

**The London School of Economics and Political Science**

Confiscation by the Ruler: A Study of the Ottoman Practice  
of Müsadere, 1700s-1839

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To Hilal and Erdem with love

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## **ABSTRACT**

This thesis examines the practice of confiscation in the Ottoman Empire during the long-eighteenth century. It investigates what enabled, guided and motivated the sovereign to confiscate the property of elites, and how and to what extent this occurred. The contribution of this thesis is twofold. First, it provides the first systematic analysis of the practice of confiscation in the Ottoman Empire, highlighting the basis of selectivity in its application. Second, it contributes to a broader line of literature by analysing the drivers, informal constraints and persistence of historical state predation. One of the strengths of the thesis is its combination of theory and a rich variety of archival evidence, using both qualitative and quantitative techniques. The thesis finds that *müşader*e was a selective institution targeting mainly office-holders and private tax contractors. However, some were less likely to face or more capable of avoiding confiscation than others mainly due to factors related to time and location of confiscation, the bargaining position of the wealth-holder and the attributes of their wealth. Although confiscation was costly and time-consuming to enforce, the sultans were continuously interested in it because of its political and redistributive functions such as monitoring the behaviour of their agents and protecting their share in the fiscal revenue from fiscal intermediaries. They had power to do so primarily because of many disincentives of collective action among the targets of confiscation. Through the study of this practice, this thesis shows how an early modern monarch, who was not formally constrained, could and did confiscate the elite property in a time of crisis.

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## NOTES TO THE READER

**Transliteration:** Transliteration of Ottoman place-names, people's names and titles are given in their modern Turkish form. Wherever possible for place names, an English-language equivalent is provided.

**Exchange Rate:** 1 British pound sterling=8 kuruş in 1800 and 19 kuruş in 1808.

**Dates:** All dates are given in the Gregorian calendar.

### **Abbreviation:**

NIE: New Institutional Economics.

MNLM: Multinomial Logistic Regression Model.

BOA: Prime Ministry Ottoman Archives (Başbakanlık Osmanlı Arşivleri).

BMHD: Books of the Bureau of Confiscation (Başmuhasebe Muhallefat Halifeliği Defterleri).

AE.SABH.I: Ali Emiri Sultan Abdülhamid I

AE.SMST.III: Ali Emiri Sultan Mustafa III

AE.SMST.IV: Ali Emiri Sultan Mustafa IV

AE.SSLM.III: Ali Emiri Sultan Selim III

D.BŞM.MHF.d: Başmuhasebe Kalemi Muhallefat Halifeliği Defterleri

C.ADL: Cevdet Adliye

C.AS: Cevdet Askeriye

C.DH: Cevdet Dahiliye

C.ML: Cevdet Maliye

C.SAR: Cevdet Saray

HAT: Hattı Hümayunlar

M.AD: Maliyeden Müdevver



# 1 LITERATURE REVIEW AND INTRODUCTION TO THE STUDY

In 1794, the Ottoman central government was informed that Hacı Hasan, a tax farmer from Bursa, had died. Following this news, the government sent an official tasked with the confiscation of Hasan's estates for the public treasury. According to the inventory prepared by this official, the total value of Hasan's wealth was some 723,846.5 kuruş. Though these inventories were kept with the intention of full confiscation, a process of negotiation with Hasan's heirs resulted in a deal requiring them to pay 300,000 kuruş in cash to the treasury in three annuities.<sup>1</sup> This type of deal is called *bedel-i muhallefat* (literally: inheritance value) and the above procedure was not uncommon in the eighteenth century. The practice of confiscation of personal estates by the sultan, known as *müsadere* in Ottoman historiography, had been a common practice since the fifteenth century.<sup>2</sup> In general terms, *müsadere* can be defined as the transfer of property from the hands of a select group of people to the treasury, either after death or as a way of punishment.<sup>3</sup> Though generally overlooked by the existing literature, it was a selective institution, which excluded some potential targets. This thesis is an analysis of the determinants of this selectivity from 1700s to 1839 during which confiscations were increasingly arbitrary in nature and sophisticated in methods of enforcement.

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<sup>1</sup> Nilüfer Günay Alkan, "Müsaderenin Sosyal Ve Ekonomik Bir Analizi: 18. Yüzyılda Bursada Yapılan Müsadereler," *Bellefen* LXXVI, no. 277 (2012).

<sup>2</sup> This study uses the English-language words 'confiscate' and 'confiscation' when referring to the practice of *müsadere*. Although other words such as expropriation and seizure have been used in the current literature, confiscation has so far been the most preferred word in English-language Ottoman historiography. In this study, the word *müsadere* is used interchangeably with the word confiscation and exclusively in discussions of Ottoman historiography and when referring specifically to the practice of the Ottomans.

<sup>3</sup> Later in this chapter, it will be discussed how personal or private the often-confiscated property was. It suffices to say here that confiscations covered any property owned by the wealth holder. It is true that there was a sovereign ownership of land; yet even this was changing in the eighteenth century in favour of recognition of private property.

**Figure 1.1:** Presentation of the Severed Head of Ali Paşa of Yanina to Sultan Mahmud II



**Source:** Accessed through <https://digitalcollections.nypl.org/> on 28 August 2017.<sup>4</sup>

Although this is a context-specific study, it sheds some light on the interaction between power and prosperity, a relationship which has long puzzled economists, political scientists and economic historians. In historical settings, state predation has been presented as the main

<sup>4</sup> In this picture, Ali Paşa's severed head is being presented to the sultan. The practice of *müsadere* was often a supplementary punishment to political execution (*siyaseten katl*). Previously the governor of the Western Balkans, he rebelled against the central authority. He was deposed and assassinated. His wealth was immediately confiscated.

obstacle for early modern growth mainly by proponents of New Institutional Economics (NIE) since the 1970s.<sup>5</sup> Their main argument is that the precocious establishment of the rule of law, mostly linked with constraints on government, was the most important determinant of historical economic growth. Although some scholars were more cautious, this literature created a dichotomy between absolute and formally limited regimes. Putting this view in consideration, recent research in comparative economic history and historical political economy now places more emphasis on state capacity to enforce rules and collect taxes as the main drivers of modern economic growth. Thus, it is now less credible that the central problem facing early modern economies was state predation. This shift of attention, however, does not change the fact that confiscation by the ruler was a common phenomenon in the pre-modern and early modern times and was exercised with little or no formal constraint to their power during much of state history. Although several studies rightly claimed that property rights protection was a private good and predation was inherently selective before the nineteenth century in most parts of the world, this claim has not been put into sufficient empirical analysis in a way explaining the determinants of this selectivity. Most importantly, the following questions are yet to be answered in the Ottoman context. This study contributes to a more balanced understanding of historical state predation and its limits, and potentially explain why state predation was not the most important culprit for economic stagnation.

Motivated by the above literature, this thesis analyses the functions, driving forces, actors, informal constraints, survival and abolition of the müsadere practice with a focus on its latest period, from the 1700s to 1839. This period was extraordinary considering the rise of

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<sup>5</sup> There is a problem with the use of the terms pre-modern, early modern and modern especially in non-European contexts. It is open to debate whether and to what extent there were any pre-nineteenth century origins of Ottoman modernisation. While this debate is beyond the aims of this study, it should be noted that the year 1839 is an important year in Ottoman history as being a threshold of modernity. See: Jack A. Goldstone, "The Problem of the "Early Modern" World," *Journal of the Economic and Social History of the Orient* 41, no. 3 (1998).

the local elites and ever-deteriorating state finances. I find that the sultans confiscated consistent with maximisation of their rule rather than acting simply as revenue maximisers during the period under consideration. The tool of confiscation, despite being costly and lengthy, was useful for the sovereign to maintain its control of fiscal and political resources. When the crisis threatening the very existence of the empire was turned down in favour of the centre in the 1820s, the need for such a tool decreased, leading to its abolition in 1839.

This chapter is constructed as follows. Section 1.1 provides a brief historical background to help trace and elucidate the topic in the relevant historical context. The first sub-section deals with the origins of *müşadere* as an Islamic state practice and its evolution throughout Ottoman history. The second sub-section gives an overview of fiscal and political transformation in the eighteenth-century Ottoman Empire. The final sub-section places the thesis in the context of the period from which the data was collected. Section 1.2 reviews the literature in two sub-sections, dealing with the broader economic historical literature on state confiscations, and modern Ottoman historiography on the *müşadere*, respectively. Following this review, section 1.3 introduces the research questions, methods and content of the chapters. Section 1.4 gives a general overview of the sources. Section 1.5 concludes.

## **1.1 Historical Background**

### **1.1.1 The Origins of the Practice of *Müşadere***

Confiscation by the ruler was a common practice not only in the Ottoman Empire but in many parts of the world. The focus here is rather directed at Islamic history. The word *müşadere* is originally Arabic, meaning literally ‘to wrest’.<sup>6</sup> The reason the Ottomans used an

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<sup>6</sup> Cengiz Tomar, "Müşâdere," in *TDV İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 2007).

Arabic word to denote state confiscation goes well beyond the close interaction between the Ottoman Turkish and the Arabic language. That is, the Arabs have arguably inserted this practice into Islamic statecraft based on their use of it from the very early period of Islamic history. Early evidence shows that confiscations were used as a punitive measure to prevent undesirable behaviour of office holders such as bribery, embezzlement and overexploitation of tax payers, and often supplemented capital punishment. It was arguably during the rule of the Umayyads (661-750) that it became more arbitrary as it turned into a tool of revenge and threat.<sup>7</sup> From the Abbasids (750-1258) in medieval Iraq to the Mughals of India (1520-1857) in the early modern period, many Islamic states resorted to confiscations in a similar fashion. Mughals called property confiscation *zabt* (seizure), which is a term frequently used by the Ottoman sources as well (i.e. *miriden zabt*, *miriye zabt* –seizure by the state). In Mughal India, ‘confiscation of property was a conditionality of tax farming arrangements common in the Islamic empires of Asia.’ However, ‘confiscation did not mean taking over ownership rights but the withdrawal of an entitlement.’<sup>8</sup> The right to use the property was not the same as owning it. The overarching feature of these practices, however, is that the social group under constant risk of confiscation was office-holders.<sup>9</sup>

Although knowledge of these earlier exercises of confiscation in Islamic history is not as detailed as that of Ottoman *müsadere*, it is possible to draw some insights on how they were enforced from the case of the Abbasid Empire.<sup>10</sup> Confiscations were undertaken by this

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<sup>7</sup> Ibid.

<sup>8</sup> Zafarul Islam, "The Mughal System of Escheat: An Analytical Study" (paper presented at the Indian History Congress, 1985). Bishnupriya Gupta, Debin Ma, and Tirthankar Roy, "States and Development: Early Modern India, China, and the Great Divergence," in *Economic History of Warfare and State Formation*, ed. Jari Eloranta, et al. (Singapore: Springer, 2016), 53.

<sup>9</sup> Eliyahu Ashtor, *A Social and Economic History of the near East in the Middle Ages* (Berkeley, Los Angeles and London: University of California Press, 1976), 141.

<sup>10</sup> Abbasid records mention at least 30 confiscations in the period 908-946 and 10 in the years 946-991. Tomar, "Müsâdere."

medieval Arab state through a bureau in the central bureaucracy (*di-vanü'l-müsadere*) that specialised in the enforcement of confiscation. When an office-holder was accused of a major crime or failure to meet the ruler's demands, he was immediately dismissed and imprisoned. He was then offered the chance to sign a bond of considerable reimbursement. If he did not accept the offer, he was beaten and tortured.<sup>11</sup> As it will be seen, these methods show substantial similarities with methods used in the Ottoman Empire.

The müsadere practice must have entered the Ottoman political system in the 1400s. It should be noted that the precise timing is difficult to determine and beyond the scope of this study, and the continuity of the practice is of more interest here than its origins. Necessary to this discussion, however, is the year 1453, the year most widely accepted as the beginning of confiscation according to the current literature. In 1453, the Ottomans conquered the Byzantine capital Constantinople (now Istanbul). Although the Byzantine Empire was already quite weak, it was not easy to capture the city and the siege took longer than expected. The day following the conquest, Mehmed II (r. 1444-1446, 1451-1481) executed his grand vizier, Çandarlı Halil Paşa, and confiscated his wealth. The vizier was accused of treason by his actions of making a secret deal with Byzantium on termination of the siege to allow time for the arrival of the Papal support.<sup>12</sup>

Whether this was the first case of müsadere is dubious. It may well be, and rejecting this claim is difficult since there are scarce sources for this early era of Ottoman history. An account, however, does describe Musa Çelebi, one of the princes who fought in the civil war of 1402-1413 for the throne, as a "confiscation-lover". According to this chronicler, called Neşri, the prince had said that "this Paşa

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<sup>11</sup> Maaïke Van Berkel, "Embezzlement and Reimbursement. Disciplining Officials in 'Abbāsīd Baghdad (8th-10th Centuries A.D.)," *International Journal of Public Administration* 34, no. 11 (2011): 712. Ashtor, *Social and Economic History*.

<sup>12</sup> Halil İnalçık, *Fatih Devri Üzerinde Tetkikler Ve Vesikalar I* (Ankara: Türk Tarih Kurumu, 1987), 133.

smells florin [an Italian coin].”<sup>13</sup> The other pre-1453 evidence of müsadere is also from the first half of the fifteenth century. The above civil war ended in 1413 when Mehmed I (r. 1413-1421) finally acceded to the throne. Following his accession, he received the consent of the legal community (*ulema*) to execute a cleric, Şeyh Bedreddin, who had organised a rebellion against the central authority after his dismissal. When he asked them if it was also permissible to confiscate the rebel’s fortunes, however, they replied, “*to execute him is lawful but a Muslim is forbidden from confiscating his wealth.*” These anecdotes indicate that müsadere was arguably not unknown to those in power before 1453, though not institutionalised like it was after then.<sup>14</sup>

There is more certainty that during the reign of Mehmed II, confiscations became more frequent and extended to include all officials, irrespective of crime or failure to meet the demands of the sultan. This process coincided with an ongoing bureaucratic transformation. The members of influential Turcoman dynasties, who had been filling bureaucratic positions until that time, were gradually replaced by a new group of people who were loyal to the sultan. This new regime, which abolished the status quo, is called the *kul* (literally: slave) system; this refers to the terminology in which the sultan was the master and the members of the military-administrative class were his so-called slaves.<sup>15</sup> Besides their life and property being at the will of the sultan, being a slave was only symbolic, implying expected devotion and loyalty. In practice, they possessed many privileges related to their offices in the Ottoman administrative system.<sup>16</sup> As previously stated, however, these privileges were confined to their lifetime as they were typically not allowed to bequeath their riches. This was due to the belief that

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<sup>13</sup> Neşrî, *Kitab-ı Cihannüma*, trans. Necdet Öztürk (Istanbul: Bilge Kültür Sanat, c. 1493/2014), 481.

<sup>14</sup> *Ibid.*, 546.

<sup>15</sup> Mehmed II consolidated this *kul* system that was established by Murad I (1362-1389). For this transformation, see: Metin Kunt, *The Sultan's Servants: The Transformation of Ottoman Provincial Government, 1550–1650* (New York: Columbia University Press, 1983).

<sup>16</sup> Halil İnalcık, *The Ottoman Empire, Conquest, Organization and Economy* (London: Variorum Reprints, 1978), 120.

since they accumulated wealth through their offices, it had to be confiscated once they died or were dismissed from office.

In the classical imperial ideology, Ottoman society was divided into two classes: (1) the military-administrative class (the *askeri*) and (2) tax-paying subjects (the *reaya*). The askeri class was further divided into three groups: men of the sword (the military), men of the pen (administrators) and men of religion and law (the legal-religious community).<sup>17</sup> Mobility between classes was hardly tolerated until the eighteenth century. There were essentially three ways of becoming a member of the askeri class: (1) through the *devşirme* system, requiring non-Muslim birth, (2) birth into an askeri family or (3) following the usual educational path to become ulema.<sup>18</sup> The askeri class was exempted from paying taxes but were subject to property confiscation excepting the legal community, which was generally immune from it unless they were 'politically executed.' In fact, these class boundaries shifted and became blurred in the eighteenth century. For the moment, however, focus shall remain within the pre-eighteenth century context.

The term 'political execution' is closely related to the *müsadere* practice. It refers to the execution of those who committed major crimes against the state such as bribery, treason and rebellion. Like confiscation, it was also at the sultan's discretion, which often lacked judicial process but occasionally was given the approval of the grand mufti.<sup>19</sup> The development of political execution and *müsadere* went hand in hand, since *müsadere* often accompanied political execution.<sup>20</sup> Not all *müsaderes*, however, were of this nature. It was not uncommon,

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<sup>17</sup> Cornell Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Ali (1541-1600)* (Princeton: Princeton University Press, 1986), 19.

<sup>18</sup> The *devşirme* system was the levy of Christian children at an early age. These children were converted to Islam and trained at Ottoman educational institutions. Their career paths were either in the army or in civil service. The system was abolished in the early eighteenth century by Ahmed III (r. 1703-1730).

<sup>19</sup> Ahmet Mumcu, *Osmanlı Devletinde Siyaseten Katl* (Ankara: Ajans Türk Matbaası, 1963), 106-110.

<sup>20</sup> *Ibid.*, 147-162.



for example, that the property of an individual who died naturally to be confiscated even in times before the eighteenth century.

A concurrent development regarding land property rights is also key in the evolution of the state and the practice of confiscation. Starting in 1475, Mehmed II appropriated immense areas of arable land owned by provincial aristocracy and religious endowments (*waqfs*) to finance his military campaigns.<sup>21</sup> It is a matter of debate in modern Ottoman historiography whether this was an act of confiscation of privately owned lands or redistribution of lands that were already owned by the central state.<sup>22</sup> For some, these were state lands farmed out to the dynasties.<sup>23</sup> Regardless of this debate is the importance that most lands were now being endowed to the military-administrative class. To clarify, the land rights regime institutionalised in the sixteenth century identified three types of land ownership: state land (*miri*), 'private' land (*mülk*—only vineyards, plantations and orchards) and *waqf* land (those under the ownership of religious endowments).<sup>24</sup>

The source of wealth of the military-administrative class was their offices that were, by various means, linked with fiscal hierarchy or the right to collect taxes from state lands for a temporary period. Two methods of tax collection coexisted from very early Ottoman history: while urban taxes were collected predominantly through tax farming, agricultural taxes, forming the majority of state revenues, were collected locally under the *timar* (military-administrative) system, mostly in kind due to low levels of monetisation.<sup>25</sup> In this system, each officeholder was assigned a revenue unit of varying size by the sultan

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<sup>21</sup> Halil İnalcık and Donald Quataert, *An Economic and Social History of the Ottoman Empire Volume 2: 1600-1914* (Cambridge: Cambridge University Press, 1997), 126-130.

<sup>22</sup> Eugenia Kermeli, "The Confiscation of Monastic Properties by Selim II, 1568-1570" (Unpublished Ph.D Dissertation, The University of Manchester, 1997), 92-108.

<sup>23</sup> For example, see: Oktay Özel, "Limits of the Almighty: Mehmed II's 'Land Reform' Revisited," *Journal of the Economic and Social History of the Orient* 42, no. 2 (1999).

<sup>24</sup> İnalcık and Quataert, *Economic and Social*, 155.

<sup>25</sup> Şevket Pamuk, "Institutional Change and the Longevity of the Ottoman Empire, 1500-1800," *Journal of Interdisciplinary History* 35, no. 2 (2004): 239.

in exchange for certain military and administrative services such as training cavalries for wartime, the number correlating with the size of entitled land, and maintaining social order in their region.<sup>26</sup> It is highly significant that, unlike fief-holders in feudal Europe, they neither owned land as private property nor held hereditary rights to it. Instead, their rights on land were restricted to revenue collection from their assigned land for a given period. It was the right to use land and not a property right in the modern sense. Until the 1858 Land Code, and per some historians consistently after that time, there was no private ownership on land except for vineyards, plantations and orchards.<sup>27</sup>

The institution of *müşadere* was born into this environment. It remains vital to understand the difference between those confiscations before and after the eighteenth century. Rising to power primarily due to privatisation of tax farming, provincial elites became a new target of *müşadere* in this century. Moreover, considering new methods of enforcement, the practice arguably became more sophisticated as well. However, the basic definition of the *müşadere* remained the same in the eighteenth-century context: it was a seizing of property, typically including not only land but the entirety of assets, from a select group of wealth-holders for the public treasury, usually but not necessarily after death. This is a general definition that fails to consider the sultan's motive. El-Hajj draws attention to factional politics:

An even more significant aspect of the *müşadere* policy is the question of who could initiate and prevent confiscations. From the available evidence, it appears that the option was exercised at the discretion of whichever faction among the ruling class had the upper hand at the time. This was especially true when new factions had just succeeded to a position of power and when a

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<sup>26</sup> Colin Imber, *The Ottoman Empire, 1300–1650: The Structure of Power* (New York: Palgrave Macmillan, 2002), 196.

<sup>27</sup> Huricihan İslamoğlu objects to the generally accepted view that the code brought about a significant change in the sphere of property rights, arguing that it just compiled and codified old regulations and undermined cultivators as well as old ruling classes. Huri İslamoğlu, "Property as a Contested Domain: A Re-Evaluation of the Ottoman Land Code of 1858," in *New Perspectives on Property and Land in the Middle East*, ed. Roger Owen (Cambridge, Mass.: Harvard University Press, 2000), 34.

victorious faction exercised the right of müsadere against those who had lost out.<sup>28</sup>

One of the aims of this study is to understand what motivated the sovereign. It suffices for now to say that these motives were time-specific, which dictates that this study be placed in its relevant historical context as it concerns these motives. This section has summarised a long history of the practice of müsadere and its evolution towards the period under study. No economic history study dealing with the long-eighteenth century of the Ottoman Empire, however, would be complete without a mention of the breakdown of the classical regime in political and fiscal terms. This is the topic of the next section.

### **1.1.2 Fiscal and Political Transformation in the Eighteenth-Century Ottoman Empire**

In the sixteenth and seventeenth centuries, Europe passed through a process of transformation in the methods of warfare and military organisation called the ‘military revolution.’<sup>29</sup> Apparently, the Ottoman Empire was less successful in its responses to this transformation. Larger and regular armies that had to be kept ready for war and necessary investments in military technology required the injection of more revenue into the treasury. Military failures created by the widening gap put an end to the Ottoman expansion in Europe, resulting in additional fiscal pressure on the Ottomans. These factors led to

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<sup>28</sup> Rifa'at Abou-El-Haj, *Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries*, 2 ed. (New York: Syracuse University Press, 2005), 21. The case of the grand mufti Feyzullah Efendi (d. 1703) is a good example of the role of factional politics. Discontent with economic conditions and military failures of the late seventeenth century, the Janissaries, being elite infantry units, rebelled in 1703 and chose him, who had already drawn attention with his huge wealth and ‘nepotism’ as the scapegoat. A member of influential Köprülü family, Amcabeyzade Hüseyin Paşa, who enjoyed great support among the Janissaries, opposed the grand mufti and so played a role in his fate. Fariba Zarinebaf, *Crime and Punishment in Istanbul, 1700-1800* (Berkeley; Los Angeles: University of California Press, 2010), 53-54.

<sup>29</sup> See: Michael Roberts, *Military Revolution, 1560-1660* (Belfast: M. Boyd, 1956).

a reorganisation of fiscal and political institutions in the Ottoman Empire in the late seventeenth century. The present section provides an account of these developments.

The fiscal system was reorganised in such a way as to lead to greater privatisation of tax collection. The form of tax farming before 1695 was *iltizam*. In *iltizam*, tax units were auctioned in Istanbul. The highest bidder supposedly obtained the right to collect taxes from a tax farm initially for one to three, and later to five years.<sup>30</sup> One feature of *iltizam* was the central government's ability to terminate the contract unilaterally if a higher bid appeared at any time during the course of the contract.<sup>31</sup> The downside of this insecurity and brevity of contracts was tax farmers' tendency to overexploit tax-payers as much as possible before their contract ended or was terminated.<sup>32</sup> To remedy these problems, the government not only introduced a new form of tax farming called *malikane* in 1695 but extended the scope of tax farming to new lands.<sup>33</sup> The main difference between *malikane* and *iltizam* was that contracts were ideally lifelong and secure against higher bids offered during the course of the contract.<sup>34</sup> These changes expected to incentivise tax farmers, who were now made long-term investors, to take better care of their tax base and to bear the risk of bad harvests. From the tax farmer's perspective, the rationale of taking on this risk was the security of property rights.

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<sup>30</sup> Şevket Pamuk, "The Evolution of Fiscal Institutions in the Ottoman Empire, 1500–1914," in *The Rise of Fiscal States: A Global History, 1500-1914*, ed. Yun-Casalilla Bartolome and Patrick O'Brien (Cambridge: Cambridge University Press, 2012), 318.

<sup>31</sup> Erol Özvar, *Osmanlı Maliyesinde Malikâne Uygulaması* (İstanbul: Kitabevi, 2003), 19.

<sup>32</sup> Murat Çizakça, *A Comparative Evolution of Business Partnerships: The Islamic World and Europe, with Specific Reference to the Ottoman Archives* (Leiden: E. J. Brill, 1996), 141.

<sup>33</sup> State finances worsened especially after the failed siege of Vienna and unending battle of Crete in the second half of the seventeenth century.

<sup>34</sup> Mehmet Genç, *Osmanlı İmparatorluğunda Devlet Ve Ekonomi*, 6 ed. (İstanbul: Ötüken Yayınevi, 2003), 107.

In contrast to its related institutions, the malikane system paved the way for a networked society.<sup>35</sup> Auctions initially began in Istanbul but soon extended to other major cities. The successful bidder was granted a deed (*berat*) explaining his responsibilities in return for a down payment and annuities. Even though most tax farmers were members of the askeri class, bidding in an auction increasingly expanded to include other Muslims, which is why some historians called this process 'privatisation.'<sup>36</sup> Non-Muslims were also part of the system as financiers, brokers and accountants. Property rights of tax farmers on their farms included developing, selling and subcontracting. They did not possess the ownership rights as there existed state ownership on most lands.<sup>37</sup> Although contracts were for one's lifetime, adult sons were occasionally given priority in management of a tax farm if they had remained in favour with local administrators. Moreover, some contractors subcontracted their farms to lesser elites while continuing to live in the capital or other cities where they held offices. These institutions led to the foundation of many partnerships among contractors, subcontractors, financiers and brokers.<sup>38</sup>

Although the malikane system remained in effect until the 1840s, it did not prove successful in increasing fiscal capacity mainly due to monopolisation by large buyers who controlled large farms. To address this problem, the central government introduced another system of tax farming called *esham* in 1774. In *esham*, tax farms were divided into lifetime revenue shares that were then sold to many small and middle-scale shareholders for six to seven times their face value.<sup>39</sup>

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<sup>35</sup> This argument has been raised by Karen Barkey: Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008), 226-263.

<sup>36</sup> Ariel Salzmänn, "An Ancien Regime Revisited: 'Privatization' and Political Economy in the Eighteenth-Century Ottoman Empire," *Politics and Society* 21 (1993). The military-administrative class held 61 per cent of all revenue farms, while the civilians held the rest. Özvar, *Malikane*, 60.

<sup>37</sup> Genç, *Devlet Ve Ekonomi*, 109.

<sup>38</sup> Salzmänn, "An Ancien Regime Revisited," 402.

<sup>39</sup> Yavuz Cezar, *Osmanlı Maliyesinde Bunalım Ve Değişim Dönemi (Xiii. Yüzyıldan Tanzimat'a Mali Tarih)* (İstanbul: Alan Yayıncılık, 1986), 79-82.

By implementing this system, the government expected to gain revenues back from major tax farmers. This was not a successful attempt due to the failure to control the resale of shares among individuals and to prevent the heirs from continuing to benefit from the shares after the death of original shareholders. In brief, the lifetime principle did not experience success.<sup>40</sup>

The other macro-historical development taking place in the eighteenth century was commercialisation. During this period, the Ottoman Empire began to be incorporated into the world economy as a peripheral zone, namely an area producing low-cost materials for global markets.<sup>41</sup> The imported goods were mainly grain, livestock, tobacco and cotton. Although the timing of this integration is often dated to the nineteenth century, there were already notable advances in the volume of international trade by the eighteenth century.<sup>42</sup> Coastal cities such as İzmir and Thessaloniki became new entrepôts of trade.<sup>43</sup> Increased levels of international trade led to higher monetisation, stimulation of commercial agriculture and reorganisation of social and economic relations.<sup>44</sup>

One of the outcomes of fiscal reorganisation and commercialisation was the rise of provincial elites (*ayans*) to power. These peripheral figures played a key role in Ottoman political economy, especially during the second half of the eighteenth century and the early nineteenth century. Their origins varied, including former high officials, Janissary leaders, religious scholars, guild leaders and merchants.<sup>45</sup> Their rise

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<sup>40</sup> Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge: Cambridge University Press, 2000), 192.

<sup>41</sup> Immanuel Wallerstein, "The Ottoman Empire and the Capitalist World-Economy: Some Questions for Research," *Review (Fernand Braudel Center)* 2, no. 3 (1979): 391.

<sup>42</sup> Şevket Pamuk, *The Ottoman Empire and European Capitalism, 1820–1913: Trade, Investment and Production* (Cambridge: Cambridge University Press, 2010), 8.

<sup>43</sup> See, for example: Elena Frangakis-Syrett, *The Commerce of Smyrna in the Eighteenth Century (1700–1820)* (Athens: Centre for Asia Minor Studies, 1992).

<sup>44</sup> Barkey, *Empire of Difference*, 226–263.

<sup>45</sup> Robert Zens, "Provincial Powers: The Rise of Ottoman Local Notables (Ayan)," *History Studies* 3, no. 3 (2011): 434.

to power was, first and foremost, associated with life-term tax farming. Usually starting as subcontractors, some became grand tax farmers while many monopolised tax farms in their areas of influence. By the end of the eighteenth century, ayans held more than 30 per cent of all tax farms.<sup>46</sup> Their economic activity was not limited to tax farming, however: some were involved with commercial agriculture in their plantation-like estates called *çiftlik*s, whereas those settled in coastal regions traded commodities to both international and domestic markets.<sup>47</sup> They also lent money to townsmen, peasants and merchants.<sup>48</sup>

They were powerful not only economically, but politically and socially as well. Their social position rested on their reputation acquired through the institution of ayanhood. Since the sixteenth century, provincial elites had served as locally elected community leaders to negotiate the fiscal contribution of their region with the central government. This intermediary role between state and society was recognised and institutionalised in the eighteenth century by the establishment of an office called ayanship (*ayanlık*). Recognised ayans served many functions including administration, food provisioning and maintenance of public buildings. Although the central government attempted to regulate the election of ayans from 1762 to 1792, the success of this interference remained limited so that in most cases elections had to be left to the local community.<sup>49</sup> By the late eighteenth century, many provincial elites reached the top of both provincial and the central bureaucracy by acquiring further offices and titles. Due to the immense power

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<sup>46</sup> Hülya Canbakal, "On the "Nobility" of Provincial Notables" (paper presented at the Provincial Elites in the Ottoman Empire, Rethymno, 2003), 39.

