

PROTECTIVE INTERVENTION OF THE STATE IN GRAIN PRODUCTION IN THE OTTOMAN EMPIRE

(According to 16th. Century Archival Sources)

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INTRODUCTION

Grain production or provision has been the most important issue of states throughout the ages. Usually in economies based on agriculture, grain production and distribution is of prime importance as a vital need.

All the agricultural activities in the Ottoman empire were organized in accordance with the structure of every subprovince and by separate laws in case of a need. In this way the state determined and limited the agricultural activities of farmers by legal and fiscal rules rather than exercising a unilateral state intervention; thus that was virtually a protection with sanctions.¹

In the Ottoman state, laws regarding the agricultural economy were developed meticulously over time by the statesmen. These statesmen determined all the stages of grain production from planting till the crop reaches the final consumer and codified the necessary laws in sequence. However, before structuring the agricultural life as organized by state laws, ownership of land and the right to the usufruct of a piece of land had to be systematized under the state authority.

With the conquest of Constantinapolis, the Ottoman state assumed a central position among continents and various states. This new era with the new responsibilities prompted the state into a new organization starting with “*Fatih Kanunnameleri*”. The empire now grown vast by the conquests did not have enough population when compared to the area of the empire. On the other hand, it was imperative that the lands be cultivated, and agriculture be carried on, which was the income source of the financial and military power of the state.²

The Ottoman state settled the population, which was not of adequate number since the time of the establishment of the empire, in agricultural regions and thus settled the population in farms, as well.³

¹ The content of the laws numbering more than a hundred, of the subprovinces and provinces published by Prof. Ömer Lütfi Barkan, has the agricultural, legal and financial aspects of every subprovince as determined by the composition of land and people. See, *XV ve XVI Asırlarda Osmanlı İmparatorluğu'nda Zırai Ekonominin Hukuki ve Mali Esasları (then ; Kanunlar)*, Vol. 1, İstanbul 1943.

² Ömer Lütfi Barkan, “Osmanlı İmparatorluğu'nda Kuruluş Devrinin Toprak Meseleleri”, *II. Turkish History Congress*, İstanbul 20-25 September 1937, Paper submitted to the congress (İstanbul 1943), p. 1002 etc.

³ Ömer Lütfi Barkan, “Tarihi Demografi Araştırmaları ve Osmanlı Tarihi”, *Türkiyat Mecmuası*, X (1953), p. 9.

While nomadic people were tried to settle down, inhabitants of towns were recorded in registers by “*population and land surveys*”, and were taken under control in various ways.⁴ It became one of the primary goals of the state to inhabit the *reaya* on good enough agricultural areas in order to keep the population in agricultural areas stable. Then the Ottoman state, as an imperative to be a state established the “*miri land regime*” by transferring the ownership of land to the state that is to the treasury (*beyt-ül mal*) as a policy inherited from the previous states and beylicates.⁵

Thus, the state could establish this new form of the social structure throughout the empire by having all land under the ownership of the state and that the conditions regarding the right to the usufruct of a piece of land be determined legally and financially. In order this organization established on “*miri land regime*” to be successful, population and land surveys had to be done extremely accurately.⁶

The Ottoman state, by implementing the *miri* land regime with the aim of maximizing agricultural production, matched the land and the people under differing conditions and means and thus maintained the stability of *reaya* on land.

Absence of a regulating authority of a central organization, very often leads to the accumulation of land under the ownership of particular people or families. We can consider the example of Anatolian Seljuk state: as the state declined, fragmentation of land took place and that era of “*Tavaif-i müluk anarchy*” ended only after the Ottoman state was established and flourished.⁷

As the sole owner of all agricultural land by establishing the *miri* land regime, the state, while organizing the agriculture according to its domestic policy, had the right to organize and classify the population and social structure according to the conditions and needs of its own central administration.⁸

Starting with the implementation of *miri* land regime, agricultural revenue became the steady source of revenue of the economy and the treasury. Within the legal and financial means that the ownership on agricultural land provided, the state founded the “*timar system*” which was the main aim of the state with its tax revenues on agricultural activities. Thus, the “*timar system*” throughout the whole empire was institutionalized as a military regime.⁹ Besides, *timarlı sipahis* by continuously keeping *reaya* and

⁴ Ömer Lütfi Barkan-Enver Meriçli, *Hüdavendigâr Livası Tahrir Defterleri*, Ankara 1988, p. 3 etc.; See also, Barkan, “Türkiye’de İmparatorluk Devirlerinin Büyük Nüfus ve Arazi Tahrirleri ve Hakana Mahsus İstatistik Defterleri (I)”, *İktisat Fakültesi Mecmuası*, II/I (1940), p. 22.

