezası)

The Ottoman Navy developed rapidly in the Sixteenth Century and needed rowers, especially during the battles. There was need for rowers on the ships used for transportation as well. The state met its need for rowers in three ways. The first was getting rowers as *avarız* tax. Second, using the slaves gathered during the wars as *forsas* (galley slave), and lastly, punishing people who had committed several crimes with penal servitude on the Galleys¹⁹⁰. Crimes like murder, gambling, alcoholism and robbery were being punished in this way¹⁹¹.

Penal servitude could be given as punishment if the artisan laws of the guilds were violated. For instance, the Istanbul flour-makers and bread-makers

¹⁸⁷ İK 25: 115b. 16 Safer 1180.

¹⁸⁸ Heyd, *Ottoman Criminal Law*, 276-277.

¹⁸⁹ Ergin, *Belediyye*, 404.

¹⁹⁰ Mehmet İpşirli, "XVI. Asrın İkinci Yarısında Kürek Cezası İle İlgili Hükümler" *Tarih Enstitüsü Dergisi* 12 (1981-82): 205-207.

¹⁹¹ Heyd, *Ottoman Criminal Law*, 305.

guilds complained about three Armenian workmen carrying flour from the mills to the bake houses. According to the complaint application at the court, these three men wanted more money than they deserved and urge other workmen to demand more. They also threatened the masters that they would not complete their job if they were not paid as they wanted. The masters of the guilds wanted those men to be punished with penal servitude as they continued to violate the rules and caused harm to the society in this way by not taking the repeated warnings of the guild administration into consideration¹⁹². The Istanbul cobblers' guild artisan Ahmet and boot-makers guild artisan Esvador were punished with penal servitude as they violated the artisan laws of the guilds. After serving their penalty they wanted to return their guilds one more time by promising not to bother anybody anymore. Ahmet accepted imprisonment and Esvador accepted penal servitude as their penalties if they ever repeated their previous faults¹⁹³. Istanbul *aşçı-kebabçı-şerbetçi-çorbacı* (food producers) -guild's artisan law, which was registered at the court, predicted that if Muslims violated the rules, they would be imprisoned at the castles and if non-Muslims violated the rules, they would be sent for penal servitude¹⁹⁴. The artisans of the glassmakers, sugar candy-sellers (akideci) and sherbet sellers guilds stated at the end of their own artisan laws that they were accepting being punished with penal servitude if they violated the rules of their artisan law¹⁹⁵. When those cases are examined it can be seen that penal servitude was applied as a penalty for just non-Muslim masters, while Muslim masters were usually sent to prison for their violations.

¹⁹² Türkmen, İstanbul mahkemesi 43, s. 76. 15 safer 1193.

¹⁹³ Türkmen, İstanbul 43, s. 60. 17 Muharrem 1193.

¹⁹⁴ İK 25: 220. 3 Zilkade 1179.

¹⁹⁵ İK 25: 87c. 14 Muharrem 1180.

3. Imprisonment:

Imprisonment was not a common method of punishment in the Ottoman Empire, similar to the Middle Age Europe. Imprisonment was given as a punishment in the cases of prostitution and sons-daughters beating their parents¹⁹⁶. It was the butchers, from among the artisans, who were punished with imprisonment. According to Mehmet IV's law book, if a butcher did not have meat at his shop, he would be imprisoned until he found meat to sell to his customers¹⁹⁷. According to the butchers' guild artisan law, the sheep coming to Istanbul were to be distributed under the presence of the head butcher and guild elders. However one day butcher Mustafa came to the distribution center earlier than other butchers and got the best sheep for himself and gained undeserved gain. Other butchers reported Mustafa to the court for violating the artisan law and the court sent Mustafa to a castle for imprisonment¹⁹⁸. In another similar case, butcher Hasan got the best sheep for himself by coming to the distribution area before the other butchers and he was sent to Boğazkesen Fortress for imprisonment even though he admitted his violation¹⁹⁹. Hüseyin, who was selling coal in Eyüp and Mahmut, who was selling wood in Balat, were sent to Seddülbahir Kale fortress as political prisoners²⁰⁰. In a document dated 1181 bread-makers Osman and Ismail, cookie-makers Ibrahim and Osman, who were from Dergah-ı Ali Janissary corps, were all sent to Boğazkesen Fortress for imprisonment for selling defective products²⁰¹.

¹⁹⁶ Heyd, *Ottoman Criminal Law*, 301.

¹⁹⁷ Ergin, *Belediyye*, 404.

¹⁹⁸ İK 25: 86c. 23 Muharrem 1180.

¹⁹⁹ İK 25: 83b. 23 Muharrem 1180.

²⁰⁰ C. BLD. 2115. 24 Zilhicce 1170.

²⁰¹ C. As. 18082. 27 zilhicce 1181.