<sup>47</sup> In Ottoman historiography, there is a debate on the nature of these big farms; particularly on the extent that they changed property relations in the Ottoman Empire. See: Gilles Veinstein, "On the Çiftlik Debate," in *Landholding and Commercial Agriculture in the Middle East*, ed. Çağlar Keyder and Faruk Tabak (Albany: State University of New York Press, 1991).

<sup>48</sup> On economic activities of provincial elites see: Canay Şahin, "The Economic Power of Anatolian Ayans of the Late Eighteenth Century: The Case of the Caniklizâdes," *International Journal of Turkish Studies* 11, no. 1 (2005).

<sup>49</sup> Gabor Agoston and Bruce Masters, *Encyclopedia of the Ottoman Empire* (New York: Facts on File, 2009), 65.

and wealth of provincial elites, modern historians of the Ottoman Empire describe the long-eighteenth century as a period of decentralisation or sometimes even as the age of the ayans.<sup>50</sup>

Their power did have its limits. They did in fact manage to monopolise fiscal and political resources of their zones of influence from around the second half of the eighteenth century to the 1820s. However, although their relations with the central government were generally of a mutually beneficial nature, the size of these zones was subject to change in line with a change in this relationship. Their fate rested on the will of the sultan who often dismissed them and/or confiscated their property. They benefited from certain informal institutions to build and maintain power, using their networks and patron-client relations.<sup>51</sup> Thus, insecurity of property did not necessarily mean that they were entirely voiceless. Some managed to transmit their wealth through a few generations. This transfer of power and wealth, however, was not sufficient to create a stable aristocratic class similar to that in Europe. The central authority never entirely lost political power in the provinces to these local figures.<sup>52</sup> Similarly, the Ottoman state in the eighteenth century was not jurisdictionally fragmented, that is, legal functions of the state were never outsourced.

These historical events are what shaped the institutional environment behind the period under study. In the eighteenth century, the Ottoman Empire was significantly different from its classical form in terms of fiscal and political institutions that had been redesigned to respond to global changes. Before proceeding to the literature review, a final dimension of historical context is necessary. The period covered by the data used in Part I of the study, 1750-1839, was marked by warfare, rebellion and reform, which arguably determined the severity

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<sup>50</sup> Bruce McGowan, "The Age of the Ayans," in *An Economic and Social History of the Ottoman Empire, 1300-1914*, ed. Halil İnalcık and Donald Quataert (Cambridge: Cambridge University Press, 1994).

<sup>51</sup> Ali Yaycıoğlu, *Partners of the Empire: Crisis of the Ottoman Order in the Age of Revolutions (1760-1820)* (Stanford: Stanford University Press, 2016).

<sup>52</sup> Canbakal, "Nobility".



of confiscation activity. The next sub-section describes the major political and economic developments during this period.

### **1.1.3 An Era of Crisis and Reform in the Ottoman Empire, 1750-1839**

The period from the mid-eighteenth to the mid-nineteenth century was extraordinary in the sense it witnessed a severe political and fiscal crisis. The Empire fought many wars and encountered challenges from provincial elites as well as revolutionary movements in the Balkans. In contrast to the first half of the eighteenth century, this period was also defined by economic stagnation.<sup>53</sup> Reformist sultans Selim III (r. 1789-1807) and Mahmud II (r. 1808-1839) undertook many reforms reflecting their efforts to adapt state institutions to the changing external environment. This sub-section presents a concise political and economic history of this turbulent period that shaped the nature of confiscations.

Even though there is no census data available for this period, it has been estimated that there were around 25 million inhabitants in the Ottoman Empire at the turn of the nineteenth century. Prior to territorial losses in the nineteenth century, the Ottoman Empire comprised a territory of 3 million square kilometres. Eighty-five percent of the population lived in rural areas, while the remainder lived in towns and cities. Balkan provinces were more intensely populated than other regions. With much territory in the Balkans lost in the first half of the nineteenth century, this proportion gradually shrank in favour of Anatolia and the Middle East. These losses also made the Empire more predominantly Muslim, as the proportion of non-Muslims in the Balkans was relatively higher.<sup>54</sup> Nevertheless, at the turn of the nineteenth

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<sup>53</sup> Şevket Pamuk, "Between South Asia and Western Europe: The Ottoman Empire in the Eighteenth Century," in *Globalisation and the Transition to Modernity in the Middle East and South Asia, 1600-1914* (LSE and UCL: 2017).

<sup>54</sup> Donald Quataert, "The Age of Reforms, 1812–1914," in *An Economic and Social History of the Ottoman Empire, 1300–1914*, ed. Halil İnalcık and Donald Quataert (Cambridge: Cambridge University Press, 1994), 779.

century, the Ottomans still ruled a vast territory including the Anatolian peninsula, most regions of the Balkans, North Africa and some regions of Arab lands (See: Map 1.1).

**Map 1.1:** The Ottoman Empire in 1801



**Source:** (Miller 1913)

The defeat by Russia in the war of 1768-1774 turned a new page in the history of the Ottoman Empire due to its military and fiscal weaknesses becoming apparent, which was less the case during the relative peace of the first half of the eighteenth century. This defeat made some Ottoman territories a matter of contention, subject to the ambitions of Russia, the Habsburg Empire, England and France.<sup>55</sup> With the treaty of Küçük Kaynarca signed in 1774, the Ottomans lost Crimea to Russia. In 1789, Sultan Abdülhamid I (r. 1774-1789) died and Selim III acceded to the throne. At the time of the accession, the Empire was in the middle of another war with the Russians (1787-

<sup>55</sup> Christoph K. Neumann, "Political and Diplomatic Developments " in *The Cambridge History of Turkey Volume 3. The Later Ottoman Empire, 1603–1839*, ed. Suraiya N. Faroqhi (Cambridge: Cambridge University Press, 2006).

1792). This war ended with the signing of the treaty of Jassy in 1792. The treaty confirmed the terms of the treaty of Küçük Kaynarca, while additional territories were lost to Russia.<sup>56</sup>

Immediately after the treaty of Jassy, Selim III launched a series of Western-style reforms called the New Order or *Nizam-ı Cedid*. From his years of princedom, he had corresponded with Louis XVI of France on what reforms would be appropriate for the Ottoman Empire.<sup>57</sup> The New Order reforms were initially military. Beginning in 1794, a new army was established from the ground up to match the existing Janissary Corps. Western-style educational institutions were founded to train the military personnel. To finance these reforms, a new treasury named *İrad-ı Cedid* (New Revenue) was founded. However, the government failed to find new sources of revenue. Selim III often resorted to solutions that created additional problems such as taxation of previously untaxed commodities, confiscations and debasement.<sup>58</sup>

The New Order produced two losers: (1) Janissaries, who lost their primary importance as a military corps and whose salaries were devalued by frequent debasements, and (2) provincial elites, whose wealth and tax farms were constantly confiscated. Therefore, it is no surprise that these two groups played key roles in the events between 1806 and 1808. First, due to a rebellion led by the Janissaries and some provincial elites, Selim III was deposed and replaced by Mustafa IV (r. 1807-1808). Learning of this coup, one provincial notable, Alemdar Mustafa Paşa of Ruse in Bulgaria, marched to Istanbul to re-throne Selim. In the meantime, however, the Janissaries killed Selim,

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<sup>56</sup> Erik-Jan Zürcher, *Turkey: A Modern History* (London: I.B. Tauris, 1993), 21.

<sup>57</sup> Şerif Mardin, *The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas* (Syracuse: Syracuse University Press, 2000), 144.

<sup>58</sup> Stanford J. Shaw, *History of the Ottoman Empire and Modern Turkey Vol. 1* (Cambridge: Cambridge University Press, 1976), 262.

the former sultan. Upon the arrival of Alemdar Mustafa Paşa to Istanbul in 1808, he started a counter-coup that culminated in the enthronement of another reformist prince, Mahmud II.<sup>59</sup>

In October 1808, one month after he was appointed as the grand vizier of Mahmud II, Alemdar Mustafa organised an assembly to which he invited major provincial elites and high dignitaries of the government. At the end of the assembly, the parties signed the Deed of Agreement (*Sened-i İttifak*). Although the sultan did not attend the assembly in person, he allowed his seal to be put on the document. The most important clause of it for the context of this study is that which reflects the sultan's pledge to respect the lives and property of provincial elites on the condition of their declaration of loyalty to the persona of the sultan and promise to continue support of his reforms.<sup>60</sup> The sultan still required the fiscal and military contributions of these provincial actors. In return, the notables wanted to maintain their privileged status. Therefore, a facet of the Deed of Agreement was the intention to continue a mutually beneficial relationship. This agreement has been considered by some historians as the Ottoman Magna Carta and thus the beginning of constitutionalism. Although it has an important place in constitutional history, in the end it was a still-born document because its clauses never came into practice. The assassination of Alemdar Mustafa by a second Janissary rebellion ended this process two months after the signing of the Deed.<sup>61</sup> Confiscations continued almost uninterrupted.

Having lost the man who helped him to accede to the throne, Mahmud II started his rule from a fragile position. Despite this fragility, he managed to stay on the throne primarily due to his status as the only surviving male member of the dynasty. During his early years as sultan, he dealt with independence movements in Serbia and Greece

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<sup>59</sup> Zürcher, *Turkey*, 27-29.

<sup>60</sup> Ali Akyıldız, "Sened-i İttifak'ın İlk Tam Metni " *İslam Araştırmaları Dergisi*, no. 2 (1998): 215-221.

<sup>61</sup> Ali Yaycıoğlu, "Sened-i İttifak (1808): Bir Entegrasyon Ve Ortaklık Denemesi," in *Nizam-ı Kadimden Nizam-ı Cedide: İli.Selim Ve Dönemi*, ed. Seyfi Kenan (Istanbul: İSAM, 2010).

which broke out due to the waves of nationalism generated by the French Revolution of 1789. Furthermore, Napoleon had invaded Egypt over the period 1798-1801, after which major European states such as Russia, France and England became involved in the question of Egypt. Eventually, the Ottomans had to recognise the independence of Serbia and Greece with the treaty of Edirne, signed in 1829. Egypt, however, remained in Ottoman territory as a tribute-paying vassal state, though only in theory. In practice, the governor of Egypt, Muhammed Ali Paşa, acted more like an independent ruler than a governor. After fighting wars against the central authority, he finally established his own dynasty in Egypt.<sup>62</sup>

Mahmud II saw the Janissaries and the provincial elites as obstacles to his military and fiscal reforms respectively. After the signing of the treaty of Bucharest and Napoleon's invasion of Russia gave him some time away from international politics, he turned his attention to domestic issues, one of which was beginning to eliminate the provincial elites. Where necessary, he used coercion as in the case of Ali Paşa of Janina (See: Figure 1.1). On occasion, he simply waited until the death of a powerful notable and then immediately confiscated his estates and appointed an official to take control of the region. In doing so, he managed to get most provinces back under his control between 1812 and 1830.<sup>63</sup> The sultan also eliminated the Janissary corps, abolishing the centuries-old establishment in 1826 and replacing it with a new central army called *Asakir-i Mansure-i Muhammediye* (Trained Victorious Soldiers of Muhammad).

Behind this eventful period was a deeply rooted economic crisis. Although data is scarce on total state revenues, there were large budget deficits throughout the period. Based on estimates by Pamuk and Karaman, revenue per capita remained stagnant until the 1840s when it

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<sup>62</sup> Zürcher, *Turkey*, 30-34.

<sup>63</sup> Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution, and Republic: The Rise of Modern Turkey, 1808-1975*, vol. II (Cambridge: Cambridge University Press, 1977), 14-16.

suddenly doubled. One central reason for this stagnant fiscal capacity was that fiscal intermediaries were absorbing tax revenues before they reached the treasury. Despite gains in fiscal capacity in the second half of the nineteenth century, the gap between the Ottoman Empire and major European states continued to widen in relative terms until the collapse of the Empire after the First World War.<sup>64</sup> In addition to the centralising efforts of the central authority to take greater control of resources, they often resorted to debasements during the first half of the century. In particular, the years between 1808 and 1834 saw a series of debasements in the silver content of Ottoman *akçe*, which is known as the Great Debasement. In only four years from 1828 to 1832, the value of *akçe* was reduced by 79 per cent.<sup>65</sup> From 1788 to 1844, *akçe* lost 90 per cent of its value against major European currencies.<sup>66</sup> High levels of inflation accompanied the debasements; prices tripled during the 1820s and 1830s.<sup>67</sup> It was under the shadow of this political and economic atmosphere that the sultans resorted to confiscations frequently in the eighteenth century and most heavily from the 1770s to 1839. In 1839, the practice of *müşadere* was abolished by the *Gülhane* edict which started the Tanzimat period (1839-1876)—a period of Western-style reforms.

In sum, the Ottoman Empire was in a political and economic crisis during the period of concern. It was also a period of transition to modern state in economic, fiscal and political respects.<sup>68</sup> Unsurprisingly, this period of crisis and transition witnessed confiscations at a level never experienced. Given the historical background provided in this section, the long-eighteenth century provides a fruitful ground for

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<sup>64</sup> Şevket Pamuk and K. Kıvanç Karaman, "Ottoman State Finances in European Perspective, 1500–1914," *Journal of Economic History* 70, no. 3 (2010): 612.

<sup>65</sup> Şevket Pamuk, "Prices in the Ottoman Empire, 1469-1914," *International Journal of Middle East Studies* 36, no. 3 (2004): 463.

<sup>66</sup> Pamuk, *Monetary*, 193.

<sup>67</sup> Süleyman Özmucur and Şevket Pamuk, "Real Wages and Standards of Living in the Ottoman Empire, 1489-1914," *Journal of Economic History* 62, no. 2 (2002): 301.

<sup>68</sup> In economic history, modern states are generally characterised by their improved efficiency in warfare, bureaucratisation and higher fiscal capacity.

the study of Ottoman state confiscations. Most importantly, it allows examining the relationship between confiscation and certain aspects of crisis. As will be highlighted throughout the thesis, I restrict my conclusions to the period under consideration given its extraordinary nature.

## **1.2 Literature Review**

### **1.2.1 The State and Confiscation in Economic History**

The practice of *müşadere* can be best understood in the context of a broader phenomenon, i.e. the interaction between power and prosperity and the role of the state in economic history. There are two main approaches to this interaction. The rule of law approach argues that the early establishment of credible constraints on the sovereign was an advantage. The state capacity approach posits that the capacity of a state to extract revenue and enforce rules mattered the most. The former puts a special emphasis on the sovereign power to confiscate, which undermines people's incentives to invest. However, there does not appear to be consensus on which kind of political regime was historically most conducive to prosperity, if limited government was the solution, how it could be achieved and, how state predation and capacity interacted. Was the central problem in this respect due to the Ottoman Empire being ruled by a single dynasty for its six centuries with no formal limits on its members? This sub-section reviews the above literature with an emphasis on its interpretation of state predation and its effects on economic growth by touching on a recent historiographical shift towards greater emphasis placed on state capacity since sovereign confiscation is important in that context too. It also considers the literature on institutional persistence and collective action as they are dealt with in chapter 6.

It can be argued that the rise of new institutional economics (NIE) in the 1970s brought the state back into the field of economic history, a topic that had been discussed by pre-modern and early modern intellectuals for centuries.<sup>69</sup> NIE scholars have retained a close interest in the impact of politics on economic outcomes. This derives from the view that political decisions and institutions play a very important role in determining transaction costs, which lie at the centre of NIE research.<sup>70</sup> An efficient state ideally minimises these costs by effectively enforcing its rules, including those preventing individuals from confiscating each other's property. The proponents of NIE, however, have not taken an efficient state as given. The power of the state has been regarded as a double-edged sword that can be used for good or bad. This derives from a paradoxical situation known as the Weingast paradox in the literature.<sup>71</sup> That is, a state strong enough to enforce law and provide security can confiscate the wealth of its own subjects, an act which would undermine the foundations of a market economy. Indeed, many rulers in history have done so under the spell of power. Some scholars view these abuses of economic power by the state as the main obstacle to early modern growth.<sup>72</sup> From the Weingast paradox came a question which puzzled economic historians ever since: What historically constrained the sovereign from confiscation, and how could the existence or absence of these constraints help explain economic divergence in the world?<sup>73</sup>

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<sup>69</sup> See, for example: Adam Smith, *The Wealth of Nations* (New York: The Modern Library, 1937). Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (New York: Hafner, 1949).

<sup>70</sup> Ronald H. Coase, "The Problem of Social Cost," *Journal of Law and Economics* 3 (1960). Ronald H. Coase, "The Nature of the Firm," *Economica* 4, no. 16 (1937).

<sup>71</sup> Barry R. Weingast, "The Economic Role of Political Institutions: Market-Preserving Federalism and Economic Development," *Journal of Law, Economics and Organization* 11, no. 1 (1995): 1.

<sup>72</sup> Daron Acemoglu, Simon Johnson, and James A. Robinson, "Institutions as a Fundamental Cause of Long-Run Growth. In: Handbook of Economic Growth," in *Handbook of Economic Growth*, ed. Philippe Aghion and Stephen Durlauf (Amsterdam: Elsevier, 2005), 393.

<sup>73</sup> There is a literature answering this question: Avner Greif, "Commitment, Coercion and Markets: The Nature and Dynamics of Institutions Supporting Exchange," in *Handbook of New Institutional Economics*, ed. Claude Menard and Mary M. Shirley (Berlin, Heidelberg: Springer, 2005). Avner Greif, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (Cambridge: Cambridge University Press, 2006), 91-124. John M. Veitch, "Repudiations and Confiscations by the



In the classical example from this literature, Douglass North and Barry Weingast draw attention to the role of constitutional constraints.<sup>74</sup> They argue that the institutional reforms that emerged out of the Glorious Revolution of 1688 limited the ability of the English Crown to change terms of trade unilaterally with economic agents by making the sovereign accountable before Parliament and reneging on contracts costlier. In their view, this helped to constrain the sovereign's power to repudiate on debts, which in turn strengthened their credibility which had worsened under the Stuarts before the revolution. The unit of analysis used in this study is the sovereign interest rate that they observed to have declined after 1688. They conclude that this decline signified the improved capacity to borrow of the Crown, which in turn allowed financing itself without resorting to predation.

Much of the current literature followed the footsteps of North and Weingast in focusing on the case of sovereign lending in their analyses of constraints on government. Some studies argue that debt repudiation is sustained by the rulers' concerns about reputation.<sup>75</sup> Others emphasised the role of collective action and collusion among those most likely to suffer from predation. In this respect, some scholars concentrate on the role of formal non-state organisations. These organisations such as village communities, guilds and corporations supposedly helped tie the ruler's hands in European history. One example relevant to this study is Eliana Balla and Noel Johnson's study comparing French and Ottoman fiscal institutions in the eighteenth century.<sup>76</sup> They argue that the Company of General Farms under which French

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Medieval State," *Journal of Economic History* 46, no. 1 (1986). Yoram Barzel, "Confiscation by the Ruler: The Rise and Fall of Jewish Lending in the Middle Ages," *Journal of Law and Economics* XXXV (1992). H. L. Root, "Tying the King's Hands: Credible Commitments and Royal Fiscal Policy During the Old Regime," *Rationality and Society*, no. 1 (1989).

<sup>74</sup> Douglass C. North and Barry Weingast, "Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth Century England," *Journal of Economic History* 49, no. 4 (1989).

<sup>75</sup> Jonathan Eaton and Raquel Fernandez, "Sovereign Debt," in *NBER Working Paper Series* (National Bureau of Economic Research, 1995).

<sup>76</sup> Eliana Balla and Noel D. Johnson, "Fiscal Crisis and Institutional Change in the Ottoman Empire and France," *The Journal of Economic History* 69, no. 3 (2009).

tax farmers were organised raised the costs of property rights violations, whereas such an organisation never existed for the Ottomans. This absence linked to the ethnic, religious and geographical diversity of tax farmers, as well as high transaction costs of capital pooling. Similarly, Hilton Root compares fiscal and political development in early modern England and France and finds that village communities and guilds in France helped the King's lenders to safeguard their property from state confiscation.<sup>77</sup> In the case of Maghribi merchants who operated in the medieval Mediterranean, Greif writes, the members were punished for not joining in retaliation against the rulers who confiscated a fellow merchant. Once retaliation was instigated, the only response of a ruler other than waiving confiscation would be to confiscate the wealth of all merchants, but this would have been too costly to implement.<sup>78</sup>

North and Weingast's approach has been criticised on several grounds. For instance, Pincus and Robinson argue that although the Glorious Revolution was important for political and economic development, the mechanism was different from what North and Weingast suggested. Their argument is that the Glorious Revolution led to a shift of power from the Crown to the Parliament that resulted in a change in de facto institutions. They also do not agree with North and Weingast in that Stuart rule in the seventeenth century was a big threat to investment and innovation.<sup>79</sup> In a similar vein, Julian Hoppit argues that the Glorious Revolution contributed rather to the enhanced capacity of property to be alienated than the security of property rights.<sup>80</sup> More importantly for this study, it is sometimes not clear which kind of property rights are referred in the state predation paradigm in economic

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<sup>77</sup> Root, "Tying the King's Hands."

<sup>78</sup> Greif, *Path to the Modern Economy*.

<sup>79</sup> Steven C. A. Pincus and James A. Robinson, "What Really Happened During the Glorious Revolution?," in *Institutions, Property Rights and Growth: The Legacy of Douglass North*, ed. Sebastian Galiani and Itai Sened (New York: Cambridge University Press, 2014).

<sup>80</sup> Julian Hoppit, "Compulsion, Compensation and Property Rights in Britain, 1688–1833," *Past & Present* 210, no. 1 (2011).

history. Property rights economists, for example, more clearly distinguish the rights of ownership, use and transfer.<sup>81</sup> Although NIE scholars seemingly refer to the right to own property rather than other rights associated to it, this important distinction generally remains vague. As Ogilvie rightfully noticed, property rights abuses vary depending on the type of property rights in question.<sup>82</sup> Property rights definitions are also important in a given context. In the context of the practice of *müsadere*, for example, it was sometimes contractual rights that were abused, and sometimes it was the right to transfer wealth not acquired through state resources to heirs despite the Islamic inheritance law.

Despite the existence of more cautious studies, absolutist states were characterised by predation by this line of literature, while constitutionally constrained states like England were depicted as constrained polities prioritising prosperity over revenue extraction through extra-legal methods.<sup>83</sup> This relies on a fundamental insight of North's work stating that property rights are devised not to increase the efficiency of the economy but to maximise the rents accruing to those in power.<sup>84</sup> Epstein criticises this view based on its implicit assumption that pre-modern states had full sovereignty over their subjects to devise property rights as they wished or to confiscate their wealth without any costs:

The argument presumes, in its strongest form, that pre-modern rulers had the power to modify property rights at will, and in its weakest form that pre-modern rulers exercised full and undivided sovereignty and full and final authority over their subjects. Since these were indeed the

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<sup>81</sup> Armen A. Alchian, "Some Implications of Recognition of Property Right Transaction Costs," in *Economics and Social Institutions: Insights from the Conferences on Analysis and Ideology*, ed. Karl Brunner (Boston: Martinus Nijhoff Publishing, 1979).

<sup>82</sup> Sheilagh Ogilvie and A. W. Carus, "Institutions and Economic Growth in Historical Perspective," in *Handbook of Economic Growth*, ed. Philippe Aghion and Steven Durlauf (Amsterdam: Elsevier, 2014), 450-460.

<sup>83</sup> For broader implications, see: Daron Acemoglu and James Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (London: Profile Books Ltd, 2012). Mancur Olson, *Power and Prosperity: Outgrowing Communist and Capitalist Dictatorships* (Oxford: Oxford University Press, 2000).

<sup>84</sup> Douglass C. North, *Structure and Change in Economic History* (New York; London: W. W. Norton & Company, 1981), 25.

central claims both of absolutism and its enemies, it is not an unreasonable assumption; but it is an assumption refuted by decades of research on pre-modern political practices that has shown how “absolutism” was a largely propagandistic device devoid of much practical substance.<sup>85</sup>

Behind this assumption lies the view that rulers are revenue-maximisers. It is, for example, true for Mancur Olson’s model of roving and stationary bandits.<sup>86</sup> This model assumes that rulers are simply revenue-maximisers who confiscate without any constraints. Although Olson states that he makes this assumption to simplify his model, there are good reasons to rethink it. Nonetheless, Epstein’s critique of the above assumption cannot be generalised. Douglass North, one of the founding fathers of NIE, acknowledges that all rulers are constrained in their ability to confiscate.<sup>87</sup> Extending his previous analyses, he argues that revenue-maximising rulers are like discriminative monopolists setting property rights differently for social groups while taking into consideration the opportunity costs of being dethroned by their rivals. Likewise, Weingast argues that the sovereign’s concern of legitimacy was an essential informal constraint on government.<sup>88</sup> When framed this way, it is clear that state confiscation is necessarily selective. According to North, non-constitutional constraints on the state power to confiscate are (1) profitability of confiscation, (2) bargaining power of constituents relative to that of the ruler and (3) fiscal capacity.

I now examine these three non-constitutional self-constraints raised by North. To begin, the first constraint, namely the profitability of confiscation, can still be considered within the context of revenue-maximisation. The rationale behind this constraint is simply that rulers do not want to incur losses from a given opportunity to confiscate. After all, confiscation is a *sui generis* type of economic exchange and

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<sup>85</sup> S. R. Epstein, *Freedom and Growth: The Rise of States and Markets, 1300-1750* (London: Routledge, 2000), 13.

<sup>86</sup> Mancur Olson, "Dictatorship, Democracy, and Development," *The American Political Science Review* 87, no. 3 (1993).

<sup>87</sup> North, *Structure and Change*, 23.

<sup>88</sup> Weingast, "Political Institutions."

so is inherently costly. Depending on the type of confiscation, it may be subject to one or more of the following direct costs: access costs in the form of monetary costs of transportation, agency and information. Thus, the sovereign would act only after a calculation of costs and benefits. In a recent study, Mehrdad Vahabi presents a very detailed account regarding profitability of confiscation.<sup>89</sup> He urges that, for a better understanding of the power to predate, it is necessary to look at the location and composition of assets because not all assets are confiscable at equal levels. They differ mainly in state accessibility of assets, concentration or dispersal of assets, asset specificity and asset measurability. This framework fits particularly well into the context of the *müsadere* practice since it has targeted people in all territories controlled by the Ottomans and those with various portfolios of investment. Thus, the costs of confiscation are determined by differences in these characteristics of assets to be confiscated.

Second, the issue of relative bargaining power has been further elaborated by other scholars. Modelling the relationship between a ruler and his agents, Greif argues that the probability of retaliation by the agents in the case of confiscation of their wealth is determined by the administrative structure. If administration is partially or entirely delegated to asset holders, the ruler tends to respect their property rights because he does not want to bear the costs that they could create by cutting off administrative services.<sup>90</sup> The same logic is also stressed by Margaret Levi though in the context of taxation.<sup>91</sup> It can be applied to the context of confiscation because any taking, either taxation or confiscation, is a function of the balance of power between the party who takes and the one from whom something is taken. Similarly, she posits that the greater the resources others possess relative to those of

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<sup>89</sup> Mehrdad Vahabi, "A Positive Theory of the Predatory State," *Public Choice* 168, no. 3-4 (2016).

<sup>90</sup> Avner Greif, "The Impact of Administrative Power on Political and Economic Development: Toward Political Economy of Implementation," in *Institutions and Economic Performance*, ed. Elhanan Helpman (Cambridge: Harvard University Press, 2008).

<sup>91</sup> Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988).

the ruler, the greater capacity they possess to resist the ruler's demands.

Sources of bargaining power vary. They perhaps stem from the possession of troops (military power) that can be used to retaliate. Although the central authority's military power is likely greater than anybody else, he would potentially employ only a fraction of his army to counter resistance against confiscation. In the case of a large majority of economic actors, relative bargaining positions rely on their capacity to retaliate economically. Greif proposes that pre-modern merchant guilds possessed economic power of retaliation against the rulers who confiscated the wealth of their members by collectively ceasing to trade in their territories. This, for Greif, functioned as a credible commitment mechanism as rulers did not want to lose future tax revenues. Such collective organisations were more efficient in protecting property rights than bilateral reputation mechanisms.<sup>92</sup> Another source of economic power is the degree of mutual dependence or irreplaceability. For Veitch, English King Edward I (r. 1272-1307) would not have confiscated the fortunes of his Jewish lenders if Italian merchants had not emerged as a new group of lenders. In other words, the availability of an alternative group able to serve the same function as the targeted group made confiscation a viable strategy.<sup>93</sup> The outcome of these varying levels of bargaining power among the constituents is selective confiscation, that is, the absence of protection for all.<sup>94</sup>

North's third emphasis is on the link between confiscation and fiscal capacity. The generally accepted view is that confiscations were historically driven by fiscal distress, especially during wartime. This is,

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<sup>92</sup> Greif, *Path to the Modern Economy*, 91-124.

<sup>93</sup> Veitch, "Repudiations and Confiscations."

<sup>94</sup> Barry Weingast, "The Political Foundations of Limited Government: Parliament and Sovereign Debt in 17th and 18th Centuries England," in *Frontiers of the New Institutional Economics, Volume in Honor of Douglass C. North*, ed. J. N. Drobak and J. Nye (San Diego: Academic Press, 1995).

for example, evident in DeLong and Shleifer (1993) who find that confiscation was commonplace in pre-modern Europe due to the short time horizon of the rulers.<sup>95</sup> Barzel (2000) argues that the sovereign has a problem of information when it comes to extract revenues from the population, that is, because of the impossibility of perfectly monitoring the subject behaviour it is not possible to know how much to extract.<sup>96</sup> The rulers were aware that confiscation would harm their legitimacy, which would have eventually lowered tax compliance and incentives to invest. Under the fiscal constraints created especially by wars, however, they were left with no choice but confiscation. There is, however, a paradox when one considers how fiscal needs affect confiscation. It could be supposed that a state with a higher capacity to tax would be less prone to confiscate, say, during wartime.