⁵ According to Ebüssud Efendi: “*Reâyâ ellerinde olan arâzi ne öşriye ve ne de harâciyedir, belki arz-ı memleketdir ki arz-ı mirî demekle ma’rûfdur ve meşhurdur, rakabesi beyt-ül malındır tasarrufu reâyâyâ tefevvüz olmuştur, ekerler biçerler harâc-ı muvazzafını çift akçesi adına bazı diyarda tasma akçesi adına ve harâc-ı mukâsemesini öşür adına virirler*”, see, “Sultan Süleyman Kanunnamesi”, pub. Mehmed Arif, *Millî Tetebbüler Mecmuası*, İstanbul 1331, Vol. 1, No. 1, p. 51.

⁶ Barkan, points out the importance of the registers for the Ottoman empire: “*tahrir defterleri, imparatorluğun kendine mahsus örgütlenme araçlarından biri, belki de en önemlisidir. Devlet, bu sayımlar vasıtasıyla kendi hakimiyet ve otorite gücünü besleyebilmekte ve canlılığını muhafaza ettiği müddetçe benzeri sayımları her defasında daha tutarlı ve geliştirilmiş bir şekilde muntazam olarak tekrarlayabilmekte idi*”, see, Barkan-Meriçli, i.b.i.d., p.6.

⁷ Barkan, i.b.i.d. (İstanbul 1943), p. 1002 etc.; See also, Barkan, “*Timar*”, *İslam Ansiklopedisi*, XII/1, p. 318.

⁸ Barkan-Meriçli, i.b.i.d. pp. 4, 14, 17.

⁹ Barkan, “*Timar*”, p. 286 etc.; See also, Barkan-Meriçli, i.b.i.d., pp. 92-94.

agricultural production under control within their regions of *timar*, ensured the continuation of the production.

The Ottoman empire while ensuring the steady flow of taxes in this agriculture based economy by *timarlı sipahis*, had the continuation of its social and municipal services by these regular agricultural revenues. Thus, it was of utmost importance that the land on which grains and other agricultural crops were planted had to be determined and organized according to the most appropriate productivity criteria and then distributed to farmers in order to meet the expectations of the state from agricultural activities.¹⁰

I- FORMATION OF FARMS AND THEIR PRODUCTIVITY LEVELS

Hence, the state had the conditions with which productive agriculture could be performed by having the farms on agricultural land in perfect condition, which was the source of all agricultural activities. Additionally, this was ensured by related laws.¹¹

In order the agricultural production to be in preset quantities, the farms that were to be organized had to have certain qualities as well as the suitability of land to agriculture and the productivity.

Farms given to *reaya* were not just a piece of land for “livelihood”, that they were not just enough amount of land for one farmer family in terms of productivity and size in *dönüm*. The monetary equivalent of *öşür* (tithe), which was taken on the produced amount by a certain percentage, had to be enough to cover the obligations of *sipahis* or other officials.¹² What was expected of such a farm was that it supplied the previously determined amount of production every year.

That *reaya* after paying the *öşür* and sparing the amount for his needs could market the rest of grains and other crops to the vast population that were not involved in agricultural activities and that resided in cities, depended on the amount and stability of the production.¹³

One of the obligations of *reaya* was that his farms that he had under his disposal by way of leasing had to supply the same amount of production as the ones in the same region with the same characteristics. In order to determine the *dönüm* amounts depending on productivity differences of land, the *dönüm* amounts of farms were determined by comparing them with each other by focusing on small amounts of land that were on the vast agricultural lands and according to the productivity of land.¹⁴

On order to prevent disagreements between *reaya* and *sipahi* and other share holders who had previously determined allowances on *öşür* and taxes from agricultural products in the stages from sowing to getting the crop, from harvest to the distribution

¹⁰ Lütfi Güçer, *XVI-XVII. Asırlarda Osmanlı İmparatorluğunda Hububat Meselesi ve Hububattan Alınan Vergiler*, İstanbul 1964, p. 44.

¹¹ Barkan, “Çiftlik”, *İslam Ansiklopedisi*, Vol. III. pp. 392-397.

¹² Halil İnalçık, “Çiftliklerin Doğuşu: Devlet, Toprak Sahipleri ve Kiracılar”, *Osmanlı’da Toprak Mülkiyeti ve Ticari Tarım*, İstanbul 1998, p. 18.

¹³ Lütfi Güçer, “Osmanlı İmparatorluğunda Şehirlerin İlaşesi ve İhracat Yasakları”, *Üniversite Haftası*, İstanbul 1958, pp. 1-16 (a separate edition); For provision of İstanbul see also: Halil İnalçık, “The Ottoman State: Economy and Society 1300-1600”, *An Economic and Social History of the Ottoman Empire 1300-1914*, Cambridge 1994, p. 179.