3.4.4. Exclusion from the Guild

One of the penalties given in accordance with the severity of the crime was exclusion from the guild. Even though there is not a predicted classification of the penalties according to their degrees, exclusion from the guild was regarded as the heaviest one according to the court registers. There is some evidence supporting this view. The first one was the sponsorship issue. According to the court registers, the ones receiving penalties like penal servitude and imprisonment could both be forgiven and return to their previous jobs if they said they were regretful for what they had done and someone else in the guild stood as security for him. However, there is no evidence regarding forgiveness of someone excluded from the guilds for their crimes in all of the court registers examined within the frame of this thesis. The second evidence supporting this view is one of those registers. The register is about an artisan of the Istanbul candle makers guild and it is as follows:

“Mahmiye-i İstanbulda mumcular esnafı kethüdası İbrahim ve Hüseyin ve Yiğitbaşları diğeri İbrahim Eğrikapu da mumcu olup meclis-i şer-i şerife ihsar ettirdikleri paço veledi herno nam zımmiden kendi halinde olmayub müzevir ve hilekar olmağla bazılarının gediklerini benimdür deyü sahib çıkub ve bazılarında akçe alub gedğim vardır deyü müzevir temessükler peyda ve irhan ve bade inkar ve bazılarında bazına iftira edüb esnafımız beyninde nizâmımızın hilafını ilga-i fesad itmekle şer ve muzır bir vechle emniyetimiz olmayub merkum paço yedimizde olan müteaddid ilamlar matukunca bundan akdem te'dib için üç def'a küreğe ve birkaç def'a zindana vaz olunub bervechi tedib olmamağla ef'al-i sabıkasında

musır u mükib olduğu eçlden bu def’a dahi hareket-i na marziyyesine bir tarik ile tahammülümüz kalmamağla şeru ve mazarratı def olunmak için esnafı mezkureden tard ve iade olunmak matlubumuzdur”

This register also shows that the penalties at the guild were not that heavy. If an artisan violated the artisan laws he was punished, at first, with lighter penalties like warning, and gradually the penalties got heavier; secondly they were sent for penal servitude, then imprisonment. However, if the artisan complaining about the violator forgave the violator then the penalties of penal servitude and imprisonment were cancelled. It is observed that exclusion from the guild was used as the last and heaviest step of the penal pyramid.

When the verdicts regarding the exclusion from the guilds are examined it can be seen that the most common reason for this punishment was spoiling the order of the guild and preventing other members from doing their jobs. For instance, the court decided to exclude Anton, who was an artisan at the Istanbul clockmakers guild, from the guild for bothering other artisans by not dealing with his own job, creating enmity among other artisans and continuing his negative attitudes despite warnings²⁰². The blanket-makers guild excluded artisan Mustafa from the guild for not being honest, being seditious, using slang constantly and being insistence on his negative attitudes despite the warnings he was subject to²⁰³. The cobblers’ guild excluded Yolgeçen Hanı artisan Mustafa from the guild for acting as if he was the head cobbler and artisan elders and creating problems among the guild members²⁰⁴. This kind of court registers have the expressions like “ırzıyla mukayyed kesbiyle meşgul olmayub, itale-i lisan, esnafımız beynine daima ve müstemirren ilga-i fitne ve fesat ve gamiz ve nifak, biddefaat nush ile

²⁰² İK 62: 4/2a.23 Muharrem 1208

²⁰³ İK 62: 10/2a. 24 Safer 1208

²⁰⁴ İK 62: 13a. 20 Reviülevvel 1208

pend olundukda bir dürlü ısga etmeyüp fesadında ısrar etmekte, emn-ü rahatımızı külliye meslub etmiştir” while talking about the problems artisans created in the guilds.

Another reason for exclusion was not obeying the guild administrations and creating problems within the guild. As it was mentioned in the previous chapter the number of people working in Istanbul’s guilds was quite high. For this reason, it was very important to obey the guild administrators for the guild’s operations to be completed smoothly. For instance, Istanbul cauldron-makers (kazancı) guild artisan Sebkal was excluded from the guild for not obeying the guild administrators, violating the artisan law, not attending the guild assembly even though he was summoned²⁰⁵. Galata barbers prohibited a master named Veliddin from working at Galata district as he did not obey the guild warden and guild elders²⁰⁶.

²⁰⁵ İK 62: 18a. 7 Rebiülahir 1208.

CONCLUSION

It is observed that the basic approaches of the Ottoman economic institutions still continued into the 18th century. As a natural result of provisionism, the importance of the guilds in the cities increased. As the guilds thought large-scale changes would not be beneficial, they tried to endure their centuries-old production understanding and methods in this period also. It is possible to see the influence of the *fütüvvet* in all sections of the daily life of guilds where traditionalism was dominant. The guilds did not undergo any important change or reform in their production method or guild operation until the industrial revolution took place in the Nineteenth Century and we will be able to understand why they did so when Ottoman economic historians can fully understand the economic philosophy of the Ottoman. As court registers are used as a primary source of this thesis, an improvement about understanding the legal status of the artisans in Ottoman system has taken place. At the beginning of the

thesis, we aimed to understand the degree of the effect of the long-lasting economic recessions in Ottoman Empire over the guilds, especially after a long period of welfare from the beginning of Eighteenth Century to the late 1770's. However, the sources used did not provide sufficient information about this issue. Economic and financial records of the guilds should be examined in order to understand this effect in a better way.

