

Wealth, Power and Death

Capital Accumulation and Imperial Seizures

In the Ottoman Empire (1453-1839)

Ali Yaycıođlu¹

Kim kul olurđı ri'ayet olmasa
Söz tutulmazdı siyaset olmasa

[Who would be sultan's slave, if there was no subjugation,
His words wouldn't be obeyed, if there was no execution.]

Asafi Dal Mehmed Çelebi
Şeca'atname (1586)

Mal canın yongasıdır.

[Property is a piece of the soul.]

Turkish proverb

Introduction

It is a well known, but oddly very little studied phenomenon that from the mid-15th century, when the Ottoman imperial enterprise was consolidated with the conquest of Constantinople under Mehmed II (the Conqueror) (r. 1451-81), to the decree of Tanzimat in 1839, thousands of individuals, who acted as offices-holders or contractors of the Ottoman state, were executed without any judicial inquiry, solely with the decrees of the sultans or imperial grandees acting on their behalf. As dramatically, the properties of thousands of individuals and families, who performed as office-holders or contractors, were confiscated either after their executions or their natural deaths, without any legal justification.

In Ottoman political and economic culture, such extra-inquisitory imperial executions and confiscations without due process were considered as two main components of the

¹ Assistant Professor of History, Stanford University.
450 Serra Mall, Building 200, Stanford, CA 94305. Email Address: ayayciog@stanford.edu
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Ottoman imperial order. Although it was never formulated in full clarity into constitutional language, according to imperial custom and law those individuals, whose status and wealth came from the sultan, state, and/or public (*miri*), were to be regarded as stripped of their private rights, and their life and property were to be under the absolute jurisdiction of the sovereign sultan. Accordingly, the sultanic authority could end their lives and confiscate their wealth for the sake of the public good without any legal justification. In the Ottoman imperial language, such executions were called *siyaseten katl* (perhaps best rendered as extra-*shar'i* or extra-legal executions with the order of the sultan). Confiscations were called *müsadere* (sequestration) or *zapt-i miri* (seizure by the public authority).²

The Origins

Often, the Ottoman Empire is juxtaposed with polities of strong aristocratic structures.³ The lack of autonomous nobility with formal and hereditary status in the Ottoman central lands justifies this argument. The Ottoman institutions, developed from the 15th century onwards, it is argued, did not allow the aristocratic consolidations in the central lands of the empire. However, at the beginning, this was not the case. It would not be an overstatement to say that the Ottoman state was founded as a collective enterprise of various individuals and families acting with the House of Osman, in the frontier zone between the Byzantine Empire and the fragmented post-Mongolian Islamic world. The early Ottoman state was founded as a joint venture of the warrior families, known as the *ghazis*, who were seeking power and glory in the name of Islam, as well as various holymen and men of letters, colonizing the cultural landscape of the fluid frontier zones

² For studies on the imperial executions and confiscations in the pre-Ottoman and Ottoman worlds, see, Ahmet Mumcu, *Osmanlı Devleti'nde Siyaseten Katl* (Ankara: Phoenix Yayınları, 2nd edition, 2007); Halil Inalcık, "Osmanlı Hukukuna Giriş," *Siyasal Bilgiler Fakültesi Mecmuası* vol. 8, no. 2 (1958), pp. 102-126; idem. "Osmanlılarda Saltanat Veraset Usulü ve Türk Hakimiyet Telakkisi ile İlgisi," *Siyasal Bilgiler Fakültesi Mecmuası* vol. 14, no. 1 (1959), pp. 69-94; idem, "Osmanlı Padişahı," *Siyasal Bilgiler Fakültesi Mecmuası* vol. 8, no. 4, (1958), pp. 68-79; M. Ali Ünal, "Osmanlı İmparatorluğu'nda Müsadere", *Osmanlı Devri Üzerine Makaleler-Araştırmalar* (Isparta: Kardelen Kitabevi, 1999), pp. 1-16; Cavid Baysun, "Müsadere," *İslam Ansiklopedisi* (Ankara: maarif Matbaası, 1944-88); Tuncay Ögün, "Müsadere" *Diyanet İslam Ansiklopedisi* (Ankara: Diyanet İşleri Yayınları, 1988-); Ervin Gräf, "Probleme der Todesstrafe im Islam," *Zeitschrift für vergleichende Rechtswissenschaft*, Bd. 59 (1957), S. 83-122; C.E Bosworth and Fatma Müge Göçek, "Muşadara." *Encyclopaedia of Islam, Second Edition*. Edited by P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, and W.P. Heinrichs (Leiden: Brill, 2012); A. Fischer, "Musadara," *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, vol. 64 (1910), pp. 481-484.

of Anatolia and Thrace. This collective enterprise was further expanded when the Ottoman polity came to include and incorporate the local landed and warrior aristocracies (both Muslim and Christian) in the Balkans and then in central Anatolia, into the ruling elite. This inclusive, pluralistic and collective cast of political structure of the 14th and 15th-century Ottoman enterprise, rendered the Ottomans the primary household among their peers, and the Ottoman polity a coalition of various warrior or learned houses and networks, rather than a *state* clustered around the absolute power and authority of the Ottoman family.⁴

The transformation of the Ottoman state from a collective *ghazi* enterprise to an early modern bureaucratic and dynastic state, with its idiosyncratic absolutism, was a protracted process. After failed attempts by Bayezid the Thunderbolt (r. 1389-1402) and Musa Çelebi (d. 1413), in the mid-15th century, Mehmed II (the Conqueror, r. 1444-46, 1451-81), thanks to the immense prestige of conquering Constantinople in 1453, radically transformed the Ottoman regime from a coalition of multiple families and networks of holymen and literati into a regime of all-powerful sultanic authority with no or very little room for autonomous aristocratic formations. The details of the success of Mehmed II in his, in some ways, *coup d'état*, against the earlier peers of the Ottoman dynasty, is still worth scrutinizing in spite of the pioneering studies by Franz Babinger and Halil Inalcik.⁵

The execution of Çandarlı Halil, the patronizing grand vizier of Mehmed II, and the confiscation of his immense wealth, soon after the conquest of Constantinople, was the epitome of the new regime of Mehmed II. Çandarlı Halil was not only the grand vizier, but also the head of the notable Çandarlı family, one of the *ghazi* houses. His elimination was a test for Mehmed II to see the reaction of the Ottoman public in general and the old *ghazi* elites in particular. Mehmed II justified the execution with the pretext that Halil

⁴ Cemal Kafadar, *Between two worlds: the construction of the Ottoman state* (Berkeley: UC Press, 1995).

⁵ Franz Babinger, *Mehmed der Eroberer und seine Zeit: Weltenstürmer einer Zeitenwende* (München: F. Bruckmann, 1953), for the English translation, see, *Mehmed the Conqueror and his time*, translated from the German by Ralph Manheim and edited, with a pref., by William C. Hickman (New Jersey: Princeton University Press, 1978); Halil Inalcik, *Fatih devri üzerinde tetkikler ve vesikalar* (Ankara: Ankara, Türk Tarih Kurumu Basımevi, 1954, 1987, 1995); idem, "Mehmed the Conqueror (1432-1481) and his time," *Speculum* 35 (1960), pp. 408-427.

was not in favor of the conquest of Constantinople, and was perhaps collaborating with the Byzantine authorities for the termination of the Ottoman siege. Although the execution and subsequent confiscations were narrated as one of the unpleasant episodes of Mehmed's reign, the reaction from the *ghazi* circles was not unbearable for the sultan.⁶ Soon, he unleashed his new policies to redesign the imperial order. He codified new laws for the central administration, confiscated previously impervious properties of charitable endowments (*waqfs*), and started to replace the intractable *ghazis* with *kuls*, namely slaves and servants of the Ottoman household, who were considered unconditionally loyal to the sultanic authority.⁷

The *kul* institution was at the center of the new regime. The Ottoman *kul* system was a modified version of the longstanding system of slave soldiers, known as *ghulam* or *mamluk*, which was a shared institution in several medieval Islamic polities.⁸ According to the Ottoman version, which was introduced in the 14th century, the Ottoman authorities took one of the boys of each Christian peasant household as levy in some regions. These boys, known as *devşirme* (picks), were converted to Islam and trained as soldiers or administrators, either in the imperial palace, in different households, or in the janissary army. The system, whose legal justification was controversial, was fully consolidated in the 15th century.⁹ In addition to the *devşirmes*, war prisoners and slaves acquired in the market were also taken by the authorities and trained through similar ways. These individuals, implanted within the imperial hierarchies, were known as *kuls* and

⁶ İsmail Hakkı Uzunçarşılı, *Çandarlı vezir ailesi* (Ankara: Türk Tarih Kurumu Basımevi, 1974); Theoharis Stavrides, *The Sultan of vezirs: the life and times of the Ottoman Grand Vizir Mahmud Pasha Angelović (1453-1474)* (Leiden: Brill, 2001), pp. 107-127.

⁷ Halil İnalcık, "Mehmed the Conqueror (1432-1481) and his time", pp. 408-427; *Kānūnnāme-i Âl-i Osman: (tahlil ve karşılaştırmalı metin)*, edited by Abdülkadir Özcan (Istanbul: Kitabevi, 2003); Uriel Heyd, *Studies in old Ottoman criminal law*, edited by V. L. Ménage (Oxford: Clarendon Press, 1973).

⁸ Daniel Pipes, *Slave soldiers and Islam: the genesis of a military system* (New Haven: Yale University Press, 1981); David Ayalon, *Islam and the abode of war: military slaves and Islamic adversaries* (Aldershot, Great Britain: Variorum, 1994.); Mohammed Ennaji, *Le sujet et le mamlouk: esclavage, pouvoir et religion dans le monde arabe* (Paris: Mille et une nuits, 2007).

⁹ Paul Wittek, "Devşirme and *şarī'a*," *Bulletin of the School of Oriental and African Studies*, Vol. 17, No. 2 (1955), pp. 271-278; V. L. Ménage, Some Notes on the "devşirme," *Bulletin of the School of Oriental and African Studies*, Vol. 29, No. 1 (1966), pp. 64-78; Claude Cahen, "Note sur l'Esclavage musulman et le Devşirme ottoman, à propos de travaux récents," *Journal of the Economic and Social History of the Orient*, Vol. 13, No. 2 (Apr., 1970), pp. 211-218; Speros Vryonis, Jr., "Isidore Glabas and the Turkish Devşirme," *Speculum*, Vol. 31, No. 3 (1956), pp. 433-443; Irène Beldiceanu, "Le Recrutement des esclaves," *Annales: Histoire, Sciences Sociales*, No. 1 (1965), pp. 181-183.

considered slaves of the sultan and servants of his state. The *kuls* could have a private life, namely they could get married (with the permission of the sultan or after being freed as a retirement pension), have children and acquire property, including slaves. In spite of these private rights, the sultan had an absolute jurisdiction over lives and properties of his *kuls*.¹⁰ The Sultan can execute them and seize their property most often on the base of their failure in the military campaigns, their unjust administration as provincial governors or their unruly attitudes or disloyalty etc. Although conventionally, a generic legal opinion (*fetva*) from a mufti was asked as a legal, moral or political justification, this justification most often did not require any proper judicial inquiry, which was well systematized in the Islamic criminal law. This absolute sultanic jurisdiction over the *kuls* is beyond the traditional interpretations of Islamic law of slavery, since the schools neither of Sunni or Shi'i law permitted execution of the slaves by the masters, without a proper judicial process in the court to substantiate a person's crime.¹¹

Mehmed's placing of the *kuls* to the top positions in the imperial hierarchy provided him with an unprecedented space for exercising power. The *kuls* controlling the state machinery enabled the sultan not only to establish his absolute authority, but also to minimize the opposition that could flourish within the state hierarchies. Twenty years after the unpleasant episode of Halil Pasha's execution, Mehmed II executed his grand-vizier, Serbian-born Mahmud Pasha Angelović, who was a *kul*, (although he was of aristocratic descent in the Byzantine context), and confiscated his immense wealth, without causing any substantial reaction within the imperial elite.¹²

Perhaps a more important aspect of Mehmed's new imperial design was his justification of fratricide. In his codes, Mehmed clearly legitimized a sultan's executing his brothers for the sake of the imperial order and to prevent the partition of the realm among the

¹⁰ İsmail Hakkı Uzunçarşılı, *Osmanlı devleti teşkilâtından: Kapukulu ocakları* (Ankara, Türk Tarih Kurumu Basımevi, 1943-44.); idem. *Osmanlı devletinin saray teşkilâtı* (Ankara: Türk Tarih Kurumu Basımevi, 1945).