These issues are now even more relevant because of the rise of a new line of literature concerning the concept of state capacity.<sup>97</sup> State capacity is typically defined as the capacity to enforce rules (legal capacity) and to extract revenue from the populace (fiscal capacity). This literature stresses the insufficiency of focusing on legal capacity in explaining divergent historical growth trajectories and posits that more focus should be placed on the capacity to tax.<sup>98</sup> Tax revenues were in fact more important than borrowing for states. Both in contemporary and historical settings, high state capacity, that is, high capacity to tax accompanied by effective constraints on the executive, was found to be

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<sup>95</sup> James B. DeLong and Andrei Shleifer, "Princes and Merchants: European City Growth before the Industrial Revolution," *Journal of Law and Economics* 36, no. 2 (1994).

<sup>96</sup> Yoram Barzel, "Property Rights and the Evolution of the State," *Economics of Governance* 1, no. 1 (2000).

<sup>97</sup> For a review of the literature on state capacity in economic history, see: Mark Koyama and Noel D. Johnson, "States and Economic Growth: Capacity and Constraints," *Explorations in Economic History* 64 (2017).

<sup>98</sup> The relationship between war and state formation has first been highlighted by historical sociologist Charles Tilly: Charles Tilly, *Coercion, Capital and and European States A.D. 990-1990* (Oxford: Basil Blackwell, 1990). Patrick O'Brien has also studied this topic from an economic history perspective: Patrick O'Brien, "Fiscal and Financial Preconditions for the Formation of Developmental States in the West and the East from the Conquest of Ceuta (1415) to the Opium War (1839)," *Journal of World History* 23, no. 3 (2012).

positively correlated with economic growth.<sup>99</sup> Social scientists have proposed a number of mechanisms to explain this relationship: better provision of public goods, more efficient bureaucracy, protection from external threats, eliminating the vested interests of the elites, establishing the rule of law among others.<sup>100</sup> State capacity demands a certain degree of political and legal centralisation but is not identical to concentration of power in the centre.<sup>101</sup>

Rulers, however, do not invest in state capacity if they do not have incentives to do so. In one of the earliest studies in this line of literature, Charles Tilly argues that interstate wars incentivised states to invest in state capacity.<sup>102</sup> Besley and Persson finds that this cannot be applied to civil wars.<sup>103</sup> In explaining the early development of state capacity in England, economic historians put emphasis on its initial homogeneity which eased the elimination of the elites' vested interests.<sup>104</sup>

According to the literature on state capacity, state predation was not the only and the most important obstacle for historical economic growth. Indeed, historians of Spain, China and the Ottoman Empire show that absolutism did not equate to greater levels of fiscal extraction; these states were characterised by persistently low fiscal efficiency. Irigoin and Grafe argue that early modern Spain suffered from coordination problems and the lack of fiscal centralisation rather than state predation. In their model, the interaction between the power to coerce and fiscal capacity takes a U-shape because of the diminishing

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<sup>99</sup> Timothy Besley and Torsten Persson, "The Origins of State Capacity: Property Rights, Taxation and Politics," *American Economic Review* 99, no. 4 (2009), Marc Dincecco, "The Rise of Effective States in Europe," *Journal of Economic History* 75, no. 3 (2015).

<sup>100</sup> Christophe Farquet, "The Rise of the Swiss Tax Heaven in the Interwar Period: An International Comparison," in *EHES Working Paper Series* (2012).

<sup>101</sup> Koyama and Johnson, "States and Economic Growth: Capacity and Constraints," 2.

<sup>102</sup> Tilly, *Coercion, Capital and and European States A.D. 990-1990*.

<sup>103</sup> Timothy Besley and Torsten Persson, "Wars and State Capacity," *Journal of the European Economic Association* 6, no. 2-3 (2008).

<sup>104</sup> Nicola Gennaioli and Hans Joachim Voth, "State Capacity and Military Conflict," *The Review of Economic Studies* 4, no. 1 (2015).



returns of coercion.<sup>105</sup> The situation in China was not much different in terms of tax capacity. Rubin and Ma explain the paradox of low fiscal capacity in the face of absolutism with a principal-agent model.<sup>106</sup> The model suggests that Chinese rulers chose to offer low wages to their tax-collecting agents in return for low taxes while allowing the agents to collect extra-legal taxes from the populace to a limited extent due to low levels of administrative power. By doing this, they also aimed to prevent themselves from confiscating the wealth of the agents, which would have caused overexploitation of tax payers that could lower tax compliance in the long run.<sup>107</sup> The case of China, where confiscation seems to have remained limited, reveals that low levels of extraction did not necessarily stimulate confiscations. The Ottoman case was similar in terms of fiscal extraction. As Kivanç Karaman has argued, the Ottoman Empire, as a polity that relied extensively on tax collection on provincial delegates with access to means of coercion, preferred to obtain a larger share of low revenue over a smaller share of higher revenue.<sup>108</sup>

The state predation paradigm has been criticised on the grounds of the nature of political economy of absolutist states as well. Revisionist narratives propose that negotiation and compromise, not predation, prevailed in the process of state formation. Grafe, for example, argues that the fiscal and military contributions of towns had to be negotiated

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<sup>105</sup> Alejandra Irigoin and Regina Grafe, "Bounded Leviathan: Fiscal Constraints and Financial Development in the Early Modern Hispanic World," in *Questioning Credible Commitment: Perspectives on the Rise of Financial Capitalism*, ed. D'Maris Coffman, Adrian Leonard, and Larry Neal (Cambridge: Cambridge University Press, 2013).

<sup>106</sup> Debin Ma and Jared Rubin, "The Paradox of Power: Understanding Fiscal Capacity in Imperial China and Absolutist Regimes," in *SSRN* (2017).

<sup>107</sup> As they briefly mention in the article, Rubin and Ma's depiction of the Chinese political economy reflects striking similarities with the Ottoman case. There too the prime targets of sovereign confiscation were tax-collecting agents. The primary system of tax collection in the eighteenth-century Ottoman Empire was tax farming in which the behaviour of tax farmers and collectors to overtax was difficult and costly to monitor. This was indeed one of the reasons why their wealth was under suspicion and thus subject to confiscation.

<sup>108</sup> K. Kivanç Karaman, "Decentralized Coercion and Self-Restraint in Provincial Taxation: The Ottoman Empire, 15th-16th Centuries," *Journal of Economic Behavior and Organization* 71, no. 3 (2009).

with urban power groups.<sup>109</sup> She thus describes the political regime of early modern Spain as contractual rather than absolutist. French historiography has a consensus on the view that French rulers were far from being absolutist in practice.<sup>110</sup> Historians of early modern empires such as the Ottoman Empire, China and the Mughal Empire, which were once labelled as Oriental despots, have also taken a revisionist stance against a view of their governance as arbitrary, autocratic and predatory. These studies occasionally fail to make it clear, however, why the states had to negotiate their power. After all, negotiation is merely a pragmatic solution to, and an outcome of, constrained power. Moreover, negotiation was not always preferred to coercion. Historical episodes existed for these states during which they resorted to violence in maintaining domestic affairs. Therefore, studying both the scope and limits of the state in a balanced manner is necessary.

Marxist critiques of the neo-classical perception of the state are worth consideration for their understanding of the state not as a single entity but as a set of institutions and power struggles.<sup>111</sup> What this implies for the study of property rights abuses is the importance of perceiving them as reciprocal and interactive rather than top-down processes. It is true that the rulers behaved like discriminating monopolists as expressed by North.<sup>112</sup> Similarly, in Epstein's view, property rights protection was a privilege or private good and not a right or public good before modernity.<sup>113</sup> Little is known about why property rights were allocated discriminatively among the constituents. Answering this question can explain why constrained and negotiated power, rather than absolutism, if that was the case, governed allegedly absolutist

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<sup>109</sup> Regina Grafe, *Distant Tyranny: Markets, Power and Backwardness in Spain, 1650-1800* (Princeton: Princeton University Press, 2012).

<sup>110</sup> See, for example: William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc*, ed. J. H. Elliott, *Cambridge Studies in Early Modern History* (New York: Cambridge University Press, 1989).

<sup>111</sup> Paul Wetherly, *Marxism and the State: An Analytical Approach* (Basingstoke: Palgrave Macmillan, 2005), 17.

<sup>112</sup> North, *Structure and Change*, 23.

<sup>113</sup> Epstein, *Freedom and Growth*, 14-15.

states. Similarly, what implications can be drawn from state confiscations regarding the legal and fiscal capacity of early modern states?

Another important aspect of the practice of *müşadere* is its long survival and abolition in 1839. Various views exist regarding how institutions persist over time. Per Acemoglu and Robinson, change can be blocked by the interest groups who continually benefit from the status quo.<sup>114</sup> Although institutional change can be beneficial for all in the long run, there is a commitment problem that prevents the powerful from doing things that are not in their benefit in the short run, according to the Acemoglu and Robinson model. Change can also originate from below, or the collective action of the constituents. That is, if the targets of confiscation had acted collectively, the sultan would be deterred from confiscating the wealth of all as it would not be rational to do so. The term ‘collective action’ was coined by Mancur Olson in his renowned book, *The Logic of Collective Action*, exploring the limits of collective action formation.<sup>115</sup> Even if there is a public good that would benefit enough people, collective action is unlikely to occur without incentives to do so as each individual would freeride on the contributions of others.<sup>116</sup> Also important in Olson’s theory is that group size is relevant, since the members of a small group would be more likely to join collective action as they are familiar with each other.

Although these insights are indeed useful in understanding how property rights were secured in the West, little is known about an equally important question of how practices such as *müşadere* could survive for such a long time in the non-Western context. In the face of *müşadere*, property security was a public good that its prime targets would have liked to buy; yet neither forms of collective action, namely collective rebellion and non-state formal organisation, existed in the

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<sup>114</sup> Daron Acemoglu and James Robinson, *Economic Origins of Dictatorship and Democracy* (New York: Cambridge University Press, 2006).

<sup>115</sup> Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, Mass: Harvard University Press, 1971).

<sup>116</sup> *Ibid.*, 21.

Ottoman Empire. The absence of collective action is as important as its presence, which is why studying forces of survival and abolition is relevant for the analysis of state predation in early modern history.

Where does the practice of *müşadere* stand in this general history of state confiscations? What were its distinguishing features? First, it was not collectively but individually enforced typically after one's death. Second, it targeted a group of people with a different kind of relationship with the sovereign than, for example, the lenders to the sovereign. Targets were seemingly more dependent on state resources. Extra caution is therefore required when studying this practice from the viewpoint of property rights. As noted above, the definition of property rights in the Ottoman Empire and possibly anywhere else during that period was not the same as in the modern world. Therefore, it cannot be presupposed that the existence of *müşadere* undermined capitalist development. During much of its history, *müşadere* was a matter of politics and power struggles. This does not necessarily make it an issue exogenous to the economy. However, as will be seen in the study, the above channel does not always work.

This section reviewed a subset of studies on the role of the state in economics and economic history. Most scholars agree that constraints on the sovereign as well as the capacity to tax and enforce rules are positively associated with economic growth. When it comes to the former, there seems to be a consensus on the view that representative institutions were not the only means of constraining the ruler's power to confiscate. Non-state formal organisations as well as reputation and conjectural factors could be influential. Despite its unique character, the case of the practice of *müşadere* exercised by a so-called absolute monarchy provides a workable ground for this analysis. My contribution to this literature is not only to show the drivers and informal constraints of state confiscation in the case of the Ottoman Empire but also place the practice of *müşadere* into a broader

framework of state formation and capacity. Before proceeding any further, the following sub-section of the literature review addresses the Ottoman historiography on the müsadere practice and what is missing from that literature.

### 1.2.2 Historiography of Ottoman Political Economy and Müsadere

This sub-section examines how the practice of müsadere is depicted in the modern historiography of the Ottoman Empire. It also looks at the debate in imperial political economy as it cannot be strictly distinguished from the debate on müsadere. I make it clear here that the existing literature on the müsadere needs a more inclusive method and a more analytical approach for a better understanding of its functions, surrounding institutions and constraints.

Until a few decades ago, the Ottoman Empire had long been portrayed as despotic, arbitrary and autocratic. With the origins of this portrayal in the works of Machiavelli, this pejorative image has been part of the Oriental Despotism thesis, encompassing the polities of Asia and the Middle East.<sup>117</sup> In the views of European enlightenment scholars, these were authoritarian regimes, usually governed by a despotic sultan who showed no respect for the life and property of his subjects.<sup>118</sup> Max Weber goes so far as to name this political regime ‘sultanism,’ which he describes as an extreme form of ‘patrimonialism’ in which administrative and military organisation is the ‘purely personal instrument of the master [sultan] to broaden his arbitrary power.’<sup>119</sup>

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<sup>117</sup> Niccolo Machiavelli, *The Prince*, trans. W. K. Marriott (Rockville: Manor Classics, 2007). For the debate of Oriental Despotism, see: Michael Curtis, *Orientalism and Islam : European Thinkers on Oriental Despotism in the Middle East and India* (Cambridge; New York: Cambridge University Press, 2009). According to Karl Wittfogel, who was one of the pioneers of the Oriental Despotism thesis, confiscation was a norm in, what he calls, hydraulic states, while in the case of European absolutism, their power to confiscate was constrained by the nobility, the Church, and the cities. Karl August Wittfogel, *Oriental Despotism: A Comparative Study of Total Power* (New York: Vintage Books, 1981).

<sup>118</sup> Smith, *The Wealth of Nations*. Jean Bodin, *Six Books of the Commonwealth*, trans. M. J. Tooley (Oxford: Blackswell's Political Texts, 1955).

<sup>119</sup> Max Weber, *Economy and Society: An Outline of Interpretative Sociology*, ed. Guenther Roth and Claus Wittich, 2 vols. (Berkeley: University of California Press, 1978), 1: 231-232, 232: 1031.

The sultan was thus perceived as an extreme predator. These views continued to appear in the generic histories of the twentieth century. Eric Jones, for example, defines the economic system of the Ottoman Empire as having rested on ‘...confiscation, despoilment, and a total, calculated insecurity of life and property.’<sup>120</sup> Similarly, Samuel A. Finer reduces the functions of the Ottoman government as simply ‘to make war, acquire plunder, slaves and revenues, raise taxes and keep order,’ concluding that ‘it was, in short, predatory, revenue-pump and police-man.’<sup>121</sup>

These depictions lead to the question of whether there were any checks and balances limiting the power of the sultans. Answering this question requires an examination of the legal system. In principle, the sultans were accountable before Islamic law for their actions. It is a matter of debate, however, whether this was ever practiced. From the late fifteenth century when the sultan’s authority was consolidated, a secular parallel legal system known as *örf* (sultanic law) coexisted with Islamic law. The relevant group of people in this respect was the legal community (*ulema*). By rejecting Weber’s model of sultanism, the *ulema* could indeed oppose the sultan’s arbitrary actions, according to Halil İnalcık.<sup>122</sup> Indeed, they occasionally managed even to depose the sultans if their interests were harmed.<sup>123</sup> Colin Imber, on the other hand, claims that the *ulema* were mostly prepared to give the opinion most expected by the sultan once they were consulted, or the sultan could simply act against their advice.<sup>124</sup> The fact that, unlike in other pre-modern Islamic states, the Ottoman *ulema* were incorporated into the bureaucratic hierarchy makes their independence dubious. This

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<sup>120</sup> Eric L. Jones, *The European Miracle: Environments, Economies and Geopolitics in the History of Europe and Asia* (Cambridge: Cambridge University Press, 1981), 187.

<sup>121</sup> S. E. Finer, *The History of Government from the Earliest Times* (New York: Oxford University Press, 1997), 1173.

<sup>122</sup> Halil İnalcık, "Comments on 'Sultanism': Max Weber's Typification of the Ottoman Polity," *Princeton Papers in Near Eastern Studies* 1 (1992): 60.

<sup>123</sup> Timur Kuran, "The Rule of Law in Islamic Thought and Practice: A Historical Perspective," in *Global Perspectives on the Rule of Law*, ed. James J. Heckman, Robert L. Nelson, and Lee Cabatingan (New York: Routledge, 2010).

<sup>124</sup> Imber, *The Ottoman History*.

issue should perhaps be considered with the dynamic approach taken by Metin Coşgel. That is, the ulema's capacity to constrain the ruler varied according to historical conditions. Analysing state power in Islamic history from the perspective of the relationship between the ruler and the ulema, he finds that the power of the rulers to tax and spend was not much constrained by the ulema, as its members were controlled by the ruler.<sup>125</sup>

The recent historiography of the Empire has taken a revisionist view against the above depictions of Ottoman political economy. Despite their emphases on different historical contexts and periods, their objections revolved around the view that imperial economic policies were pragmatic, negotiable and flexible. One of the proponents of this view is Şevket Pamuk who attributed the longevity of the empire to its ability and innovativeness in finding pragmatic solutions to promote growth, manage different ethnic and religious groups in harmony and to cope with economic, political and social crises.<sup>126</sup> However, for Pamuk, these instruments were directed at the maintenance of traditional order with the caveat that its boundaries shifted over time rather than facilitating capitalistic development.<sup>127</sup> In the context of the early period, Kate Fleet claims that it was the flexibility of early Ottoman rulers that made them extend their rule.<sup>128</sup> They were flexible based on knowledge acquisition from states they interacted with, such as in the way that they learnt the use of money, tax farming and principles of trade from the Venetians and the Genoese in the fourteenth and fifteenth centuries.<sup>129</sup> Additionally, Coşgel emphasises the flexibility of the rulers in determining tax rates in accordance with the realities of

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<sup>125</sup> Metin Coşgel, Rasha M. Ahmed, and Thomas J. Miceli, "Law, State Power and Taxation in Islamic History," *Journal of Economic Behavior and Organization* 71, no. 3 (2009).

<sup>126</sup> Pamuk, "Institutional Change."

<sup>127</sup> *Ibid.*, 229.

<sup>128</sup> Kate Fleet, "The Turkish Economy 1300-1453," in *The Cambridge History of Turkey, Byzantium to Turkey 1071-1453*, ed. Kate Fleet (Cambridge: Cambridge University Press, 2009).

<sup>129</sup> Kate Fleet, "Tax-Farming in the Early Ottoman State," *The Medieval History Journal* 6, no. 2 (2003).

each region.<sup>130</sup> State-society relations are arguably best described by Karen Barkey as such:

...A negotiated enterprise where the basic configuration of relationships between imperial authorities and peripheries is constructed piece meal in a different fashion for each periphery, creating a patchwork pattern of relations with structural holes between peripheries. In that construction, we see the architecture of empire emerge: a hub-and-spoke structure of state-periphery relations, where the direct and indirect vertical relations of imperial integration coexist with horizontal relations of segmentation.<sup>131</sup>

Barkey recognises that the government was sometimes violent due to certain political, religious and economic factors but she sees these as moments of crisis of state formation rather than as a continuous attitude.<sup>132</sup> Overall, her portrayal of Ottoman political economy is similar to that of Regina Grafe for early modern Spain: a negotiated empire.

Criticising the use of these concepts, Murat Dağlı argues that they have been employed carelessly and lack a theoretical-philosophical point of view—an argument that can be best expressed by the following quotation:

By blurring the distinction between the actions and decisions of actors in specific contexts and the structural features that organise a society as a legitimate entity, and institutions that represent an arrangement of power and authority, Ottoman pragmatism reduces a whole range of institutional practices, ideological conventions, and relations of power to the actions of power holders whose aim is to retain the power. However, it is crucial not only for political theorists but also for historians to differentiate politics from the political and to explain how the two are related in times of crisis and change as well as in times of stability.<sup>133</sup>

As he noticed, there is a need for a more interactive approach to the issue of political economy, in a way that encompasses the incentives

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<sup>130</sup> Metin Coşgel, "The Fiscal Regime of an Expanding State: Political Economy of Ottoman Taxation," in *Fiscal Regimes and the Political Economy of Premodern States*, ed. A. Manson and W. Scheidel (Cambridge, New York: Cambridge University Press, 2015).

<sup>131</sup> Barkey, *Empire of Difference*, 1.

<sup>132</sup> *Ibid.*, 114.

<sup>133</sup> Murat Dağlı, "The Limits of Ottoman Pragmatism," *History and Theory* 52, no. 2 (2013).



of non-state actors. Nevertheless, the pragmatism paradigm better captures survival strategies of an empire that lasted for six centuries.

Now that the literature on Ottoman political economy has been reviewed, the practice of müsadere must be clarified within this context. The practice of müsadere remains one of the least studied topics of Ottoman history. One reason for this lack of interest could be the nature of archival resources. They are quite dispersed, and therefore require tremendous work to locate. Moreover, without a careful reading, these documents and the müsadere practice as a whole seem repetitive and thus unworthy of examining. Notwithstanding, though not necessarily dedicated wholly to the müsadere, there exist several studies dealing with the practice. The rest of this sub-section reviews these works.

Ottomanists of the early twentieth century did not make a clear distinction between confiscations before and after the eighteenth century. Ömer Lütfi Barkan, for example, sees it as a rule that applied to the wealth of all members of the military-administrative class who died, either naturally or because of execution.<sup>134</sup> As Barkan himself informs us, the central government was employing its best effort to distinguish those properties that should return to the treasury and personal property. However, there is no evidence of such a distinction in the eighteenth century, likely because it became increasingly difficult to distinguish what was acquired by imperial grant and what was not because of the increasing intensity of confiscations. The general approach towards analysing the practice of müsadere in the Ottoman historiography remained unchanged until recently.

In parallel with a growing interest in historical roots of economic underdevelopment in the Middle East, property rights insecurity and

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<sup>134</sup> Ömer Lütfi Barkan, *Türkiye'de Toprak Meselesi* (İstanbul: Gözlem Yayınları, 1980).

the practice of müsadere have attracted a special interest from economic historians. Such remarks can be found in the works of Timur Kuran. For Kuran, the main culprit of underdevelopment was institutional rigidity of the Islamic law and inheritance system.<sup>135</sup> One of the rigid and inefficient institutions he refers is religious foundations (*waqfs*).<sup>136</sup> These organisations, as other scholars also show, were allegedly used as a shelter for their wealth since the assets endowed in them were generally immune from confiscation.<sup>137</sup> The logic behind this immunity is that the ruler's confiscation of waqf assets would have damaged his reputation, as they were considered sacred. One of the inefficiencies of religious institutions was the accumulated wealth becoming lost in waqfs because of the threat of confiscation. The role of confiscation, in Kuran's view, was thus indirect by causing transfer of capital to rigid and inefficient organisations. Another economic historian, Murat Çizakça, attributes a more direct role to the practice of müsadere. To him, it was the economic policies of the Ottoman Empire, including 'widespread confiscation and [its] crowding-out effect,' that impeded Middle Eastern economic development rather than legal institutions.<sup>138</sup> Both scholars refer to the secondary literature in their mention of the müsadere. This is inevitable in such works answering big questions like the historical origins of underdevelopment. However, what they both overlook is that the prime targets of confiscation were hardly productive classes such as merchants and manufacturers.

Those studies that employ primary sources have been interested in three questions regarding the practice of müsadere. The first of these questions is the legality of confiscations. An early example is Ahmet

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<sup>135</sup> Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East* (Princeton: Princeton University Press, 2010).

<sup>136</sup> Timur Kuran, "The Provision of Public Goods under Islamic Law: Origins, Impact and Limitations of the Waqf System," *Law and Society Review* 35, no. 4 (2001).

<sup>137</sup> Hasan Yüksel, "Vakıf-Müsadere İlişkisi (Şam Valisi Vezir Süleyman Paşa Olayı)," *Osmanlı Araştırmaları* XII (1992).

<sup>138</sup> Murat Çizakça, "The Economic Role of the State in Islam," in *Handbook on Islam and Economic Life*, ed. M. Kabir Hassan and Mervyn K. Lewis (Cheltenham: Edward Elgar Publishing Limited, 2014).

Mumcu's study on the institution of political execution (*siyaseten katl*). He dedicates one chapter of his book to the practice of confiscation, which he considers a method of punishment accompanying execution. To him, müsadere cannot be regarded as a legitimate practice, not only because it was against Islamic inheritance law but because it took an increasingly arbitrary form over time.<sup>139</sup> Another legal historian argues that it can be best understood within the context of the *tazir* penalty in Islamic law. Tazir can be defined as a discretionary right of the sultan or a judge appointed by him to adjudicate in crimes not specified in two main sources of Islamic law: the Quran and hadith (prophetic sayings).<sup>140</sup> In fact, it is said that the müsadere practice could have originated from the following hadith: 'it is theft and betrayal if the one to whom we granted office conceals even a tiny needle he collected as tax.'<sup>141</sup> However, as Abou El-Hajj observes, müsadere was a selective practice.<sup>142</sup> That is, many wealth-holders, including those who held an office, managed to transfer their wealth down through generations without facing confiscation. Having financial accounts with the Treasury, therefore, did not necessarily result in confiscation even before the eighteenth century when it was arguably the most arbitrary. Moreover, müsadere went far beyond punishment during its long history. So, this was a practice rather at the sultan's discretion that was open to abuse and arbitrariness.

Related to this, the second question that appears in the works of historians concerns the functions of the müsadere practice. In addition to being a discretionary form of punishment, it was thought to be a political tool. The groups most likely to accumulate power and wealth

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<sup>139</sup> Mumcu, *Osmanlı Devletinde Siyaseten Katl*.

<sup>140</sup> Hüseyin Esen, "İslam Hukuku Açısından Müsadere," *Dokuz Eylül Üniversitesi İlahiyat Fakültesi Dergisi* XV (2002).

<sup>141</sup> Tuncay Öğün, "Müsâdere (Osmanlılar'da)," in *TDV İslâm Ansiklopedisi* (İstanbul: TDV Yayınları, 2007).

<sup>142</sup> Abou-El-Haj, *Formation of the Modern State*, 21. One noteworthy example of the selectivity of müsadere is the Köprülü family that dominated the position of grand vizierate for a century from the mid-seventeenth to mid-eighteenth century without facing execution or confiscations.

were office-holders and tax farmers. The argument is that by redistributing wealth through confiscations they were prevented from creating factions threatening the central authority. Indeed, no proper aristocratic class emerged during the history of the Ottoman Empire.<sup>143</sup> The group that most closely approached this position was the provincial elites in the eighteenth century. Confiscation seemed to be used extensively to prevent this emergence from happening. Second, some historians link confiscations with fiscal distress, referring especially to the period after the second half of the eighteenth century. Although he does not provide any ratio as evidence, Yavuz Cezar argues that monetary gains from confiscation were marginal and accidental rather than significant and perpetual.<sup>144</sup>

The third question is how the process of müsadere was conducted. The last decade has witnessed an increasing scholarly interest in the methods of enforcement.<sup>145</sup> Most of these studies, predominantly in the form of case studies, focus on the eighteenth century, as the methods of müsadere were arguably more sophisticated at that time. Cezar's article is of vital importance since he approaches the topic from an economic history perspective and it is one of the oldest yet most detailed works of its kind.<sup>146</sup> In his study of a certain provincial elite from central Anatolia who died in the late eighteenth century, Cezar details the process of confiscation from the beginning while drawing certain conclusions for the practice of müsadere. Most importantly, he

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<sup>143</sup> Karl Barbir, "One Marker of Ottomanism: Confiscation of Ottoman Officials' Estates," in *Identity and Identity Formation in the Ottoman World* ed. Karl Barbir and Baki Tezcan (Madison: The University of Wisconsin Press, 2007).

<sup>144</sup> Cezar, *Osmanlı Maliyesinde Bunalım*, 110-111.

<sup>145</sup> See, for example: Cahit Telci, "Osmanlı Devletinde 18. Yüzyılda Muhallefat Ve Müsâdere Süreci " *Tarih İncelemeleri Dergisi* 22, no. 2 (2007). Alkan, "Müsaderenin Sosyal Ve Ekonomik Bir Analizi." Tuncay Öğün, "Osmanlı Devleti'nde Müsadere Uygulamaları," in *Osmanlı* (Ankara: Yeni Türkiye Yayınları, 1999). Mehmet Karataş, "18-19. Yüzyıllarda Osmanlı Devleti'nde Bazı Müsâdere Uygulamaları," *Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, no. 19 (2006).

<sup>146</sup> Yavuz Cezar, "Bir Ayanın Muhallefatı Havza Ve Köprü Kazaları Ayanı Kör İsmail-Oğlu Hüseyin (Müsadere Olayı Ve Terekenin İncelenmesi)," *Belleten* XLI, no. 161 (1977).

does not accept the actions reflected in the sources as given by highlighting self-interested actions of non-ruler actors of the process of confiscation. He suggests, for example, that the confiscator could deliberately overestimate the value of wealth to get higher service duties, could accept bribes from the family in return for underreporting or could rather choose to be honest by not taking the risk of getting caught.<sup>147</sup> In doing so, Cezar observes that the process of müsadere was not a straightforward one. His narrative does not extend the same logic to other players of the game. Fatma Müge Göçek states that the family could hoard the property and wealth-holders could prefer to keep their wealth in less liquid forms of property during their lifetime.<sup>148</sup> Both actions would make müsadere costlier, if not impossible at times. The opposite of the latter strategy was mentioned by French traveller Olivier who wrote that the best way of circumventing confiscation was to invest in more liquid assets such as cash, golden and silver to easily hoard or transport them.<sup>149</sup>

Ali Yaycıoğlu is the first scholar who emphasises that the process of müsadere did not necessarily end with full confiscation. By employing certain game theoretical insights though without strictly using the concept of game theory, he identifies three outcomes, which he called scenarios, of the confiscation process. These are full confiscation, leaving to the family and subcontracting to a third party. He is also the first historian who attempted to answer why the müsadere practice had survived through the long-eighteenth century. In his reasoning, it was because of its redistributive function used by the powerful faction to eliminate others, which prevented the emergence of collective action.

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<sup>147</sup> Ibid., 53.

<sup>148</sup> Fatma Müge Göçek, *Rise of the Bourgeoisie, Demise of Empire: Ottoman Westernization and Social Change* (New York, Oxford: Oxford University Press, 1996), 170.

<sup>149</sup> G.A. Olivier, *Travels in the Ottoman Empire, Egypt, and Persia, Undertaken by Order of the Government of France, During the First Six Years of the Republic* (London: T.N. Longman & O. Rees, 1801), 186-190.

Despite these initial thoughts stated in a working paper, it must be noted that Yaycioğlu has not yet finalised his project.<sup>150</sup>

Implying that müsadere was a non-codified sultanic convention, these functionalist interpretations have overshadowed the temporal dimensions of confiscation. As Rifa'at Abu El Haj has noticed, '...Twentieth century researchers ... take an ahistorical approach to the müsadere practice claiming that it was retained unchanged over time.'<sup>151</sup> The only exception is the often-repeated claim that confiscations became more frequent and arbitrary after the 1770s because of fiscal distress, political turmoil and centralising attempts following the first two. Although this claim adds a fiscal dimension with a certain degree of dynamism, the study of müsadere remains mostly static.<sup>152</sup> This work brings about a greater level of complexity, completeness and representativeness to such claims in the existing literature.