The guilds were being administered by the administrators either elected by the artisans themselves or assigned by the state. The state gave special attention to the administration of the guilds in Istanbul. The reason for this was the fact that they were undertaking a very important mission for the system. The state had left production and services sectors of the cities to the guilds. It was the state's responsibility to secure the transport of raw materials from countryside to the city center and the operations of the merchants. However, the responsibility of the guild began when the raw materials arrived at the city's ports. There were abundant and cheap goods available in the cities in order not to cause the public to experience hunger and urge the power groups in the city for rebellions. It seems that the state officials worked with the guild administrations in cooperation to ensure this. The qadis had a unique position among all of the other state officials. The expression "esnafin merci-i resmisi idi" summarizes the qadi's role in a sufficient way. The qadis were where most of the problems of the artisans found their solutions. In fact, even if it was not clearly mentioned, the qadis were at the very center of the guild system. It is possible to claim that other state officials dealt with only the areas they were responsible for regarding the guild affairs. However the qadis were responsible for almost all parts of the guild life.

It can be understood very easily that the state and the guilds had a mutual relationship in the system. The state was doing its best to enable the system to work properly. It had to satisfy both the artisans and the consumers regarding prices. The state was, on one hand, preventing the artisans from making too much profit and producing low quality products, and on the other, it was also protecting them by granting some privileges. These privileges were *inhisar* and *slots*. *Slot* was a production permission given to the artisans individually. The state was balancing the number of *slots* and the shops. In this way it was preventing illegal production and sales. Artisans were also keeping a close watch for illegal producers in order to protect their own interests. When the artisans identified people producing illegally, they reported those individuals to the *Qadi* claiming that they were not paying taxes as well as tricking the public. *Inhisar*, on the other hand, was a privilege given to a particular guild. According to this, the areas where the guilds were producing and selling were determined in advance. The guilds had the right to prevent other guilds' or people's production and sale in their own area. It was their own monopoly area. It is observed that the guilds and artisans paid special attention to *slots* and *inhisars*, especially during periods of economic crisis.

The most important responsibility of the *Qadi* concerning the guilds was his responsibilities regarding the guild administration. However, the main responsibility of the *Qadi* was justice. The artisans applied to the *qadis* a lot under this topic also. It is observed that guilds tried to solve their issues by following a particular order. First, they tried to solve the problems among themselves, and if they failed to do so then the next step was to go to the courts. The courts also followed a particular order while executing the necessary punishment for these

cases. According to this, the penalties began with warning and followed with imprisonment, penal servitude, with the heaviest penalty being exclusion from the guild. We observe from the documents we examined that exclusion from the guilds was not a common method of punishment, as it was regarded as a very heavy sanction. An artisan was warned several times and was subject to other types of penalties like imprisonment and penal servitude before he was to be finally excluded from the guild. Another interesting point here is the differences in the methods of punishment applied to Muslim and non-Muslim artisans.

In short, it is clear that the qadis' relations with the guilds were much stronger than we had thought before starting this study. When we look at this situation from the artisans' point of view we see that Qadis had an irreplaceable position for the guilds and his administrative responsibilities were more important for them rather than judicial responsibilities.

DOCUMENTS

1. Ma'ruz: An application of bread-maker's guild to court in order to forgive a guilty bread-maker artisan who produced bread against the fixed prices.

Mahmiyye-i Galata'da mahkeme kurbunda etmekçi olan sâhib-i arzihâl Ali bin Hüseyin hamış-i arzihâlde derkenâr olunduğu vech üzere cumada'l-ahirin sekizinci gününden berü Boğazkesen Kal'ası'nda ta'zir için mahbus olub müddet-i mezkûrede salâhı zâhir olub fimâ ba'd hilâf-ı nizâm nân-ı aziz tabhî etmemek üzere nefsine şeriki Mustafa bin Mehmed ve etmekçiler kethüdâsı vekili el-Hac Mehmed bin Ömer ve etmekçi Ustalarından Hüseyin ve molla Osman nâm kimesneler meclis-i şer-i hâtir kefil ve kefaletleri tescil olunub mezbûr Ali'nin af ve ıtlakını istid'a ve istirham eyledikleri mezbûr derûn-ı arzihalde sadır olan fermân-ı â'lişâna imtisâlen huzur-ı âlilerine i'lam olundu. Fi 16 Receb Sene 1179.²⁰⁷

²⁰⁷ İK 25: 2a.

2. Ma'ruz: An application of bread-maker's guild to court in order to forgive a guilty bread-maker artisan who produced bread against the fixed prices.