¹¹ Havva Güney-Ruebenacker, "An Islamic legal realist critique of the traditional theory of slavery, marriage and divorce in Islamic law," unpublished thesis submitted to Law School, Harvard University, 2011.

¹² Theoharis Stavrides, *The Sultan of vezirs: the life and times of the Ottoman Grand Vezir Mahmud Pasha Angelović (1453-1474)* (Leiden: Brill, 2001), pp. 336-368.

princes, which was a general practice in the Turco-Mongolian state tradition. This dramatic clause substantiating fratricide would shape the Ottoman dynastic politics until the 17th century. But beyond that, it established a broader convention in the Ottoman political culture that extra-judicial executions for the sake of the imperial order could be justified, even if this convention was abhorrent to the explicit imperatives of law of God.¹³ The legitimization of fratricide and the consolidation of the *kul* system as the central component of the imperial establishment were complementary in Mehmed's grand project. In both of them, the justification of execution without any due process for the sake of the order signified sultan's absolute and unqualified power not to be shared neither with princely members of the dynasty nor members of the imperial elites.

The consolidation of the *kuls* as the central group of office-holders in the empire did not result in the instantaneous elimination of the *ghazi* families and freeborn Muslims in the Ottoman imperial hierarchies. In fact, after the death of Mehmed II, the *kuls* and non-*kuls*, including the members of the *ghazi* families, continued to vie for imperial offices and revenues. Likewise, the two discourses represented by the two rival groups of elites were also competing. Historians such as Tursun Beg, who had a vision of empire ruled by the sultan and his *kuls*¹⁴, and historians such as Aşıkpaşazade, Oruç or Neşri, who advocated the *ghazi* ethos with a vision of empire as a collective enterprise of the Ottoman and other *ghazi* families,¹⁵ voiced their arguments implicitly or explicitly in opposition to one another. The relative backlash against Mehmed's radicalism during the reign of his son, Bayezid II (1481-1512), was epitomized in Bayezid's policy of restoring

¹³ Mehmet Akman, *Osmanlı devletinde kardeş katli* (Istanbul: Eren, 1997); Dimitris J. Kastritsis, *The sons of Bayezid : empire building and representation in the Ottoman civil war of 1402-1413* (Leiden: Brill, 2007).

¹⁴ Tursun Beg, *The history of Mehmed the Conqueror*, text published in facsimile with English translation by Halil Inalcik and Rhoads Murphey (Minneapolis: Bibliotheca Islamica, 1978); Tursun Bey, *Târih-i Ebü'l-Feth*; edited by A. Mertol Tulum (Istanbul: Baha Matbaası, 1977); Halil Inalcik, "Tursun Beg, Historian of Mehmed the Conqueror's Time," *Wiener Zeitschrift für die Kunde des Morgenlandes*, vol. 69 (1977), pp. 55-56.

¹⁵ Aşıkpaşazade, *Die altosmanische Chronik des Aşıkpaşazāde*, edited by Friedrich Giese (Osnabrück: O. Zeller, 1972); Edirneli Oruç Beğ, *Oruç Beğ tarihi: giriş, metin, kronoloji, dizin, tıpkıbasım*, edited by Necdet Öztürk (Istanbul: Çamlıca, 2007); Mehmed Neşri, *Gihānnümā, die altosmanische Chronik des Mevlānā Mehemmed Neschrī*, edited by Franz Taeschner (Leipzig, O. Harrassowitz, 1951); Mehmed Neşri, *Neşri tarihi*, edited by Mehmet Altay Köymen (Ankara: Kültür ve Turizm Bakanlığı, 1983); for a historiographical analysis of the 15th and early 16th century Ottoman historiography, see Cemal Kafadar, *Between two worlds*, chapter 2.

the confiscated *waqf* properties. This was an incident that provided Bayezid with an agnomen, *veli*, pious guardian, in the eyes of the Ottoman Muslim public. He also restored the sequestered wealth of the Çandarlı family to the heirs of Halil, which was a gesture to the old *ghazi* elite. This gesture was also a strategic movement on his part to settle a new alliance with the older elites, while his reign was threatened by his brother, Cem, who was known as rather a belligerent character, like his father Mehmed.

However, it would be misleading and too simplistic to suggest that the polarization between the *kuls* and *ghazis* always dominated imperial politics. In various episodes, different alliances, coalitions, parties and factions were established by different members, - some *kul* and some of *ghazi* origin. In addition to those, new actors, such as the Gerays, the Chinggisid dynasty of the Crimea, were incorporated into the political theater of the imperial elite. However, in the complex structure of the politics of the Ottoman imperial elite, the sultans continued to employ the mechanisms of executions and confiscations as an instrument to discipline the power-holders within the imperial circle.

The Consolidation of the System

By the mid-16th century, during the reigns of Selim I (r. 1512-20) and Suleiman I (1520-66), gradually, the sharp divisions between the *kuls* and *ghazis* became increasingly irrelevant. The profound transformation in the reigns of Selim and Suleiman, with the expansive conquests in Eastern Europe and the Middle East, massive resources acquired as a result of these conquests, and the new global claims of the Ottoman Empire profoundly changed the dynamics of the imperial politics. The titanic prestige of Selim and Suleiman, and their abilities to eliminate challengers within the elites or dynasty, enabled them to uphold unprecedented sway over the imperial apparatus. As a result, gradually, the distinction between the freeborn Muslims and *kuls* in the role of imperial office- and revenue-holders evaporated. By the mid-16th century, a new imperial convention surfaced, which mandated that whoever held an office or revenue through the sultanic authority, was considered one of the people of *örf*, namely the temporal authority of the sultan. Even if one was a freeborn Muslim, when he held an imperial office and revenue, it was assumed that he inherently relinquished his private rights to the sultan and

accepted the sultan's absolute jurisdiction over his life and property. In other words, the *kul* status was extended, and included all individuals whose status, office, and revenue came from the sultanic authority.

It is beyond the scope of this paper to analyze the details of political episodes and constitutional processes, which helped the consolidation of the imperial executions and confiscations that came to be applicable to all office- and revenue-holders. It is suffice to suggest that these conventions were tied to the general transformation of the Ottoman legal system in the reign of Suleiman. The new land laws, matured in the hands of two great Ottoman jurists, Ibn Kemal (1468-1536) and Ebu Su'ud (1490-1574), defined the arable lands as public domain (*miri*), the peasants as possessors, and the administrative and military elite as office-holders, rather than fief-holders, without any automatic hereditary rights.¹⁶ The lands these office-holders enjoyed were formulated as prebends (*timar*, *ze'amet* and *has*), namely revenue units assigned to them in exchange for military and administrative service to the state.¹⁷

The inheritance system was institutionalized accordingly. As Ömer Lütü Barkan showed in full details, in this system, after the natural death of an office-holder, namely if there was no execution or confiscation, the wealth he accumulated, including the lands and revenues he enjoyed as a result of his imperial service, were deducted from his total inheritance and transferred to the treasury. The heirs of the office-holder inherited only the private wealth in accordance with Islamic law of inheritance. However, it was not always easy to carry out this deduction, since most of the time public and private wealth was not easily distinguishable. Experts sent from the bureau of the imperial judges (*kadiasker*) in Istanbul, who had a grip on the imperial archives and the paperwork about the office-holders' assignments and revenues, supervised this process of substantiating

¹⁶ Halil Inalcik, "Suleiman the Lawgiver and the Ottoman law," *Archivum Ottomanicum*, vol. 1 (1969), pp. 105-38; Colin Imber, *Ebu's-su'ud: the Islamic legal tradition* (Stanford, Calif.: Stanford University Press, 1997)

¹⁷ Ömer Lütü Barkan, *Türkiye'de toprak meselesi* (Istanbul: Gözlem, 1980); Halil Inalcik, *An economic and social history of the Ottoman empire, 1300-1600* (Cambridge: Cambridge University Press, 1997), pp. 103-179; Metin Kunt, *The Sultan's servants: the transformation of Ottoman provincial government, 1550-1650* (New York: Columbia University Press, 1983); Mustafa Akdağ, *Türk halkının dirlük ve düzenlik kavgası: Celali isyanları* (Istanbul, 1995).

what was inheritable to the heirs and what was transferrable to the treasury, with the collaboration of local judges and witnesses.¹⁸

However, in the case of executions or confiscations, office and wealth were seen as joint. The wealth, without any separation between public/state and private property, was to be sequestered *in toto*. This was also a complex process. After laying down the inheritance, the immovable items were sold in the market at market price and the value was converted into cash. The authorities paid the deceased person's debts to the creditors, collected his receivables from the debtors, and substantiated the net amount to be transferred to the treasury. The heirs of the office-holder did not inherit the wealth, unless the sultan allowed them to do so. Normally, the heirs were granted some annuities from the treasury as compensation or favor.

From the 16th century on, hundreds of military and administrative office-holders, some were of *kul* origin and some were not, were executed and their properties were seized by the treasury. There were many others, whose properties were confiscated after they passed away normally, without execution. The almighty viziers, governors, commanders in the imperial establishment and petty office/prebend-holders or administrators in the provinces, were executed abruptly just with the sheer decision of the sultan. Hefty and modest wealth accumulated by these office-holders was transferred to the treasury and redistributed to others. However, these processes did not require a real or even mock trial. Occasionally, the sultan asked for a generic *fetva* from the Grand Mufti to justify his orders. Sometimes, but not always, the sultans justified the executions and confiscations with the failures of the office-holders and with their misconducts. Sometimes, the sultans sacrificed them to appease the shaking public, competing factions or the unruly janissaries during times of unrest. The main exception was the members of the learned hierarchy, the *ulema*. The muftis, judges, and professors were generally exempted from these brutal measures, unless they were convicted of a crime through a legal process.

¹⁸ Ömer Lütfi Barkan, "Edirne Askeri Kassam Defterleri", *Belgeler* 3, no 5-6 (Ankara 1966), pp. 1-479.

Similarly, ordinary Muslim and non-Muslim (*zimmi*) subjects were also free from extra-inquisitory measures, unless there was an open mutiny against the state and/or religion.¹⁹

The Culture of Power

This system, through which the office-holders could be executed without any legal procedure and their wealth could be taken away, abruptly and arbitrarily, created a new culture of power, where the power-holders were considered unconditional servants of the sultanic authority. This instability and risk hanging over lives, statuses and properties, in spite of its radically dramatic character, gradually became a natural component of being a member of the power-elite. By the mid-16th century, Ottoman statehood transformed into an arena of competition for life and death, where the winners were suddenly glorified with honor and wealth and the losers could be punished by instant executions and seizure. The proximity between mortality and glory in the life of the imperial elite made some of them keen risk-managers with extreme prudence and some ruthless risk-takers with chivalric prowess who did not care much about the boundary between this and the after-life.