My contribution to this literature is as follows. In modern Ottoman historiography, the concept of müsadere is a topic that is mostly squeezed into footnotes and paragraphs. A systematic analysis of it does not exist, to the best of my knowledge, and the current literature is generally limited to case studies. It is true that a case study, when accurately done, can illuminate the hidden details behind an institution. I too use them frequently in the study; yet bringing the pieces together is also necessary. To do so, this study employs the broader economic history and political economy literature as well as the tools

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<sup>150</sup> Ali Yaycioğlu, "Wealth, Power and Death: Capital Accumulation and Imperial Confiscations in the Ottoman Empire (1453-1839)," in *New Perspectives in Ottoman Economic History* (New Haven: Yale University: 2012). His ongoing book project is entitled '*Order of Volatility: Wealth, Power and Death in the Ottoman Empire*.' As far as his personal webpage is concerned and based on interaction with him during a workshop held in London, this is a broad project covering such issues as "accumulation of capital in the hands of various actors, forms of debt and credit, topographies of property, possession and financial webs, confiscation and executions, as well as resistance to them." In contrast, the present study has a microeconomic approach, focusing on the scope and limits of the müsadere practice. In this respect, these concurring works should be thought as complementary.

<sup>151</sup> Abou-El-Haj, *Formation of the Modern State*, 48.

<sup>152</sup> Timur Kuran, for example, directly emphasises this point by arguing that "as with any rational ruler, sultans preferred taxation to confiscation, to maximize their subjects' incentives to produce. Yet, in fiscal emergencies, they readily yielded to the temptation to confiscate." Kuran, "The Provision of Public Goods ": 854.

of econometrics, game theory and microhistory to shed light on the regularities and exceptions embedded in the practice of *müşadere*. In doing so, it also sheds light on certain assumptions regarding the nature of Ottoman political economy. One note of importance, however, is that this study is specific to the long-18<sup>th</sup> century which was extraordinary due to the ongoing crisis and civil war between the central government and the provincial elites.

### **1.3 Research Questions, Methods and Chapter Outline**

The main research question of this study is as follows: What enabled, guided and motivated Ottoman state confiscations of elite property, and how and to what extent? Out of this question, many sub-questions, such as what the determinants of selectivity of confiscation were and how the central government confiscated in times of crisis, can be generated. Answering these questions within the Ottoman context can produce important lessons for historical state predation. Despite studies linking state abuses of property rights with underdevelopment, little is known about what made rulers confiscate and what limited them in doing so. There is also a missing link between state predation and capacity in the sense that it is not clear how they interact with each other. When it comes to modern Ottoman historiography, there is the need for a more analytical approach to unravel the preference and priorities of the Ottoman rulers. By answering the above question, this thesis contributes to the existing historical literature on the practice of *müşadere* and the more general histories of early modern confiscations.

This thesis proceeds in three parts. The first part provides a quantitative analysis of state confiscations in the Ottoman Empire. The second part deals with the role of human agency in determining the nature of confiscations. The third part presents an institutional analysis explaining the survival and abolition of the practice of *müşadere*

in the context of state formation and capacity. As is seen, this thesis employs a multi-methods approach. This is necessary since the above question cannot be addressed solely with quantitative or qualitative techniques per se. Indeed, most archival evidence is in non-numeric form, some of which can be incorporated into regressions while some cannot. Nevertheless, each chapter's findings are not independent of one another. For example, the game theoretic analysis is not detached from the findings of the econometric analysis. The opposite is true: the findings of the quantitative analysis are used in chapter 4. The rest of this section provides a chapter-by-chapter organisation of the thesis.

Chapter 2 introduces the dataset employed in the regression analysis and describes the basic patterns of the *müsadere*. This chapter contributes primarily to the historical literature that, as mentioned above, lacks quantitative evidence. The dataset was constructed primarily from state records known as *muhallefat* records (confiscation inventories). The first part of this chapter thus discusses the sources of the data used in chapter 3 and their limitations. The second part presents some descriptive statistics to reveal the patterns of the *müsadere* practice. More specifically, it gives a rough idea about the identity, temporal and spatial distribution of the targeted population. Furthermore, the descriptive statistics in chapter 2 pose crucial questions to be answered in the following chapters.

Chapter 3 goes into the analysis of what drove the preferences and priorities of confiscation by the sultans. The chapter is motivated by the view that confiscation is inherently selective. What determined this selectivity is thus the central question of the chapter. It employs the above-mentioned dataset using multinomial logistic regression analysis. The chapter models the process of *müsadere* as a two-step game, arguing that the decision made in the first step, meaning before a confiscator was sent, was driven by external factors such as wars, while the second step was driven by the qualities of the wealth to be



confiscated and relative bargaining power of the family. The quantitative analysis assumes that there were no unobservable costs of enforcement and families did not use their coercive resources to resist confiscation. These assumptions are necessary due to the non-quantifiable nature of this evidence.

Chapter 4 relaxes these assumptions by investigating the process of enforcement using qualitative evidence drawn from state records such as imperial edicts, notes and complaint letters. This chapter explains in what ways states did not have full power to confiscate. Indeed, pre-modern states often contained multiple sources of coercion that counterbalanced state power. This was particularly true within the context of the period in question. Therefore, the chapter takes confiscation as a strategic action in which a player's actions are subject to the actions of other players. In this regard, for example, it takes the agents who were employed in the enforcement of confiscation as individuals not necessarily motivated to act in the best interest of the ruler. This chapter argues that the actions of non-state players increased the costs of confiscation in a way that reduced the gains of the ruler. The whole process, however, was designed to minimise these costs. The use of game theory helps to better grasp the meaning of actions observed in the enforcement of confiscation. It is important to note that this chapter generally assumes that the players were revenue-maximisers and not concerned about political costs and benefits. It also deals solely with the process of enforcement and therefore excludes the pre-confiscation stage of the game.

The long-term interactions between the sultan and the families are examined in chapter 5. This chapter looks at the nature of patrimonial management of the families, which gave them relative protection from the müsadere. Behind this analysis lies the hypothesis that loyalty and establishing a mutually beneficial relationship with the central government made them better off. This chapter is designed as a micro-history of an Ottoman family called *Çapanoğlus* that was based

in central Anatolia and primarily engaged with tax farming. Tax farming activities normally made one's wealth subject to confiscation. The family in question, however, seemingly succeeded in accumulating immense wealth and transferring it through three generations. A first glance at the archives pointed to many sources regarding the relations between the government and this family. Using these qualitative sources, this chapter constructs a micro-history with the goal of determining which patrimonial strategies could have helped wealth-holders to circumvent confiscation and when they would have failed to do so.

Chapter 6 addresses the institutional survival and abolition of the practice of confiscation in the Ottoman Empire in the broader context of state formation and capacity. It provides an analytical narrative explaining why the practice survived during the eighteenth century and why it was abolished in 1839. It is argued that confiscations were bound to survive due to institutional factors that made collective action infeasible and confiscation was the best available policy in the absence of sufficient capacity to tax, fight and administer. The method used is called analytic narratives, which was introduced by a book bringing stories, accounts and context together with formal lines of reasoning.<sup>153</sup> Its overarching purpose is to explain the interplay between micro-structures, which are shaped by choices and decisions, and macro-historical changes. In a way, then, this chapter links the micro-structures examined in the previous chapters with macro-historical phenomena. It deals with how we can think of the practice of *müsadere* within a broader state formation framework.

Chapter 7 concludes the thesis by offering a summary of the main arguments as well as their implications for the study of pre-modern confiscations in the field of economic history. Finally, it introduces potential areas of future research.

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<sup>153</sup> Robert H. Bates et al., *Analytic Narratives* (Princeton, NJ: Princeton University Press, 1998).

## 1.4 Sources

Some chapters in the study present a discussion of their sources separately. One half of the next chapter is dedicated to the discussion of the sources of data and their limitations. The aim of the present section is to give a concise overview of the sources of this study from a general perspective. The study makes use of a wide range of primary sources collected from the Prime Ministry Ottoman Archives in Istanbul. The data for quantitative analysis comes from probate inventories. Probate inventories are the inventories of all the assets, as well as debts and receivables, of the deceased. Spanning the mid-fifteenth to early twentieth centuries, these sources have been used by historians of material culture, wealth distribution, credit relations, etc. It must be noted that those used in this study constitute a sub-category of the above, called *muhallefat* records. While a more detailed discussion of sources is done in the next chapter, it suffices to say here that confiscation inventories differ from other probate records essentially in the reason for their preparation, that is, for confiscation rather than division of inheritance. Confiscation inventories include a summary of the confiscation, its actors and a list of assets owned by the deceased or the punished. The dataset, containing 1,017 cases of confiscation which I use in the next two chapters, was constructed primarily from these documents.

Qualitative data employed in the study comes from a variety of sources such as correspondence, decrees, petitions and contemporary chronicles. These sources clearly show in what ways the actors of confiscation behaved and interacted with each other. Without these sources, it would not be possible to detail, for example, property hoarding by families or the cheating of confiscators who made deals with families. The fact that there is documentary evidence for hoarding or cheating reveals that it happened or at least was claimed to have happened. One can hypothesise that more such cases went unreported

due to the clandestine quality of such behaviour. The main shortcoming of the sources employed in this study is that they can be biased towards official discourse, as they have been produced by the agents of the state. In other words, they rarely provide first-hand information on the views of the victims. To the best of my knowledge, there are no existing personal accounts detailing an individual's stance against the confiscation of their wealth.

## **1.5 Conclusion**

This chapter has placed state confiscation in the Ottoman Empire into its historical context and then introduced the aims, methodology and sources of the present study. The historical background for this thesis has encompassed a period of crisis and transition to the modern state, a period in which the practice of confiscation was at its most intense. Therefore, it is the most appropriate period to answer the research questions of this study. But this makes the conclusions reached in the study time-specific, that is, not applicable to earlier periods. The second part of the chapter reviewed the relevant literature. It has revealed that this is one of the least studied topics of Ottoman history and has the potential to contribute to our understanding of the interaction of power and prosperity in economic history. This study can therefore lead to a better understanding of historical state predation and its limits as well as how it can be thought in the context of state capacity and formation. The thesis proceeds with a quantitative analysis.

**PART I: CHANCE OR DESIGN: A QUANTITATIVE ANALYSIS OF PATTERNS AND DRIVING FORCES OF MÜSADERE**

## 2 SOURCES OF DATA AND PATTERNS OF MÜSADERE, 1750-1839

The central questions of the two chapters of this part are who the most affected from confiscation were and why, as well as under what constraints their wealth could be confiscated. Because of the lack of quantitative data due to the technical difficulties of data construction on this subject, the literature usually relies on case studies and contemporary Ottoman chronicles to generalise on the above-mentioned aspects of müsadere. This limitation has been recognised by at least one historian who employed a case study approach.<sup>154</sup> The quantitative analysis conducted in this part also adds to the broader understanding of state predation in the early modern period by determining the kind of self-constraints to the sovereign.<sup>155</sup> The logic adopted from new institutional economics is that confiscations are inherently selective and/or unevenly distributed. Part I thus examines why and how it was so. It is necessary to emphasise that the findings of this part are subject to the limitations of the data, which are discussed in the current chapter, and restricted to the extraordinary period under analysis, i.e. 1750-1839.

This chapter introduces the sources of the data used in Part I of the thesis and their limitations, while presenting general patterns of the müsadere with the help of descriptive statistics. The constructed data set includes 1,017 cases of müsadere exercised by seven successive sultans of the Ottoman Empire during the period 1750-1839. The data has been built mainly out of muhallefât records preserved in the Prime Ministry Ottoman Archives in Istanbul. Despite their historical value, employing these sources has certain limitations. The chapter

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<sup>154</sup> Cezar, "Bir Âyanın Muhallefâtı."

<sup>155</sup> As mentioned in the literature review, these constraints have been recognised in the existing literature but are yet to be subjected to quantitative analysis.

starts by addressing these limitations from both general and study-specific perspectives.

The second purpose of the chapter is to explain the profile of the prime targets of the müsadere, which has special importance in setting the groundwork for the rest of the thesis. The existing literature often argued that the müsadere targeted primarily high government officials, joined by local elites in the eighteenth century.<sup>156</sup> It has also been argued that the legal community (*ulema*), the merchants (especially non-Muslims), ordinary subjects (*reaya*) and women were generally immune from müsadere.<sup>157</sup> However, little is known about the actual occupational distribution of the targets of confiscation. In addition to testing these hypotheses, this chapter answers a largely neglected question of what kind of spatial and temporal patterns the application of müsadere followed during this period.<sup>158</sup>

Also provided in this chapter is statistical evidence on how the central government justified confiscations. This question is linked to another often repeated claim in the literature that the müsadere was often directed at wealth accumulated through imperial grants which were considered bound to return to the public treasury once wealth-holders died or were dismissed from office. As will be shown, different forms of justification are observed in the long-eighteenth century. One of these justifications, i.e. major crime committed against the state, was recognised by the historians.<sup>159</sup> Nevertheless, overall this subject

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<sup>156</sup> For example, see: Halil İnalçık, "Capital Formation in the Ottoman Empire," *Journal of Economic History* 29, no. 1 (1969): 107.

<sup>157</sup> Göçek, *Rise of Bourgeoisie*, 33, 55-56, 95-96.

<sup>158</sup> Abou-El-Haj, *Formation of the Modern State*, 48. The only exception to this negligence is the often repeated argument that the number of confiscations rose in the second half of the eighteenth century and especially after the 1770s because of fiscal distress, political turmoil and, following these two, centralising attempts. Cezar, *Osmanlı Maliyesinde Bunalım*, 110-111. Murat Çizakça, "Was Shari'ah Indeed the Culprit?," in *MPRA* (2010), 29.

<sup>159</sup> Halil İnalçık, for example, wrote that '...although Islamic law strictly forbids confiscation of private property from either Muslims or non-Muslims, the property of the tax farmer or any government related fortunes were always suspect as to their origin and were therefore subject to confiscation.' Halil İnalçık and Donald Quataert, *An Economic and Social History of the Ottoman Empire, 1300-1914* (New York: Cambridge University Press, 1995), 213. Carter V. Findley, *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789-1922* (Princeton, New Jersey: Princeton University Press, 1980), 14.

has not received enough attention and needs to be examined with quantitative evidence.

This chapter is structured as follows. Section 2.1 addresses the scope and limitations of muhallefat records as main sources of the data, while touching upon how these limitations are mitigated in the study. The rest of the chapter aims to set the ground for the econometric analysis in chapter 3. Sections 2.2 and 2.3 describe the temporal and spatial patterns of confiscation respectively. Section 2.4 deals with the justification of müsadere and the profile of the prime targets in terms of religion, gender and occupation. The final section concludes.

## **2.1 Muhallefat Records and Data Construction**

### **2.1.1 Scope and General Limitations**

In recent decades, probate records have increasingly been used in many areas of Ottoman studies from cultural to economic history.<sup>160</sup> In Part I of this study, which quantifies the patterns and driving forces of müsadere, I use a sub-category of probate records called ‘muhallefat’ records (confiscation records). It is thus necessary to make a distinction between the two types of probate inventories. Most inventories were produced for division of inheritance purposes when the heirs of the deceased have taken their disagreement over inheritance to the court. These are called ‘tereke’ records.<sup>161</sup> Both the concepts of muhallefat and tereke have similar lexical meanings: possessions left behind by the deceased. However, the term muhallefat has traditionally been used in official records and by modern historians of the Ottoman Empire to denote inventories recorded for property confiscation. Also,

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<sup>160</sup> Halil İnalcık was the first historian to draw attention to probate inventories in the 1940s. Halil İnalcık, "Osmanlı Tarihi Hakkında Mühim Bir Kaynak," *Ankara Üniversitesi Dil, Tarih-Coğrafya Fakültesi Dergisi* 1, no. 2 (1942). For a review of studies using probate inventories, see: Hülya Canbakal, "Barkan'dan Günümüze Tereke Çalışmaları," in *Ömer Lütfi Barkan Türkiye Tarihçiliğine Katkıları ve Etkileri Sempozyumu* (İstanbul: 2009).

<sup>161</sup> Tahsin Özcan, "Muhallefat," in *Türkiye Diyanet Vakfı Ansiklopedisi* (2005).



these two types of probate records differed in the person who prepared them. While *tereke*s were prepared by court experts called *kassam*, *muhallefats* were prepared by an agent called *muhallefat mübaşiri* (hereafter: confiscator), often a low or mid-ranking official from the central bureaucracy commissioned by the central government for the sole purpose of confiscation.

It must be noted, however, that they are similar in form. Although the content might vary, they typically contain three parts. The introductory protocol of a *muhallefat* register, as well as that of a *tereke* register, consists of a summary of the case including the name, occupation and location of the individual and the names of the third parties involved in the process of *müsadere* or lawsuit. The second part of *muhallefat* records provides a list of assets owned by the confiscated individual. Ranging from a single page to tens of pages, these lists come either with or without property categories. As will be detailed below, the third section, which is lacking from some inventories, contains a brief calculation of net value, which is a deduction of debits from claims. In fact, one possible outcome of the *müsadere* process was partial confiscation, meaning confiscation of a fraction of assets.<sup>162</sup> Typically, though, *müsadere* covered any moveable and immoveable property owned by the targeted individual without leaving even a tiny piece unregistered with the inevitable exception of hoarded property. Thus, confiscated property could be anything from housewares, jewellery and cash to big farms, livestock and gardens.

In some cases, there exists more than one inventory. This is often the case if the confiscator was ordered to make a further search in case the central authority was not satisfied with the total value. Moreover, in some cases, the confiscator might have wanted or might have been ordered to send inventory in parts rather than all together, for example,

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<sup>162</sup> In case of partial confiscation, those assets to be confiscated were marked with the Arabic letter 'mim,' referring to the word 'miri' (state).

if an initial list of possessions was sent followed by a list of debtors and creditors. Depending on how complex the case was, these procedures could be more detailed than those simplified here.<sup>163</sup>

Although the study of *müsadere* has so far been the primary area where *muhallefat* records were used, they include valuable information for the fields of price history, consumer culture, living standards and credit relations. Like *tereke* records, *muhallefats* are subject to certain limitations when used in these areas. One of them is the wealth bias, which reflects the inherent underrepresentation of the relatively less wealthy social strata, as the likelihood of a case being taken to the court increased with size of inheritance.<sup>164</sup> This problem is even more serious when it comes to *muhallefat* records, as the size of inheritance tends to be higher in those considered for the *müsadere*. This problem, however, is barely an issue for the present study since its main objective is to analyse confiscations facing the wealthiest, thereby intentionally leaving those poorer parts of society out of analysis.

Another limitation to the use of *muhallefats* is the potential inaccuracy of valuations found in them.<sup>165</sup> The accuracy of these valuations depends on the nature of the *müsadere*. If the confiscated assets were auctioned, they often reflected actual market prices. Such inventories with auction prices even included the names of purchasers written next to the item they purchased. For assets transported to the capital in kind, these values indicate the estimates of the confiscators. To what extent these estimates represent the actual prices is a question requiring further attention. There are convincing historical reasons to believe that they were not too different from market prices. First, either confiscators or local administrators might have had experience in price estimation. Second, confiscators sometimes worked with a local expert

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<sup>163</sup> A detailed examination of these complexities is provided in chapter 4.

<sup>164</sup> Hülya Canbakal and Alpay Filiztekin, "Wealth and Inequality in Ottoman Lands in the Early Modern Period," in *AALIMS Political Economy of the Muslim World* (Houston: 2013), 3.

<sup>165</sup> For a methodological article detailing the problem of valuation, see: Pinar Ceylan, "Ottoman Inheritance Inventories as a Source of Price History," *Historical Methods: A Journal of Quantitative and Interdisciplinary History* 49, no. 3 (2016).

to help them with estimation. Nevertheless, any estimated price can and would often be different, though slightly, from the actual price. Though this might be the case, I am mainly interested in a different aspect of the valuations, which are the government's gains from confiscation and not the prices themselves. For this reason, while this kind of inaccuracy can distort the value of revenue acquired through confiscation, this distortion would not be as great as that in a price historian's findings. In addition to these general limitations to the use of probate records and those specific to muhallefats records, there are also limitations specific to the current study. These are addressed in the next section within the context of the data construction process.

### **2.1.2 Data Construction: Study-specific Limitations and Representativeness**

How representative is the constructed dataset and what are the limitations of the sampling? It must be stated at the outset that inevitable barriers make a 'perfectly' random sampling difficult. It is nearly impossible to know the entire population of muhallefats ( $N$ ) and its characteristics primarily because we do not know if a muhallefats was prepared or survived for all confiscations. Therefore, we do not know the crucial ratio of  $n/N$  where  $n=1,017$ . Any estimation of the value of  $N$  would be subject to a critique of survival bias, that is, if all relevant archival documents have survived up to today. Another important issue is that it could well be that one's wealth has been confiscated without precreation of a muhallefats. Since these problems restrict the findings of the analysis of selectivity, I try to be as cautious as possible in their interpretation. Nevertheless, the discussion below detailing how the sample used in the quantitative analysis was filtered out of the existing sources shows that there are good reasons to believe that  $n$  has certain characteristics that resembles that of  $N$ .

I started my archival research by determining the location of muhallefats in *Başbakanlık Osmanlı Arşivleri* (Prime Ministry Ottoman Archives—hereafter BOA) in Istanbul where a high majority of them are preserved. Most muhallefats in the BOA are located in a collection called *Başmuhasebe Muhallemat Halifeliği Defterleri* (Books of the Bureau of Confiscation—hereafter BMHD).<sup>166</sup> This collection consists of some 1,381 documents dated to the period 1601-1839, the majority of which belong to the post-1750 period.<sup>167</sup> This first step has shown that BMHD was not the only catalogue housing muhallefats, but that, though in much smaller numbers, several collections in the BOA, uncatalogued folios in the BOA, as well as the Topkapı Palace Archives also had some.

For reasons detailed below, I have decided to limit the quantitative analysis to catalogued muhallefats either in the BMHD or other collections. The first reason for the decision to focus on the catalogued muhallefats is rather practical. Since uncatalogued ones are not searchable neither in digital nor in printed catalogues, they must be searched for one by one in certain uncatalogued folios. This would be an indispensable task for a historian working on a single case of müsadere or researching the life of an individual whose wealth was confiscated. However, it would possibly require several years of archival work for one attempting to build a large dataset out of muhallemat records. In addition, I have excluded those muhallefats in the Topkapı Palace archives for they are biased towards Istanbul muhallemats and they mostly constitute a fraction of inventories of the assets sent to the public treasury located in the palace and thus usually have a copy in the BOA. Those with a copy in the BOA were used if they passed other elimination tests below.

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<sup>166</sup> This bureau functioned as a branch of the Ministry of Finance and oversaw carrying out confiscations on behalf of the sultan.

<sup>167</sup> Yusuf Sarınoy, *Başbakanlık Osmanlı Arşivi Rehberi* (İstanbul: Başbakanlık Basımevi, 2010), 147.

The dataset contains 1,017 cases of confiscation. The reason why this number is even lower than the number of documents preserved in the BMHD is as follows. First, the analysis employed in Part I is restricted to the period 1750-1839, so cases from the previous 149 years for which there are existing muhalledats, though much lower in quantity, are excluded. The practical reason for this choice is that the number of existing muhalledats is much higher during this period. Furthermore, as the Introduction has demonstrated, most of this period was marked by fiscal and political crisis. The fact that the first 20 years of it were relatively peaceful allows for an exploration of the relationship between the crisis and confiscation. Second, I have immediately noticed that some documents under the BMHD were miscataloged sources such as confiscator reports seeking a decision what to do next. These were also ruled out. Third, I have not included misplaced terekes produced for division of inheritance rather than confiscation purposes. Fourth, some muhalledats were left out since they missed an introductory protocol without which it would become almost impossible to know anything but some numbers. Fifth, I have eliminated some because items were recorded only in quantities rather than with their value.

As will be seen in the next chapter, information on how the process of each müsadere concluded is crucial as it is used as the dependent variable in my regression analysis. Muhalledat records, however, are not always informative on whether it was 'full confiscation,' 'no confiscation' or 'inheritance tax' reflecting a deal between the central government and the family.<sup>168</sup> Where possible, I have resorted to a large pool of supplementary documents (over 7,000) to complete this missing information. These documents include reports, notes and decrees. A few cases for which I could not identify the confiscation outcome were removed from the dataset. But this elimination did not apply to data

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<sup>168</sup> The outcome of inheritance tax was first identified by Ali Yaycioğlu: Yaycioğlu, "Wealth, Power and Death."

items with a missing value of a relatively less important variable. For example, an item in which occupation was missing was still included in the dataset in which case this value was simply treated as missing in the analysis.

In addition to the eliminated cases, there were some additions. It turned out, for example, that some documents catalogued in the BMHD included multiple inventories. Where I could identify to whom these inventories belonged, I added them to the dataset as separate items. If it was a collective confiscation of a family or a group of rebels that was meaningless to separate, it was treated as a single item. Furthermore, I have included those inventories catalogued under collections other than the BMHD accessed through a digital search.

This summary of the process of data construction makes it clear how the dataset of 1,017 cases of *müşadere* was constructed.<sup>169</sup> As emphasised in the beginning, constructing a ‘perfectly’ random dataset was not possible due to the limitations listed above. At times, the obstacle to this was simply an overly faded document, in which case I had to leave that case out. Perhaps, two positive points about the representativeness of the data are as follows. First, while filtering out the subset, I have not consciously eliminated a specific group, geography, gender etc. Second, the BMHD, where most *muhallefats* used in the data come from, shows a reasonable degree of diversity in terms of location, social groups, and period, and met my expectations on where and when confiscations were known to be most prevalent. For example, as expected, the share in Istanbul is relatively higher than other locations.

What information was gathered in *muhallefat* records? The introductory protocol provided the identity and location of wealth-holders. Titles present in official sources are quite telling, especially when

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<sup>169</sup> A full list of sources used in the data construction is provided in the primary sources section of the bibliography.

it comes to the elites that constitute the focus of this study. From one's title, the historian can tell his or her gender, religion, secular title, social group as defined in Ottoman political thinking, family affiliation and whether he completed pilgrimage.<sup>170</sup> For example, the full title '*Karaosmanoğlu el-Hac Mehmed Ağa*' informs us about all these characteristics of this person:

**Karaosmanoğlu:** He was a member of a prominent family located in Manisa on the Aegean coast of Anatolia.

**El-hac:** A religious marker for a pilgrim male.

**Mehmed:** A Muslim male name.

**Ağa:** A secular title given to most provincial elites in the eighteenth century.

A wealth-holder's occupation was mostly affixed to the title as well. For women, however, occupation was invariably missing. The protocol occasionally gives the justification for *müsadere* as well (for 390 cases).

In addition to the identity of the wealth-holder, the protocol almost invariably specifies their location. Normally, the location is detailed down to village level. But a high majority of the individuals targeted were urban dwellers. Two difficulties in the collection of spatial information were as follows. First, identifying the present-day equivalent of historical settlements whose name changed in the last two centuries was cumbersome. This was notably the case for those in the Balkans where Ottoman names of towns and cities are not used by post-Ottoman nation states in the region. Second, it was difficult to identify the province they were part of, which was necessary for province-level analysis, because province borders were frequently redrawn

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<sup>170</sup> Working with Ottoman titles is tricky. For example, it could well be that someone was mentioned with more than one title in different sources. When it comes to social class, I mean the one identified in Ottoman political terminology, primarily the dichotomy between *askeri* and *reaya* (military-administrative and ordinary subjects). For more on the interpretation of Ottoman titles, see: Metin Coşgel and Boğaç Ergene, "Dispute Resolution in Ottoman Courts: A Quantitative Analysis of Litigations in Eighteenth-Century Kastamonu," *Social Science History* 38, no. 1-2 (2015): 182.

because of territorial changes or administrative arrangements. Fortunately, these changes were not significant during the period of concern. These difficulties regarding spatiality were overcome largely with the help of *Osmanlı Yer Adları Sözlüğü* (The Dictionary of Ottoman Place Names).<sup>171</sup>

The date of müsadere is another important element of the dataset. Muhallefat records typically include the data in ‘day, month, year’ format. The date included in the dataset is the end date of the process of müsadere evident in the date of final inventory. Some records, however, would not specify the first two components of the date, namely day and month. This study is inherently interested in the years and months only. Years are indispensable because time-specific variables of the statistical analysis are annual. Months are used to examine the effect of seasonality. Thus, although the absence of day of müsadere did not influence my analysis, the lack of month did. In case month was missing, it was coded as missing in the data.

One of the determinants of who was subjected to confiscation was the size and distribution of wealth. Accordingly, I have collected information on certain features of confiscated wealth. As mentioned above, muhallefat records often give the value of each asset included in confiscation and calculation of the net value of wealth. The net value was calculated by subtracting the total value and debts owed to wealth-holder from debts owed by him and direct costs of confiscation such as commission paid to the agents in charge and the costs of auction and transportation where available. Not all inventories were that detailed though. They were then coded as missing values. The most time-consuming process of data construction was to calculate the share of

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<sup>171</sup> Tahir Sezen, *Osmanlı Yer Adları Sözlüğü (Alfabetik Sırayla)* (Ankara: Başbakanlık Devlet Arşivleri Genel Müdürlüğü, 2006).



liquid assets, namely cash, jewellery, watches and slaves for calculating a liquidity ratio, i.e. the proportion of liquid assets to the total value. This ratio could be calculated only in 357 cases.<sup>172</sup>

Now that potential biases have been discussed, a mention of how they could affect the conclusions is necessary. These problems matter more in the analysis of patterns that will follow because in the present chapter I try to give a broader picture of the practice of confiscation and no matter how they seem consistent with what we would expect they are subject to biases mentioned above. Therefore, these conclusions are made with caution. By contrast, the econometric analysis in the next chapter employs a micro approach by directly looking at decisions made by the sovereign rather than the amount confiscated each year. Such decisions are less affected by the problem of representativeness in the sense that the use of logistic regression makes the amount of confiscation per annum or in a region matter less. The focus of this section was on the most important details and problems of data construction, leaving issues of econometric methodology to the next chapter. I shall now proceed to the patterns of müsadere.