Eyüb'de Yeniçeşme'de etmekci sâhib-i arzihâl Hüseyin Beşe arzihâlde der-kenâr olunduğu vech üzere cumada'l-ahirin yirminci gününden berü Boğazkesen Kal'ası'nda habs ile te'dib olunduğu fimâ ba'd fırınında noksan işlememek üzere ta'ahhüdünü etmekçiler kethüdâsı vekili ve sair nizâm Ustalarından mazbutü'-l esami kimesne ihbar ve mezbûr Hüseyinin cürmü avf ve ıtlâkını istid'â ve istirham eyledikleri derun-u arzihâlde varid olan fermânı âlilerine imtisâlen huzur-u âlilerine ilâm olundu baki fermân hazret-i men lehü'l-emründür. Fi 17 Receb el-Ferd Sene 1179.²⁰⁸

3. Ma'ruz: Imprisonment of a butcher who worked against to ancient guild custom.

Hâlâ Kasabbaşı Ali Ağa ve kasablar kethüdâsı Mehmed kulları Yeni Camii şerif havlusu çarıkcıları celilinde el-Hac Hasan b. Mustafa yine meclis-i şer-i hâtirde hâzır ve muvacehesinde mezbûr el-Hac Hasan kendi halinde olmayub nizâm-ı kadime mugayyir harekette olmağla kasabbaşıları ve kethüdâ ve ihtiyar ustaları marifetleriyle gelen koyunların her sürüsünden çeşni tutulub kimesneye gadr ve himayet olunmayarak ba fermân-ı âli tevzi' oluna gelmiş mezbûr el-Hac Hasan bir gün mukaddem Rumeli canibinden getirdiği üç yüz re's koyunları çarıkcılar tevzi'i idüb bu makûle mugâyir-i nizâm ve hilâf-ı fermân-ı âlî hareket olub mezbûr el-Hac Hasan te'dib olunmadıkça **sâire** sirâyet ve nizâmımızın ihtilâline bâdi olur deyü teşekki ettiklerinde mezbûr el-Hac Hasan dâhi vech-i meşruh üzere mugâyir-i nizâm ve hilâf-ı fermân-ı âlî hareketini ikrar ve itiraf etmeklen saire mûceb-i ibret için mezbûr el-Hac Hasan boğazkesen kalesinde izzetlü yeniçeri Ağası marifetiyle tedib olunmak bâbında emr u fermân hazret-i men lehü'l-emründür. Yevm 21 muharrem Sene 70.²⁰⁹

4. Ma'ruz: An application of candy-maker guild to court in order to forgive a guilty candy-maker artisan who worked against the ancient guild custom.

²⁰⁸ İK 25: 4a

²⁰⁹ İK 25: 83b.

Âsitane-i Aliyye'de sükkeri şerbetçi taifesinden sâhib-i arzihâl Yuda veledi İsak Yahudi der-kenar mantuku üzere bin iki yüz yedi Senesi zilkâdesinin yirmi dokuzuncu gününden berü kürekde habsle te'dib olub fimâ ba'd şekerçi esnafına dühul etmeyüb kesb-i ahara şüru ideceğini taahhüd eylediğini şerbetçiler kethüdâsı ve yiğitbaşısı esnafın musin ve ihtiyar mazbûtu'l esami ustaları ahbar ve mesfur Yuda Yahudi'nin af ve itlâkını iltimas ve istid'â eyledikleri İstanbul Mahkemesi'nden huzur-ı âlilerine ilâm olundu. Fi 19 Muharrem Sene 1208.²¹⁰

5. Ma'ruz: A money disagreement which occur between two bread-seller artisans.

Habbaz taifesinden baisü'l-ilâm Artin zımmi meclis-i şer-i münirde tablakarlarından Zakor veledi Kasbi ve Yani veledi Piko muvâcehelerinde nan-ı aziz semeninden baki mesfur zakor zımmetinde ikiyüz elli guruş ve yine nan-ı aziz semeninden baki mesfur yani zımmetinde iki yüz altmış bir guruş alacak hakkım olmağla meblağ-ı mezkûr iki yüz elli guruş mesfur Zakor zimmiden ve iki yüz altmış bir guruşmesfur yani zimmiden hala taleb ederim deyü dâva ettiği mesfurandan her biri maada mesfur gabriel zımmiye ceht-i mezkûruna olmağla deyinleri olduğunu ikrar ve itiraf etmeleriyle ali muceb-i itiraf hüma meblağ-ı mezbûr ikiyüz elli guruş mezkûr zakor zımmi ve iki yüz altmış bir guruşu mesfur yani zımmi müddei zımmi mesfur gabriel zımmiye eda ve teslim mesfurandan birbirlerine tenbih olunduğu İstanbul mahkemesinden huzur-ı âlilerine ilâm olundu. Fi 21 muharrem Sene 1208.²¹¹

6. Ma'ruz: A problem in wool-sellers guild about sale of artisans slot.

Sofcu taifesinden arzihâl eden Demyat veledi Agop meclis-i şer-i münirde derunu arzihâlde Anton veledi barsih muvâcehesinden istanbulda sofcular hanında orta tabakada vâkî bir bâb sofcu odası derununda mevcut bir beynel esnaf gedik tâbir olunan âlât- lâzime-i malume mevcuduna mutasarrıf olduğum nisf hissemi işbu tarihi ilâmdan on on iki sene mukaddem sekizyüz elli guruş semen mukabelesinde mesfur anton zımmiye bey ve temlik ve teslim eylediğime oldahi ber vech-i muharrer işтира ve temlik ve teslim idüb lakin semeni mezkûr zımmetinde kalmağla semen-i mezkûru yahud nisf-ı alat-ı mezkûr... bana versin deyü hâvi ettikde mesfur anton zımmi müdde-i mesfuruna gedik nâmına asla nesne almadım deyü ba'de'l inkar

²¹⁰ İK 62: 4a.