The severe unpredictability of the properties and lives of the power-elite also defined the way that they thought of their families, and shaped patterns of transmission of wealth and status. The high risk that the families of once very powerful office-holders would lose everything and become impoverished made life a zero-sum-game. In fact, it would not be an exaggeration to argue that the imperial executions and confiscations, complementing the new land law, if not totally eliminated, profoundly limited the hereditary aristocratic tendencies in Ottoman high-society. When the Ottomans redefined the requirement of holding an imperial office or revenue as acknowledgment of absolute jurisdiction of the sultan over lives and properties of the office and revenue-holders, there was no or very little room left for the older dynasties, such as the *ghazi* families, to be part of the imperial establishment as autonomous powers. Gradually, many *ghazi* dynasties of the

¹⁹ In this stage of research, I do not have a detailed data about how many office-holders were executed, how much property was confiscated after executions or normal deaths, and the proportion of the confiscated wealth in the overall imperial revenues.

early period, which participated in the Anatolian and Balkan conquests as partners of the Ottomans, as well as others who accepted the Ottoman supremacy later on, were either eliminated or assimilated into the imperial hierarchies. Others were constrained within their respective localities, without having an opportunity to receive substantial shares from the imperial resources. Only those dynasties, which were in remote autonomous provinces, such as the Gerays of the Crimea, or the *kapitans* of Bosnia, the Kurdish beys of the eastern Provinces, or some of the Muslim or Non-Muslim dynasties which were spread out in the remote and tributary provinces, were to continue as hereditary political powers within the imperial system.²⁰

The imperial executions and confiscations also elucidated the line between the administrative sphere where “sultanic” law (*siyaset*) was applied, and civil society where Islamic law (*Shar’ia*) was dominating. Although the boundaries between these two legal spheres were most often not very clear and constantly shifting and renegotiated, still, such a division was somehow maintained throughout the centuries. The Ottoman jurists were most of the time ambivalent about the sultans’ right of execution and confiscation, since an open critique of these conventions might easily be seen as a challenge to the imperial order. But perhaps a more decisive factor was their advantageous position vis-à-vis their counterparts in the military and administration. The members of the learned hierarchy (*ulema*) were privileged, since they were both office-holders (acting as judges, muftis or professors), and their lives and properties were generally untouched by the sultanic authority. In fact, throughout Ottoman history, only a handful of jurists, muftis and professors or judges were executed and their properties confiscated. Thanks to this privileged status, unlike the families of the military elite, the members of the learned hierarchy were able to institute relatively long-living households, a kind of *ulema* “aristocracy”, for generations.²¹

²⁰ For the Gerays as a privileged dynasty with unique Chingissid pedigree, see Hakan Kırımlı and Ali Yayıoğlu, “Heirs of Genghiz Khan in the Age of Revolutions: The Gerays and Cengiz Mehmed Geray Sultan between the Ottoman and Russian Empires in the late 18th and early 19th Centuries.” (Forthcoming).

²¹ Madeline C. Zilfi, *The politics of piety: the Ottoman ulema in the Postclassical Age (1600-1800)* (Minneapolis, MN: Bibliotheca Islamica, 1988).

Endurance of the system

It would, however, be mistaken to suggest that the imperial claim of the Ottoman sultans to execute the office-holders and confiscate their property without a judicial process was unchallenged. In different episodes, various individuals, families, factions, social or political groups struggled to avoid the imperial execution and seizure, and secure their life and wealth. Some rebelled, some developed legal arguments based on *Shar'ia* against the “sultanic” law, some intended to divert their wealth to a charitable foundations (*waqf*) to secure a protection against the state and to finance their family members for generations,²² some others accepted their offices only with certain guarantees from the sultan for their life and property.

In fact, in the 17th century, several members of the imperial elite were able to establish their own large households and developed systematic strategies to avoid imperial seizure and execution and maintain their wealth and statuses within their household for some generations. While Köprülü Mehmed Pasha, a leading administrator, accepted the office of the grand-vizier only with several conditions and guarantees with a deed from the sultan in 1656, his family was able to keep their wealth for generations and several of them acquired high imperial offices. Similar to the Köprülüs, families such the İbrahimhazades, and the Civankapıcıbaşızades were able to avoid the confiscations for generations, which enabled them to accumulate substantial wealth.²³ This was also the time of revitalization of Islamic law against sultanic law. Several puritan movements, such as the Kadizadelis, shaking the religious legitimacy of the regime, coincided with the proliferation of comprehensive Sunni fatwa collections and legal compilations, some of which were imported from Mughal India. The revival in Islamic law had an impact on the definition of landed property in different parts of the empire. In Crete, as Gilles Veinstein and Molly Greene show, after the conquest of the island in the 1670s, the revenue units were defined as private property (*mulk*) rather than prebends (*has*) and

²² Ömer Lütfi Barkan, “Türk-İslâm toprak hukuku tatbikatının Osmanlı İmparatorluğu’nda aldığı şekiller: Şer’i miras hukuku ve evlatlık vakıflar,” *İstanbul Hukuk Fakültesi Mecmuası*, vol. 7 (1940), pp. 1-26.

²³ Feridun Emecan, “Osmanlı hanedanında alternatif arayışlar üzerine bazı örnekler ve mülâhazalar,” *İslam Araştırmaları Dergisi*, no. 6 (2001): 63-76.

allocated to the leading households of the imperial elite, first and foremost to the Köprülüs.²⁴

However, these political or legal strategies, struggles and reconfigurations did not result in an overall abolition of the imperial executions and seizures until the mid-19th century. Why did, for instance, fratricide, which was also a product of Mehmed II's draconian reign, give way to primogeniture in the early 17th century, but imperial seizures and confiscations continue until the mid-19th century? While the Ottoman military and fiscal regime transformed in the 17th and 18th centuries, from a feudal and interpersonal into a more monetary, professional, and bureaucratic order, why were the imperial executions and confiscations not abrogated, but rather withstood this transformation? How were these conventions institutionalized in spite of the clear disapproval of Islamic law (that the Ottomans generally took very seriously as their principal legal reference)? Instead of accepting essentialist arguments, associating insecurity of life and property with the natural character the Ottoman regime as a type of Oriental Despotism, we have to understand how these institutions functioned and provided incentives for some groups, while working against the interest of others.²⁵

In the 15th and 16th centuries, while the imperial executions and confiscations created a very unstable and menacing setting for the existing office-holders, they provided new opportunities for the new actors to rise and to become powerful and wealthy. In fact, executions and confiscations were functioning as mechanisms of re-distribution of wealth and power for the Ottoman power-elite, as well as of social and political mobility. One can suggest that the re-distributive function of imperial executions and seizures prevented the Ottoman power-elite from creating a wide-ranging coalition to revoke these practices,

²⁴ Molly Greene, *A shared world: Christians and Muslims in the early modern Mediterranean* (Princeton, N.J.: Princeton University Press, 2000); Gilles Veintin, "Les reglements fiscaux ottomans de Crete," *The Eastern Mediterranean under Ottoman rule: Crete, 1645-1840. Halcyon Days in Crete VI. A symposium held in Rethymno, 13-15 January 2006*, edited by Antonis Anastasopoulos, (Rethymon: Crete University Press, 2008): 3-16.

²⁵ For an elaborate debate on the theories of Oriental Despotism, see, Michael Curtis, *Orientalism and Islam: European thinkers on Oriental Despotism in the Middle East and India* (New York: Cambridge University Press, 2009).

in the sense that North, Wallis and Weingast suggest in *Violence and social orders*.²⁶ The system was most often welcoming the new actors, who became part of established coalitions or factions or constituted their own alliances and developed strategies to replace the existing groups. Historians of the Ottoman Empire still need to study different aspects of the history of elites, power, and wealth throughout the Ottoman centuries and analyze durability and impermanency of wealth and power in the hands of certain families, as well as mechanisms of re-distribution of wealth and social mobility. Within the limits of this paper, it is suffice to suggest that the imperial executions and confiscations functioned, not only to sustain the supremacy of the Ottoman dynasty through its capacity to eliminate the empowered elite, but also to transfer wealth and power from one group to another and to foster social and political mobility among the competing factions, families, individuals.

Especially after the death of a major figure who acted as a central stone of a network of political and financial party governing the state apparatus, a massive confiscation of his and his partners' property resulted in the collapse of a party and in the transfer of this wealth to another party that now consolidated its power in the state apparatus. In fact, after the executions or natural deaths of major grand-viziers, admiral, governors or chief eunuchs of the palace in the 16th and 17th centuries, we witness such massive confiscations, which changed the dynamics of the Ottoman power elite. There were several highly dramatic incidences of imperial executions of the most powerful figures of the empire, such as Çandarlı Halil Pasha (d. 1453), Mahmud Pasha (1453-74) or Pargalı İbrahim Pasha (1494-1536), Derviş Paşa (1560-1603), Nasuh Paşa (d. 1614), Kara Mustafa Paşa (1635-83), which triggered profound changes in imperial politics or in the power-structure among the imperial elite.²⁷ Similarly, after numerous riots and revolutions instigated by janissaries, guild members or the broader public, shattering the capital or other central cities in 1481, 1512, 1515, 1566, 1589, 1620-22, 1632, 1656,

²⁶ Douglas North, John Joseph Wallis, Barry R. Weingast, *Violence and social orders: a conceptual framework for interpreting recorded human history* (New York: Cambridge University Press, 2009).

²⁷ Between 1453 and 1821, 44 grandviziers were executed out of 160 and their wealth was confiscated. For a popular book on the biographies of the 44 grandviziers who were executed, see Erdoğan Tokmakçioğlu, *İdam edilen 44 Sadriazam* (Istanbul, 2011).

1687, 1702, 1730, 1806-08 we observe similar episodes of massive confiscations, which resulted in the elimination of the ruling network or party and consolidation of a new one through the redistribution of wealth among the winners. These changes in the setting of power and wealth among the elites sometimes took place relatively smoothly and silently, sometimes through violent putsches toppling the established party and massive executions and terror (sometimes including the sultan). However, the executions and confiscations, while fostering instability, promoted inclusiveness of the regime, by constantly inviting the new actors in the imperial elite, and supplying them with new opportunities of wealth and power. Therefore, this “controlled” instability provided the Ottoman order with a ground to endure various crises and perhaps became one of the reasons for the longevity of the regime.

The Rise of the Provincial Elites in the Long 18th Century

From the late 17th century on and throughout the 18th century, as a result of a complex transformation in the military and fiscal regime and of the expansion of the monetary economy, while the members of the traditional imperial elite were marginalized in provincial governance, most offices, services, and revenues in the provinces were captured by local actors who were not directly, structurally, and culturally connected to the imperial establishment. The structural reasons of this transformation vary and for a long time, historians of the Ottoman Empire have been engaged in solving this historiographical puzzle.²⁸ One of the explanations behind this shift that Halil İnalcık put forward and that many historians have agreed with is the change in the military-fiscal administration in the provinces. The military revolution which resulted in the obliteration of the prebend-holding warriors spread throughout the empire, the proliferation of the freelance fire-arm using militia looking forward for patronage, and the dramatic increase in the size of the standing janissary army created constant fiscal pressures for the central administration. These fiscal pressures were getting worse with the long and costly wars in the late 17th century.