## 2.2 Time

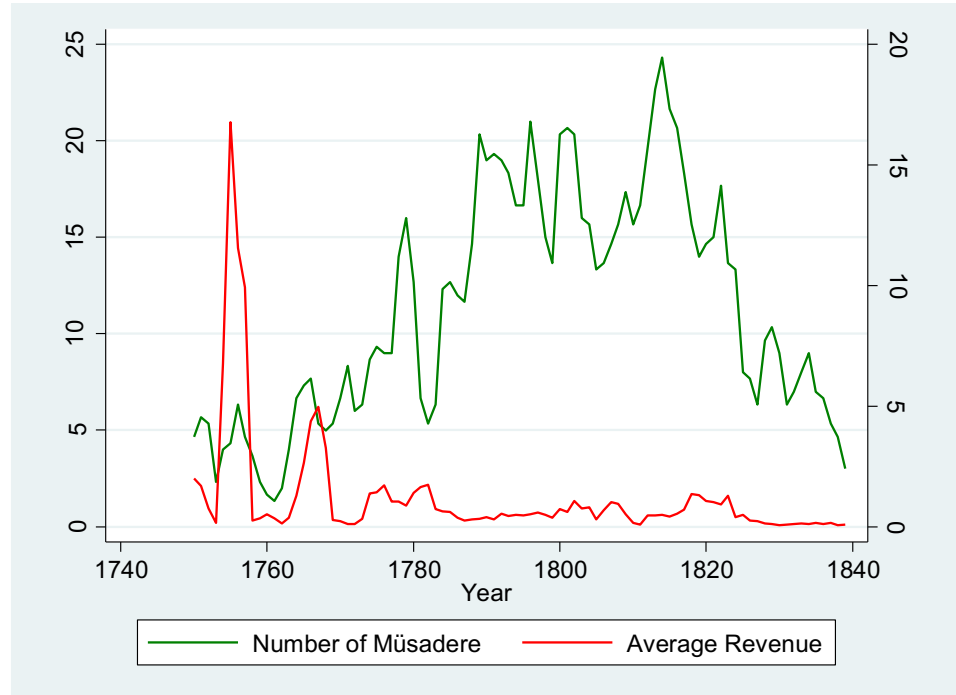
This section looks at the temporal patterns of müsadere. Despite the generally static approach to the müsadere practice taken in the existing literature, historians claim that its frequency mounted during crises and wars, especially from the 1770s until its abolition in 1839. This period was also a period of many costly reforms undertaken by Selim III and Mahmud II. Before subjecting the data to econometric analysis, the present section shows how the frequency of müsadere

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<sup>172</sup> Therefore, econometric analysis conducted in chapter 3 considers the impact of liquidity in a separate model with fewer observations.

fluctuated in the period 1750-1839 and what can be learnt from these temporal patterns.

**Figure 2.1:** Frequencies of Müsadere Attempts and Full Confiscation, 1750-1839<sup>173</sup>



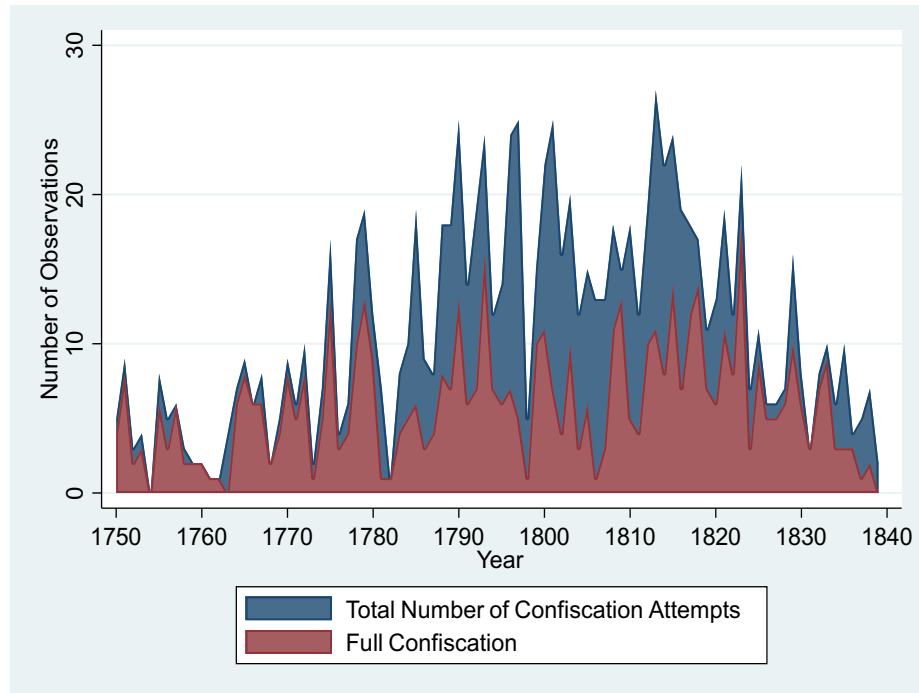
**Source:** See bibliography for data sources.

Figure 2.1 gives a broad sense of the timing of müsadere. The left-y axis of the figure shows the annual number of müsadere while the right-axis represents the average value of müsadere revenues expressed in tons of silver. To help to read the graph, table 2.1 provides exact values included in this figure. Apart from the years with dramatic falls, the green line representing the number of müsadere follows a generally increasing trend after the 1770s, coinciding with the deterioration of state finances during and after the Russo-Ottoman war of 1768-1774. A decreasing trend begins after 1820, continuing until the abolition in 1839. This is overall in line with the view that the crisis triggered confiscation activity. The red line represents how much average revenue was extracted through müsadere annually. However, as

<sup>173</sup> Values are given in 3-year moving averages to normalise the data.

this is a sample representing a fraction of müsadere undertaken during the period, I am more interested in fluctuations of the red line than its actual values. Due to the outliers in the dataset, these fluctuations do not seem as interesting as the number of confiscations. For example, in 1755, the inheritance of Yahya Paşa, who was the governor of Tırhala (modern day Larissa, Greece) district, was confiscated.<sup>174</sup> His wealth was so large that it distorts the results. Therefore, the green line probably provides more robust results. However, even the average annual revenues are greater during the periods 1770-1790 and 1810-1825 if we leave out those years before 1770 that had an outlier case. This means that relatively larger wealth-holders were preferred in this period.

**Figure 2.2:** Frequencies of Müsadere Attempts and Full Confiscation, 1750-1839<sup>175</sup>



**Source:** See bibliography for data sources.

<sup>174</sup> DBŞM.MHD 12639, 12635, 13668.

<sup>175</sup> Values are given in 3-year moving averages to normalise the data.

Figure 2.2 shows total number of confiscation attempts in comparison with the number of cases that resulted in full confiscation. The blue area shows the total number of attempts while the red area represents the number of full confiscations. It is clearly seen that the proportion of full confiscation outcome falls when the crisis was at peak. This is a question, however, that can be best explained by an econometric approach.

**Table 2.1:** Table of Temporal Patterns of Müsadere, 1750-1839

Year	Total	Full	Partial	No	Inheritance Tax	Confiscated (Tons of Silver)	Left to family (Tons of Silver)
1750	5	4	1	0	0	17.00618	0.020531
1751	9	8	1	0	0	11.15139	0.667615
1752	3	2	1	0	0	0.390439	0.02904
1753	4	3	1	0	0	0.626428	0.015222
1754	0	0	0	0	0	0	0
1755	8	6	2	0	0	80.58043	0.072638
1756	5	3	0	0	2	137.4482	39.86663
1757	6	6	0	0	0	1.385735	0
1758	3	2	1	0	0	0.288454	-0.01674
1759	2	2	0	0	0	1.213781	0
1760	2	2	0	0	0	0.931008	0
1761	1	1	0	0	0	0.388603	0
1762	1	1	0	0	0	0.113943	0
1763	4	0	2	1	1	0.324472	-7.33807
1764	7	6	0	0	1	4.099526	2.725461
1765	9	8	1	0	0	78.21852	2.051367
1766	6	6	0	0	0	32.77696	0
1767	8	6	1	0	1	46.2318	1.462118
1768	2	2	0	0	0	0.579489	0
1769	5	4	0	0	1	2.403764	2.142432
1770	9	8	1	0	0	1.393128	-0.03567
1771	6	5	0	0	1	0.988609	0
1772	10	8	2	0	0	0.628236	0.13422
1773	2	1	0	0	1	0.38137	0.911307
1774	7	5	0	1	1	5.144494	2.482091
1775	17	13	0	1	3	30.28567	1.68502
1776	4	3	0	1	0	4.419581	0
1777	6	4	0	0	2	11.46844	4.115202
1778	17	10	1	2	4	12.58096	1.64055
1779	19	13	1	1	4	20.08487	3.352757
1780	12	9	0	2	1	8.843704	0.398774

1781	7	1	1	3	2	24.08549	3.025375
1782	1	1	0	0	0	0.073814	0
1783	8	4	1	2	1	3.595057	1.861703
1784	10	5	0	0	5	10.15681	5.262954
1785	19	6	3	3	7	9.987424	5.753235
1786	9	3	1	1	4	3.456459	2.950998
1787	8	4	0	4	0	0.311689	0.003988
1788	18	8	1	3	6	4.73587	3.606254
1789	18	7	0	4	7	7.889238	2.671008
1790	25	13	0	6	6	6.89769	1.472641
1791	14	6	1	4	3	8.240205	4.34556
1792	19	7	2	7	3	2.510428	2.46602
1793	24	16	1	2	5	19.99914	3.666774
1794	12	7	1	1	3	1.682244	0.526263
1795	14	6	0	5	3	3.277756	0.995122
1796	24	7	1	7	9	19.05546	6.338613
1797	25	5	1	5	14	10.64869	15.24268
1798	5	1	2	2	0	1.727926	0.126939
1799	15	10	2	2	1	9.891556	2.181745
1800	21	11	2	4	5	3.433291	1.993038
1801	25	7	0	6	12	31.7826	1.770865
1802	16	4	0	5	7	2.096764	4.035564
1803	20	10	2	3	5	31.09262	14.19794
1804	12	3	0	8	1	2.808914	2.310246
1805	15	6	0	6	3	3.749038	0.247489
1806	13	1	0	7	5	5.714599	7.014206
1807	13	3	1	4	5	18.67846	1.675494
1808	18	11	0	6	1	20.55151	3.646855
1809	16	13	0	0	2	4.75932	3.200241
1810	18	5	0	10	3	1.304457	0.274175
1811	13	4	0	6	2	1.060406	0.625793
1812	19	10	0	6	3	2.426257	0.087015
1813	27	11	1	7	8	24.5076	5.670986
1814	22	8	4	2	8	4.796588	1.928832
1815	24	14	0	6	4	5.910112	0.34695
1816	19	7	1	8	3	16.0514	16.60718
1817	19	12	0	5	1	11.08368	0.30674
1818	17	14	0	3	0	11.23685	0.01439
1819	11	7	1	1	2	41.35319	0.733717
1820	14	6	0	3	4	2.375957	0.954914
1821	19	11	0	5	3	3.476262	2.42982
1822	12	8	0	4	0	39.62966	0.448853
1823	22	18	1	2	1	5.275497	1.780838
1824	7	3	1	1	2	7.483911	1.092378
1825	11	9	1	0	1	3.239621	0.636402
1826	6	5	0	1	0	0.865205	0.429553

1827	6	5	0	1	0	1.441594	0
1828	7	6	0	1	0	2.068623	0.095232
1829	16	10	1	4	1	0.488946	0.076291
1830	8	6	0	1	1	0.946505	0.017209
1831	3	3	0	0	0	0.118707	0
1832	8	7	0	0	1	0.764076	0.357973
1833	10	9	0	1	0	1.398784	-0.00029
1834	6	3	0	2	1	1.124021	0.179353
1835	11	3	1	6	0	0.514286	0.028636
1836	4	3	0	0	1	1.544366	0.356127
1837	5	1	1	3	0	0.258229	0.015877
1838	7	2	0	3	2	0.661712	1.247604
1839	2	0	0	2	0	0	0
Total	1017	547	52	213	200	978,6478	195,7148

**Source:** See bibliography for data sources.

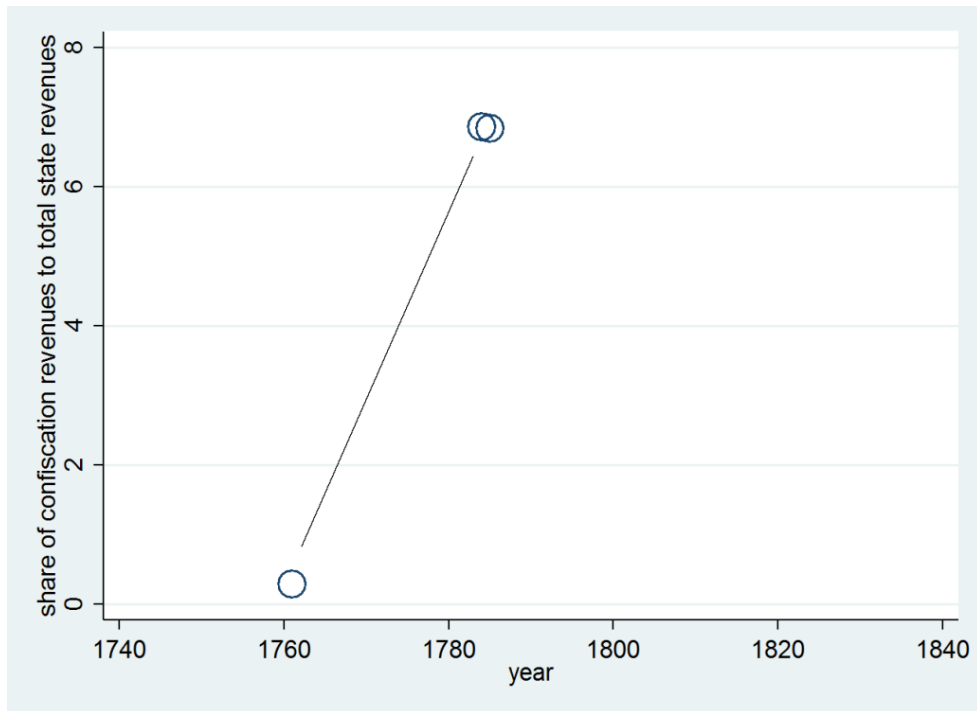
**Notes:** The number of confiscation attempts is given in four categories in terms of their outcomes, namely full confiscation, partial confiscation, inheritance tax, and no confiscation. Negative values seen in the amount left to family are because inheritance tax asked to be paid by the family was higher than the total value of inheritance.

Another question of temporality is the contribution of monetary gains from müsadere to total state revenues. This is a question that needs to be approached with extra caution partly because the data on state revenues is quite scarce during this period. The data prepared by Pamuk and Karaman (2010) include only the three years covered by the present study: 1761, 1784 and 1785.<sup>176</sup> With respect to these three years, figure 2.3 illustrates the contribution of müsadere revenues to the total revenues of the central government. Starting from a tiny share of 0.28 per cent in 1761, it goes up to 6.85 and 6.83 per cents in 1784 and 1785 respectively. As far as this graph is concerned, one would say that the contribution was marginal in these years. However, we can confidently argue that this ratio was higher than what is shown here though we do not know by how much, and particularly so in the years with an outlier case that was of significantly large value. This is not to say that if it rises to, say 20 per cent in such a year, it would mean that the central government extracted much less tax compared

<sup>176</sup> Pamuk and Karaman, "State Finances," 603-609.

to the previous year. This is primarily because the Ottoman budgets typically do not reflect mūsadere revenues since they were extraordinary and irregular sources of income.<sup>177</sup> The reason, apart from the lack of state revenue data, why I do not speculate much on the issue of contribution is that we do not know the value of  $N$ , being the entire population, which would allow us to calculate the ratio of  $n/N$  where  $n$  is 1,017. But let's assume for a moment  $N=1,017$ . Even so, it would not mean that these revenues were unimportant. Although they could be negligibly small, serving as an immediate and irregular source of revenue was the exact fiscal function of the practice of mūsadere. Conversely, even if it was much higher than the ratio in this graph, we could not argue that it was a purely fiscal weapon. As will be seen in the following chapters, mūsadere had important political functions too.

**Figure 2.3:** Contributions of Mūsadere Revenues to Total State Revenues, 1750-1839



**Source:** Pamuk and Karaman (2010) and see bibliography for data sources.<sup>178</sup>

<sup>177</sup> Mehmet Genç and Erol Özvar, *Osmanlı Maliyesi Kurumlar Ve Bütçeler* (İstanbul: Osmanlı Bankası Arşiv ve Araştırma Merkezi, 2006).

<sup>178</sup> Pamuk and Karaman, "State Finances."

**Notes:** *Ottoman budgets typically do not reflect müsadere revenues as they were accidental.*

## 2.3 Space

This section examines the spatial patterns of müsadere. The intuition behind this spatial investigation is that the power and willingness to confiscate of the central authority was spatially uneven. This unevenness is linked with distance from Istanbul and administrative status of the physical location of assets. Proximity to Istanbul matters since it increased the direct costs of müsadere, namely agency and transportation costs, while administrative status affects the degree of state presence in the location.<sup>179</sup> Due to the fewness of observations belonging to autonomous regions, I chose not to report a map of spatial distribution by administrative status.

This section addresses these aspects of spatiality with the help of two maps, using the number of, and revenues from, müsadere respectively.<sup>180</sup> Map 2.1 displays spatial frequency of müsadere at both location and province levels. The map illustrates that the largest number of confiscations took place in Istanbul, followed by such cities as Bursa, Antalya and Manisa. The common feature of most cities with a higher number of confiscations is that they are either coastal or very close to the coast. This finding leads to two potential hypotheses. First, coastal regions were more appealing since they were relatively developed due to greater commercial exchange stemming from port presence and favourable climate. Second, undertaking confiscations on the coast was less expensive because sea transport was historically

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<sup>179</sup> For more on spatiality of müsadere, see the section on theoretical background in chapter 3.

<sup>180</sup> When entering the spatial data into Geographic Information Systems (GIS) each case of müsadere had to be assigned to a dot on the map. Since it is not possible to know each coordinate of the location of assets, which would be numerous anyway, I had to decide where to assign confiscations conducted in a settlement. While doing so, I have chosen the best possible solution by assigning all confiscations in a certain settlement to a coordinate chosen from its present-day centre. This does no harm to the general purpose of mapping in this study which is simply to visualise spatial distribution.



cheaper than inland transport. In addition to these hypotheses, an alternative reasoning could be that the wealthy people living in the coasts were less dependent on the central governments because of the greater likelihood of engagement with commercial activity from which acquisitions had relative immunity from müsadere.<sup>181</sup> This reasoning, however, is not supported by the spatial data presented here as one would then see the opposite trend, namely less confiscation on the coasts. What drove this trend is left as an open question to be answered in the next chapter.

**Table 2.2:** Table of Frequency of Müsadere at Provincial Level, 1750-1839

Province	Frequency	Percentage
Adana	13	1.28
Anadolu (Anatolia)	208	20.49
Bağdad (Baghdad)	2	0.2
Boğdan (Moldovia)	4	0.39
Bosna (Bosnia)	14	1.38
Cezayir (Algeria)	1	0.1
Cidde (Jeddah)	6	0.59
Diyarbakır	14	1.38
Eflak (Wallachia)	8	0.79
Erzurum	12	1.18
Frontier Castles	2	0.2
Girit (Crete)	12	1.18
Halep (Aleppo)	10	0.99
İstanbul	289	28.47
Kaptanpaşa	63	6.21
Karaman	35	3.45
Kıbrıs (Cyprus)	7	0.69
Maraş	6	0.59
Mısır (Egypt)	6	0.59
Mora (Pelapponese)	8	0.79
Musul (Mosul)	2	0.2
Rakka (Raqqqa)	1	0.1
Rum	37	3.65
Rumeli (Rumelia)	131	12.91
Şam (Damascus)	18	1.77

<sup>181</sup> This is in line with Albert Hirschman's well-known terminology of 'exit, voice and loyalty.' Albert O. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States* (Cambridge, Mass: Harvard University Press, 1970).

Sayda (Sidon)	4	0.39
Silistre (Silistria)	85	8.37
Trablus (Tripoli/Lebanon)	5	0.49
Trablusgarp (Tripoli/Libya)	1	0.1
Trabzon (Trebizond)	5	0.49
Van	6	0.59
Total	1,015	100

**Source:** See bibliography for data sources.

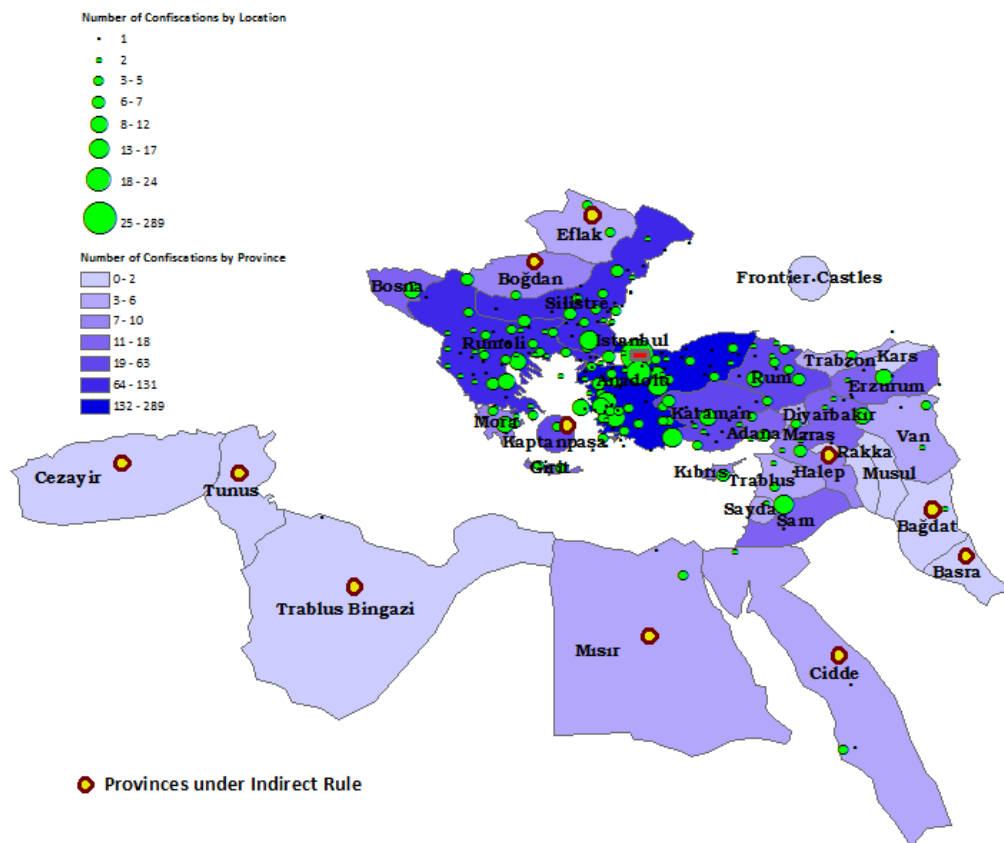
It is also evident that areas proximate to Istanbul have a higher number of müsadere, possibly caused by lower transportation costs and greater influence of the central authority.<sup>182</sup> Map 2.1 illustrates the provincial distribution of müsadere as well. It reveals that the highest number of confiscations was conducted in Istanbul, which was treated as a separate province in the data. Istanbul was followed by its three neighbours, i.e. the province of Anadolu (Anatolia) in western Anatolia, the province of Rumeli (Rumelia or eastern Balkans) lying on the western side of Aegean Sea and the province of Silistre (Silistra) lying on the north of Istanbul along the Black Sea. This also emphasises the importance of distance from the capital. Last but not the least, province-level statistics show low intensity in indirectly ruled regions (marked with red-yellow circles). For example, Tunisia in North Africa, which was autonomously ruled by Husaynid Dynasty and the vassal states of Wallachia and Moldavia in the Balkans were not the prime spatial targets of confiscation. Table 2.2 gives the exact number of müsadere attempts in each province.

The other striking finding is the high density in the islands of Crete and Cyprus together with the province of Kaptanpaşa (covering the rest of Aegean islands).<sup>183</sup> As this is not included in the regression

<sup>182</sup> One point that can potentially matter is that elites closer to the capital can be wealthier. While the focus here is to give a descriptive picture, the next chapter will control for the size of wealth when examining the proposition that transportation costs were important.

<sup>183</sup> The Kaptanpaşa province shown in the maps in the middle of Aegean Sea was a fragmented province including most Aegean islands and some coastal settlements on both Anatolia and Greek coasts of the Sea. The province was under the administration of the Kapudan Paşa (the commander-in-chief of the Ottoman navy). Its capital was Gallipoli.

analysis, it is worth giving further details on potential reasons why islands had a higher density of confiscations. It could well be the result of abovementioned low transportation costs in the coastal regions that would apply to the islands too. But it is important to note that the islands were traditional places of exile where many officials had been deported to live until they died or were pardoned. So, what increases the number of confiscations in the islands could be that their inheritance was confiscated in their places of exile when they died.<sup>184</sup>

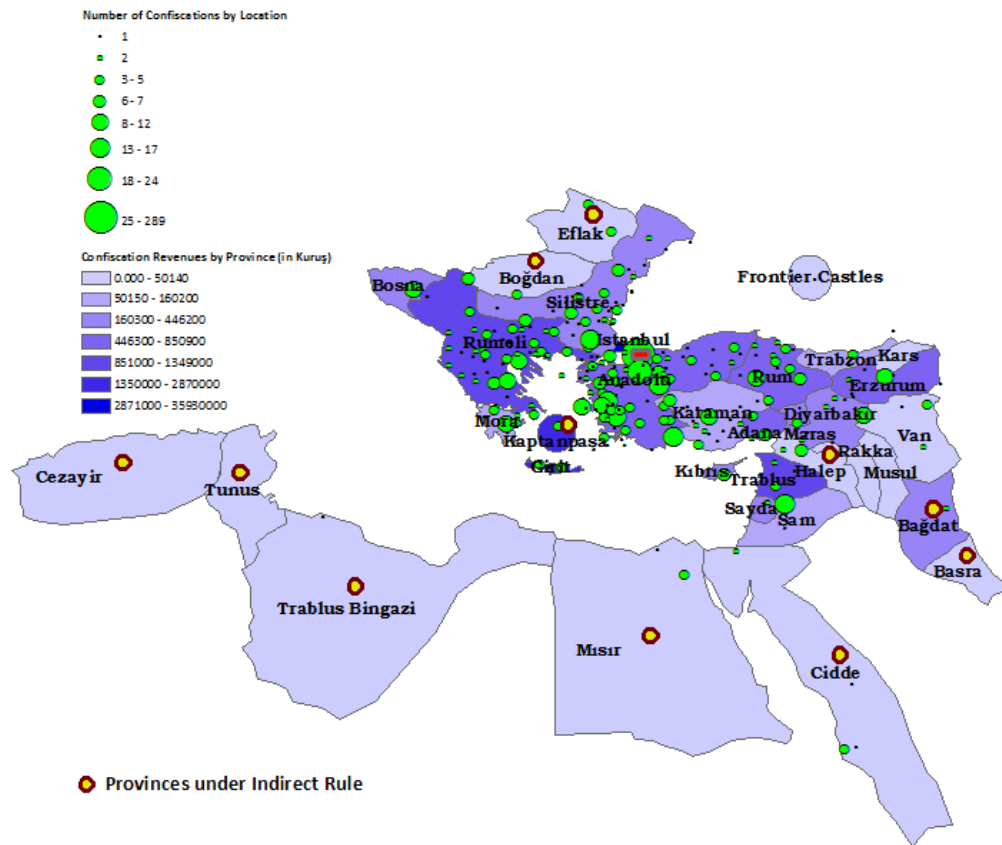


**Notes:** Provincial borders shown here are approximately drawn based on a geocoded map created by Harvard Geospatial Library accessed at <http://hgl.harvard.edu:8080/opengeoportal/> on 18 January 2017. This map displays provincial borders of the Ottoman Empire, circa 1790. The Kaptanpaşa province is shown in

the middle of Aegean Sea as it did not have clear-cut territories. Similarly, those confiscations conducted in frontier castles are shown at the top of the Black Sea under the name of 'Frontier Castles.'

Map 2.2 shows how this picture changes when we use müsadere revenues instead of frequency. It demonstrates that certain provinces such as Baghdad and Tripoli that were previously coloured with lighter tones of blue are found to have provided higher average amounts of revenue to the central government. This finding, however, does not tell us much as it stems from four outliers that can be seen in figure 2.1.

**Map 2.2:** Provincial Densities of Müsadere by Revenues (per sq. km), 1750-1839



**Source:** See bibliography for data sources.

**Notes:** Provincial borders shown here are approximately drawn based on a geocoded map created by Harvard Geospatial Library accessed at <http://hgl.harvard.edu:8080/opengeoportal/> on 18 January 2017. This map displays provincial borders of the Ottoman Empire, circa 1790. The Kaptanpaşa province is shown in the middle of Aegean Sea as it did not have clear-cut territories. Similarly, those confiscations conducted in frontier castles are shown at the top of the Black Sea under the name of 'Frontier Castles.'

With few exceptions, proximity to Istanbul and administrative status seem to matter in the map 2.2 as well. But the descriptive spatial analysis used in this section does not fully explain to what extent spatial forces shaped the decision to confiscate. Before the role of spatiality is considered in more detail via econometric analysis and by controlling for the size of wealth and other variables, it is necessary to understand the identity of the victims of müsadere and why their property was confiscated according to the official jargon of the sources.

## **2.4 Justification and Identity**

This section investigates the justification of müsadere by the central government and then the occupational, gender and religious patterns, where needed, by time and justification. As I noted above, the existing literature has often claimed that enrichment by royal grant was the main reason for the existence of the practice of müsadere, that the prime targets were office-holders, except for the legal community, and private fiscal contractors, and that certain groups such as merchants, artisans, peasants and women were relatively immune from it.<sup>185</sup> The aim of this section is to explore whether the data lends support to these claims.

Surviving sources of müsadere occasionally state a justification explaining why confiscations were carried out. Table 2.3 shows these justifications based on 390 cases for which I could identify justification. There are five categories of justification, namely, death with no heirs, indebtedness, crime, enrichment by royal grant and affluence. The crime category is a pooled category, including five sub-categories of crime. It is pooled because, even though I was confidently able to identify that a crime was committed, I could not always identify the

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<sup>185</sup> İnalçık, "Capital Formation," 107.

type of crime.<sup>186</sup> Therefore, I instead examine these issues with qualitative evidence provided later in this section. One word of caution is necessary before proceeding. Official justifications of müsadere admittedly cannot be taken for granted, as they are not fully reliable due to their bias towards the official view.<sup>187</sup> Even where reliable, they would not help to explain why only a select group of people faced confiscation of their wealth and not others who could easily have fallen under one of these categories of justification. It is the same bias, however, which makes them worth-examining. That is, they are valuable in understanding the official mind-set behind müsadere.