²¹¹ İK 62: 4/2b.

müdde-i mesfur Demyat müddeasını isbat beynine izhar istihlaf ettikde mesfur anton zimmi muvâcehesinde vech-i şer-i üzere yemin verilmeyin, mucebince müddei mesfur demyat zimmi husus-u mezkûr için mesfur Anton zimmiye bila beyne bi vech-i şer-i muarızına men olduğu İstanbul mehkemesinden huzur-ı âlîlerine ilâm olundu. Fi 11 muharrem Sene 1208.²¹²

7. Ma'ruz: A complaint application about former warden of porters' guild.

İstanbul'da Hasır İskelesi'nde vâki arka hamallarından ashab-ı arzihâl İsmail bin Yusuf ve Mehmed ve es-Seyyid Halil bin Yusuf ve es-Seyyid Mehmed bin Hasan ve el-Hac Süleyman ve oğlu Hasan ve Mehmed bin Mustafa ve es-Seyyid Mustafa bin Hasan ve sair ve kırk neferden müteceviz mazbutu'l- esami kimesneler meclis-i şer-i münirde başkethüdâ vekili İbrahim hazır olduğu hâlde sabık kethüdâları olub derûn-ı arzihâlde ismi mezkûr Hasan bin Mustafa muvâcehesinde mezbûr Hasan mukaddemâ kethüdâmız olub hadidü'l-lisan ve tamağkâr olduğundan bizleri ta'cîz ve tekdir ve tercim etmekle kendine emn ve rahatımız külliye meslûb olmağla, bundan akdem kethüdâlıkdan ihrâc olmağla ve hüsn_ve ihtiyar mücerreb olub cümlemizin hoşnud ve razı olduğumuz kezalik arzihâlde mezkûru'l-esâmi Halil nâm kimesneyi üzerimize kethüdâ nasb etmişidik lâkin, mezbûr Hasan kendi halinde ırzıyla mukayyed olmayub yine kethüdâlık umûruna tasaddi birle içimize duhûl ... bazılarımızı tahrik ve ifsad itmesi nizâm u intizâmımızın ihtilâlîne sebep ve memur olduğuna umûru mühimmenin tehirine bâdi olmağla fimâ bâd kesb-i ahara şüru ve içimize karışmamak üzere mezbûr Hasan tenbih olunmak matlubumuzdur deyü teşekki eylediklerinde, mezbûr Hasan kesb-i âhara şüru ve fimâ bâd içlerine karışmamak üzere ve bu vechle kat'ı niz'a eyledikleri İstanbul mahkemesinden huzûru âlîlerine ilâm olundu. Fi 22 Muharrem Sene 1208.²¹³

8. Ma'ruz: A complaint application about an artisan of blanket-makers guild who break down intra-guild order.

Âsitâne-i Aliyye'de vâki yorgancı esnafından ashâb-ı arzihâl kethüdâları el-Hac Mehmed Usta ve yiğitbaşları Ahmed Usta ve ihtiyarlarından müteveli es-Seyyid el-Hac Ahmed ve el-Hac Ahmed ve İbrahim Usta ve el-Hac Ahmed ve Mustafa Usta ve Mehmed Usta ve el-Hac Mehmed Emin Usta ve Hüseyin Usta ve diğer Hasan Usta

²¹² İK 62: 2b.

²¹³ İK 62: 4c.

ve el-Hac Hasan ve el-Hac Fazullah ve Mehmed Usta ve saraçbaşı Mustafa ve Ahmed Usta ve es-Seyyid Hasan Usta ve Ahmed Usta ve âhar es-Seyyid Hasan Usta ve İsmail Usta ve el-Hac İbrahim ve es-Seyyid Osman Usta ve Abdurrahman Usta ve Mehmed Usta ve Mehmed Emin Usta ve ahir İsmail Usta ve Abdi Usta ve diğer Ahmed Usta ve ahir Mehmed Usta ve el-Hac memiş ve Ali Usta ve Osman Usta ve Hasan Usta ve diğer Mehmed Usta ve sairleri meclis-i şer-i münirde derûn-u arzihâlde ismi mezkûr ve yuhde demekle meşhur el-Hac Mustafa bin Mehmed muvâcehesinde mezbûr el-Hac Mustafa esnafımızdan olub lakin; ırzıyla mukayyed ve kesbiyle meşgul olmayub esnafımız beynine daima ve müstemirren ilga-i fitne ve fesad ve gamzi ve nifak ile esnafımızı birbirine düşürüb bu vechle hirbirini rahtdâr ettiğinden maada hadid el lisan olmağla herbirlerimize itâle-i lisan tekrar ettiğinden biddefeat nush ile pend olundukda bir dürlü ısga etmeyüb fesadından ısrar etmekle mezbûrun muzırratından emin ve rahatımız külliyyen meslub olmuştur deyü iştika ve dürlü dürlü su-i halini ifade inha ve esnafdan hüruc iltimas ve istid'a eyledikleri istanbul mahkemesinden huzur-ı âlîlerine i'lam olundu. Fi 24 safer Sene 1208.²¹⁴