¹⁴ Barkan, “Çiftlik”, p. 392.

and payment of *öşür* on grain production, disputed articles were abolished in every subprovincial law and new regulative laws were usually among the new surveys, among the laws of subprovinces.¹⁵

Despite the existence of all clauses that explained all the stages of production, there were some objections against some clauses in practice. Additionally, that some applications which continued as a custom without relying on a written law, required some payments and forced work to be done especially by *reaya* and these constituted the other reasons of dispute between *reaya* and *sipahi*. Authorized persons inspected the reasons of disagreement, and arrived at a decision by eliminated unfair practice.¹⁶

1- Farms

The farms organized within the agricultural lands had to be perfect in every manner. In this way both the *reaya* and the persons who had *öşür* from the production could fulfill their obligations. On the other hand, needs of the army and other people had to be met by these regular and plentiful grain production as well.

In many subprovincial laws, there were clauses as to how a farm should be, and thus the size of the farms according to the productivity of land was determined. (See table 1)

Besides, even though description of farms was in the common law, a farm description which would be an example for subprovinces was not developed. For instance: In the law of Selim I.(1512-1520)¹⁷, fertile land was 60, medium-fertile land was 80-90 and least-fertile land was 130-150 *dönüm*; in the common law of Kanuni Süleyman I. (1520-1566)¹⁸, fertile land was 60, medium-fertile land was 80-90, least-fertile land was 120-130 *dönüm* and in the *tapuya müteallik* law¹⁹, fertile land was 79-80, medium-fertile land was 100 and least-fertile land was 130-150 *dönüm*. If a theoretical farm description had been done, this would have prevented the appropriate formation of the farms according to differing characteristics of land in different subprovinces.

¹⁵ Malatya Subprovince Law dated 1528, Barkan, *Kanunlar*, p. 113; Halep (Aleppo) Subprovince Law dated 1570, Barkan, *Kanunlar*, p. 206; Kanun-ı Reayayı Cezire-i İmroz, Barkan, *Kanunlar*, p. 237.

¹⁶ İstanbul Hasları Law dated 1498, Barkan, *Kanunlar*, p. 103; The Era of Kanuni Süleyman, Kanunname-i Nehr-i Şerif, Barkan, *Kanunlar*, p. 231; Kanun-ı Eflakan-ı İvâ-i Semendire dated 1527, Barkan, *Kanunlar*, p. 325.

¹⁷ Hüseyin Özdeğer, "I. Sultan Selim Kanunnamesi ve Tahlilî", *Türk İktisat Tarihi Yıllığı*, İstanbul 1987, No. 1, p. 149.

¹⁸ Ahmet Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, İstanbul 1992, Vol. 4, I. Part, p. 307.

¹⁹ Hüseyin Özdeğer, i.b.i.d., p. 22.

Table 1: Size of the farms in dönüms in some subprovinces of the Ottoman Empire according to land productivity

Name of the subprovince	Fertile land	Medium-fertile land	Least-fertile land
Hüdavendigâr.....	70-80	100	130-150
Kütahya.....	60	80-90	120-150
Aydın.....	60	80	130-150
Karaman.....	60	80-90	100-120
Silistre.....	70-80	110-120	130-140
Serim.....	70-80	110-120	150
Erzurum.....	80	100	130
Diyarbakır.....	80	100	150
Musul.....	80	100	150

Sources: Barkan, *Kanunlar*, pp. 2, 8, 25, 47, 66, 131, 173, 288, 308; See also Lütfi Güçer, i.b.i.d. p. 46; Hüseyin Özdeğer, *Onaltıncı Asırda Ayıntab Livası*, İstanbul 1988, Vol. 1. p. 22.

The most perfect farm description and practice which *reaya* would accept without any hesitation and which took into account all the possible problems was in the Karaman province Law dated 1528²⁰. This description and explanation made clear how an ideal farm possessing all the necessary specifications would be.

2- Amount Of Seed To Be Sown On A Farm

Reaya who had the right to the usufruct of a certain amount of farm place as set up according to the specifications had to sow the amount of seeds that had to be sown over the entire farm. In case of a peasant sowing only the amount that was enough for himself, then the *öşür* amount corresponding to the deficient production was charged of him.²¹ The reason for this was that the *öşür* which was deficient over the previously

²⁰ The Karaman province was situated in the climate and geographical characteristics of Central Anatolia. While pursuing its agricultural activities depending on climatic conditions more than anywhere else, it was in the specifications which were among the description of a farm that it could compensate the deficient amount of production by either considering the size of the farm or following the land and the tolerance of the land to seeds in case sowing season was not suitable: “Çiftlik hususunda a'lâ ve evsat ve ednâ mu'teber olub bütün çiftlik a'lâ yerden altmış dönüm ve evsat yerden seksen ve doksan dönüm ve ednâ yerden yüz ve yüz yirmi dönüm demişlerdir. Ammâ beyn-en-nâs meşhur ve ma'ruf olan çiftlik oldur ki bir çiftlik nadasına ve ekinine vefâ ide ehali-i kurâdan ekinciler dahi ana bir çiftlik diler. Mikdarda Bursa müddile on iki müdlük yerdir, Konya müddile sekiz müdlük olur bilfi'il ma'mul olan kile ile altı müdlük yer olur”, Karaman province, Kanunname-i Vilayet-i Mezbure dated 1528, Barkan, *Kanunlar*, p. 47.