**Table 2.3:** Frequencies of Justifications of Müsadere, 1750-1839

Justification <sup>188</sup>	Frequency	Percent
Death Without Heirs	43	11.03
Enrichment by Royal Grant	56	14.36
Affluence	39	10.00
Indebtedness	46	11.79
Crime	206	52.82
Total	390	100.00

**Source:** See bibliography for data sources.

Arguably the least disputable of all categories of justification was one's dying without any heirs.<sup>189</sup> Death with no heirs constitutes 11

<sup>186</sup> Most frequent types of crime are: (1) corruption, (2) oppression of subjects, (3) fake claim of ayanhood, (ayan, in this context, refers to elected local representatives) and (4) rebellion.

<sup>187</sup> Therefore, regression analysis in the next chapter does not use justification as a variable.

<sup>188</sup> Corresponding words in official sources are as follows. Death without heirs: 'Bilavaris fevt olmak,' Enrichment by Royal Grant: 'Serveti miriden olmak,' Affluence: 'Servet ve yesar sahibi olmak,' Indebtedness: 'Miriye ve saireye borcu olmak,' Crime: Vary depending on the type of crime.

<sup>189</sup> Even in the case of merchants who were not the prime targets of confiscation, heirless death was a reason for confiscation. A letter sent by the tax farmer of Aleppo, for example, complains about his unpaid debt owed by a merchant based in Istanbul and who died on his way to Mecca to do the pilgrimage. It explicitly says, 'the wealth of those who died without heirs belongs to the public treasury of the Muslims.' C.ML 563/23076 (25 November 1178 (5 Zilkade 1192)).

per cent of the sample. These cases should be distinguished from others in the sense that the motives of the state behind confiscating the wealth of an individual without heirs were hardly political but to prevent plundering of inheritance by others.<sup>190</sup> Out of 43 cases falling into this category, 20 are situated in Istanbul, which is higher than the capital's share of the total number of confiscations (28 per cent). This is arguably because the wealth of some people who died without heirs were confiscated by local authorities without documents having reached the imperial archives. One of the striking features of confiscations carried out with this justification is that once one's inheritance was sealed, if some persons came forward with claims on the inheritance their claims were then examined before witnesses.<sup>191</sup> If these claims were proven legitimate, the inheritance could be returned to the claimants if other justifications shown in table 2.1 were not also applicable.

The second least questionable category of justification is indebtedness that also forms 11 per cent of the sample population.<sup>192</sup> This means that the failure to pay debts could be a justification for confiscation. Many prime targets of *müsadere* were tax farmers who had to pay annuities to the treasury. It appears that some defaulted on their debts. In other cases, the creditor was a third party and not the central government. At times, *müsadere* was used as a tool to threaten the

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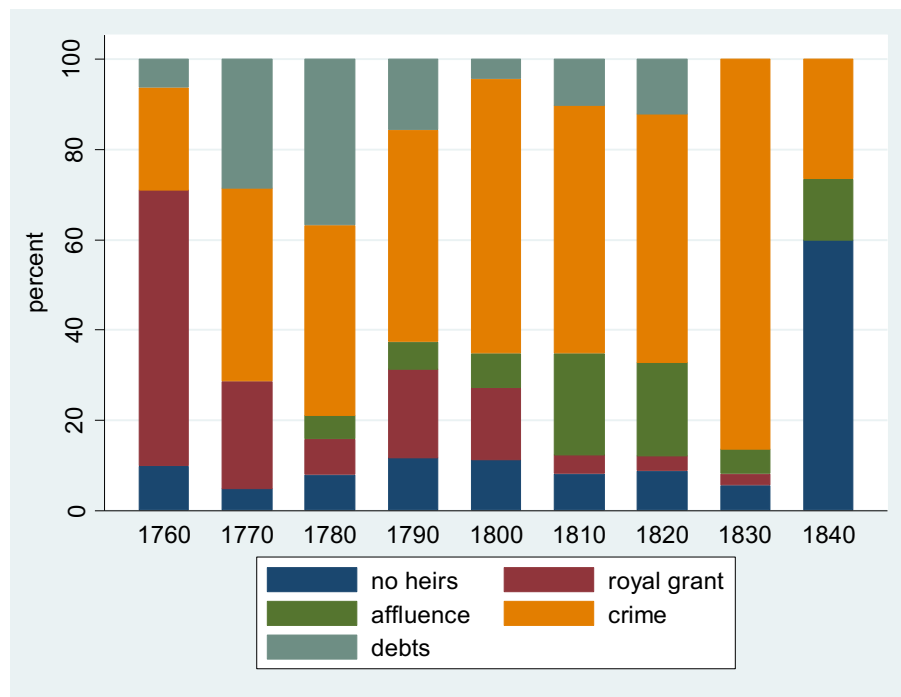
<sup>190</sup> One document, for instance, makes it clear that confiscating the wealth of those who died without heirs was a norm. It writes that "because confiscating the wealth of those who died without heirs and children from the subjects of the Kehlivanlı tribe and those subject to them, it was ordered to confiscate the belongings, cereals etc. of Cameleer Emir Ömer who died in Thessaloniki." CML 355/14558.

<sup>191</sup> C.ML 539/22158 (11 September 1832 (15 Rebiülahir 1248)).

<sup>192</sup> In an order sent by the sultan to the local administrators of the city of Tokat in the province of Rum, the sultan orders the confiscation of the wealth of former governor of Aleppo, İbrahim Paşa residing in Tokat, and his son Hamud Paşa, resident of Dimetoka (Didymoteicho). The reason is that the former owes some 648,781 kuruş, and the latter 508,233 kuruş to the public treasury. These are their debts from tax farms. The sultan says, although the full amount was divided into annuities of 25,000 kuruş before, they still tried to avoid payment. The confiscation, the sultan wrote, should have included all their property in Tokat and Aleppo as well as tax farms. We understand, however, that this order was also in the form of warning and threat that would not have been carried out if they paid their debts. Some words in the document are addressed to the confiscator sent to the location, ordering him to unearth all property with finality and send the inventory as soon as possible. CML 205/8456. 22 May 1812 (10 Cemaziyülevvel 1227).

debtor to expedite payment. This could indeed be an effective strategy from the central government's perspective unless the reason for non-payment was bankruptcy. When threatened this way, it could also be rational for the debtor to make the payment if his debts did not exceed his credits to prevent the confiscation of their entire wealth.<sup>193</sup>

**Figure 2.4:** Proportional Frequency of Justifications of Müsadere across Time, 1750-1839



**Source:** See bibliography for data sources.

Another way of justifying müsadere was broadly defined crime, constituting more than 50 per cent of the sample. In this case, the practice of müsadere takes the form of punishment though typically without any judicial process. As mentioned above, crime as a justification was pooled in the above statistics. So, I shall examine five sub-

<sup>193</sup> In one of such cases, for instance, the wealth of a certain Ahmed Zero, who was a merchant from Egypt, was confiscated probably on a temporary basis by the government due to his debts to the treasury. After he discharged the debts, the confiscated properties were returned to him. C.DH 60/2958.



categories of crime here. The first one is corruption including both bribery and embezzlement.<sup>194</sup> This inherently applied to office-holders as they were those with access to government funds. Müsadere following alleged corruption was often accompanied by another form of punishment, namely execution, dismissal and exile. One might argue that from a political economy perspective, it is not arbitrary to confiscate the wealth of a corrupt official. Perhaps, what makes it arbitrary is the fact that there was no judicial process involved, meaning that the decision was at the sultan's whim.<sup>195</sup>

The second type of crime that typically resulted in müsadere was oppression of the subjects.<sup>196</sup> This is easy to understand within the context of the political economy of tax farming. In the eighteenth century, Ottoman provinces came increasingly under the control of provincial elites who were mostly tax farmers and collectors (on behalf of grand tax farmers). As fiscal entrepreneurs, they signed a contract in either primary or secondary markets of tax farming, making them liable to make prefixed payments to be followed by annuities. The revenue they collected above that amount was their profit. The natural outcome of this process was that many entrepreneurs did their best to squeeze

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<sup>194</sup> One example is quite telling. Vassaf Efendi, who was one of the clerks at the office of the private secretary in Istanbul, was accused of embezzlement. The document, dated 20 November 1837 (21 Şaban 1253) tells us first of the rumours surrounding his corruption and presents evidence that it was known to everybody that fiscal clerks employed by him were travelling with cash and jewellery and possibly hiding embezzled money in their houses or at various locations. It says that his entire wealth, without leaving even a tiny piece behind, had to be confiscated for justice to be realised, and the confiscation to be an example for others who would attempt to steal public money. Then his assets are mentioned, while some of them such as his waterfront residences were auctioned. And, we understand that the confiscation included also his tax farms and bonds. The document ends with a mention of the fact that although his men were interrogated and threatened, they did not say a word about hoarded property. C.ML 151/6354.

<sup>195</sup> Yaycıoğlu, "Wealth, Power and Death."

<sup>196</sup> A good example of this is as follows. The wealth of a local notable of Menteşe and his sons was confiscated because of their oppression of the subjects. Çavuşzade Ebubekir, it is mentioned, was famous for the size of his wealth. But this wealth, according to the sultan, was gained through oppression of the subjects through over-taxation. The document continues by informing us that although the property was sealed before, one of the sons of Ebubekir called Hacı Hasan illegally unsealed them and wanted to sell the cereals in storehouses. After cautioning the governor of Anadolu province to handle this issue with care, he threatens the confiscator that if he does not pay enough care to the completion of this confiscation, he will be punished harshly. C.ML 460/18682 (12 January 1793 (29 Cemaziyülevvel 1207)).

tax payers. From the central government's point of view, oppressing the subjects could mean permanent damage to the tax base by lowering the ruler's legitimacy among them.<sup>197</sup> Knowing this, the subjects used the right to send a petition to the sultan which was a unique way of communication between the sultan and his subjects. These complaints seem to have worked at times as they could lead to confiscation of the wealth of those who were supposedly overtaxing or confiscating the wealth of tax-payers. This too was usually accompanied by execution or exile.

The third kind of crime is the fake claim of ayanhood (*ayanlık*) Ayans were the representatives of cities and towns elected by the local population though with some government intervention until 1768.<sup>198</sup> The centre generally respected this mutually beneficial relationship with the elected ayans and prevented others from claiming ayanhood. Therefore, people who declared themselves as the ayan were often punished with confiscation almost invariably accompanied by execution.

Even less tolerated was open rebellion against the authority of the sultan, which was considered major disobedience against the 'faith and government' (*din ü devlet*), as the traditional coupling of the Ottoman political thinking suggests.<sup>199</sup> If a rebel could be caught sometimes with the help of the local state employees, he was most often punished with execution and confiscation. However, the doors were occasionally not entirely closed to rebels as some were eventually pardoned either through request, or, if they possessed enough bargaining power, negotiation. Related to that, *müsadere* also applied to officeholders who did not obey the government's orders that were predominantly war-related such as sending troops or foodstuff to warzones. Depending on the bargaining position of the disobedient, their life and

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<sup>197</sup> The legitimacy is argued to be one of the determinants of the capacity to tax of a ruler: Levi, *Of Rule and Revenue*, 17.

<sup>198</sup> Yaycıoğlu, *Partners of the Empire*, 17.

<sup>199</sup> Halil İnalcık, "Islam in the Ottoman Empire," *Cultura Turcica* 5, no. 7 (1968-1970).

property could have been put under risk. As in the case of indebtedness, müsadere was at times a means of threatening the disobedient, its very existence deterring them from disobedience and oppression.

The next type of justification was enrichment by royal grant.<sup>200</sup> For many historians, enrichment by royal grant was the single explanatory cause of the existence of confiscation. The sources use two types of statement to imply enrichment by royal grant: (1) being a member of the *askeri* class that often meant holding an office, and (2) having an account with the state that was again related to the use of state resources. An imperial order to confiscate the wealth of a high bureaucrat in charge of foreign affairs clearly explains this justification:

Although this confiscation was waived before, it is now legitimate with the legal opinion that the possessions of the late *Reis'ül Küt-tab Seyyid Efendi* shall be confiscated by leaving a decent amount to his heirs because he has no heirs but a mother, two wives [or sisters as the word *hemşire* is used for both] and two grown-up children and because he accumulated his wealth not through trade but public office.<sup>201</sup>

It is clear from the end of this passage that the central government regarded the gains from an office as non-heritable. The question is whether his wealth would have been confiscated if he had not held an office. One would perhaps never be able to give a convincing answer to this question. But, thinking more generally, we must emphasise the fact that there were office-holders who never faced confiscation of their

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<sup>200</sup> When the sultan ordered the confiscation of the wealth of Ebubekir Paşa, the former governor of the province of Egypt, for example, he justified it with having accounts with the treasury. The order was to confiscate, though unusually, even the precious assets of his sons, but excluding those of his wife. C.ML 577/23651 (11 July 1797 (16 Muharrem 1212)).

<sup>201</sup> C.ML 477/19445. At first glance it seems contradictory that the existence of heirs is presented as a reason for re-confiscation. This, however, implies that the deceased has no vulnerable heirs who would be affected so badly by it. As will be seen later in this part, many confiscations were given up just because of the existing of needy heirs.

wealth, which was inherited rather smoothly by their heirs. Nevertheless, it appears that enrichment by royal grant was used to justify confiscations in the imperial language.<sup>202</sup>

The most curious type of justification is affluence. Some sources explicitly state that müsadere was carried out ‘because of the fame of being affluent.’<sup>203</sup> A document, for example, mentions this justification as such: ‘while the centre should necessarily be informed on the death of a wealthy individual, we somehow did not know that Pasinoğlu Mustafa of Crete died and it is now ordered that his real estates, farms and possessions shall be confiscated.’<sup>204</sup> One clue may be that this was sometimes linked with suspiciously rapid accumulation of wealth, implying uncertainty of the source of one’s wealth. It might be said that confiscating the wealth of an affluent individual was perceived as quite normal. One final note regarding the justification of affluence is necessary. The following justifications were most likely to be mentioned in archival documents: death without heirs, indebtedness and crime. So, 628 cases for which no justification was given are more likely to fall

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<sup>202</sup> In his well-known chronicle, Mustafa Naima mentions a conflict between Bazerganzade and Hacı Sinan. When he was the governor of Bosnia, Bazerganzade harassed Hacı Sinan many times. As Hacı Sinan was a rich person, he attempted to force him to sacrifice some of his wealth in the form of either debt or confiscation. He was also arrested and held at a castle. According to Naima, Hacı Sinan said “You may not take anything from me, unless it is an obligation of law. If you kill me, I am content with the will of God. I am not a tax collector. I have not made a great sum of money through state property. If I have some wealth, this is not from state property and tax revenue. I made this money in my lifetime, through trade and by being content with onion and cheese and depriving myself of pleasures. What is my fault that I would be obliged to pay a fine?” Naima Mustafa Efendi, *Tarih-i Naima: Ravzatu'l Huseyn Fi Hulasati Ahbari'l Hafikayn*, trans. Mehmet İpşirli (Ankara: Türk Tarih Kurumu, 2007).

<sup>203</sup> One of the interesting explanations is as follows. When the confiscator was commissioned with the confiscation of the wealth of Karaosmanoğlu Hacı Mehmed, he was told that ‘because he has been the ayan for a long while now, it is expected that he possesses so much wealth.’ C.DH 329/16413 (28 August 1792 (10 Muharrem 1207)).

<sup>204</sup> C.ML 166/6959. The details of the document (22 September 1805 (27 Cemaziyülahir 1200): This is a letter sent by the sultan to the chief guardian (*muhafız*) of Hanya (Crete), the judge of Hanya, Janissary commander and to the notables of Hanya. After complaining that the centre was not informed about the death of Mustafa, the son of Yasin, he mentions the ways that this person has made his wealth. Per the sultan, his wealth amounted to around 450,000-600,000 kuruş (which is a lot) and was made by oppression of the subjects. The sultan orders the local governor to seal the houses and reveal the property before a confiscator was sent to prepare an inventory. It is again ordered that even a single piece of asset shall not be left hoarded. The document also includes a threat to the son of the deceased that his tax farm called the Keramiye would be confiscated and sold to someone else. An interesting note is made by the sultan that the local governor shall not act according to his feelings towards the family or any requests made by them.

into the categories of affluence and enrichment by royal grant. This means that although affluence constitutes 10 per cent of all identified justifications, these may well be a fraction of those practised with the same motive.

**Table 2.4:** Professional Distributions of Targets of Müsadere by Justification, 1750-1839

Occupation/Justification	No Heirs	Royal Grant	Affluence	Debts	Crime	Missing	Total	Missing/Total (%)
Military Officials ( <i>Ask-eriye</i> )	4	29	4	15	42	173	267	65
Administrative and Palace Officials ( <i>Kalemiye-Saray</i> )	13	8	4	11	23	172	231	74
Legal Officials ( <i>İlmiye</i> )	1	0	1	0	2	7	11	65
Provincial Tax Contractors ( <i>Ayan</i> )	5	16	18	18	97	195	349	55
Merchants ( <i>Tüccar</i> )	4	3	8	0	12	20	47	42
Artisans ( <i>Esnafl</i> )	4	0	1	0	1	3	9	33
Moneychangers ( <i>Sarrafl</i> )	2	0	0	0	6	5	13	38
Peasants ( <i>Köylü</i> )	2	0	3	2	21	19	47	40
Missing	8	0	0	0	2	33	43	
<b>Total</b>	43	56	39	46	206	627	1017	

**Source:** See bibliography for data sources.

It is finally necessary to make some remarks on the temporal patterns of justification shown in figure 2.4. Most strikingly, there is a falling proportion of enrichment by royal grant, a very high share of crime between 1820 and 1830, and affluence appears as a justification only after the 1770s. Based on these observations, we can argue that during this period the practice of müsadere has been justified less and less with enrichment by royal grant, which was once the only way of justifying confiscations, and more and more with accusation of crime against the state and with the curious justification of affluence. A very high proportion of crime in the period 1820-1830 can be attributed to two developments. First, at the time, the central government was strug-

gling to curb the power of provincial elites for which one possible solution was confiscation. The second development is the ongoing Greek rebellion at that time, which led to an increase in the category of crime in the 1820s.

This discussion of justifications helps us understand the categorical patterns of müsadere. Table 2.4 confirms that government officials and tax farmers were the professional groups that faced confiscation by far the most. The first three rows represent government officials expressed in three categories, i.e. military, administrative and legal officials. The fourth row displays provincial elites who were involved in the business of governance as tax contractors yet were not officially affiliated with the centre.<sup>205</sup> Merchants and peasants represent 4 per cent of the sample population.<sup>206</sup> The shares of artisans and money-changers are quite marginal, both around 1 per cent. Among these findings, the most surprising is the relatively high proportion of peasants. To figure out why the wealth of ordinary peasants was being confiscated, we need to look at how these were justified. It appears that 21 of 28 confiscations of peasant wealth for which I could identify justification, out of a total of 47, were crime-related. These were invariably due to their participation in rebellion as the only type of crime they could commit against the central state.

These findings are more interesting when we relax an assumption that had to be made at the time of data construction. That is, all

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<sup>205</sup> I have detected some individuals who had multiple occupations. These few cases were coded as either officials or private fiscal contractors as one of their occupations was always one of those four categories.

<sup>206</sup> Property rights of merchants were generally well-respected. This is evident, for example, in a story narrated by the chronicler Naima. Here Derviş Mehmed Paşa, the governor of Basra reports the misbehaviour of a certain Murtaza Paşa who was allegedly confiscating the wealth of merchants of this port city: "Our majesty! That castle at the shore is under the protection of the sultan. For many years the commodities of the merchants are kept there safely, and no one attacks this castle. The wellbeing of Basra and other port cities depends on the merchants, and confiscation of these commodities will result in the ruin of the country. Merchants are the immaterial treasure of the sultans. Persecuting merchants and confiscating their money and commodities can be observed neither in Islamic counties, nor in others. Be generous and surrender this ambition." Efendi, *Tarih-i Naima*.

first four categories are, one way or another, beneficiaries of the tax revenue system as either tax collectors or farmers, though of varying levels. Some private tax contractors also held administrative offices as a new practice in the eighteenth century. To highlight their later incorporation into the bureaucratic hierarchy, they were treated as private contractors.<sup>207</sup> Likewise, office-holding typically came as a package combined with revenue farms. Even retired officials were granted such farms as retirement pensions (*arpalık*).<sup>208</sup> It can therefore be argued that 88 per cent of the targets of confiscation were those benefiting from the fiscal system. In other words, people engaged in productive economic activities such as commerce and manufacturing were not under direct threat. There is, unfortunately, no precise occupational data to strengthen this argument. However, according to the rough estimation of Ariel Salzmann, the number of people in the fiscal business during the eighteenth century was 1,000 to 2,000 in Istanbul, and 5,000 to 10,000 in the provinces.<sup>209</sup> This includes moneychangers, which I did not include in the first four categories of the statistics presented in table 2.2.

A glimpse into occupational distribution by justification reveals further results. As displayed in the table, death without heirs could apply to any occupational group. As for enrichment by royal grant, it is no surprise that it applies to the office-holders and private tax contractors because they were those who had financial connections with the central government. In this respect, three merchants stand out as exceptions. They were potentially suppliers of the state that was the largest purchaser in the market. In the same vein, indebtedness stands as a justification primarily for office-holders and contractors. Among all categories, merchants are the occupational group for which affluence constitutes the highest proportion, standing at 30 per cent of all

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<sup>207</sup> Salzmann, "An Ancien Regime Revisited."

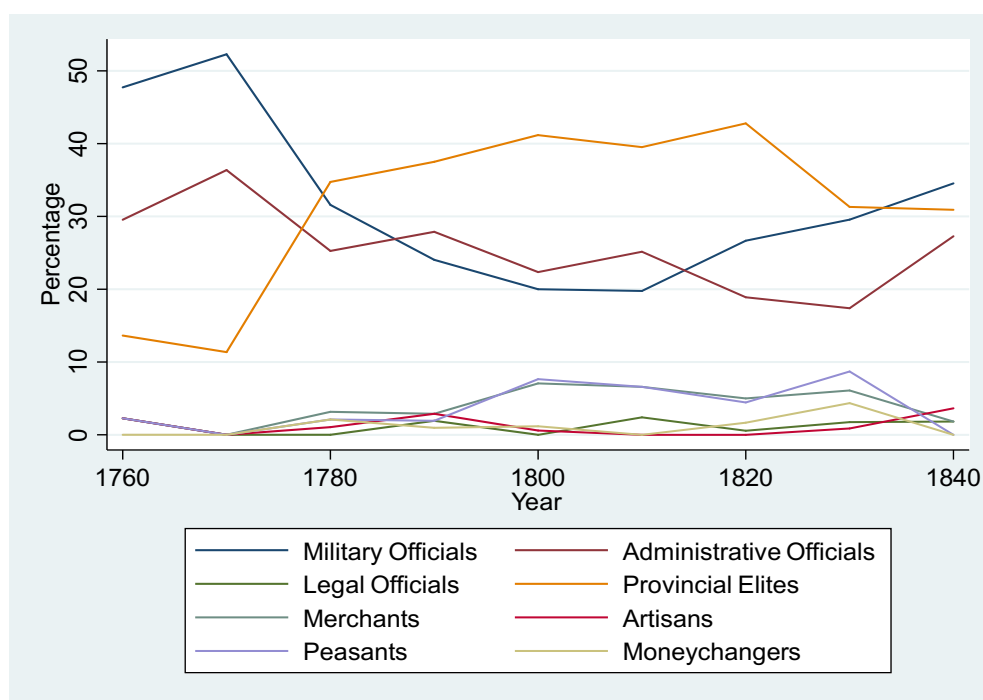
<sup>208</sup> Madeline Zilfi, "Elite Circulation in the Ottoman Empire: Great Mollas of the Eighteenth Century," *Journal of the Economic and Social History of the Orient* 26, no. 3 (1983): 353-354.

<sup>209</sup> Salzmann, "An Ancien Regime Revisited," 402..

existing justifications for confiscation of merchant property. Finally, crime as a justification applied to 63 per cent of tax contractors, primarily due to the conflict between the central government and local elites during this period.

It is also reasonable to question whether missing justifications are evenly distributed across these professions. As the final column of the table shows, they are not. In general, a greater proportion of justifications are missing for government officials and provincial elites than those for other categories. This is because confiscating the wealth of other occupations, namely merchants, artisans, moneychangers and peasants had to be justified more strongly since they were not the usual suspects.

**Figure 2.5:** Professional Distributions of Targets of Mūsadere across Time, 1750-1839



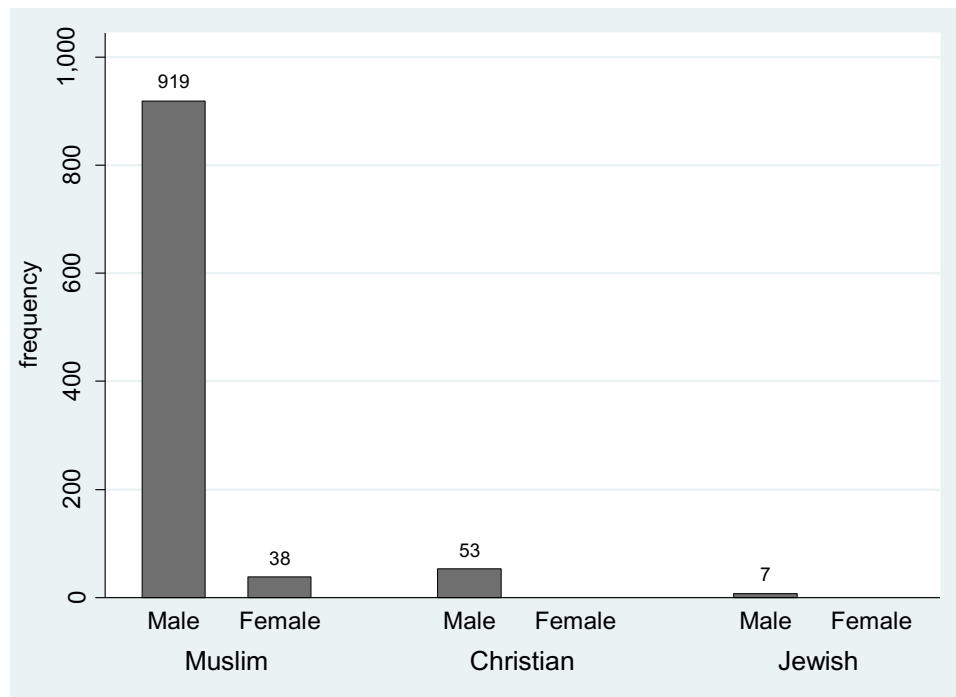
**Source:** See bibliography for data sources.

Figure 2.5 demonstrates the temporal changes in the frequencies of the professional distribution of mūsadere expressed as a percentage of total number in the decades during the period 1750-1839. There is no considerable change in the percentage of artisans, moneychangers,



and legal community. What is most striking in this figure is that it shows a boom in the number of provincial elites compared to the other groups. The figure reveals that starting from 13 per cent in 1750-1759 the share of provincial elites moves around 40 per cent between 1780 and 1820. It starts to fall after 1820, continuing until the abolition of müsadere. In the meantime, the ratios of military and administrative officials fall when the ratio of provincial elites rises. Precisely the period 1780-1820 was a time of centralising efforts. The power of major provincial power-holders was curbed by the 1820s. Nevertheless, this issue is also left as an open question for the econometric analysis.

**Figure 2.6:** Distributions of Targets of Müsadere by Religion and Gender, 1750-1839



**Source:** See bibliography for data sources.

The prime targets of müsadere, namely tax farmers and government officials, were almost invariably Muslim men. Thus, the occupational distribution explains, to a large extent, the religious and gender distribution displayed in figure 2.6. The figure reveals that Muslim men constituted 919 out of the 1,017 observations, while the central government attempted to confiscate the wealth of only 38 women. If this

is again combined with the basis of justification, it turns out that 8 out of 9 women for whom I could identify justification were those who died with no heirs. Even though not specified by official sources, some were arguably the wives of office-holders whose wealth was previously confiscated. This is probably because many people under high risk of confiscation seemingly transferred a fraction of their assets to their wives and children. The qualitative sources inform us that the central government has mostly respected the individuality principle of confiscations, that is, those properties owned by family members were generally not touched.<sup>210</sup> Upon their death, however, their inheritance could have been confiscated too.

The religious distribution is more interesting than that of gender. As shown in figure 2.6, Muslims form a large majority of the victims of *müşadere* despite the existence of many rich non-Muslims. This is firstly related to the occupational structure of the targeted population since non-Muslims were generally not allowed to serve as government officials except for certain offices such as translation and minting. Similarly, they were not able to bid in tax farming auctions either, though they were involved in the fiscal system as moneylenders who lent to tax farmers who needed capital. To explain further why those non-Muslim financiers and merchants, who constituted the majority of people in these professions in the eighteenth century, have not faced confiscation as much as Muslims did, it is necessary to look at the commercial diplomacy of the time. That is, non-Muslim merchants mostly operated under the protection of major European powers. Their consulates in the Ottoman lands were selling property rights to Greeks and Armenians, who were hired by consulates as *dragoman* (translators) though only on paper.<sup>211</sup> There were approximately 1,700 non-Muslim mer-

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<sup>210</sup> This raises the question of why not all did so. First, there was an inspection process in which transfers were detected by the agents. Second, death was not necessarily expected.

<sup>211</sup> Kuran, *Long Divergence*, 199.

chants, who were under consulate protection in the eighteenth century.<sup>212</sup> Regardless of European protection of non-Muslims, the Ottoman centre must have recognised the role of trade for prosperity and developed a new institutional framework, guaranteeing the security of property and life of merchants.<sup>213</sup>

Non-Muslims who held a government office were less likely to escape. The Armenian Düzoğlu family, which oversaw the royal mint in the early nineteenth century, is a noteworthy case. When the family was blamed of causing deliberate damage to the imperial economy, the entire wealth of all prominent members of the family was confiscated.<sup>214</sup> Another exception is the case of rebels. If the effect of the Greek Rebellion of 1821-1829 that resulted in Greek independence is removed from the data, the share of non-Muslims would have been smaller. 17 out of 53 confiscations of the Christian property are indeed from the period 1821-1823. Some of these 17 cases are collective confiscations labelled, for example, as ‘the Greeks of Izmir.’<sup>215</sup> These confiscations applied to the wealth of either the executed rebels or those who fled to join the rebellion by leaving their property abandoned.