9. Ma'ruz: Complaint of former coal-sellers guild warden who intervene present warden's affairs.

Âsitâne-i Aliye'de vâki kömürcü esnafının ihtiyar söz sâhiblerinden el-Hac Ahmed ve İbrahim ve el-Hac Ebubekir Ali Usta ve Abbas ve diğer Ali ve Hasan ve Mehmed ve Hüseyin ve diğer Hüseyin ve diğer Ali ve es-Seyyid Hüseyin ve es-Seyyid Halil ve Mustafa ve Memiş ve Osman ve dieğr Hüseyin ve diğer es-Seyyid Halil ve diğer Mehmed ve diğer Memiş ve Mustafa ve diğer Ali ve diğer İbrahim ve Ahmed ve ahar Hüseyin ve Ebubekir ve Ömer ve Ali Beşe ve zimmilerden Esir oğlu Yorgi ve Lenon oğlu Yenako ve Ezirya ve sairleri meclis-i şer-i münirde hâlâ ba-berât-ı âlîşân kethüdâları olan bâisü'l-ilâm Süleyman nâm kimesne muvâcehesinde kethüdâyı merkûm Süleyman esnafımızın kademesinden ve kendi halinde ırzıyla mukayyed ve kesbiyle meşgul ve her her halde emin ve mutemed kulları olub esnaf üzerine nezaret ve kömür gelen iskelelere sefine irsal etmek hususuna tesmire say u gayret ve umûr-ı esnafı bir mana ve kadim rüyet ... bir kimesneye tekdir etmeyüb ve bir kimesneden bir akçe ve bir habbe aldığı olmayub cümlemiz mezbûrun evza u etvarından hoşnud ve râzı ve şükran üzere olub lâkin esnafımızın sabık kethüdâsı olub umûru esnaf-ı

²¹⁴ İK 62: 10/2a.

rü'yetden aciz olmağla kethüdâlığı mezbûr Süleymana .. eden diğeri Süleyman hevâsına tâbi bu iki nefer kimesneyi tahrik ve iğfal ve kethüdâyı merkûmu azl ittirüb yerine kethüdâ olmak sudûrunda olduğı mesmuımız_olmağla kethüdâyı sabık mezbûr diğeri Süleymanın tedarik ettiğı kimesnelerin kelimelerine iltifat ve ısga olunmayub hâlâ kethüdâmız olan Süleyman kullarından herbirimiz razı ve şükrederiz deyü hüsnü halini ihya ve kethüdâlığında kemâ kan ibka olmasını istid'a eyledikleri İstanbul Mahkemesi'nden huzur-ı âlîlerine i'lam olundu. Fi 11 Rebûlâhir Sene1208.²¹⁵

10. Ma'ruz: An application of boatman guild to court in order to forgive guilty boatmans artisan who worked against the ancient guild custom.

Galata Balıkpazarı İskelesi balıkçıların kethüdâsı Abdülmuin Çelebi ibni Abdülkerim nâm kimesne ile iskele-i mezbûr kayıkçılarından Salih Çelebi ibni Mehmed ve es-Seyyid Ali Çelebi ibni Mehmed ve Ali Beşe ibni Hasan ve Molla Ali ve Mustafa ve sairleri Galata bâb mahkemesinde meclis-i şer-ide Ömer Beşe ibni el-Hac Ali ve Musa Beşe ibni Ahmed nâm kimesneler muvâcehelerinde mezbûran Ömer Beşe ve Musa Beşe iskele-i mezbûr kayıkçılarından olub lakin kendi hallerinde olmayub kethüdâmız ve bazı umûr ve husuna müdahale ve ta'riz ihtilâl-ı nizâm muceb harekete cesaret etmeleriyle mezbûran Ömer Beşe ve Musa Beşe bundan akdem teşekkimize binaen ba ilâm-ı şer-i iskele-i mezbûrdan tard ve ib'ad(kovma-uzaklaştırma) olunmuşlar idi el haletü hazîhi biz teşekkimizden fariğ olub mezbûrân Ömer Beşe ve Musa Beşeye ke'l-evvel iskele-i mezbûrda kayıkçılık etmek üzere iskile-i mezbûreye idhal anlar dahi ef'al-i kabîhadan mubaadet ve ba'de'l yevm kethüdâmız_ve ihtiyarlarımız ve sair umûru hususumuza ve tasdikleri huzur-ı âlîlerine ilâm olundu. Fi 17 Receb 1200.²¹⁶

11. Ma'ruz: A money disagreement which occur between two coal-seller artisans.

Kömürcü esnafından es-Seyyid velidyüdin ibni es-Seyyid Hüseyin nâm kimesne Galata Bâb Mahkemesinde meclis-i şer yine esnaf-ı merkûmdan Halil Beşe ibni Mehmed nâm kimesne muvâcehesinde mezbûr Halil Beşe zimmetinde malum mukadder kûmür semeninden ikiyüz guruş alacak hakkım olmakla hala taleb ederim

²¹⁵ İK 62: 19a.