²¹ The amount of money to be taken from a farm which had to be sown wholly in case it was not sown or sown not wholly, was determined. “Bir çiftlik yer tasarruf eden raiyyete Bursa müddile yılda dört müd (bir müd yirmi kiledir) tohum ekmeğe lâzımdır. Ekmediği yılda elli akçe vire. Amma Karaman müddile bir müd ekse yirmi beş akçe vire ve 'alâhâza ve sayır umûruna dahl olunmaz, Karaman province dated 1528, Kanunname-i Vilayet-i Mezbure, Barkan, *Kanunlar*, p. 46.

determined average amount of production would result in the officials who had allotment over this *öşür* not to be able to fulfill their obligations.

The Ottoman Empire took other measures regarding the sowing all the land in agricultural laws. Sowing all over the land that was given to “*ortakçı*” (sharecropping), which had a somewhat different status than the widespread *reaya* regime, was under the control of “*emin*” and “*amil*” who were in charge of this and they were personally the guarantors and could indemnify the loss as penalty.²²

3- The Time Of “Harvest” For Grains

The Ottoman state intervened in every step of the production. As in the all kinds of crops, for grains, wheat, barley and others, it was the time of harvest when grains hardened and crops yellowed. The harvest time was described in Haleb subprovince Law as: “*tereke biçmelü olub biçilmeğe müstahak olduğunda ki kemâlin bulub biçile ol vakt, vakt-i hasad dirler*”.²³ Another practice was that when the harvest time was announced, all the harvest owners started harvesting on the same day, thus protecting crops from any loss.

4- Harvesting of crops on time

When grains, and especially wheat and barley ripened and were ready to be harvested also determined the time of harvest and the other procedures following the harvest. That crop was harvested at once and share holders got their shares were all speeded up by the appropriate clauses of laws. However, during these periods disagreements between *reaya* and share holders of *öşür* were usually not in favor of *reaya*. As in the all stages of production, that the grain production experience no loss was expressed in laws which reflected the protective intervention of the state. In the law of Uyyar province: “*Ve tereke biçülüb harman vakti oldukça sipahileri te'hir itmeyüb mahsullerin ta'sir ideler. Dahi öşürlemeziz diyü reâyâyı pişkeş talebiyle rencide eylemeyeler ve etmek hevesinde olanları hükkâm men' ve def' eyleyeler*”.²⁴

About the prevention of harmful conditions both for grain production and *reaya*, in the law of Yeni İl subprovince dated 1583 was it stated that in order to put pressure on *reaya* by “*sahib-i arz*” in the case that *reaya* did not come to the harvest on time and in order to prevent any losses, notables of the village would measure the harvest and distribute the shares.²⁵ 43 years before the law of Yeni İl subprovince, the same law was in the law of Erzurum province which was drawn up in 1540.²⁶

²² About this: *Mezkûr haslara emin ve âmil olanlar her zamanda çiftin ve tohumun yoklamasında ve zâyi' olanın tazmin etmekte taksir ve tahâvün etmeyeler ederlerse ki sonra tazmin olunacak mahal bulunmaya onlara tazmin olunur deyü kanûnda mukayyedir ...*”, İstanbul Hasları Law dated 1498, Barkan, *Kanunlar*, p. 94, see also p.95 footnote; See also: Barkan, “XV ve XVI. Asırlarda Osmanlı İmparatorluğu'nda Toprak İşçiliğinin Organizasyonu Şekilleri: Kulluklar ve Ortakçı Kullar, A., İstanbul Hasları Kazasındaki Ortakçı Kullar”, *İktisat Fakültesi Mecmuası*, V/1 (1939), p. 17.

²³ Law of Haleb subprovince dated 1570, Barkan, *Kanunlar*, p. 208.

²⁴ The Era of Mehmed III. (1595-1603) Uyyar province, Barkan, *Kanunlar*, p. 313 vd.