²⁸ Halil İnalcık, “Centralization and Decentralization in Ottoman Administration”, T. Naff and R. Owen (ed.), *Studies in Eighteenth Century Islamic History* (Carbondale: Southern Illinois University Press, 1977): 27-52; a.g.y. “Military and Fiscal transformation in the Ottoman Empire, 1600-1700”, *Archivum Ottomanicum*, cilt 6 (1980), s. 283-337; Mustafa Cezar, *Osmanlı tarihinde levendler* İstanbul: Çelikkilt Matbaası, 1965);

According to this, under constant fiscal crises, increasingly the Ottoman treasurers, instead of granting the revenue units as prebends in exchange for military and administrative services, withdrew these revenue units from the jurisdictions of the imperial governors and other prebend-holders under their command, and leased them out to private or semi-private entrepreneurs for down payments and annual rents. Gradually, a majority of the provincial offices, revenues, and services were leased out for short- and increasingly for long-term, through formal and sometimes informal contracts. Similarly, the state started to entrust some of the military duties to local entrepreneurs, who promised to raise a certain number of soldiers from their localities, mobilize the freelance militia and/or carry out certain military or logistical missions during wartime.²⁹

In 1699, the central administration instituted a new system where the fisc auctioned off the life-term leases with full immunity for hundreds of provincial units and revenue sources to the imperial *grande*s centered in Istanbul. In fact, the system was designed both as an internal borrowing mechanism from the imperial *grande*s to the state, but also an administrative instrument to keep the provincial units under the close control of this group which are connected with the dynasty and with each other through diverse patronage ties. Most of the holders of these contracts, however, preferred to sublease their revenue units to local managers, rather than going to the locations and claiming the units and revenues themselves, thus contravening the expectations of the designers. As Ariel

²⁹ For the growing literature on the military and fiscal transformation and the rise of the local notables, see Albert Hourani, "Ottoman Reform and the Politics of Notables," W. Polk and R. Chambers (ed), *Beginning of Modernization in the Middle East* (Chicago, University of Chicago Press, 1968): 41-68; Engin D. Akarlı, "Provincial power magnates in Ottoman Bilad al-Sham and Egypt, 1740-1840," Abdeljelil Tamimi (ed.), *La vie sociale dans les provinces arabes à l'époque ottomane* (Zaghuan, 1988): 41-56; Yuzo Nagata, *Muhsin-zade Mehmed Paşa ve Ayanlık Müessesesi* (İzmir: Akademi Kitapevi, 1999): 44-50; Vera Mutafchieva, "L'institution de l'ayanlık pendant les dernières décennies du XVIIIe Siècle," *Études Balkaniques* 2-3 (1965); Fikret Adanır "Semi-autonomous Forces in the Balkans and Anatolia," Bruce Master, "Semi-autonomous Forces in the Arab provinces"; Dina Rizk Khoury, "The Ottoman Center versus Provincial Power-holders: an Analysis of the Historiography" in *The Cambridge History of Turkey*, cilt 3, S. Faroqhi (ed), *The later Ottoman Empire, 1603-1839* (Cambridge: Cambridge University Press, 2006): 135-206; Yücel Özkaya, *Osmanlı İmparatorluğu'nda Ayanlık* (Ankara: TTK Yayınları, 1994); Ali Yaycıoğlu "Provincial power-holders and the empire in the late Ottoman world: conflict or partnership?" C. Woodhead (ed.) *The Ottoman world* (London: Routledge 2011); Antonis Anastasopoulos (ed), *Provincial Elites in the Ottoman Empire: Halcyon Days in Crete V: a symposium held in Rethymno 10-12 January 2003* (Rethymno, University of Crete Press, 2005);

Salzmann shows, gradually, complex financial nexuses coated the central fisc, absentee holders, local managers, and financiers who extended credit for the imperial and local entrepreneurs were formed around the revenue units. These new business partnerships between various imperial elites centered in Istanbul and the provincial elite spread out in the provinces. They also gave birth new political factions and coalitions crossing the imperial-provincial binaries. At the same time, such partnerships not only prevented the Ottoman system from creating a polarization between the center and provinces, and separatist tendencies, but also fostered integrations through financial and contractual ties.³⁰

A parallel development, which energized the consolidation of the local entrepreneurial class, was that of new fiscal mechanisms of public finance burgeoning on the district level in the provinces in the 18th century. Recent studies on the provincial court records illustrate that in several localities, the provincial communities developed different collective mechanisms to collect revenues from their members and to allocate (*tevzi*) the burden in accordance with their local knowledge and inter-communal negotiations. Throughout the 18th century, such communal administrative and fiscal processes, while expanding the modes of collective participation in governance, created autonomous sectors, free from the close monitoring of the central state. The central administration increasingly asked the communities to finance imperial services in the provinces through such mechanisms, without imposing detailed rules on procedural matters or registers for taxability. The growing dependence of the central government to the communal participation, however, provided new roles of leadership for individuals who acted as leaders and overseers of the communities. In several localities, some powerful and

³⁰ Mehmet Genç, "Osmanlı Maliyesinde Malikane Sistemi," Osman Okyar and Ünal Nalbantoğlu (ed), *İktisat Tarihi Semineri* (Ankara: Hacettepe Üniversitesi Yayınları, 1975), s. 231-96; Yavuz Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi: XVIII. yy'dan Tanzimat'a Mali Tarih* (İstanbul: Alan Yayıncılık, 1986), s. 34-63; Avdo Sućeska, "Malikane", *Prilozi za orijentalnu filologiju*, 8-9 (1958-0), s. 111-42; a.mlf., "Malikane (Lifelong Lease of Government Estates in the Ottoman State)," *Prilozi za orijentalnu filologiju i istoriju jugoslovenskih naroda pod turskom vladavinom*, 36 (1987), s. 197-230; Erol Özvar, *Osmanlı Maliyesinde Malikane Uygulaması* (İstanbul: Kitabevi Yayınları, 2003); Ariel Salzmann, "An ancien régime revisited: "Privatization" and Political Economy in the Eighteenth-century Ottoman Empire," *Politics & Society*, 21, 4 (1993), s. 393-424.

financially well-off individuals and families rose as supervisors and creditors of these collective processes of public finance.³¹

By the mid-18th century, a more or less standard mechanism was cemented in various provinces. According to this an individual - or a group of individuals in a partnership - took the initiative and made the public expenditures including some of the taxes on behalf of their communities. Later, they collected these amounts with interest or commission from the community. The accounts were settled in public assemblies held at the district courts under the supervisions of the judges. In these assemblies, the leading members of the community and the creditors negotiated, settled the accounts and agreed on the allocation of the amount due from the taxpaying households in the community. The central authority, without knowing the details, tried to make sure that the community and the creditor agreed on the accounts and allocation process. Later, these individuals, who acted on behalf of the community, were asked by the central administration to secure collective consent from the community to carry out their role as the overseers and supervisors. By the late 18th century, in several districts, these individuals, generically known as *ayan*, were nominated through proto-elections and consolidated their power, not only as financial strongmen but also political leaders having the formal collective support of their districts.³²

These two parallel and connected developments, namely the privatization of the fiscal and military administration and the localization of public finance through collective participation, which gave birth to a new fiscal and political leadership, provided a vast space for all kinds of local actors acting with entrepreneurial and political motivations. By the mid-18th century, hundreds of local individuals and their families were able to

³¹ Michael Ursinus, "Avariz Hanesi und Tevzi Hanesi in der Lokalverwaltung des Kaza Manastir (Bitola) im 17. Jahrhundert." In: *Prilozi za orijentalnu filologiju* (Sarajevo 1980) 481-93; idem. "Das Qaza Qolonya um das Jahr 1830. Ein Beitrag zur Regionalgeschichte des Osmanischen Reiches nach einheimischen Quellen." In: *Südost-Forschungen* 38 (1979) 13-39; Ali Yaycıoğlu, *Partners of the empire*, chapter 2.

³² Yavuz Cezar, "18. ve 19. Yüzyıllarda Osmanlı Taşrasında Oluşan Yeni Mali Sektörün Mahiyeti ve Büyüklüğü Üzerine"; Avdo Sućeska, *Ajani: prilog izučavanju lokalne vlasti u našim zemljama za vrijeme turaka* (Sarajevo, Naučno društvo SR Bosne i Hercegovine, 1965); Ali Yaycıoğlu, *Partners of the Empire: the rise of the provincial notables and the crisis of the Ottoman Order, 1700-1820* Cambridge: Harvard University Press, forthcoming).

monopolize the revenue sources and acted as formal or informal contractors of the state and/or as community overseers, with substantial support from their districts. If we look at the offices these individuals were holding, we will see that some acted as tax collectors/tax-farmers, some as local managers for the absentee holders, some as military entrepreneurs, some as overseers and creditors for the communities, some as dealers for state monopolies. Some acquired multiple offices and services, and functioned through multiple ways. Those who preferred to be part of the imperial hierarchies asked for higher imperial titles and governorships. Some, on the other hand, openly preferred not to be part of the imperial hierarchies, finding it risky for themselves and for their families. As a result of the consolidation of these individuals and families, we observe an economic expansion and a boom of capital accumulations in the provinces. The new lavish life styles flourishing in the provinces enabled poets, scribes, and architects to find new opportunities under the patronage of the provincial elites. While the families commissioned public buildings, bridges and canals, the urban and rural landscape of the Ottoman provinces was changing. This new economic expansion was further fostered by the rise of local, regional, and trans-imperial trade with the proliferation of the merchant networks operating within the Ottoman World and beyond, since many of these provincial notables established partnerships merchant networks.³³

³³ S. N. Naçi, "Le pachalik de Scutari considéré dans son développement socio-politique au xviiiè siècle," *Studia Albanica* 3, no. 1 (1966), s. 123-44; Köhbach, Marcus "Nordalbanien in der zweiten Hälfte des 18. Jahrhunderts: das Paşalık Shkodër unter der Herrschaft der Familie Bushatlli", Klaus Beitzl (ed.), *Albanien-Symposium 1984 : Referate der Tagung "Albanien, mit besonderer Berücksichtigung der Volkskunde, Geschichte und Sozialgeschichte," am 22. und 23. November 1984 im Ethnographischen Museum Schloss Kittsee (Burgenland)* (Kittsee, Im Selbstverlag des Österreichischen Museums für Volkskunde, Ethnographisches Museum Schloss Kittsee, 1986), s. 133-180; Dennis N Skiotis, "From Bandit to Pasha: First Steps in the Rise to Power of Ali of Tepelen, 1750-1784," *International journal of Middle Eastern studies* 2 (1971), s. 219-44; Dimitris Dimitropoulos, "Aspects of the working of the fiscal machinery in the areas ruled by Ali Pasha," A. Anastasopoulos and E. Kolovos (ed.), *Ottoman rule and the Balkans, 1760-1850: conflict, transformation, adaptation* (Rethymno: University Crete Press, 2007), s. 61-72; K. E. Fleming, *The Muslim Bonaparte: Diplomacy and Orientalism in Ali Pasha's Greece* (Princeton, N.J.: Princeton University Press, 1999); Canay Şahin, "The rise and fall of an *ayan* family in eighteenth century Anatolia: The Caniklizades (1737-1808)", Doktora Tezi, Bilkent Univeristy, 2003; İbrahim Serbestoğlu, "Trabzon valisi Canikli Tayyar Mahmud Paşa isyanı ve Caniklizadelerin sonu, 1805-1808," *Uluslararası Karadeniz İncelemeleri Dergisi*, no. 1 (2006), s. 89-106; Rıza Karagöz, *Canikli Ali Paşa* (Ankara: TTK Yayınları, 2003); Engin D. Akarlı, "Provincial Power in Ottoman Bilad al-Sham and Egypt, 1740-1840"; Shimon Shamir "As'ad Pasha al-'Azm and Ottoman Rule in Damascus (1743-58); Karl K Barbir, *Ottoman rule in Damascus, 1708-1758* (Princeton, 1980), s. 56-64; Şehabeddin Tekindağ, "Cezzar'ın Mısır'daki hayatı hakkında bir araştırma," *Tarih Dergisi*, no. 26 (1972): 123-128; Vera P. Mutafchieva, *L'Anarchie dans les Balkans a la fin du XVIIIè siècle* (İstanbul, 2005), s. 127-172; Rossitsa Gradeva, "Osman Pazvantoglu of Vidin: between Old and New" Frederick F. Anscombe (ed.), *The Ottoman Balkans, 1750-*