²¹⁶ GK 479: 3b.

deyü ba'de'ldâva vel inkar müdde-i mezbûr ber vechi muharrer müddeasını isbata kadir olmayub deyü olmamağla mucebince müddei mezbûr es-Seyyid veliyüddin dâvayı mezkûresiyle bilatenbih bi vech muarızdan men olunduğu bila temas huzur-ı âlîlerine ilâm olundu. Fi 29 ramazan Sene 1200.²¹⁷

12. Ma'ruz: Violation of monopoly by a coal-seller artisan.

Mahrusa-i Galata ve tevabiindevâkikömürcü esnafının kethüdâları el-Hac İbrahim Ağa ve esnafından Mustafa Ağa ve Ali Ağa ve diğeri Ali Ağa ve Mustafa Çelebi ve es-Seyyid İsmail Çelebi ve el-Hac Ömer ve el-Hac ebubekir ve Ahmed Beşe ve sairleri Galata Bâb Mahkemesi'nde meclis-i şer-i de es-Seyyid veliyüddin bin es-Seyyid Hüseyin nâm kimesne muvâcehesinde yedimde olub bin yüz seksen yedi Senesi tarihiyle müverrah bir kıt'a tuğralı emr-i şerifi âlîşân mantukunca İstanbul'da vâki kömürcü esnafı Galata ve tevabiinde kömür bey'inden memnular iken mezbûr es-Seyyid veliyüddin İstanbul'da ayvan sarayı nâm mahalde vâki kömürcü dükkânında kömürcü olub dükkân-ı mezkûrunda kömürcülük etmek kanaat etmeyüb mugâyir emr-i âlî Medine nâm mahalden hafiyeten getürdüğü kömürü Galataya tabi Tunhane meydanına döküb bey' iradesinde olmağla ber mantuk-u emri âlî Galata ve tevabiinde kömür bey etmemek üzere mezbûr es-Seyyid Veliyüddin tenbih olunmak matlubumuzdur deyü dâva eylediklerinde ol dahi ber vechi muharrer ikrar ve itiraf itmeyin ber muceb-i emri âlî Galata ve tevabiinde kömür bey etmemek üzere mezbûr es-Seyyid Veliyüddine tenbih olunduğu huzur-ı âlîlerine ilâm olundu. Fi 29 ramazan 1200.²¹⁸

13. Ma'ruz: An application of bread-maker's guild to court in order to forgive a guilty bread-maker artisan who produced bread against the fixed prices.

Fener kurbunda etmekçi arzihâl eden Ali der-kenâr olduğu vech üzere saferin yirmi ikinci gününden berü Boğazkesen Kal'ası'nda te'dib olunduğuna ve fimâ ba'd fırınında noksan işlememek üzere taahhüdünü nizâm ustaları ihbar ve fimâ ba'd noksan işlememek üzere nefsine şeriki Hüseyin ile Hasan Usta nâm kefil olmağla mezbûr Mehmed'in af ve itlâkını istid'â eyledikleri huzur-ı âlîlerine ilâm (olundu). Fi 11 Rebiüülahir Sene (11)80.²¹⁹

²¹⁷ GK 479: 22/2b.

²¹⁸ GK 479: 22/2c.

²¹⁹ İK 25: 158a.

14. Ma'ruz: An application of bread-maker's guild to court in order to forgive a guilty bread-maker artisan who produced bread against to fixed prices.

Müftü Hamamı etmekçisi arzihâl eden Ali der-kenâr olunduğu vech üzere saferin yirmi altıncı gününden berükal'asında te'dib olunduğu ve fimâ ba'd fırınında noksan işlememek üzere taahhüdünü nizâm ustaları ihbar ve noksan işlememek üzere nefisini şeriki Mehmed ile Davud zimmi kefil olmalarıyla mezbûr Ali'nin af ve ıtlâkını istid'â eyledikleri bermuceb-i fermân-ı âlîşân huzur-ı âlîlerine ilâm olundu. Fi 11 Rebûlâhir Sene 1180.²²⁰