²⁵ Law of Yeni İl subprovince dated 1583, “*Ve sâlâr olanlar dahi reâyânın hasılı harmana gelüb dögülüb kabz zamanı geldikde tevakkuf göstermeyüb filhâl hazır olub ta'sir eyleyeler. Bilâ sebeb ta'ciz ve tazyik kasdına te'hir eylemeyeler ki reâyânın hasılına zarar müterettib olmalı olmaya. Eger şöyle ki bilâ sebeb mücerred ta'ciz ve tazyik için te'hir itdüğü zâhir olub zarar müterettib*

One of the reasons why the grain production was under the strict control of laws that the state provided the population not engaged in agriculture with plentiful grains by bazaars. At the end of harvest, crops were transferred to bazaars and sold by share holders such as *sipahis*, *hisar-erleri* and others, mostly who had *öşür* shares. Moreover, *reaya*, as well, sold some of his grains in these bazaars, to fulfil his tax payments in cash.²⁷

5- The Amount Of Crops On Farms

For every peasant who had the right to the usufruct of a farm from the *miri* land, the amount of grain to harvest was the most important issue to consider. The ones with various obligations, especially owners of *timar*, had to get the yearly production amount which was written in *akçes* in survey registers of the *timar* which was allocated to them.

Although the information regarding what amount of crops farms would provide and whether this production would be stable, was a necessity both for peasants and for share holders of *öşür*, this could only be an approximate amount of production and its *akçe* equivalent. In order to determine the actual value of the production, one third of the production which was the total of three years was accepted as the annual production of that farm and was recorded in the survey register as to compensate for the differences between the good and bad harvest years.²⁸

In the second half of the 16th. century, in the enumeration manual which survey *emins* of Kanuni Süleyman (1520-1566) were subject to “... *dahi erbâb-ı timar ve evkaf ve emlâk eshâbı virdüğü hasıl defteriyle tatbik idüb, reâyâyı dahi kemâl-i dikkat ve ihtimam üzere teftiş eyleyüb, mutabik ve muvafik buldukların veya hîn-i teftişde ve tefehhusda zâhir ve rûşen olan mahsulâtın her nev'inin üçer yıllığın bir yere cem' idüb dahi üçe bölüb bir bölüğün defterlerine kaydeyleyeler*”²⁹ was recorded.

6- Distribution Of The Harvested Grains

After the crop was harvested, share holders were expected to get their shares as soon as possible. In the law of Gürcistan: “Ve harman vaktinde reâyânın gallâtı ta'şir olunmalı oldukda sâlâr olanlar tevakkuf göstermeyüb filhâl hazır olan harmanı ölçüb reâyâyı tazyik itmeyeler. Ammâ reâyâ dahi sahib-i arz ma'rifetsiz terekelerin harman idüb götürmeyeler”³⁰ During the harvest, besides the share holders of the crop, the notables of the villiage and the villiage people were expected to be present. In the law of Çemişgezek: “Ve vilâyet-i mezburda vâkı' olan kurâ halkı dahi ihtiyarlarıyla hazr olunmağa kabil olanlar hazr olub hazre kabil olmayanları cebr ile hazr itmeyüb ölçeler”³¹.

olmalı olursa ol vaktde def'i zarar için reâyâ köyün imamı ve kethüdâsı ve sâyir ihtiyarları ma'rifetlerle harmanın ölçüb behresin ifrâz eylemeğe kanûn-ı hakanide ruhsat virilmiştir. Şöyle ki lâzım gelüb reâyâ öyle eyledikleri vakıde ma'rifetsiz harmanın götürmüşsiz deyü muâhiz olmayalar”, Barkan, *Kanunlar*, p. 78 vd.

²⁶ Law of Erzurum province dated 1540, Barkan, *Kanunlar*, p. 66.

²⁷ Lütfi Güçer, i.b.i.d., p.55 vd.

²⁸ Barkan, “Türkiye’de İmparatorluk Devirlerinin Büyük Nüfus ve Arazi Tahrirleri ve Hakana Mahsus İstatistik Defterleri (II)”, *İktisat Fakültesi Mecmuası*, II/2 (1941), p. 215.

²⁹ *Topkapı Sarayı Müzesi, Revan Köşkü Kitaplığı*, Kanunname no. 1935, pp. 82-84, article 3, Barkan i.b.i.d. (Ankara 1988), quoted from p.44; See also Barkan, i.b.i.d. (Ankara 1988), p. 47.

³⁰ The Law of Gürcistan dated 1570, Barkan, *Kanunlar*, p. 198.

³¹ The law of Çemişgezek subprovince dated 1541, Barkan, *Kanunlar*, p. 191.