How did the consolidation of the regional elites in the provincial governance and economy change the dynamics of the imperial executions and confiscations? The new provincial elites did not belong to the imperial elite networks and patronage hierarchies. In fact, most of these individuals and families were not familiar with the imperial conventions. They acted as profit seeking entrepreneurs and exploited the new possibilities of the business of governance, rather than the imperial office-holders, who were still, sometimes nominally sometimes genuinely, unconditional servants of the sultan and state. In fact, the ties of these new provincial elites to the Empire were more horizontal than vertical, namely more based on contracts, negotiations, business-like deals, mutual benefits etc. rather than on an unconditional loyalty, chain of command, heroic sacrifice, submission or personal allegiance. They positioned themselves as partners of the empire, rather than its servants. Nevertheless, the new system that developed throughout the 18th century did not allow them to navigate solely in finance and business of governance. In fact, the political instabilities in the Ottoman world both in the center and provinces and the shaky grounds of community politics pushed many of these notables to act beyond their role as businessmen. Many hired armed forces from the freelance mercenaries, established large households based on the model of the imperial elites and competed with their local adversaries for regional hegemony through establishing coalitions and patronizing local communities and networks.³⁴

The new provincial elite was a force to be reckoned with during the transformation of the old imperial order of the Ottoman regime. With the rise of the new elite, the power ground of the imperial establishments was shattered. But more importantly, the state did not or was not able to seize the new wealth accumulated in the provinces by the

1830 (Princeton, N.J, 2006), s. 115-161; Robert Zens, "The *Ayanlık* and Pazvantoğlu Osman Paşa of Vidin in the Age of Ottoman Social Change, 1791-1815" basılmamış doktora tezi, University of Wisconsin (2004); a.g.y. "Pasvanoğlu Osman Paşa and the Paşalık of Belgrade, 1791-1807," *International Journal of Turkish Studies* 8, no. 1-2 (2002): 89-104; Deena Sadat, "Ayan and Ağa: The Transformation of the Bektashi Corps in the 18th Century," *Muslim World* 63, no 3 (1973), s. 206-19. A.g.y. "Rumeli Ayanları: the Eighteenth Century," *Journal of Modern History* 44 (1972): 346-63; Harald Heppner, "Pazvandoğlu - ein Prüfstein der habsburgischen Südosteuropapolitik im Jahre 1802," *Mitteilungen des Österreichischen Staatsarchivs* 38 (1985), s. 347-55.

³⁴ Ali Yaycıoğlu, *Partners of the empire*.

provincial elite as it seized the wealth of the imperial elite. The reasons behind this relative security of life and property rights vary. First, the statuses of the provincial elite were not as clear as the statuses of the old imperial elite. Especially those who did not acquire high imperial titles or governorships, operated in the gray interstices of being civilian and imperial office-holder. While the new actors renegotiated the old imperial institutions, they were more comfortable and unreserved in placing their families at the center of their enterprise and developed a growing agenda to transmit their wealth and status from one generation to the next. Many of them openly negotiated with the central government to keep the capital they accumulated, the lands and other revenue units they enjoyed through different ways, the statuses and offices they held, within their households. Some of them justified their claims with by-laws produced in the provinces by provincial jurists, based on Islamic law of contract, rather than imperial conventions. This does not mean that they all accepted Islamic law of inheritance *en masse*. Some, perhaps the majority, of these families, preferred entail and primogeniture in order to prevent the partition of their wealth. The entail and primogeniture practices helped them to outspread and prolong the family wealth and power. Many of these started to call themselves dynasties (*hanedan*), as if they were, if not equal, then at least subordinate peers of the Ottoman dynasty.³⁵

The central authority did not have enough leverage or local knowledge to exercise the executions and confiscations in the provinces. The families, through their armed forces and control over the local sphere and local communication, were able to repudiate the executions and confiscations. But, more importantly, the assertiveness of the provincial elites was fostered by the unwillingness of the central bureaucracy to unleash confiscations and executions against the accumulated wealth in the provinces. The Ottoman center increasingly endorsed the idea that the stability and security in life and property would increase benefits for themselves, who were establishing partnerships with these local entrepreneurs, and but also for the public in general. Some discussions among

³⁵ About the usage of the term *dynasty* (*hanedan*) by the provincial notables, see Şanizade Mehmed Ataullah, *Şanizade Tarihi*, ed. Ziya Yılmaz (Istanbul: Çamlıca Yayınları, 2008), vol. 1, p. 246-47. Also see Ali Yayıoğlu, “Sened-i İttifak (1808): Bir Entegrasyon ve Ortaklık Denemesi.” In *Nizam-ı Kadimden Nizam-ı Cedide: III.Selim ve Dönemi*, edited by Seyfi Kenan (Istanbul: İSAM, 2010): 667-710;

the Ottoman intellectuals, bureaucrats and jurists in the 18th century create the impression that more and more, the instability in the property rights would harm the political and social stability. In fact, during the initial process of institutionalization of the life term leases, the fiscal bureaucracy openly pronounced the arguments for stability of the institutions and long-term guarantees. The studies on the leases show that increasingly, the empire allowed the leaseholders to keep the contracts within their family for the same reason. The relatively stable period between 1703 and 1768 (except for the interval of the 1730 upheaval) nurtured these ideas.³⁶

However, the period of relative stability in lives and properties did not give birth to any radical transformation in law of property, in particular, and Ottoman imperial constitution, in general. Still, some major confiscations took place during the time. The wealth of Nevşehirli İbrahim Paşa (1660-1730), the grand vizier and the son-in-law of sultan Ahmed III, was confiscated after his dramatic execution during the 1730 upheaval.³⁷ When the wealth and contracts of İbrahim Paşa were allocated among the leaders of the 1730 upheaval, the redistributive function of the executions and confiscation helped creating a new party and a network, which would virtually rule the empire until 1774. Although there were new ideas about the limits and extents of the property rights of the contract and office-holders, there was still no agreement among the Ottoman elites, jurists and intellectuals about how to define the separation between public and private wealth. If somebody acquired wealth outside of his service to the state or the public or through contract, his wealth was still considered as under the jurisdiction of the sultanic authority on behalf of the public at least by the central establishment. Secondly, the ancient principle that the office and contracts were annulled with the death of the office- or contract-holder was still intact. The contracts were in principle not transferrable

³⁶ Christoph K. Neumann, "Political and diplomatic developments," in Suraiya Faroqhi (ed.), *The Cambridge History of Turkey*, vol. 3: *The Later Ottoman Empire, 1603-1839* (Cambridge: Cambridge University Press, 2006): 44-63.

³⁷A. Cailleau, *Histoire de la dernière révolution arrivée dans l'empire Ottoman le 28 sept. de l'année 1730. Avec quelques observations sur l'état des affaires de la ville et empire de Maroc* (Paris, 1740); Selim Karahasanoğlu, *Politics and governance in the Ottoman Empire : the rebellion of 1730 : an account of the revolution that took place in Constantinople in the year 1143 of the Hegira/Vâki'a takrîri biñyüzükirküç'de terkîb olunmuşdur* (Cambridge: Department of Near Eastern Languages and Civilizations, Harvard University, 2009.)

or inheritable and they were valid maximum for life-term. In practice, however, both the office and contracts were transferred and inherited, albeit not automatically but through negotiations.

Wealth in the Provinces in the 18th Century

What was the nature of the capital accumulated in the provinces in the 18th century? The documents derived from several inheritances, confiscations, and court records suggest that a considerable proportion of the wealth in the hands of the notable families in the provinces was in liquid or credit/debt form. The reason is obvious: These families were at the center of the nexus of cash transfers and credit transactions among the representatives of the central state, absentee holders, urban and rural communities, and merchant networks. As main intermediaries in revenue collection, they regularly carried out revenue transfer from the localities to the agents of central authority or to the absentee imperial grandees. They gave credits to merchants, as their business partners. But more importantly, they commonly extended credit to the local communities to cover their tax burdens or expenses for irrigation, urban infrastructure such as sewer systems or bridges and various farm inputs, such as labor and seed. Under these conditions, they needed to keep a fairly large amount of liquid capital. However, it is debt and liability, which really colored the main dynamics of the economic culture. Most of the time, the notable families worked with several bankers, generally connected to the Jewish or Armenian financial webs.³⁸

Debt (*zemamet*) was a major component of the financial and fiscal ties among the actors within the empire. The local notables, who were the main link in the chain of revenue transfer, were permanently indebted to the state, imperial grandees or their financiers, and liable for certain services and revenue transfer. The actors constantly negotiated and re-negotiated the terms of the debts. Amounts and services under their liabilities (*uhde*)

³⁸ Ghewond Hovnanian, *Mirzayean Manuk Pēyin varuts' patmut'iwně* (Vienna: Pashtpan S. Astuatsatsni Vankě, 1852); Stefano Ionescu, *Manuc Bei, zarať si diplomat la inceputul secolului al XIX-lea* (Cluj-Napoca, 1976); H. Dj. Siruni, "Bairakdar Moustapha Pascha et Manouk Bey 'Prince de Moldavie,'" *Balkanica* 6 (1989); Alexander İpsilanti için bkz. Hélène Ypsilanti, "Die Frösten Alexander und Konstantin Ypsilanti als Hospodaren der Moldau und Walachei," *Revue Internationale des Études Balkaniques*, I (1937), s. 225-235; Ali Yaycıođlu, *Partners of the Empire*;

placed the local notables in a both vulnerable and strong position vis-à-vis the state. The center was dependent on their collaboration and revenue transfer. However, it also threatened them with the confiscation card if the debts or due services were not paid on time. In another vein, the debt and credit relations between the notables and tax-paying communities were shaping the dynamics of the local political economy. The more powerful families extended credits to numerous communities in their region. Some expanded their regional financial control through making the communities perpetually indebted to them. The complex accounts of credits and receivables were kept in different formal documents or personal or family papers. As a result of this complex credit and debt nexus connecting provincial resources, financial webs, the imperial grandees and the fisc, the provincial notables, who were doing the job on the ground, were the main connectors, and accordingly main beneficiaries of the system, if they were able to manage the risks.