15. Ma'ruz: A complaint about an cake-maker artisan to expulsion from guild who break down intra-guild order.

Arzihâl eden çörekçi esnafından kethüdâları Osman ve yiğitbaşları Mehmed ve Molla Süleyman ve el-Hac Mehmed ve es-Seyyid İbrahim ve diğer es-Seyyid İbrahim ve Mehmed Mustafa ve Hüseyin ve el-Hac Mustafa ve el-Hac Mehmed ve diğer el-Hac Mustafa ve Hüseyin ve Ali ve Mehmed ve Ömer ve diğer Ali ve Ahmed ve Süleyman ve Halil ve el-Hac Musa ve es-Seyyid Abdi ve es-Seyyid İsmail nâm yirmi beş nefer kimesneler bundan akdem şehzade başında çörekçi tablakarı olub hala Mahmud Paşa kurbunda kahveci dükkânında sakin ve derun-ı arzihâlde mezkûr İshak b. Abdurrahman nâm kimesneden kendi halinde olmayub alakası olmayan esnafımız umûruna karışib ihtilâl-i nizâmımız bais olmağla içimizden bazılara mezbûra te'dib eyledikde yinede bıçak yok mu dur diye ihafe şer ve muzuratından emniyetimiz bilküllüye maslub olmuşdur deyü sui halini muvâcehesinde ihbar; vilayetine irsal ile şer ve mazarratının irtifamı istid'â eylediklerinde ol dahi bir kaç güne dek vilayetine azimet eylediği iltimasları huzur-ı âlîlerine ilâm olundu. Fi 9 Rebûlâhir Sene 1180.²²¹

16. Ma'ruz: An agreement between bread-maker artisans about production standard.

Arzihâl eden Ortaköylü Oram veledi İlya Yahudi daihanede ihzâr ettirdikleri ortaköy etmekçileri Agop ve Begorsar nâm zimmilerden Ben İslambol'da yarım tâbir olunur

²²⁰ İK 25: 58b.

²²¹ İK 25: 155c.

iřtira eylediđim dakıka karyemiz buraya getirib Yahudi taifesine bey murâd eylediđimde merkûme beni men ettiler deyü teřekkî edib lakin merkûmanın yedlerinde olub ibraz eyledikleri ilâm mantukunca merkûm Oram ve řeriki Yora saferin yirmi altıncı günü Galata Bâb Mahkemesi'nde Galata ve tevabii uncuları ile murafaa olub merkûmanın bakkal olmalarıyla kendi karlarını kanaat etmeyib memnu olan yarım tâbir olunur un götürüb dükkânlarında ve dest-gâhda iken peyda ve hilâf-ı nizâm-ı kadim hareket etmeleriyle tedibleri lazım olmuş iken fimâ ba'd bu misüllü hareket etmemek üzere taahhüd eylediklerini ikrar ve itiraf etmeleriyle fermânı âlilerimiz mucebince bu misüllü hilâf-ı nizâm-ı kadim hareket etmemek üzere tenbih olunduđu bil iltimas huzur-ı alilerine ilâm olundu. Fi 26 Rebiülevvel sen 1170.²²²

17. Ma'ruz: An application of bread-maker's guild to court in order to forgive a guilty bread-maker artisan who produced bread against the fixed prices.

Arzihâl eden Altımermer etmekçisi Hasan der-kenâr olunduđu vech üzere muharremin üçüncü gününden berü Boğazkesen Kal'asında te'dib olunduđunu ve fimâ ba'd noksan işlememek üzere tahhüdünü nizâm ustalarıyla ve kethüdâ ba'de'l ihtiyar ve bundan sonra noksan işlememek üzere nefesine niřancı ustası Hasan ve ustası Abdullah ve bıçakçılar ustaları her biri kefil olmalarıyla kefaletleri tescil olunmađın mezbûr Hasan af ve itlâkına istid'a eyledikleri ber mucebi emr-i âliřân huzur-ı âlilerine ilâm olundu. Fi 17 ra (rebiülevvel) Sene 1170.²²³

18. Ma'ruz: An Agreement between bread-seler artisans about monopoly.

Küçük Mustafa Pařa fırını etmekçisi Begos meclis-i řer-i hâtirde Müfti Hamamı fırını etmekçisi Hüseyin'den iřbu meclis-i hâtir İlya nâm zımminin bakkal olduđu dükkân benim fırınımın iskemlesi iken mezbûr Hüseyin dükkânı mezkûr ile fırınım kurbunda helvacı olan yine iřbu meclisde hazır olan es-Seyyid İsmail'in helvacı dükkânı kurbunda etmek irsal ve hilâfi fermân iken iskemle ihdas murâd etmekle nizâm-ı kadimimizin ihtilâline bais olur deyü inha ettikde mezbûr Hüseyin dahi fima bad mugayir-i nizâm zikr olunan mahallelere fırınından iskemle iradesiyle etmek irsal etmemek üzere ba'de'l taahhüd mezbûr es-Seyyid İsmail ile mersum İlya dahi kendilerine iktiza eden etmeđi rızalarıyla merkûm bagosun fırınından almak üzere

²²² İK 25: 144b.

²²³ İK 25: 133c.

beyinleri bulunub kat-ı niza eyledikleri bil iltimas huzur-ı âlîlerine ilâm olundu. Fi 28 Safer Sene 70.²²⁴

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