The share holders got their shares from the production in two ways. The first one was that, crops were taken to the harvest place and *öşür* amount was decided and given in kind. In the law of Diyarbekir: “*Ve behre bâbında iki vech üzere behre alınmak ta'yin olundu. Her kangışıyle iki cânib rızalaşursa câizdir. Biri budur ki reâyâ tâifesi külliyyen hasılların getürüb köy kurbinde bir mahalle harman eyleyüb ve ölçülüb eğer beşde bir ve eğer altıda ve yedide birdir defter mucebince behreleri ölçülüb buğdaydan buğday ve arpadan arpa alınub der anbar eyleyeler*”³² The second way was that if peasants could not afford to harvest the crop, then they divided it in bunches according to *öşür* amounts. In this way *timar* owner chose the bunch he liked and then peasants grounded and delivered the grains. The articles explaining this more extensively were in the laws of Musul and Diyarbekir. In the law of Diyarbekir: “*...Bir dahi budur ki reâyâ (hasıllarını) köy kurbinde bir yere getürüb harman eylemeğe 'âciz olurlarsa anun gibiler terekeleri biçildiği gibi beşde bir kaydolanun beş yığın ve altıda bir kaydolanun altı yığın defter mucebince kaçda bir kaydolanmış ise ol mikdar yığın eyleyüb, sahib-i timar içinden (bir yığın) ihtiyâr eyleyüb alub, mukaddemâ ol behreyi raiyet görütüb köy kurbinde doğub ağalarına teslim eylileyer*” law made the service of *reaya* easier. These laws were probably not applied just in Diyarbekir and Musul but in every subprovince with the same method.³³

Despite all the measures taken, during the period of getting the crop and distribution of the shares, some disagreements were bound to take place between the *reaya* and the share holders; consequently in many laws of subprovinces some articles regarding a conciliation were present.

Additionally, that some share holders who did not come to get their *öşür* shares on time, and wanted to have their shares later in cash as equivalent to the amount of grain on *narh* (the maximal price system), was banned with the existing laws: “*Ve reâyânın harmanları ölçüldükde öşürlerin üzerlerinde koyub zaman geçürüb sonra narh-ı rüziden ziyade akçelerin alurlar imiş zulm-i sarıhdır, ammâ reâyâyâ kendü öşürleri girecek mikdarı köylerinde anbar yapması lâzımdır, kanun üzere anbarların yapub heman terekeleri ölçüldükde anbara iledüb ve furuhtı zamanında akreb bazara iledüb sipahisi her neye satarsa satub reâyâdan bedel-i öşür nakid akçe taleb olunmaya*”.³⁴

On the other hand, *timar* owners and other share holders of *öşür* had to sell their shares of grains in bazaars and convert them into cash; their wanting to get their *öşür* in cash by “*kesim*” or “*maktu*” was banned by law. In the law of Uyvar: “*Ve mîrimîrân hasları ve sâyir zu'ama ve erbab-ı timar karyeleri defterde maktu' kaydolanmamışken zâbitleri kana'at itmeyüb öşre bedel cebren kesim itmek talebiyle reâyâyâ rencide ve ta'ciz itmek işterler ise men' olunub a'şar ve rüsümün alub kesim ile reâyâyâ rencide eylemeyeler*”.³⁵

³² The Law of Diyarbekir province dated 1540, Barkan, *Kanunlar*, p. 131; Another article giving the same information and explanation is in The Law of Musul subprovince, The Era of Murad III (1595-1603), see Barkan, *Kanunlar*, p. 175.

³³ The Law of Diyarbekir province dated 1540, Barkan, *Kanunlar*, p. 131; See also The Law of Musul subprovince The Era of Murad III (1595-1603), see Barkan, *Kanunlar*, p. 175.

³⁴ The Law of Malatya subprovince dated 1550, Barkan, *Kanunlar*, p. 115; also in the law of Malatya subprovince dated 1528 was there a decree about the same problem: “*Ve reâyânın harmanların kesdiklerinde öşürlerin üzerlerinde koyub zaman geçürüb sonra narh-ı rüziden ziyade akçelerin alurlar imiş ...*”, Barkan, *Kanunlar*, p. 113 vd.

³⁵ The Law of Uyvar province, The Era of the Mehmed III(/), Barkan, *Kanunlar*, p. 314.

II-Collection Of *Öşür* (tithe) In Cash Or In Kind According To The Kind Of The Agricultural Crop

Öşür from the agricultural products was collected in cash or in kind according to the kind of the crop. When the agricultural product was a kind of grain like wheat, barley or rye which could be stored, then *öşür* was collected in kind. Some *timar* owners wanted to get cash in return for their share of *öşür* in kind. However, inadequacy of transportation facilities of the period could not account for the conversion of grains to cash for peasants. In the law of Erzincan: "... *Ammâ sahib-i timar olan heman aynıyle behresin alub dahi kendüsi bey' ide artuk ve eksük ol assı ve ziyân kendünündür reâyâdan akçesin taleb etmeye kanûn değıldir*".³⁶