This section found that the potential targets of müsadere were office-holders and private tax contractors who were overwhelmingly male Muslims. Over the course of the chosen period, the latter seem to have been targeted more than the former. This is in line with the increase in the use of crime as a justification as opposed to enrichment by royal grant that we see more in the case of office-holders. There were

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<sup>212</sup> Cihan Artunç, "The Price of Legal Institutions: The Beratlı Merchants in the Eighteenth-Century Ottoman Empire," *The Journal of Economic History* 75, no. 3 (2015): 727. Cihan Artunç gives these numbers as opposed to the earlier claims in the literature that Russians protected 120,000, and Austrians 200,000.

<sup>213</sup> Said Salih Kaymakcı, "The Sultan's Entrepreneurs, the Entrepreneurs' Sultan: Beratlı Avrupa Tüccarı and Institutional Change in the Nineteenth Century Ottoman Empire (1835-1868)" (Boğaziçi University, 2013), 16-36.

<sup>214</sup> Fatmanur Aysan, "İl. Mahmud Döneminde Dersaadette Bir Ailenin Muhallefatı: Düzoğulları" (İstanbul University, 2013).

<sup>215</sup> DBŞM.MHD 13371, DBŞM.MHD 13719, DBŞM.MHD 13336.

exceptions to this rule, yet it never became a norm to confiscate, say, the wealth of merchants.

## **2.5 Conclusion**

The first part of this chapter has discussed the sources of data employed in the next chapter and their limitations. Muhallefat records constitute the backbone of the constructed data. These inventories were recorded usually after the death or occasionally after a non-execution punishment. They are rich in terms of information on the identity of the individual as well as certain characteristics of his wealth. Yet working with muhallefat records, I have recognised some limitations like missing information and time constraints of collecting more material. Therefore, the conclusions reached in this part are subject to the limitations discussed in this chapter.

The descriptive statistics shown in the second part set the ground for the regression analyses done in the following chapter. Apart from giving a general quantitative outline of the application of state confiscations in the Ottoman Empire, this chapter has posed important questions concerning the apparently complex nature of their driving forces. As far as the descriptive statistics is concerned, its temporal patterns point to a positive relationship with fiscal distress and centralising attempts. Although I have reported a graph showing that confiscation revenues constituted a marginal part of the total state revenues, this is also subject to the same limitations and should not be overemphasised judging on the dataset. As for its spatial patterns, the spatial evidence presented here emphasised the role of proximity to Istanbul and to the coasts. Finally, I have argued how the government justified müsadere and linked this with categorical patterns of müsadere. Beneficiaries of the fiscal system were the main targets, with very few attempts at confiscating from the productive classes.

Although this thesis is the first study using quantitative data to discuss these issues, the approach of this chapter remains descriptive. The question remaining to be answered is which tax farmers and office-holders were most likely to be targeted or who were more likely to avoid confiscations. In other words, why did not all people who shared the above characteristics fall victim to müsadere? What were the exact drivers and constraints of state confiscation in the Ottoman Empire? In addition to their reflection of official ideology, the justification provided by official sources give us little sense about these questions. Moreover, the basic statistical principle applies to some of the claims here and this is the reason some were left as open questions: correlation is not causation. These hypotheses and many others need to be subjected to econometric analysis. This is valid because of the complexity of the questions; the present chapter has deliberately not touched upon the outcomes of the müsadere process as it would have made it unnecessarily complex given its purposes. Instead, I add this crucial piece of information to the analysis in the next chapter to shed light on the driving forces of state behaviour of confiscation.

### 3 DRIVERS AND CONSTRAINTS OF MÜSADERE

This chapter studies the driving forces and constraints of the practice of müsadere in the Ottoman Empire during the period 1750-1839. So far it has been argued that müsadere was a selective practice. Yet its selectivity remains to be examined. To address this question, the chapter presents an econometric analysis. Because the period of concern was different from earlier periods in terms of being a period of fiscal crisis and civil war between the central administration and local elites, the analysis here is restricted to the chosen period. This chapter has broader implications too. It mainly contributes to two lines of literature. Theoretically speaking, the question of what drives confiscation by the ruler is one for the public choice literature.<sup>216</sup> Although scholars adopting the 'predatory state' view have generally abstracted predatory behaviour from its complexities, recent literature has broadened the concept of rationality by relaxing it from revenue-maximisation only approaches.<sup>217</sup> Economic historians exploring the interaction between politics and prosperity in historical settings have concentrated on constitutional limits and non-state formal organisations that tied the hands of rulers.<sup>218</sup> This is not to say that they have not recognised the importance of the strategic constraints on the sovereign. Indeed, many have acknowledged that state confiscation is subject to strategic constraints and rulers must retain the support of at least some people in order not to lose their legitimacy especially in pre-modern context. What the present chapter does is to provide empirical evidence to explain the drivers and constraints of state confiscation in a context

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<sup>216</sup> Olson, "Dictatorship." Levi, *Of Rule and Revenue*.

<sup>217</sup> For a detailed overview of confiscatory behaviour, see: Vahabi, "Predatory State."

<sup>218</sup> Cases of state confiscation of property studied by economic historians differ in type from debt repudiation to outright confiscation. Yet the overarching theme of this literature is the confiscatory behaviour of the state and the institutional constraints that deterred them from doing so. North and Weingast, "Constitutions and Commitment." Hilton L. Root, *The Fountain of Privilege: Political Foundations of Markets in Old Regime France and England* (Berkeley, Los Angeles, Oxford: University of California Press, 1994). Greif, *Path to the Modern Economy*.

where it is not clear what determined who were more likely to be confiscated.

The method chosen here divides the process of *müşadere* into two steps, namely the pre- and post-inventory steps. As explained below, this division captures the degree of information available to the centre before and after the inventory was prepared. Using a novel dataset and choice regression models, this chapter finds that wars and distance from Istanbul were the main determinants of the first-step decision, while bargaining position of the family and composition of wealth drive the second-step outcome. These findings demonstrate under what constraints and with what motives the Ottoman rulers confiscated the elite wealth.

The rest of the chapter is organised as follows. In the light of the current literature, section 3.1 presents a non-mathematical model. Section 3.2 describes the empirical strategy employed in the regression analysis. Section 3.3 discusses the regression estimates. Section 3.4 concludes.

### **3.1 Theoretical Considerations**

Drawing insights from new institutional economics and public choice theory, this section offers a model detailing the incentive structure of the sultan. It should be stated at the outset that the model does not attribute full power or motivation to confiscate to the sultan. He is treated as a rational individual under certain constraints. These constraints were created by either ‘nature’ (in a game theoretical sense) or humanly devised by the targets of *müşadere* through their counterbalancing power. It is indeed these constraints that form the backbone of the model. Importantly, the context-specific model proposed here focuses on quantifiable behaviour, that is, it excludes two types of behaviour, namely agent cheating and military resistance of families.

These types of behaviour will be added to the analysis in the next chapter.

Under these assumptions, the sultan has two types of payoff: monetary and political. Like every rational individual, he tries to optimise his gains and not to incur losses. To do so, he needs to calculate how profitable each case of confiscation is both in monetary and political terms. This is in line with historical reality as *muhallefat* records sometimes include a part of calculation of net value, though not always. However, it was not uncommon that wealth with unworthy or even negative net values was confiscated, which makes it necessary to include the calculation of political payoff though in a more hypothetical sense.

For simplicity, first consider the case where political payoff was zero, meaning that political costs and benefits were equal. If this is the case, the decision to confiscate would be governed entirely by monetary calculation. The monetary value, which is of interest for the central government, was what we can call the 'booty value'.<sup>219</sup> The booty value is the transferrable amount or net value of wealth, which equals the total value of wealth and receivables minus debts and direct costs of confiscation. Direct costs include the costs of transportation and agency. Agency costs are the commissions paid to confiscators and other agents involved in the process.<sup>220</sup> Even though the value of these commissions was determined also by the duration of the process, which is a function of the complexity, costs of agency and transportation were, to a large extent, governed by various aspects of asset confiscability.

The components of asset confiscability are largely associated with spatial constraints. This stems from the intuition that the capac-

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<sup>219</sup> Vahabi, "Predatory State," 154.

<sup>220</sup> Greif, "Commitment, Coercion and Markets," 748.



ity and willingness to confiscate of the sovereign is unevenly distributed, which is also true from a spatial perspective.<sup>221</sup> Here I mainly consider the distance from the physical location of the wealth to where it is transported and to the sea, although there are spatial constraints such as the conditions of the road to the destination and the administrative status of the location. The proximity from the destination matters as it increases direct agency and transportation costs. In the case of the *müşadere* practice, there was indeed a positive relationship between the distance and the confiscator's commission. As for transportation costs, most assets were sent to the capital in kind, or else as cash acquired from auctions in which they were sold. Geography, regardless of distance, should be considered particularly important since landlocked regions were historically less accessible, while maritime routes were safer, faster and cheaper than inland routes. It is crucial to note that the spatial aspects of asset confiscability must have been affected also by organisational, administrative and transport technology. However, the impact of technological change is rather negligible since, to the best of my knowledge, there was no significant technological progress in the Ottoman Empire during the period of concern. The non-spatial elements of asset confiscability are the concentration, specificity and measurability of assets. The more liquid assets are, for example, the more confiscable they are.

Regional differentiation in type of administration is a striking feature of Ottoman political economy.<sup>222</sup> For example, the classical military-administrative system called *timar* was not applied in every province. Rather, the Ottomans occasionally did not change the institutional structure of the former polity in a newly conquered territory. This

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<sup>221</sup> New Economic Geography suggests that economic activity is inherently unevenly distributed in terms of space. Danny Mackinnon and Andrew Cumbers, *Introduction to Economic Geography: Globalization, Uneven Development and Place* (Harlow: Prentice Hall, 2007), 27. The same logic can be applied to the spatial use of sovereign power. For this, see: John Allen, "Economies of Power and Space," in *Geographies of Economies*, ed. Roger Lee and Jane Willis (London: Arnold, 1997), 65-69.

<sup>222</sup> Coşgel, "Fiscal Regime."

meant the degree of state presence varied regionally regardless of distance from the centre. Despite being located not too far from Istanbul, Wallachia was a tribute-paying vassal state which was independent in domestic affairs and even its commerce with other states. This implies that the capacity and willingness to conduct confiscations in that region was arguably lower than in, for example, the province of Damascus that was more distant to the centre yet was under direct rule of the central authority. However, administrative status is not considered in the econometric analysis since there are very few numbers of observations from autonomous and semi-autonomous provinces.

In the case where political payoff is zero, therefore, confiscation is expected to be implemented only if this monetary payoff is significantly positive. But political costs and benefits were hardly equal, especially when it comes to the confiscation of those who had business with the central government. Before proceeding any further, it is essential to look at the nature of sultanic power. Although, in theory, they had an unquestionably authority, there existed forces that balanced their power. These limits derived from the increasing influence of provincial elites in the eighteenth century. It is true that their capacity to impact government policies, after all, proved insufficient to produce formal institutions that could effectively and permanently constrain the sovereign power.<sup>223</sup> However, sultans were hardly free from the risk of dethronement even though they were invariably replaced by other members of the same dynasty. It is true for the period of concern too, that several sultans were indeed deposed by the Janissaries or by a provincial magnate in 1808.<sup>224</sup> For these reasons, the sovereign capacity to confiscate was constrained by concerns of staying in power and indirectly of legitimacy.

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<sup>223</sup> Şevket Pamuk, "Political Power and Institutional Change: Lessons from the Middle East," *Economic History of Developing Regions* 27, no. 1 (2012).

<sup>224</sup> Coşgel, Ahmed, and Miceli, "Law, State Power and Taxation."

Political costs include not only the potential retaliation by the targets of confiscation, but also the opportunity cost of *müşadere*. It means that sultans have often seen their rule come under threat by either domestic or external enemies through rebellion and war respectively. From a theoretical point of view, these threats encourage the sovereign to confiscate more since they shorten his time horizon due to the need for revenue to maintain internal and external security.<sup>225</sup> Thus, the revenue crisis makes them seek additional sources so that they can protect their throne. As an extraordinary source, the ruler turns to confiscation regardless of whether it pays off monetarily. This is, of course, more so the case if he cannot extract sufficient revenue from ordinary sources either because of inability or time constraints. Studies in Ottoman fiscal history show that the ruler's capacity to tax was persistently low and especially so during the period under question.<sup>226</sup>

Even if the ruler wants to confiscate under fiscal distress, they face a trade-off regarding whose wealth to confiscate. In that, they consider the bargaining position of the potential victims. That is, targeting an individual or family with high bargaining power is costlier for three reasons. To explain these reasons, it is necessary to highlight the potential sources of bargaining power for the targets of confiscation. New institutional research has usually seen taxation as a source of credible retaliation, meaning that the ruler avoids confiscation if a potential target can provide revenue through tax higher than the gains from one-off confiscation.<sup>227</sup> This fails to explain the Ottoman case in which the majority of the targets of confiscation were exempt from tax payment. Shirking in tax collection was not the issue either as taxes were mostly collected under the tax farming system, requiring fiscal contractors to make a lump sum payment. They did not have the ability to retaliate by cutting off taxes but could do so differently. In the Ottoman context,

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<sup>225</sup> Olson, "Dictatorship."

<sup>226</sup> Balla and Johnson, "Fiscal Crisis."

<sup>227</sup> Barzel, "Confiscation by the Ruler."

some who were organised as patrimonial families had their own troops in which they had invested for decades. They could and did sometimes use their military power against the central government. Certainly, the centre's military power was always superior to theirs. But the fact that they possessed armed troops had the effect of deterrence, especially when the opportunity cost of fighting a local trouble-maker was high. Moreover, many potential targets of confiscation had a symbiotic relationship with the imperial centre, which required them to provision wars abroad by manning imperial armies or sending food and munition to warzones.

Credibility of these threats depended also on the nature of the fiscal markets in which they operated. As for provincial elites, some enjoyed monopolies, while some had to compete with others. A family particularly successful in rent-seeking, that is, capturing monopoly rents of its area of influence, was unlikely to be replaced when its wealth and power was fully confiscated. By contrast, the relative bargaining power of those families that operated in competitive fiscal markets was lower since they were more irreplaceable.<sup>228</sup> Take two families, i.e. the Karaosmanoğlus of Manisa in western Anatolia and the Çapanoğlus of Yozgat in central Anatolia. These families were monopolies in their spheres of influence from the mid-eighteenth to early nineteenth century. The more they monopolised, the more they became irreplaceable. Out of 21 (13 and 8 respectively) confiscation attempts initiated for these families, only 4 ended with full confiscation. In 16 cases (11 and 5) they managed to avoid full confiscation by paying an inheritance tax.

The description of the sultan's payoff from *müşadere* should not omit the fact that confiscation could take place simply because of the ruler's conflicting interests with certain groups. Even if the ruler felt

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<sup>228</sup> Douglass C. North, "The Paradox of the West," in *Economic History* (EconWPA, 1993).

relatively secure in his throne and confiscation was monetarily profitable, he could still confiscate if the targeted population was these groups. Collective confiscations of this kind are observed in history often because of religious or ethnic animosity.<sup>229</sup> To some historians, these events were driven by certain economic motives such as homogenising the country to decrease the costs of governance. As the previous chapter has shown, the targets of *müşadere* were not religious or ethnic minorities but those who shared the ruler's fiscal revenue. One of the reasons for the low fiscal capacity of the Ottoman Empire was that tax revenues were retained by intermediaries before reaching the public treasury.<sup>230</sup> According to the estimation of one historian, the central state's share from the tax revenue pie was only around 24 per cent.<sup>231</sup> In its path to becoming a modern state, the sultan's expectation from *müşadere* was to centralise fiscal revenues by keeping tax intermediaries under control. Hence, a theory of *müşadere* should also factor in the identity of wealth-holders. Who were they and how did their identity affect the power and willingness to confiscate?

To conclude, I hypothesise that the ruler's payoff from confiscation was a function of its costs and benefits, be they monetary or political. Drawing insights from the theoretical and historical literature, we can hypothesise that *müşadere* was not randomly exercised within the context of the chosen period. To clarify these hypotheses, I identify two steps of the process of confiscation. These steps refer to the pre- and post-inventory periods of the process respectively. The first step is when the sultan or his agents on his behalf decide to follow one of the strategies below:

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<sup>229</sup> The most well-known examples of such expulsions and accompanying confiscations are that of the Jewish people from England in the thirteenth century, from Spain in the fifteenth century, that of the Protestants from France and the Netherlands in the sixteenth and seventeenth centuries. Heinz Schilling, "Innovation through Migration: The Settlements of Calvinistic Netherlanders in Sixteenth- and Seventeenth-Century Central and Western Europe," *Histoire Sociale - Social History* 16 (1983): 10-11.

<sup>230</sup> Şevket Pamuk, "Fiscal Centralisation and the Rise of the Modern State in the Ottoman Empire," *The Medieval History Journal* 17, no. 1 (2014): 11.

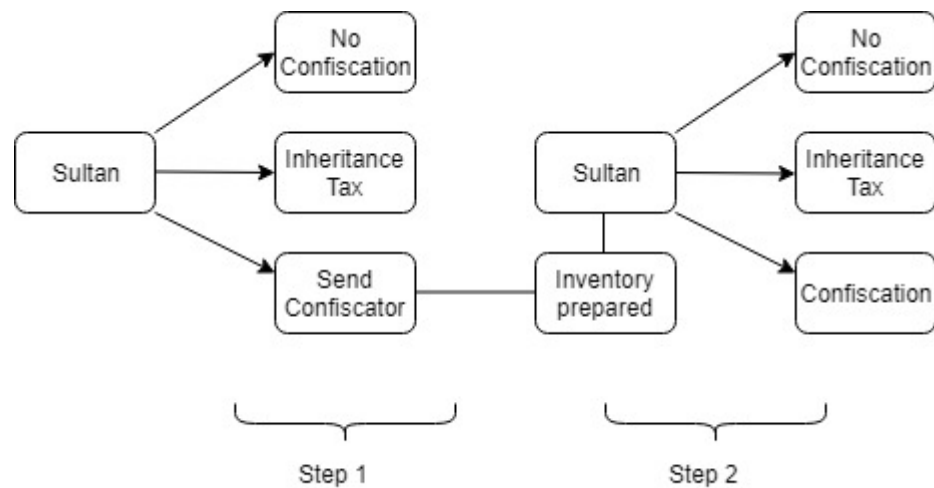
<sup>231</sup> Genç, *Devlet Ve Ekonomi*.

➔ **Outcome 1**

- Send confiscator
- No confiscation
- Inheritance tax

The confiscator was the main agent responsible for managing the process from the beginning together with locally based administrators. His main task was to prepare an inventory of assets left by the deceased. Importantly, this initial decision was made without full information on the attributes of the wealth because there was no existing inventory yet. Thus, it can be said that external pressures were more influential in the first step.

**Figure 3.1:** Steps of Müsadere Process



The second step is the step after which the müsadere process ends. Its main difference from the first step is the revealing of more information. At this stage, the sultan and his agents possess more precise information on the family's power and the attributes of their wealth, such as its net value and liquidity. It is hypothesised here that confiscability of liquid assets is higher. With this revealed information, the question of how worthwhile it is to confiscate becomes clearer to the sultan. My hypothesis is that the second-step outcome was mainly driven by this newly revealed information, namely liquidity and size of

wealth and the precise bargaining power of the family. Of course, depending on the length of müsadere process, there could be changes in the progress of wars and rebellions. The process ends with one of the following outcomes:

➔ **Outcome 2**<sup>232</sup>

- Confiscation
- No confiscation
- Inheritance tax

Taken together, this section has presented a theoretical overview of what could be the potential drivers of the selectivity of Ottoman confiscations. This question is not only underexplored in the historiography of müsadere but in the broader economic history literature beyond theoretical claims, some of which were listed above. To test the above hypotheses, this chapter applies an econometric approach to the study of müsadere and, generally speaking, confiscation by the ruler. The econometric analysis accounts for the impact of certain fiscal, political and spatial factors as well as cost-benefit calculations. What follows is a discussion of variables and empirical methods pursued in the rest of this chapter.

### 3.2 Empirical Strategy

Empirical strategy adopted in this chapter relies on two unique features of the process of confiscation. The first one is that the enforcement of confiscation was typically a two-step process as described above, though various scenarios were possible depending on whether it was conducted after one's normal death or punishment. The concept of step here is used in the historical sense reflecting the gradual nature

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<sup>232</sup> A possible alternative outcome, partial confiscation, was merged with full confiscation under the name of confiscation after finding out that its determinants are not significantly distinct from those of full confiscation.

of Ottoman confiscations and should not be confused with the econometric term of two-stage models. Second, the process did not necessarily end with full confiscation of assets. As consistent with this framework, two main models and their variables are introduced as follows.

The main dependent variable of the analysis presented here is *OUTCOME*, referring to the outcome of the confiscation process. This is a categorical variable taking two different forms in the two multinomial logistic models. As noted above, the process of *müsadere* did not necessarily end with confiscation of all assets. Other possible outcomes were ‘no confiscation’ and a special kind of ‘inheritance tax’ paid by the family instead of ‘full confiscation.’ It is difficult to predict to what extent the outcome was a result of choice or necessity. As far as confiscation records are concerned, however, the outcome of the second step was not necessarily a choice. Therefore, I prefer to call the dependent variable ‘outcome’ rather than ‘decision.’ The category of ‘no confiscation’ refers to the outcome that resulted in waiving confiscation. ‘Inheritance tax’ is an arbitrary form of tax, requiring the family to pay a certain amount of cash to the treasury, usually with a down payment followed by annuities. Inheritance tax as an outcome of the process generally occurred following a process of negotiation between the government and families. Importantly, this amount was conjecturally determined rather than as a conventionally set proportion of inheritance. After all, inheritance tax was sometimes received before an inventory was prepared.

This categorical variable gives us a good sense of the driving forces and limits of the sultan’s power and willingness to confiscate. One would ideally employ the exact share of confiscated wealth to the total value of wealth, which would then be a limited continuous variable that could be estimated using a Tobit regression. It is unfortunate that I was not able to identify this proportion for all cases, though I was more successful in determining which of the above categories each



confiscation fell into. The difficulty here stems primarily from the fact that the cases that resulted in ‘inheritance tax’ and ‘no confiscation’ in the first step do not have an inventory because a confiscator was not sent to prepare one. Regardless of this source limitation, the added value of using a limited continuous variable would be dubious as it would have created an additional problem of unrelated variables.

Therefore, the analysis adopted here employs multinomial logistic regression model (hereafter: MNLM) to estimate what determined the ‘outcome’ of the confiscation process. MNLM is a type of logistic model used when the number of categories is greater than two and there is no natural order between them.<sup>233</sup> Ordered logistic regression, which is another multi-categorical model, was not optimal.<sup>234</sup> For the first step, this is because the decision to send a confiscator does not necessarily result in ‘confiscation’ since the process could still end up with outcomes other than ‘confiscation.’ Likewise, in the second step, the category of ‘confiscation’ does not necessarily refer to a higher level of confiscation than ‘inheritance tax’ because ‘full confiscation’ was merged with ‘partial confiscation’ to form the ‘confiscation’ category.

The formal models are presented in the two-step framework identified above.<sup>235</sup> Outcome 1 is the outcome of the first step. The category of ‘confiscation’ is not considered at this step as it is an outcome that occurs only after an inventory is prepared. Fortunately, the sources allow us to determine in which step each confiscation outcome

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<sup>233</sup> The use of multinomial regression is not common in economic history. For a few exceptions, see: Martin Dribe, Mats Olsson, and Patrick Svensson, "If the Landlord So Wanted... Family, Farm Production, and Land Transfers in the Manorial System," *Economic History Review* 65, no. 2 (2012). Javier Silvestre, Maria Isabel Ayuda, and Vicente Pinilla, "The Occupational Attainment of Migrants and Natives in Barcelona, 1930," *Economic History Review* 68, no. 3 (2015). Generally speaking, choice models are widely used in migration economics. In these, various choices of migrants such whether to migrate, where to migrate, or which occupation to choose are estimated by choice models, either binary or nominal.

<sup>234</sup> J. Scott Long and Jeremy Freese, *Regression Models for Categorical Dependent Variables Using Stata*, 3rd ed. (College Station, Texas: Stata Press, 2014), 385.

<sup>235</sup> Patrick Bajari, Han Hong, and Denis Nekipelov, "Game Theory and Econometrics: A Survey of Some Recent Research," in *Advances in Economics and Econometrics: Tenth World Congress*, ed. D. Acemoglu, M. Arellano, and E. Dekel (Cambridge: Cambridge University Press, 2013).

has happened. In the MNLM, the probability that alternative outcomes  $j = 1 \dots J$  are realised can be formally expressed as follows:

$$Prob(Y = j) = \frac{\exp(\beta_j Z_i)}{\sum_j \exp(\beta_j Z_i)}$$

In the equation above,  $i = 1 \dots, N$  indicates the wealth-holders whose wealth was considered for confiscation and  $Z$  denotes the vector of explanatory variables included in the MNL model. In simple terms, the model tested in the first step takes the following form:

$$\begin{aligned} Outcome1 = & a_0 + a_1 war + a_2 rebellion + a_3 distance + a_4 gender \\ & + a_5 religion + a_6 title + a_7 family + a_8 warzone + a_9 elapsed \\ & + a_{10} justify + \varepsilon \end{aligned}$$

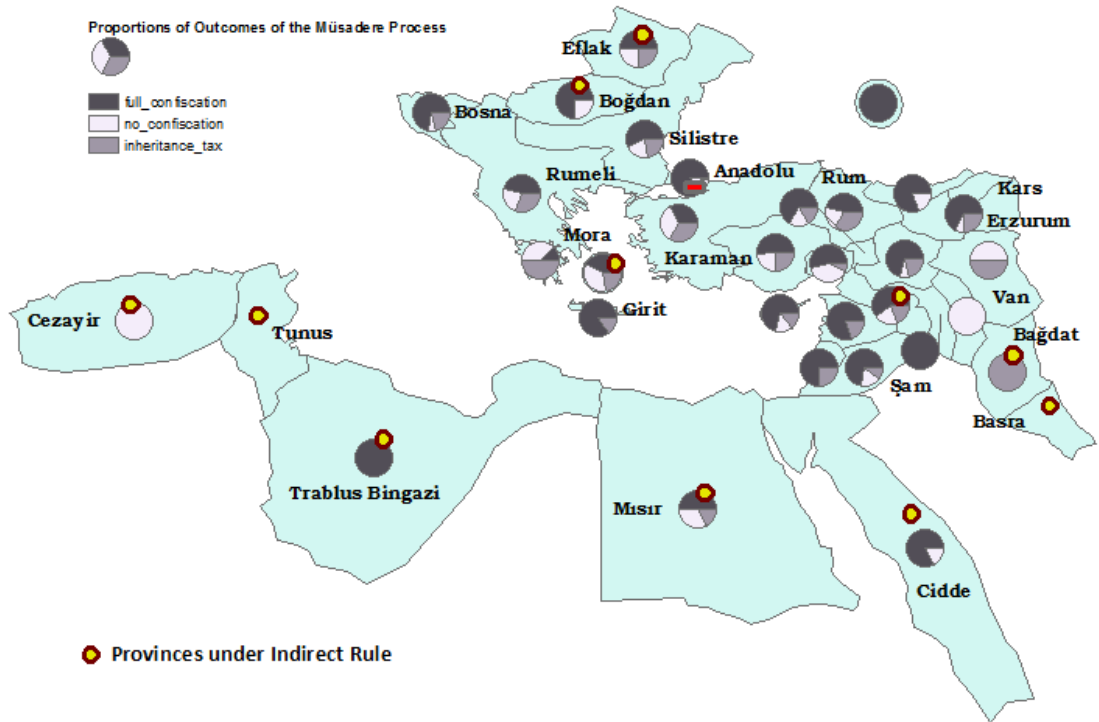
In this chapter, I am especially interested in explaining the role of conflicts, geography and bargaining power and attributes of wealth. The variable *WAR* is used to estimate how wars impacted the outcome of the confiscation process. Due to the lack of data on state revenues, it also serves the function of proxying fiscal distress as most revenues were spent on wars during this period. Instead of the number of wars, which would not capture their magnitude, I use a war pressure index based on the number of casualties.<sup>236</sup> Another potential determinant of the decision to confiscate could be internal conflicts, since this was a period of rebellions and independence movements. Unlike wars, there is no data on casualties from domestic conflicts. Thus, I use a dummy reflecting the number of rebellions that took place in each year of confiscation. To measure the impact of spatiality or of the direct costs of

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<sup>236</sup> The baseline data on war pressure has been gathered from Şevket Pamuk. I have adjusted it according to the needs of this study by employing their main source: Micheal Clodfelter, *Warfare and Armed Conflicts: A Statistical Reference to Casualty and Other Figures, 1618-1991*, 2 vols., vol. 1 (Jefferson, North Carolina; London: McFarland, 2008). Formula used in Pamuk and Karaman (2013) can be found in the appendix of their paper: Şevket Pamuk and K. Kivanç Karaman, "Different Paths to the Modern State in Europe: The Interaction between Warfare, Economic Structure, and Political Regime," *American Political Science Review* 107, no. 3 (2013). It suffices to say here that the variable is based on the number of casualties, including captives and missing soldiers and leaving off deaths among civilians.

confiscation, i.e. agency and transportation costs, I use an interacted distance variable.<sup>237</sup> This variable is an interaction of distance from Istanbul and distance from major ports.<sup>238</sup>

**Map 3.1:** Provincial Distribution of the Outcome of Müsadere Processes, 1750-1839



**Source:** See bibliography for data sources.

Several variables are included in the first-step model to control for the potential driving forces of confiscation. First, the variable *FAMILY* shows if the wealth-holder was a member of a prominent family, controlling for the bargaining position of the family. Admittedly, this variable has limits because the family's bargaining power vis-à-vis the

<sup>237</sup> To generate the interaction variable, I used the following formula:  $\min((2 * \text{distance from port} + \text{distance between port and Istanbul})(2 * \text{distance from Istanbul}))$ . With this variable, I capture the differences between transportation costs over sea and overland. Intuitively, the least costly option will be chosen when transporting assets.

<sup>238</sup> Ports considered as major ports are: Thessaloniki, İzmir, Antalya, Mersin, Beirut, Samsun and Trabzon. Istanbul was excluded for it is irrelevant for our purposes. The names of major ports have been derived from: Daniel Balzac, "International and Domestic Maritime Trade in the Ottoman Empire During the 18th Century," *International Journal of Middle East Studies* 24, no. 2 (1992).

ruler is indeed the matter of a complex long-term relationship, reflecting not only how much the sovereign values the past conduct of the family but also how he thinks his dependence on the family will change in future. It is not possible to know the entire history of these mutual interdependencies between the centre and all 1,017 individuals. The shortcoming stemming from the potential weakness of the variable *FAMILY* will be relaxed with a micro-historical study in the fifth chapter. But, here too, I use another variable of bargaining power. After considering that wars were important for the nature of dependence between the sultan and the targets of confiscation, I created the variable ‘*WARZONE*,’ which is the distance from warzones at the time of confiscation. It captures how the existence of a war nearby impacted the decision to confiscate the wealth of the family.<sup>239</sup> Another variable of importance is *ELAPSED*. This variable refers to the number of years elapsed after the enthronement of the sultan. By this variable, I aim to explain the impact of the ruler’s time horizon identified above.