The intense financial activities, however, did not prevent the local power holders from developing property claims over the arable lands. In several regions, local notables developed new claims over the arable lands over which they acted as managers or revenue-collectors and transformed them to their *de facto* estates (*çiftlik*). Under the conventional conditions of Ottoman land tenure, formulated in the 16th century, the ownership of a piece of land was defined as a bundle of rights divided among the state, peasants, and contractors or office-holders. The *dominium* of the land was under the jurisdiction of the state, the usufruct under the peasant, and the contractor or office-holder controlled the rent or the tax. This design was challenged in the 18th century. We observe that in several localities, for instance in Macedonia and Bulgaria, the peasants lost their freedom and land since they were not able to pay their debts to the creditors. Sometimes the peasants accepted the patronage of the contractors because they provided protection against bandits. Sometimes, the peasants were violently suppressed, expelled and replaced by seasonal wage laborers. While the peasants were progressively losing their usufruct rights the tax and rent collectors started to act as landowners rather than managers. In different regions, in late 18th and early 19th centuries, as a parallel process, the notables initiated commercial agriculture for the domestic and international market in

their estates. Hristo Gandev, Bruce McGowan, and Brista Cvetkova's studies illustrate that such developments had changed the land tenure in different tones throughout the empire. However, these changes in the land tenure would not be legalized by the central state until the introduction of the Ottoman Land Code in 1858. Nevertheless, these claims were sometimes substantiated by the by-laws produced by the local jurists. The legal argumentations on land ownership, framed by different jurists and used by several local notables, peasant and urban communities, and the imperial authorities are yet to be studied in more detail.³⁹

Another aspect of capital accumulation and property acquisition concerned the waqf institutions. According to Islamic law, waqf was an endowment of a revenue or revenue source for defined charitable purposes in perpetuity. Since waqf property was in relative security against state intervention thanks to its religious nature, many individuals and families endowed parts of their capital as a waqf, to serve a wide range of purposes, from financing a college to feed the birds of Istanbul. In the 17th century, we see a new proliferation of family waqfs in the Ottoman world. Some families started to divert resources for waqfs to protect their family property and assigned the heirs of the family as members of the board of trustees or revenue-holder for generations. In this way, they not only secured their wealth and avoided the confiscations, but also assigned fixed revenues to their descendants for generations. The capital endowed as waqf was not liquid any more, namely the revenue produced from this investment was to be used only for a specific purpose as defined in the foundation text of the waqf, which was approved and audited by the judicial authority. Because of the relatively static nature of waqf property and capital, wealthy Ottomans did not see the family waqfs as lucrative investments. Furthermore, there were disagreements about the religious and legal validity of such waqfs among the jurists in the 18th and 19th centuries. Nevertheless, we see that

³⁹ For an introduction, see Baber Johansen, *The Islamic Law and Land Tax and Rent* (London: Croom Helm, 1988), pp. 80-120; Bruce McGowan, *Economic life in Ottoman Europe : taxation, trade, and the struggle for land, 1600-1800* (Cambridge ; New York : Cambridge University Press, 1981.); Christo Gandev, "L'Apparition des rapports capitalistes dans l'économie rurale de la Bulgarie du nord ouest au cours du XVIII^e siècle," *Etudes historiques*, vol. 1 (1960): 207-20; Halil İnalçık, "The emergence of bif farms, çiftliks: State, landlord, and tenants," in Jean-Louis Bacqué-Grammont et Paul Dumont (eds.), *Economie et sociétés dans l'Empire ottoman (fin du XVIII^e-début du XX^e siècle) : actes du colloque de Strasbourg (1er-5 juillet 1980)* (Paris : Editions du Centre national de la recherche scientifique, 1983).

several families saw family waqfs as safety blanket, rather than an investment, to keep the wealth within their households.⁴⁰

In addition to the items discussed above, an analysis of inheritance records demonstrates that wealthy Ottomans, particularly those who acted as contractors to the state, held several other property items, from different types of urban real estate to livestock, from armory to luxury items. In sum, in terms of their capital portfolio, we can consider these notables portfolio investors. They preferred to diversify their investment portfolios, capital, and property, from military to fiscal contracts, from credits extended to the communities to partnerships with the merchants, to minimize the risk of the fluctuating early modern markets and the state's unpredictable and predictable interventions.⁴¹

A New Upsurge of Confiscations, 1768-1820

In the last quarter of the 18th century, marked by the expensive and devastating Ottoman-Russian wars, the Russian annexation of the Crimea, the French Occupation of Egypt and internal strifes in the Balkans and Arabia, the Ottoman central authority was shaken by a severe financial crisis. This fiscal predicament caused by long and costly wars and internal confrontations was further intensified by a radical reform projects under the leadership of Selim III (r. 1789-1807) in the military system and technology. From the 1760s on, the Ottoman fiscal administration developed strategies to alleviate the crisis through internal borrowings by issuing state bonds (*esham*) for private investors throughout the empire, by instituting new direct and indirect taxes and mining projects.⁴² But perhaps, one of the most important measures against the growing fiscal crisis was the massive campaign of confiscations unleashed against the provincial wealth, which had been accumulated for almost a century. While the vehement political instability in the

⁴⁰ Bahaeddin Yediyıldız, *Institution du waqf au XVIII^e siècle en Turquie: étude socio-historique*, (Ankara : Ministère de la Culture, 1990); Beshara Doumani (ed.), *Family history in the Middle East: households, property and gender* (Albany: SUNY, 2003.)

⁴¹ For the early modern framework for the term “portfolio capitalist” see, Sanjay Subrahmanyam and C. A. Bayly, “Portfolio Capitalists and the Political Economy of Early Modern India,” *The Indian Economic and Social History Review*, vol. 25, no. 4 (1988), pp. 401-24.

⁴² Yavuz Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi (XVIII. Yüzyıldan Tanzimat'a Malî Tarih)* (Istanbul: Alan Yayıncılık, 1986).

Ottoman Empire and in the world in general legitimized these draconian measures of the central government against the provincial notables, the Ottoman state was now harvesting the wealth in the provinces, after a relatively peaceful process of capital accumulation and economic growth. The confiscations were also a useful tool, as shown before, to topple unruly notables, who had tried to cement their powers through new political claims within the Ottoman Empire, and increasingly through establishing diplomatic ties with the other powers, integrating into Revolutionary and Napoleonic Europe. The confiscation campaigns, which were unleashed following the Ottoman-Russian war of 1767-74, were further radicalized and culminated in the stormy reign of Selim III (1789-1806).⁴³

To what extent were these confiscations different from the conventional seizures that came with executions or natural deaths of the imperial grandees? The contractual statuses of the notables, who did not join the imperial hierarchies but acted as partners of the empire, pushed the center to invent new validations for confiscations. Sometimes, the confiscations were justified on the base that these people were from among the wealthy, and in the time of Holy War, it was legitimate for the public (*miri*) to seize (*zabt*) the wealth of the private individual. In other cases, the state made a case that the wealth of these people came from the public (*serveti miriden olmağla*) - since most of these people were fiscal entrepreneurs and doing business with the state - hence it was legitimate according to the ancient laws to confiscate their wealth. In both cases, however, the center needed to develop new justifications (holy war) or at least twist the imperial conventions to include the provincial wealthy. In these cases, the state acted after the natural death of the notable. But in several cases, the center produced other justifications based on criminal law or law of rebellion with allegations of mutiny, suppression of the peasants and/or treason. Confiscations following executions, after the faults were substantiated through judicial or semi-judicial processes, were common practice as before. Those notables, who accepted the high imperial ranks and became part of the imperial hierarchies as governors, were presumed to have accepted the imperial

⁴³ Stanford Shaw, *Between old and new; the Ottoman Empire under Sultan Selim III, 1789-1807* (Cambridge, Mass: Harvard University Press, 1971).

conventions of unconditional loyalty and service to the sultanic authority, including execution and confiscation by sultanic order without legal justification.⁴⁴

The debates among some jurists about the validity of these justifications are worth analyzing. But perhaps a more important aspect of the new confiscation campaigns against the provincial notables unleashed after 1768 and culminating after 1792 was the number of mutual strategies and games employed by the central government and the provincial notables. From the state's point of view, although the provincial wealth was a great source of income, it was very difficult, costly and even risky to confiscate a local power-holder's property, even if after his death. Since these people were profoundly entrenched in their local worlds, confiscation was considered a state intervention. Local groups and the household of the deceased person often resisted the confiscations. Sometimes, this resistance took the shape of skirmishes between the provincial forces and the imperial agents. In different cases, the central authority preferred to avoid these tensions, and left the wealth and status to be transferred one of the heirs of the deceased person.

Moreover, the state did not have sufficient information about the complex debt relations between the notables and the local communities, merchants, and others. In most cases, the confiscation was carried out in court, under the supervision of several experts, and in the presence of other individuals, communities (or their proxies) who were involved in

⁴⁴ For some study of the confiscations in the 18th and early 19th centuries, see Yavuz Cezar, "Bir ayanın muhalefatı: Havza ve Köprü kazaları ayarı kör İsmail-oğlu Hüseyin (Müsadere olayı ve terekenin incelenmesi)," *Belleten*, vol. 161 (1977): 41-78; Alpay Bizbirlik, "XVIII yüzyılda bir Osmanlı valisinin ölümü ve ardından gelişen olaylar üzerine," *Tarih İncelemeleri Dergisi*, vol. 15 (2000): 171-181; Halime Doğru, "Öldürülen Hacı-oğlu Pazarı ayarı Sarıklıoğlu ile adamlarının muhalefatı ve tasfiyesi," *Uluslararası Osmanlı ve Cumhuriyet Dönemi Türk-Bulgar İlişkileri Sempozyumu: 11-13 Mayıs 2005* (Eskişehir: Osman Gazi Üniversitesi Yayınları, 2005): 157-169; Mehmed Güneş, "Karahizar-ı Sahib ayarı Molla-zade Hacı Ahmed Ağa'ya ait bir tereke defteri," *Afyon Kocatepe Üniversitesi Sosyal Bilimler Dergisi*, VIII/2: (2006): 65-92; Mehmet. Karagöz, "Ayıntab (Antep) Ayarı es-Seyyid el-Hac Mehmed Ağa bin es-Seyyid Battal Ağa'nın terekesi," *Fırat Üniversitesi Sosyal Bilimler Dergisi*, no. 19, no. 2 (2009): 315-328; Orhan Kılıç "Harputlu Hacı Osman"ın 1725 Tarihli terekesi ve düşündürdükleri," *Turkish Studies*, vol. 2 no 1 (2007): 17-28; İsmail Kıvrım (2008). "Kilis ve Azaz Voyvodası Daltanban-zâde Mehmed Ali Paşa ve muhalefatı." *Tarih Araştırmaları Dergisi* vol. 24 (2008): 147-173; Yuzo Nagata & Feridun M. Emecan. "Bir ayanın doğuşu: Karaosmanoğlu Hacı Mustafa Ağa'ya ait belgeler," *Belgeler*, vol. 25 (2004): 1-72; Saim Savaş. "Sivas Valisi Dağıstânî Ali Paşa'nın muhalefatı," *Belgeler*, XV/19 (1993): 249-291; Ahmet Uzun, "Tepedelenli Ali Paşa ve mal varlığı," *Belleten* LXV, no. 244 (2002): 1036-77; Meral Bayrak Ferlibaş, "Alemdar Mustafa Paşa'nın muhalefatı," *Türk Kültürü İnceleme Dergisi*, no. 21 (2009): 63-120.

credit transactions with the person in question. Since there were several financial transactions between the state, the notables, and the communities, earlier documents housed in the archives were requested from the central administration to be included in the confiscation documents. This process was expensive and long since the officers, generally with their retainers, spent months to supervise the transactions. In different cases, the people who were indebted to the notable disappeared. In other cases, some people showed up at the court with fabricated documents alleging that they had claims on the inheritance.