Although the *timar* owners or share holders of *öşür* had to get the grains from *reaya* in kind, that they asked for cash led to the impoverishment and migration of *reaya* was stated in laws and in order to improve this situation another law was promulgated protecting the *reaya*. In the law titled "*Der beyan-i ahval-i reaya*" which was in the law of Diyarbekir province, it was stated that the *öşür* on grains had to be taken in kind because *reaya* had to leave their hometowns and forced to migrate due to the chaos when cash was asked for.³⁷

That the share holders of *öşür* on grains marketed their in-kind shares to get cash met the grain demand of the city. Besides, of the crops they produced *reaya* had to pay *öşür* of the short-lived crops in cash; thus peasants had to market the excess of grain production in order to get cash. Consequently, the grains marketed by *timar* owners with shares of *öşür* and others, and *reaya*, were transported to the people who needed them widespreadly in the production region.

Thus, even though the conditions that led grains to bazaars were formed naturally by the measures taken at the very beginning, the flow of grains to meet the needs of the city people whose ownership of farms in agricultural lands was banned and of the army, took place without any intervention.

1- Protection Of The Cultivated Lands "Adet-i Deştbanî"

The Ottoman state, which organized the agricultural life by laws, protected the agricultural life yet by other laws as a supplement to the same laws. Another important issue was the protection of the cultivated lands. In the laws of the 16th century as well as

³⁶ The Law of Erzincan dated 1516, Barkan, *Kanunlar*, p. 182; Regarding this, The law of Çemişgezek contains a more extensive explanatory article: "... *reâyâdan öşür bedeli akçe alınmayub eğer buğday ve eğer arpa ve sâyir hububat her ne ise ölçülüb 'ayniyle tereke vireler. Eğer sancak beyleridir eğer sâyir zu'amâ ve gayrıdır reâyâya zulm idüb öşür bedeli akçe taleb itmezler, itmek isterlerse hâkim-ül-vakt olanlar men' ideler*", see: The Law of Çemişgezek dated 1541, Barkan, *Kanunlar*, p. 189; See also Lütfi Güçer, i.b.i.d., p. 55.

³⁷ "*Der beyân-ı ahvâl-i reâyâ: Bundan evvel reâyânın gallesi kasm (kısm) olundukda 'ayniyle tereke alınmayub narh-ı rüziden ziyade nakid akçe alınub reâyâya fevk-al-had zulüm ve te'addi olub bu sebeb ile nicesi terk-i diyar idüb ve ba'zı müflis ve muhtaç halk olmağın ziraat itmezler olub haliyâ bu mezâlim ve mehâyif pâye-i serî-i a'lâya arz olundukda nakid akçe alınmak ref' olunub buğdaydan buğday ve arpadan arpa ve sâyir hububâtdan her ne ise 'ayniyle tereke alınması ferman olunmağın defter-i cedide kaydolundu*" The Law of Diyarbekir province dated 1540, Barkan, *Kanunlar*, p. 131; See also The Law of Erzincan dated 1516, Barkan, *Kanunlar*, p. 182.

the ones before and after that century, the struggle between the herd owners and people who were involved in agriculture took place as a violation of their own territories each.³⁸

Since the beginning of spring, sheep herds started their journey from sheltered places (*kışlak*), travelled through pastures which were kept along their way of traversing and the sheltered places where they were kept in case of a need, and then when the time came they returned to their original place of start.³⁹ The harm of the herds of nomads did while they were on the move resulted in the loss of crops and shortages of production. Widening of the cultivated land as against the herd owners, resulted in the narrowing of the pastures and thus the struggle between the farmers and the herd owners continued.⁴⁰

Even though the route of the nomads was determined previously as not to give any harm to the pastures and precautions were taken, there were some penalties in case of a harm to cultivated lands.⁴¹

The persons who were in charge of this were called "*deştban*"s. These protected the crops, especially grains, till the time of picking up, from sheep herds and thieves. Since *sipahis* provided the safeguard of the cultivated lands in their own *timar* region, *deştban*s were under the command of *sipahis*, and incomes of *deştban*s belonged to *sipahis* as well.⁴²

2- The Obligation Of *Reaya* To Store And Transport To The Bazaar For The *Öşür* Of His *Sipahi*

Reaya had to find a place or to build a place with the participation of the village people to store the grains before they were transferred to the bazaar, which were the *öşür* of his *sipahi*. It was stated in the law that this storehouse had to be built by "who lived in the same village for three years". *Reaya* had the obligation of building only one storage house for his *sipahi*; demand of a another storage house was not met. Additionally, *reaya* had to maintain, repair and protect the storage house.⁴³

It was guaranteed by laws that the agricultural production was transported from farms to bazaars without any disagreement or deficiency and be marketed to the customer. The storage house to be built for the storage of grains that were the *öşür* of *timar* holders may be considered as a trivial issue but absence of these houses which

³⁸ Lütfi Güçer, i.b.i.d., p. 13.