In addition to that, it was a risk on part of the state to unleash confiscation since the person's debts might have been more than the receivables. The net value substantiated could not be easily predicted before settling all the accounts. Sometimes, the state officers sent spies and agents to learn about the details of the hidden property, debtors and creditors. In the case of confiscation, the state became liable for the debts of the creditors to whom the deceased person was indebted. The intricate and long lawsuits between the communities and other recipients and the heirs of the deceased notable to settle the accounts to substantiate the debts, receivables and the net amount challenged the imperial ambitions over the wealth of the provincial magnates. Under these conditions, the central authority tried to minimize the risk by collecting information about the debts through the local actors, by establishing coalitions and alliances with other local notables, who might have vested interests in the inheritance, or preferred to propose a deal to the family or to another local notable, to leave the wealth and status in the locality, perhaps with a redemption.

The family members of the deceased person, on the other hand, might try to prevent the confiscation and keep the wealth, contracts and statuses within the family. In various cases, they hid cash and valuable items, generally buried in chests in different locations. There were several incidences in which families engaged in armed resistance against the confiscators, resulting in small or large skirmishes. In several cases, the family of the deceased person negotiated with the central authority to "buy" the inheritance from the state, by offering redemptions, and kept the property within the family. They families

also petitioned for the renewal of the contracts and offices so that they could be re-assigned to a member of a family. These strategies were increasingly popular in the 18th century. Through these deals, several families were able to keep their wealth and status for generations, but also delivered a high amount of revenue to the state as compensation or as a type of high inheritance tax. As we have seen, from the point of view of the state, such deals allowed the central government to avoid the hassle of the confiscation process.

Another development was the involvement of third parties.. Several notables intervened in the confiscation deals and proposed the state to buy the inheritance of other notables, who had passed away or had been executed. They offered a down payment to the treasury and possible monthly or yearly payments, in exchange for the property they seized. Several notables, including the own family of the deceased person, might compete to acquire the inheritance from the central authority. In different cases, those who acquired the inheritance of a person put forward extra-economic arguments to convince the state. They might propose political or military benefits to the central authority in exchange for the inheritance. These notables, whom we can call confiscation entrepreneurs, developed expertise on confiscations and information techniques. They hired fiscal experts, who were able to prepare the intricate paper-work for these complex accounting settlements. Some sent spies and agents, like the central state, to learn about elderly and wealthy people, who might pass away soon, so they could propose to the state to confiscate their property. Others used this confiscation right as a political strategy to suppress or eliminate competing families.

Accordingly, the state started to transfer confiscation rights to individuals and avoided to be involved in local conflicts, minimizing the cost and receiving the compensation in advance. Through these transfers, the state also avoided the risk of dealing with the inheritance, particularly in cases when the deceased had more debts than receivables. In fact, for the confiscation-entrepreneurs to acquire a confiscation right was at the same time a risk analysis. Before the confiscation, it was not easy to know the amount to be seized, and the exact value of receivables and debts in this person's budget. The accounts became only clear after the settlement in the court where debtors, creditors and other

parties were present. The entrepreneurs developed different strategies in order to collect information about the details of the people whose property was to be seized.

Nevertheless, there were cases in which the entrepreneurs failed to make profit out of their investments, or they were unsuccessful in settling the accounts in the absence of the direct involvement of the central authority.

These games and strategies involving different actors, and the legal, political and moral justifications for new confiscations campaigns did not explain why the process that had begun between 1700 and 1767, in the direction of life and property security was reversed. The provincial notables did not develop a collective resistance or agenda against the confiscations until 1808. One of the reasons for this was the incentive for the beneficiaries of the confiscation campaigns. In fact, the confiscations provided new benefits for many provincial notables, who established partnerships with the state and seized others' property and shared the wealth with the central state. Like in the early period, the confiscations and executions functioned as a redistributive mechanism. As a result of the massive confiscations in the late 18th and early 19th centuries, the less powerful notables were either eliminated or came under the control of the most powerful, most militarily vigilant and perhaps those who controlled information mechanisms best. Only in 1808, some of the most powerful notables developed a clear agenda to revoke the confiscations and impose this change to the state, when some of the notables agreed with the central bureaucracy to abrogate the executions and confiscations in an imperial meeting. This attempt would eventually fail.⁴⁵ Moreover, the stormy conditions and constant upheavals in Istanbul and provinces during the period did not allow one coalition to rule the empire for a long time. The erratic political instability and constant changes and shifts in the ruling parties prevented the grandees in the center and the notables in the provinces from continuing their partnerships. Under these conditions, confiscations were instruments for the competing groups. After the janissaries toppled a ruling coalition in 1808, which had come to power as a result of another coup, the properties of the members of the coalition, both in the provinces and in the center, were

⁴⁵ Ali Yaycioglu, "Sened-i İttifak (1808): Bir Entegrasyon ve Ortaklık Denemesi." In *Nizam-ı Kadimden Nizam-ı Cedide: III.Selim ve Dönemi*, edited by Seyfi Kenan (Istanbul: İSAM, 2010).

confiscated *in toto*, and redistributed by the new group, with the support of the new sultan, Mahmud II.

The Abolition of Executions and Confiscations (1839)

The political stability of the empire was only obtained in the end of the first quarter of the 19th century. In 1826, after the bloody massacre that resulted in the killing of thousands of Janissaries by the people of Istanbul and the new army, the Janissary corps was abolished. Meanwhile, several provincial households were eliminated or marginalized. The relative stability under the new enlightened despotism of Mahmud II was challenged by the regional and national uprisings, starting with the Greek Revolution in the Peloponnesus. The opposition to the executions and confiscations came from the new bureaucracy, rather than from the provincial notables. The last grand vizier who was executed was Benderli Ali Pasha in 1820.⁴⁶ After this time, the growing agenda to abolish imperial executions and confiscations was openly expressed by several imperial grandees. This coincided with the abolition of slavery and the *rapprochement* between the Ottoman and British Empires. In 1839, with the imperial decree, guaranteeing lives and properties, the four hundred year old practice was abrogated. In spite of this its revocation, however, structural implications and memories of this four hundred year old institution would continue to shape economic culture and culture of power in the Ottoman world and the modern Middle East and the Balkans in the 19th and 20th centuries.⁴⁷

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⁴⁷ For the Tanzimat, see Halil Inalcik and Mehmet Seyitdanlıoğlu (ed.), *Tanzimat: değişim sürecinde Osmanlı imparatorluğu* (Istanbul: İş Bankası Yayınları., 2008); *Tanzimat yüzüncü yıldönümü münasebetile* (Istanbul : Maarif Matbaasi, 1940)

Appendix I: *Three Scenarios for Confiscations*

A. Full Confiscation

In the first scenario, the power-holder died. The state was informed of his death through reports from different local agents. The central authority made a political calculation and decided to carry out confiscation. In this calculation, many concerns might play a role. The power-holder might have been very wealthy, and his death might be seen as a great opportunity to divert this wealth to the state *in toto*. Or, his family might not be sufficiently well-organized to resist the confiscation. Although the state had the right of confiscation, still it might prefer to justify the confiscation by publically declaring that the power-holder's wealth was accumulated unjustly or illegitimately. This declaration was to be read in the local court. When the power-holder's property was confiscated, sometimes his associates were also targeted (Case 2).

Once the decision was taken, the center had two possibilities. The confiscation could be carried out by a state officer, who was sent from the center with armed forces, fiscal experts and the necessary documents pertaining to offices and contracts of the deceased. Alternatively, the state might delegate this mission to a contractor, who was generally from among the locals and acquainted with the local realities and information. An agent or contractor was supposed to go the locality as quickly as possible because there was always a possibility that the heirs, servants or locals could seize or hide movable properties or money. Therefore, generally, when the state (or a governor) was informed about a death, the local judge was asked immediately to seal the treasury or movable assets in front of witnesses.

When the experts went to the locality, they were supposed to record everything in inheritance accounts. The recording of the items, namely movable and immovable properties, receivables and debts, required not only technical expertise but also access to other documents held by the deceased, third parties and local and central archives. Some of these records included not only accounts of property, receivables and debts, but also

copies of earlier documents, such as decrees, contracts and other documents of fiscal transactions pertaining to these items. Therefore, occasionally we have very detailed lists of accounts and documents in which one can follow the process of how the wealth was accumulated throughout the person's career.

One of the most complicated processes was the settlement of debts and receivables, and possible disputes involving financial matters between the deceased and his business partners or local communities. Especially credits extended to the local communities for their tax and public expenditures or rural investments constituted a big portion of the disputes. Most of the time, the state was not informed about these disputes in details. If the deceased had debts, the confiscator might sell or use some portion of his wealth to pay his debts. Occasionally, the deceased person had more debts than fortune. In this case, the creditor might bring the case to the court of appeal in the Imperial Divan.

After confiscation, the heirs might apply to the imperial court to review the decision or ask for compensation. There were several cases where the state granted shares derived from different revenue sources (like a salary or pension) to the aggrieved heirs for life.

B. Family offers a Deal

In the second scenario, the family of the deceased (nor necessarily the legal heirs) could offer the state a deal for settlement. They could declare that they would like to *buy* the inheritance and most of the time the office(s) from the state. This opened a negotiation with the state. If the family was close to the ruling establishment in the center, and supporters of their agenda, the ruling party might think that it would be beneficial to keep that family in their respective locality as power-holders. Or, the central bureaucracy might be more interested in the money that the family offers to secure their wealth and status. The family might also offer a service, rather than money. They might convince the central state that their continuity in the region as power-holding family might be administratively or militarily strategic for the central state. After the negotiation, the

central authority and the family might reach an agreement, including a payment plan and services due.

In the negotiations, the family might bring in the position of the community. They might argue that the community preferred the family as their leader or office-holders. The community declarations supporting the family strengthened their case and bargaining power. The families might also be engaged in lobbying activities in Istanbul to secure their position. There is always a possibility for the failure of the negotiations. In this case, the family should be ready for armed conflict. In many instances, the family might prefer to conceal the movables and cash. There were cases when the gold and silver coins were buried in boxes until the confiscation process was completed. Even here, the confiscator tried to get more information if possible, from local witnesses, in order to find out whether something had been concealed from the authorities. In any case, the process might turn into a war of concealing and uncovering local information between the family and the state.

C. State Sold Inheritance and Office to a Third Party

The third scenario involved a third party. According to this scenario, when a power-holder died, a third party, an individual or a family, most of the time from the region, proposed the state to *buy* the inheritance with the office connected to it. It was possible that the third party was ally/partner or competitor/rival of the deceased power-holder. They might offer money or a service as redemption. Generally, the third party would like to support its case with public declarations from the local communities demonstrating that he was wanted in the respective locality. This might or might not be resisted by the heirs of the deceased. In any case, the decision of the central authority was based on both financial concerns and the dynamics of local politics.

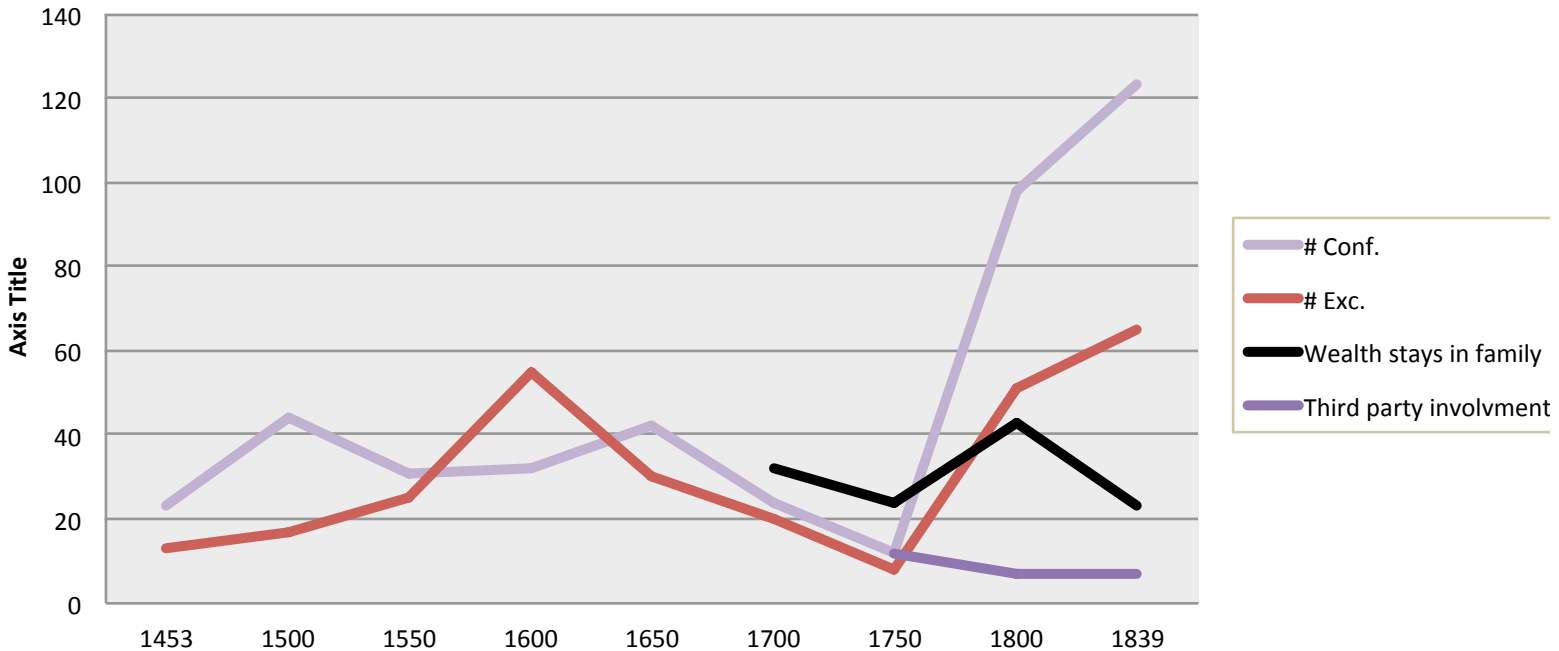
Nevertheless, such deals saved the central authority from the cost of sending an agent to carry out the confiscation, since confiscations were costly and most of the time difficult

processes, because of the local complications and resistance of the family members. However, there was also a risk for the state. Since most of the time the real value of the wealth was not known, the entrepreneur who proposed to buy the inheritance might manipulate the central authority about the real value of the property. We can assume that the entrepreneur must have a better sense of the real value and in addition of the receivables and debts, and the feasibility of securing the receivables.

In this case, as in scenario B, most of the time, inheritance and the office(s)/contracts were connected. If the family or the third party bought the inheritance, they automatically acquired the office or contract connected to it. Therefore, when the state sold the inheritance to the third party, it also sold the office or contract related to it. There might be cases where the third party married the widow of the power-holder to strengthen his claim and perhaps justification in the eyes of the locals.

Appendix II

Priliminary results for major executions and confiscations



Appendix III: Selected Cases

BOA: Başbakanlık Osmanlı Arşivi – Prime ministry Ottoman Archives/ Istanbul

1. When Halil Ağa, the overseer of Yeni Zağra, a town in Ottoman Bulgaria, was executed in 1796, his property was confiscated by the Porte. However, it was reported that his family concealed his movable properties, including good amount of gold, in the houses of his wives.⁴⁸
2. In August 1805, an imperial decree was sent to the governor of Hanya in Crete, which reminded the governor that it was their duty to inform the state about the deceased who had considerable wealth and property. The treasury had not been informed about the death of Psinoglu Mustafa. An accountant was sent to Crete

⁴⁸ BOA: C ML 3125 (A report concerning the moveable property of Halil Ağa, C 1211/December 1796).

- with necessary document to list his property. The governor was asked to start the confiscation process.⁴⁹
3. In 1793, Cabbaroğlu Süleyman Bey, a power-holder in Central Anatolia, became contractor to confiscate the property of Ibrahim Pasha, a governor in the region. Meanwhile, it was ordered that the property of his steward, Ömer, would also be confiscated, since he acquired his wealth through unjust and illegal transactions.⁵⁰
 4. When Bayraktar Mustafa Pasha died in 1808, his property was confiscated *in toto*. Revenues in Tirnova, which were under his disposal was granted to the Fatma Sultan, the princes. The sons and wife of the Bayrak Mustafa were granted shares/salaries from the revenues of Imperial Mines. The revenue units held by Mustafa's associates were also confiscated.⁵¹
 5. In the summer of 1793, when the intendant (*voyvoda*) of Bayındır, Westner Anatolia, Karayılanoğlu Mehmed Ağa died, the family proposed 20,000 guruş to the Porte in return for the inheritance. The central government asked Karaosmanoğlu, a leading power-holder of the region, to send a report about the real value of the inheritance. After a report by Karaosmanoğlu Mehmed Ağa, the state accepted the proposal.⁵²
 6. When the renowned power-holder Karaosmanoğlu Hacı Hüseyin Ağa died in 1824, the central authority negotiated with the family. Eventually the parties agreed on a detailed payment arrangement to redeem the property, in the amount of 5000 *kise* which was to be paid in five installments to the treasury.⁵³
 7. When Tirsinikli İsmail Ağa died, Alemdar Mustafa Pasha proposed a value of 800 *kise* (400,000 *guruş*) for İsmail Ağa's property. However, the head of the customs of Rusçuk, Hasan Ağa, wrote a report and informed the Porte that the value of the inheritance should not be less than 1000 *kise* (500,000 *guruş*). In fact, he proposed that some portion of this amount should be granted to him, to refund earlier purchases that he had made on behalf of the treasury. The case was submitted to Sultan Selim III, who wrote that "As it was proposed, the value of inheritance was to be established at 800 *kise*. 500 *kise* shall be taken in cash and paid for the [immediate military] expenditures. The remaining 300 *kise* (150,000 *guruş*) is to be granted to the chief of the customs, and this amount shall be counted in exchange for his demand from the Porte."⁵⁴ Eventually, the Porte accepted the proposal of Mustafa Ağa and left the property of Tirsinikli İsmail in

⁴⁹ BOA: C ML 6959 (A decree to the governor of Hanya, Ca 1220/August 1804)

⁵⁰ BOA: C. ADL 521 (An order to Cabbarzade Süleyman Bey concerning his confiscation mission Z 1207/August 1793.)

⁵¹ HH 26638 (A note from the accounting office concerning the confiscation of the Bayraktar's property, 1224/1808)

⁵² BOA: C ML 3108 (A note concerning the inheritance of Karayılanzade Hacı Mehmed, Z 1207/August, 1793).

⁵³ BOA: HAT 49115 (A note concerning the inheritances of Karasomanoğlu and Katipoğlu, 1238/1822).

⁵⁴ BOA: HAT 1730 (Report concerning the inheritance of Tirsinikli İsmail Ağa, 1221/1807).

- his hold. A few of months later, Mustafa Pasha was appointed as the commander of the Danubian army. He re-negotiated the payment plans. As a result, the Porte reduced the amount by 300 *kise*, provided that Alemdar Mustafa Pasha would use this amount in the war.⁵⁵
8. In 1807, Tepedeneli Ali Pasha asked the state to allow him to buy the inheritance of a certain Tahir Pasha. Tepedelenli Ali Pasha had joined the war against Russia and he implied that this inheritance would help to finance his expenditures in the war. It was recommended to Selim to leave the inheritance to Ali Pasha. Sultan Selim refused: "How can we allow him to capture this inheritance, when its value has not been substantiated yet."⁵⁶
 9. In 1816, when İsmail Bey of Serres died, the communities of Serres and 21 other districts in southern Macedonia declared that they were willing to see his son Yusuf Bey as their overseer and asked the central government to appoint him.⁵⁷
 10. When Osman Pazvantoğlu, the governor of Vidin, died in January 1807, his son Ali was only thirteen. According to a report sent by the prince of Walachia:
[Soon after the death of Osman Pasha], the community of Vidin sent letters to the ağas [under his command]. They arrived to Vidin in three hours. The ağas, the janissary ağa and the notables of the city gathered in a place of the city. After some negotiations, they sealed the treasury and his private properties. And they unanimously agreed to inform the Sublime State of the situation. And they wrote a petition to the Sublime State and asked to entrust the affairs of Vidin to Ali Bey [Pazvantoğlu's son] and Molla İdris [Pazvantoğlu's treasurer], and to entrust the guardship of Vidin to Molla İdris.⁵⁸

Later, we learn that other ağas of Pazvantoğlu refused the decision of the community. After some tensions, the Porte appointed İdris, with the reference of Memiş Pasha, then the grand vizier, as the guard of Vidin. İdris became İdris

⁵⁵ C ML 2889 (A note concerning the letter of Alemdar Mustafa Pasha about the inheritance of late Tirsinikli İsmail Ağa, L 1221/Janurary 1807).

⁵⁶ "Henüz muhalefatı ma'lum değil iken nasıl müsa'ade-yi 'Aliyye olabiliyor?" in BOA: HAT 56308 (A memorandum submitted to Sultan Selim concerning the offer of Tepedelenli Ali Pasha pertaining to the inheritance of Tahir Pasha, 1222/1807).

⁵⁷ BOA: C D 2758 (Petitions from 21 different districts inviting Serez li Yusuf Bey as their *ayan*, L 1231/Agust 1816).

⁵⁸ "(...) tahrirat ile Vidin ahalisi tarafından menzil çıkarılmış olmağla ağavat-ı mersumun Osman Paşa'nın vefatından üç saat sonra erişüb Yeniçeri Ağası ve vücuh-ı belde ile bir yere gelinerek bir miktar müzakereden sonra müteveffa-yı müşarünileyhin gerek hazine odasını ve gerek eşya-yı sa'iresini temhir-birle keyfiyeti [Der-i Sa'adet'e?] ifade olunması ittifak-ı ara ile karar-gir olmuş olduğuna binaen tez elden hall ü 'akd-ı umur-ı memleket on üç yaşında olan müteveffanın oğlu 'Ali Bey'e ve Molla İdris Ağa'ya lede'l-tevfiz ve ihale ve Vidin muhafızlığı mir-i mumaileyhe tevfiz buyrulması istida'sını mutazammın bir kıt'a 'arz-ı mahzar kaleme alındığı (...)." BOA: HAT 6362 (A report from the prince of Walachia concerning the death of Osman Pazvantoğlu, 1221/1807).

Pasha. He married the wife of Osman Pazvantoğlu. His son Ali escaped Vidin and went to Istanbul. This was the end of Pazvantoğlu rule in Vidin.⁵⁹

⁵⁹ BOA: HAT 47888 (A note on Molla İdris, 1223/1807)