³⁹ The Law of Bozulus dated 1540, Barkan, *Kanunlar*, p. 140 vd.; See also The Law of Yeni İl dated 1583, Barkan, *Kanunlar*, p. 80 vd.

⁴⁰ Lütfi Güçer, i.b.i.d., p. 16.

⁴¹ The Law of Gürcistan dated 1570, Barkan, *Kanunlar*, p. 199; See also The law of Karaman province, Kanunname-i Vilayet-i Mezbure dated 1528, Barkan, *Kanunlar*, p. 46.

⁴² The law of Vize dated 1539, Barkan, *Kanunlar*, p. 234; see also The Era of Sultan Süleyman I. (1520-1566), the law of Silistre subprovince, Barkan, *Kanunlar*, p. 274.

⁴³ There is a comprehensive explanation in the Law of Silistre subprovince dated 1569: "Anbar yapılmak ve öşri akreb bazara iletmek hususunda bir köyün öşrü koyılacak anbar olmasa reâyâ kendü öşürlerine kifayet miktarı anbar yapalar, ammâ reâyâ sipahisine bir def'a kendü öşürlerine vefâ idecek kadar anbar yapsalar sonra gelen sipahi anı tebdil ve tağyir etmeye ve sipahi bir anbar bana yetmez diyü tekrar ra'iyete anbar yaptırmaya ve reâyâ dahi sipahileri için yapdukları anbarı yıkmayalar dâim göreler ve gözedeler ve meremmet ideler. Gasbla bozarlarsa hâkim-ül-vakt olanlar tekrar yapduralar", Barkan, *Kanunlar*, p. 287; there is a similar law in The era of Sultan Süleyman I (1520-1566), the law of Silistre subprovince, see Barkan, *Kanunlar*, p. 275, see also: The Law of Malatya subprovince dated 1559, Barkan, *Kanunlar*, p. 115.

were the places of storage and transportation of the grains, would certainly interrupt the transport of the grains.

It was abided by law that *reaya* transported the grain *öşür* of *timar* owners to the “*akreb bazar*”. However, “*akreb bazar*” was described as the *bazar* away from the village by a day’s journey. *Öşür* was either transported directly to the bazaar or was first put into the storage house and then when the time of selling started it was taken to the bazaar. The demand of *sipahi* as to have the grain transported to a bazaar further away than a day’s journey was rejected by law stating: “*akreb bazar oldur ki bir günlük yer ola bir günden ziyade olursa reayayı taciz etmiyeler*”⁴⁴

It must have been the case that the marketing principle of meeting the demand in the region or district where the grain production took place, prevented the grain to be transported to a far away bazaar and thus the matter was settled in favor of *reaya*.

CONCLUSION

Land ownership and relations between peasant and land in the Ottoman state in the unique conditions of the 15th. and 16th. centuries were institutionalized by law and practice which were very much different than today’s deed and production relations.

In our research, laws of the era were constantly quoted regarding the issues at hand. Practices in agricultural life could be handled by laws in the main law which met the needs of the then present problems and additionally intended to ease the solution to possible problems as well.

Within the boundaries of the whole empire, that the grain production continued regularly was due to the decisions taken by the state could be implemented within the law regime and that it was under continuous supervision.

According to a state doctrine which regarded land as “*arz-ı memleket*”, it was obligatory that the crop of every cultivated land meet the needs of not only of the people who plowed the land and share holders but also of the people who were not involved in agriculture. Consequently, grain agriculture was done in the greatest possible extent by the measures taken, and all legal measures were taken to ensure that it reached the consumers by marketing.

The Ottoman state did not allow the farmers to cultivate the land freely in order to ensure the level of production to meet the total demand for all kinds of agricultural crops. The organized farms were distributed to the *reaya* as inherited from father to son by leasing on certain conditions, and this was performed in accordance with the law of *miri* land regime.

That the lands were cultivated by the rights and facilities provided by the ownership of the state; the amount of seeds plown, protection of the crops, harvest and the stage where *öşür* shares were given out of the grains produced, grains were transported to bazaars to meet the demand there: these were all done under the supervision of the state. Besides, that *sipahis* who were military men, were ever present on their *timar* in agricultural areas within the boundaries of the empire ensured the success of the agricultural activities.

⁴⁴ The Era of Murad III. (1595-1603), The Law of Musul subprovince, Barkan, *Kanunlar*, p. 175; The Law of Diyarbekir province dated 1540, Barkan, *Kanunlar*, p. 131; See also The Law of Silistre subprovince dated 1569 has other differences regarding this issue, see Barkan, *Kanunlar*, p. 287.

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