One inevitable assumption of the models must be noted at the outset. They assume that there were no unobservable costs of enforcement. That is, the agents who were involved in the process of confiscation did abide by the law by rejecting any bribes, and that confiscations went smoothly, that is, with no resistance from families. Even though these assumptions are not necessarily realistic, it is impossible to include this information in the regression analysis because of its unobservable nature. I mitigate this shortcoming in the next chapter by analysing the impact of these costs with qualitative evidence.

Now I shall proceed to the second-step model. *OUTCOME2* is the dependent variable of this model. Those cases for which the confiscation process ended in the first step with ‘no confiscation’ or ‘inheritance tax’ outcome were excluded from the below model. The formal model of the second-step regression is as follow:

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<sup>239</sup> The data on warzones comes from: Clodfelter, *Warfare*.

$$\begin{aligned} Outcome2 = & a_0 + a_1 netvalue + a_2 liquidity + a_3 family + a_4 war \\ & + a_5 rebellion + a_6 warzone + \varepsilon \end{aligned}$$

With new information revealed, the following additional variables are considered in this model: *NETVALUE* and *LIQUIDITY*.

**Table 3.1:** Definitions of Explanatory Variables

Variable name	Definition
WAR	War pressure index based on war casualties.
REBELLION	The number of internal conflicts including revolutionary movements.
DISTANCE	Interaction of distance from Istanbul and distance from a port.
RELIGION	1 if Muslim, 0 if non-Muslim.
GENDER	1 if female, 0 if male.
TITLE	1 if the wealth-holder has a title, 0 if he does not.
FAMILY	1 if the wealth-holder is a member of a prominent family, 0 if not.
WARZONE	Distance of the wealth-holder's
ELAPSED	The number of years elapsed after enthronement of the sultan.
JUSTIFY	1 if justified, 0 if not.
NET VALUE	Net value of the wealth in tons of silver.
LIQUIDITY	Percentage of liquid assets, jewellery, slaves and watches, to total assets.

**Notes:** Variables with a large scale used in both models were log-transformed to standardise different units. This does not include, however, count variables such as *REBELLION* and *ELAPSED*.

*NETVALUE* is used to assess if magnitude of wealth mattered. Liquidity was included in the model as it is a good indicator of whether

the outcome was shaped by cost-benefit calculation. *FAMILY*, however, is used in the second step model for a slightly different reason. The confiscator collected information not only on the qualities of wealth but on the power of the family, which could differ from the government's initial information. Thus, the variable *FAMILY* here measures previously unknown features of bargaining power, while in the first step it captured the impact of expected mutual interdependence. Variables used in the first step and also included in the second step are time-specific variables that could have changed during the confiscation process, which could sometimes take years.

**Table 3.2:** Frequency Table of the Dependent Variable, 'Outcome'

<b>Outcomes</b>	<b>Frequency</b>	<b>Relative frequency</b>
<b>All</b>		
Confiscation	601	59.10
No Confiscation	214	21.04
Inheritance Tax	202	19.86
<b>Total</b>	1017	100
<b>Step 1</b>		
Send confiscator	832	81.81
No confiscation	110	10.82
Inheritance tax	75	7.37
<b>Total</b>	1017	100
<b>Step 2</b>		
Confiscation	601	72.24
No confiscation	104	12.50
Inheritance tax	127	15.26
<b>Total</b>	832	100

**Source:** See bibliography for data sources.

Before proceeding to the results, tables 3.2 and 3.3 provide descriptive statistics of the dependent and independent variables respec-

tively. Table 3.3 lists all the variables considered in the models, continuous variables with summary statistics and categorical variables with their frequency. A necessary word of caution is that *LIQUIDITY* could not be identified or calculated for all cases. Only 357 observations include the data on liquidity. Therefore, when *LIQUIDITY* was included in the model, it was estimated based on the observations for which liquidity data was available. The lack of liquidity is almost randomly distributed across occupations. Thus, it does not significantly affect the results.

**Table 3.3:** Frequency Table and Descriptive Statistics of Explanatory Variables

<i>Variables</i>	<i>Min</i>	<i>Max</i>	<i>Mean</i>	<i>SD</i>	<i>Freq.</i>	<i>Relative</i>	<i>Ob-serv.</i>
War	0.007	0.302	0.134	0.107			1017
Rebellion	0	4	0.74	0.90			1017
Distance Istan.	1	2409.02	374.43	367.36			1017
Distance Port	1.64	1454.26	269.53	173.19			1017
Elapsed	0	31	10.16	6.82			1017
NetValue	- 33.12	106.08	1.13	5.57			828
Liquidity	0	100	29.00	33.12			357
Justify							
Yes					305	70.01	1017
No					712	29.99	
Gender							
Male					979	96.26	1017
Female					38	3.74	
Religion							
Muslim					957	94.10	1017
Non-Mus.					60	5.90	
Family							
Yes					135	86.73	1017

No	882	13.27
Title		
Yes	306	1017
No	771	

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**Source:** See bibliography for data sources.

Map 3.1 provides the provincial-level distribution of the outcomes of the müsadere process. The black colour represents the proportion of ‘full confiscation’ cases relative to the other three categories. Admittedly, the pie charts shown in the map are more explanatory in provinces with a significant number of observations coloured with darker tones of blue.

### 3.3 Results

The main results of the MNL models are presented in tables 3.4, 3.5, 3.6 and 3.7. The independence of irrelevant alternatives assumption inherent in the MNLM was tested with a Hausman-McFadden test.<sup>240</sup> The results are reported in relative risks rather than coefficients as the latter’s interpretation in the MNLM are inconvenient. Interpreting relative risks is like that of the odds ratios in binary choice models. That is, relative risk reflects the change for a one-unit change in the independent variables. Each regression treats a category of the outcome variable, which makes it the easiest to interpret, as reference category. At the same time, however, the categories chosen as reference category happened to be those with the greatest number of observations. The first step regression uses ‘send confiscator’ as its base category since the decision to send a confiscator means incurring agency costs regardless of the outcome of the second step and is costlier than the other two outcomes, namely ‘no confiscation’ and ‘inheritance tax.’ Because sending a confiscator has greater costs, it is more convenient

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<sup>240</sup> Jerry Hausman and Daniel McFadden, "Specification Tests for the Multinomial Logit Model," *Econometrica* 52, no. 5 (1984).



to interpret the results compared to the category of ‘send confiscator.’ The reference category for the second step regression is ‘confiscation’ simply because the other two outcomes represent either a lesser degree of confiscation (inheritance tax) or no confiscation at all, which similarly makes interpretation easier. Where necessary, I also take another category as reference category to see the interaction between the other two outcomes, which is not shown by one single comparison.

### 3.3.1 First-Step Estimates

The first-step estimates are given in Table 3.4. Before proceeding to the impact of wars and expected costs, it is necessary to have a brief look at two seemingly surprising results. At first sight, the direction of the relative risk of the variable *TITLE* seems surprising. It suggests that holding a title increases the odds of the outcome ‘send confiscator’ compared to both comparison groups of ‘inheritance tax’ and ‘no confiscation.’ That is, the central government was more willing to continue the process of confiscation if the wealth-holder had a title. This is not what theory would predict because title-holders tended to be more powerful and thus in a better bargaining position vis-à-vis the sultan than non-title-holders. Yet we must consider here that all who benefited from the ruler’s revenue pie were title-holders one way or another. What this implies is that a person with no title could be tolerated more than one with a title.

The variable *ELAPSED* represents the number of years that elapsed after the enthronement of the ruling sultan. As *ELAPSED* goes up by one year, ‘send confiscator’ is the least likely outcome, while ‘no confiscation’ is more likely than ‘inheritance tax’. In other words, the longer the sultan stays in power, the less likely he is to continue the process of confiscation. If we assume that ruling for longer makes the sovereign more powerful and able to confiscate, this result curiously refers to a negative relationship between power and confiscation. A potential explanation for the first result is that sultans were arguably

more interested in confiscation in the early years of their rule to finance their projects. Or, perhaps their power just deteriorated with time.

**Table 3.4:** Step 1: Relative Risks of the Outcome of Müsadere Process

DV categories		NC-SC	IT-SC	IT-NC
Conflict	Interstate Wars	8.852**	6.860*	0.774
	Rebellion	0.899	0.888	0.987
Spatiality	Distance	1.482***	1.863***	1.256
Identity	Gender			
	Male	1	1	1
	Female	0.224	0.791	3.521
	Religion			
	Muslim	1	1	1
	Non-Muslim	0.675	0.922	1.480
	Title			
	No	1	1	1
Bargaining Power	Yes	0.336***	0.346***	1.032
	Family Affiliation			
	No	1	1	1
Sultan Behaviour	Yes	1.215	0.592	0.487
	Warzone	1.068**	0.969	0.907**
Rules	Elapsed	1.067***	1.003***	0.939**
	Justification			
	No	1	1	1
	Yes	0.308***	0.581**	1.882*
	N	1015	1015	1.015
	Pseudo R <sup>2</sup>	0.1485	0.1485	0.1485
	LR Chi <sup>2</sup>	180.25	180.25	180.25
	Prob Chi <sup>2</sup>	0.0000	0.0000	0.0000

**Source:** See bibliography for data sources

**Note:** \*\*\*, \*\*, and \* denote statistical significance at the 1, 5, and 10 per cent levels.  
SC: Send Confiscator, NC: No Confiscation, IT: Inheritance Tax. The reference category is always the one after /. If relative risk is greater than 1, the odds of reference

*category are higher compared to the comparison category. If it is lower than 1, the outcome is more likely to fall in the comparison group.*

An insignificant result needs also to be interpreted. The variable *FAMILY* is not significant in both comparisons shown in columns 1 and 2 because it was only after certain attributes of wealth were revealed via an inventory that a healthier analysis of the political costs and benefits of confiscation could occur. Since ‘no confiscation’ and ‘inheritance tax’ were outcomes that could also be realised in the second step, the central government possibly did not want to decide before the value and liquidity of wealth was revealed by the confiscator.

Finally, the results demonstrate that those confiscation attempts that were justified by the government in one way or another were more likely to reach the second step. That the statement of justification increases the relative likelihood of ‘send confiscator’ means that justified cases were less likely to be tolerated. Other variables of identity other than title, namely gender and religion, are insignificant, which means that there was no clear preference of the sultan when it comes to these categories.

#### **3.3.1.1 War Pressure: A Driver of Confiscation?**

It is generally argued that under fiscal distress created by external and internal threats, rulers tend to confiscate more. First-step estimates reported here refer to an adverse relationship between war pressure and confiscation options of the sovereign. The relative risks of *WAR* shown in panels 1 and 2 of table 3.4 reveal that one-unit increase in war pressure makes the category of ‘send confiscator,’ 8.852 times less likely than ‘no confiscation’ and 6.860 times less likely than ‘inheritance tax.’ This is to say that in relative terms, an increase in war pressure made the Ottoman rulers choose not to confiscate or obtain inheritance tax over continuing the process of confiscation by sending a confiscator. There might be two reasons why. First, the time and resources of the centre were spent on warzones during wartime. Unlike full confiscation which could have occurred at the end of the second

step, inheritance tax was a quick and low-cost alternative even though extracted revenue was lower. The second reason is related to the symbiotic relationship between the centre and some targets of confiscations. Relative risks of 1.068 and 0.907 shown in the row of *WARZONE* lends further support to this mutuality. They imply that the proximity of the physical location of wealth to a warzone at the time of confiscation attempt made 'no confiscation' more likely relative to both 'send confiscator' and 'inheritance tax.' In other words, the more proximate to a warzone, the more they were able to escape confiscation. Like in the opening anecdote, this finding shows that elite cooperation was more needed during wartime. It also helps to understand why 'inheritance tax' is not necessarily superior to 'no confiscation' as expressed in the insignificant relative risks of *WAR*. To be more precise, though 'inheritance tax' pays better than 'no confiscation' in terms of its monetary value, during wartime monetary value was not necessarily the most important element of the process. Elites' military support was much needed and confiscating their wealth was not the priority of the sultan.

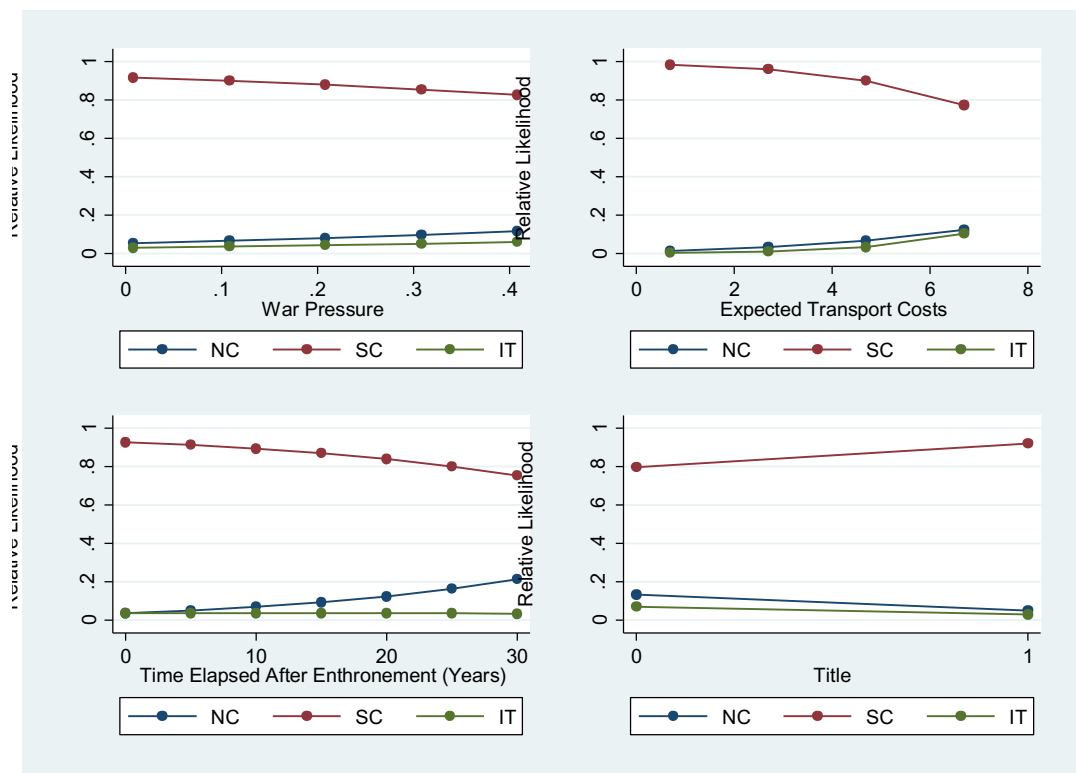
Although another variable of conflict, *REBELLION* is not significant, it refers to a reverse relationship between conflict and confiscation. That is, with more rebellion happening at the time of confiscation attempt, the sovereign was more likely to send a confiscator. The reason why this result is the opposite of that of *WAR* is that confiscations were sometimes the result of rebellion. This cannot be confirmed though as the result is not significant.

### **3.3.1.2 Expected Costs: A Constraint of Confiscation?**

Expected costs of confiscation also had an impact on the outcome of the first step. The relative risk of *DISTANCE* is higher than 1, which means that an increase in expected costs made both 'no confiscation' and 'inheritance tax' more likely compared to 'send confiscator' by a factor of 1.482 and 1.863 respectively. With increased distance from Istanbul and major ports, the sultan would prefer to not continue the

process, by not sending a confiscator. When it comes to the decision between ‘no confiscation’ and ‘inheritance tax’ in a distant location, he is rather indifferent. This decision is determined by the proximity to a warzone, time elapsed after enthronement of the sultan and whether there was a justification (See: IT-NC comparison). These findings are consistent with the expected transport costs hypothesis as they demonstrate that the sultan is more hesitant to confiscate in remote areas. Another reason distance matters can be that the power of the centre generally decreases with distance from the capital. Less power or legitimacy increases the expectance of resistance that would result in undesired costs.

**Figure 3.2:** Graphs of Correlations in the First-Step Regressions



**Source:** See bibliography for data sources.

**Notes:** This figure does not show results in relative terms. Although changes might seem not significant, it must be considered that the likelihood of sending confiscator was already much higher than those of other outcomes at 0.

### 3.3.2 Second-Step Estimates

The second step estimates are shown in table 3.5. It reports the results with and without *LIQUIDITY* in panels 1 and 2. The second part of dependent variable categories are the base categories. The most striking result in this table is the relative risks of *NETVALUE*, which is highly significant in all columns. Those in the first two columns show that as the value of wealth increases, the sultan is more likely to confiscate relative to ‘no confiscation.’ However, the same is not true with ‘inheritance tax.’ It appears that the likelihood of inheritance tax was higher for high-value inheritances in comparison with confiscation. Figure 3.2 clearly shows the impact of an increase in net wealth on the outcome of the confiscation. Until a point, it increases the likelihood of confiscation relative to both ‘no confiscation’ and ‘inheritance tax.’ But after that point, the confiscation-inheritance tax comparison changes in a way that inheritance tax becomes more likely. This is the explanation of the reverse U-shape that can be seen in the figure.

This finding is better read in combination with the value of relative risks of the variable *FAMILY*, which refers to the role of relative bargaining power. That is, being a member of a prominent family increases the probability of the ‘inheritance tax’ outcome compared to ‘confiscation’ by a factor of 4.906 and 4.819 with or without liquidity respectively. This is closely related to their power to bargain with the central government primarily but not exclusively for the reasons mentioned above. Another variable of bargaining power, the proximity to a warzone, still has the same effect as in the first-step model in that it increases the likelihood of ‘no confiscation’ relative to the other two categories. Chapter 5 reinforces the role of bargaining power with qualitative evidence. It suffices here to say that prominent families used their military, economic and political sources of power to negotiate the institution of inheritance tax and even sometimes succeeded in reducing the amount of inheritance tax. Thus, the interpretation of *FAMILY* helps to explain why inheritance tax was more likely to occur with an

increase in the amount of wealth. The reason why *FAMILY* is significant in the second step and not in the first step is that the first step outcome is more of a decision while that of the second step is not necessarily so. As an outcome, it reflects a process during which both parties test their power.

**Table 3.5:** Step 2: Relative Risks of the Outcome of Müsadere Process

		1			2		
DV categories		NC/C	IT/C	IT/NC	NC/C	IT/C	IT/NC
<b>Con- flict</b>	Interstate Wars	1.893	4.937*	0.528	11.973	19.582**	1.635
	Rebellion	1.152	1.162	1.008	1.888**	1.119	0.593
<b>Wealth</b>	Net Value	0.691***	1.293***	1.870***	0.595***	1.323***	2.220***
	Liquidity				0.968**	0.954***	0.985
<b>Bar- gaining Power</b>	Family Affili- ation						
	No	1	1	1	1	1	1
	Yes	1.839	4.906***	2.667**	1.833	4.819***	2.628
	Warzone	0.935*	1.051	1.123**	0.993	1.028	1.035
	N	774	774	774	344	344	344
	Pseudo R <sup>2</sup>	0.1247	0.1247	0.1247	0.2512	0.2512	0.2512
	LR Chi <sup>2</sup>	138.71	138.71	138.71	116.62	116.62	116.62
	Prob Chi <sup>2</sup>	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

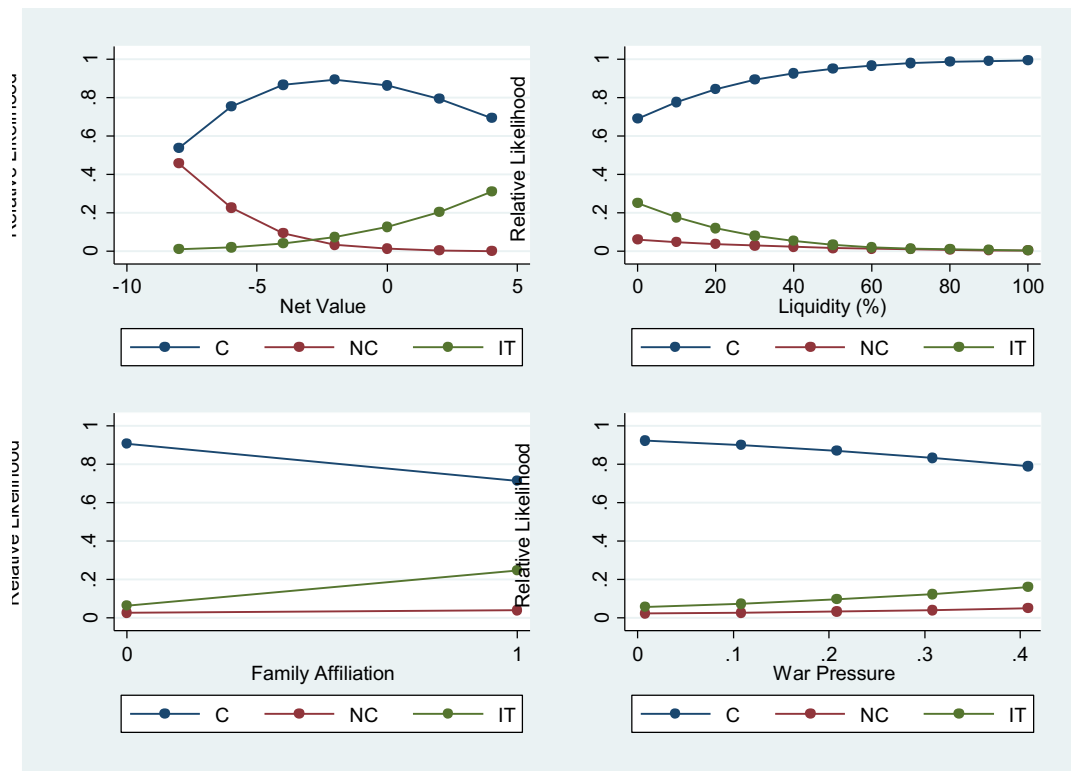
**Source:** See bibliography for data sources.

**Notes:** \*\*\*, \*\*, and \* denote statistical significance at the 1, 5, and 10 per cent levels. C: Confiscation, NC: No Confiscation, IT: Inheritance Tax. The reference category is always the one after /. If relative risk is greater than 1, the odds of reference category are higher compared to the comparison category. If it is lower than 1, the outcome is more likely to fall in the comparison group.

Panel 2 of table 3.5 reports the results with *LIQUIDITY* added as one of explanatory variables. Unfortunately, the number of observations is inevitably reduced to 344 due to the lack of liquidity data for many observations. In panel 2, we see that *LIQUIDITY* is highly correlated with the outcome of the second step. More liquid assets were not

only more easily convertible but also more easily transferrable. As asset liquidity increases, confiscation turns into a more likely outcome relative to both comparison outcomes. An additional regression with ‘no confiscation’ as the base category was also estimated and presented in the last column of the table. The insignificant relative risks of *LIQUIDITY* in the inheritance tax-no confiscation comparison indicate that the sultan was somewhat indifferent between these categories as liquidity level changed. These two categories differed in the amount of wealth, being affiliated with a prominent family and proximity to warzones.

**Figure 3.2:** Graphs of Correlations in the Second-Step Regressions



**Source:** See bibliography for data sources.

**Notes:** This figure does not show results in relative terms. Although changes might not seem significant, it must be considered that the likelihood of sending a confiscator was already much higher than those of other outcomes at 0.

Some variables used in the first step regression were not included in the second step because they remain constant during the



confiscation process. Those included are time-specific ones with potential to change. These affect the outcome in a similar way they did the first step outcome. For example, as in the first step, war pressure increases the likelihood of both ‘no confiscation’ and ‘inheritance tax’ relative to ‘confiscation.’ This reinforces the argument that wars were negatively correlated with the power or motivation to confiscate in both steps. Similarly, proximity to warzones affects it the same way as in the first step. Overall, the value and liquidity of wealth as well as the bargaining power of the family predict a good deal of the second step outcome. When the confiscation process reaches this step, the central government takes a final look at the confiscation inventory and the outcome is determined partly by the centre and partly by ‘nature’ depending on the specifics of the case. Before proceeding any further, figure 3.2 displays four significant results of the second step regression.

Table 3.6 accounts for all variables without considering steps and liquidity, while table 3.7 does the same with liquidity. Panel 1 of these tables shows the results with log transformed *NETVALUE*, while the second panel uses the actual value of wealth. The reason for this is that logged *NETVALUE* reduces the number of observations although log transformation is generally better for our purposes due to the very high standard deviation of that variable. Most results are consistent with the step regressions in tables 3.4 and 3.5. However, inconsistent ones do not weaken but strengthen my analysis since they justify the use of the two-step framework. If we focus on the results that are inconsistent with step regressions, we first notice that the impact of interstate wars becomes less visible when considered without steps. Nevertheless, ‘inheritance tax’ still proves to be significantly more likely than ‘confiscation’ with an increase in war pressure. Although it is not significant, the sign of the relative risks of no confiscation-confiscation comparison remains the same. Two identity variables, namely gender and religion, are significant in the full-sample no-step regressions. This

**Table 3.6:** Full Sample: Relative Risks of the Outcome of Müsadere Process without Liquidity

		1			2		
DV categories		NC-C	IT-C	IT-NC	NC-C	IT-NC	IT-NC
<b>Wealth</b>	Net value	0.663***	1.319***	1.987***	0.737**	1.003	1.360**
<b>Conflict</b>	Interstate wars	0.564	6.087*	10.786	1.276	4.933*	3.863
	Rebellion	1.222	1.113	0.910	1.303**	1.030	0.790
<b>Spatiality</b>	Distance	1.164***	1.365***	1.172*	1.150***	1.377***	1.197**
<b>Identity</b>	Gender						
	Male	1	1	1	1	1	1
	Female	0.267*	0.184	0.821	0.223**	0.167	0.751
	Religion						
	Muslim	1	1	1	1	1	1
	Non-Muslim	0.164**	0.287*	1.788	0.130***	0.269**	2.069
	Title						
	No	1	1	1	1	1	1
<b>Bargaining Power</b>	Yes	0.217***	0.292***	1.347	0.209***	0.389***	1.853**
	Family Affiliation						
	No	1	1	1	1	1	1
	Yes	1.626	4.115***	2.530*	1.232	4.615***	3.745***
<b>Sultan Behaviour</b>	Warzone	0.925**	1.029	1.112**	0.940**	1.052	1.118***
	Elapsed	0.951**	1.005	1.056*	0.969*	1.001	1.032
<b>Rules</b>	Justification	0.347***	0.523***	1.507	0.516**	0.559**	1.042
	N	775	775	775	826	826	826
	Pseudo R <sup>2</sup>	0.2162	0.2162	0.2162	0.1819	0.1819	0.1819
	LR Chi <sup>2</sup>	241.57	241.57	241.57	203.14	203.14	203.14
	Prob Chi <sup>2</sup>	0.0000	0.0000	0.0000	0.0000	0.0000	0.000

**Source:** See bibliography for data sources.

**Notes:** \*\*\*, \*\*, and \* denote statistical significance at the 1, 5, and 10 per cent levels. C: Confiscation, NC: No Confiscation, IT: Inheritance Tax. The reference category is always the one after /. If relative risk is greater than 1, the odds of reference category are higher compared to the comparison category. If it is lower than 1, the outcome is more likely to fall in the comparison group.

**Table 3.7:** Full Sample: Relative Risks of the Outcome of Müsadere Process with Liquidity

		1			2		
DV categories		NC-C	IT-C	IT-NC	NC-C	IT-NC	NC-C
<b>Wealth</b>	Net value	0.553***	1.319***	2.385***	0.895*	1.010	1.128*
	Liquidity	0.968**	0.958***	0.989	0.969***	0.957***	0.986
<b>Conflict</b>	Interstate wars	3.319	23.318**	7.024	4.400	33.457**	7.603
	Rebellion	1.893**	0.909	0.480**	1.796**	0.809	0.450***
<b>Spatiality</b>	Distance	1.103	1.302***	1.180	1.062	1.357***	1.277**
<b>Identity</b>	Title						
	No	1	1	1	1	1	1
	Yes	0.302**	0.364**	1.201	0.254***	0.453**	1.782
<b>Bargaining Power</b>	Family Affiliation						
	No	1	1	1	1	1	1
	Yes	1.464	4.331***	2.957**	0.896	4.275***	4.771**
	Warzone	0.952	1.005	1.055	0.949	1.042	1.097
<b>Sultan Behaviour</b>	Elapsed	0.930*	1.027	1.104**	0.957	1.030	1.076*
<b>Rules</b>	Justification	0.314*	0.462**	1.471	0.745	0.450**	0.603
	N	344	344	344	360	360	360
	Pseudo R <sup>2</sup>	0.2451	0.2451	0.2451	0.2475	0.2475	0.2475
	LR Chi <sup>2</sup>	144.92	144.92	144.92	128.45	128.45	128.45
	Prob Chi <sup>2</sup>	0.0000	0.0000	0.0000	0.0000	0.0000	0.000

**Source:** See bibliography for data sources.

**Notes:** \*\*\*, \*\*, and \* denote statistical significance at the 1, 5, and 10 per cent levels. C: Confiscation, NC: No Confiscation, IT: Inheritance Tax. The reference category is always the one after /. If relative risk is greater than 1, the odds of reference category are higher compared to the comparison category. If it is lower than 1, the outcome is more likely to fall in the comparison group.

was not observed in step regressions. Although non-Muslims constitute a minority of the targets of confiscation, it is possible to state that ‘no confiscation’ and ‘inheritance tax’ were less likely to be observed in the case of attempts to confiscate their wealth.<sup>241</sup> Similarly, once the

<sup>241</sup> Due to the insufficient number of observations of gender and religion for different categories when liquidity was added in table 3.6, these variables were excluded from the regression with liquidity.

confiscation process started, it was less likely to avoid full confiscation for females. The final difference of the regressions without two-step framework is that even though the sultan was indifferent between ‘no confiscation’ and ‘inheritance tax’ as expected transport costs increased, here he is more likely to obtain inheritance tax rather than waiving confiscation.

### **3.3.3 An Alternative Test of Expected Costs Hypothesis**

Before proceeding to a discussion of implications, I finally test the impact of cost-benefit calculation in an alternative analysis. This looks specifically at the role of transportation costs. If the outcome of the confiscation process was confiscation, the next decision of the government was how to transfer confiscation gains to the public treasury. It must be noted at the outset that the analysis excludes those gains that were occasionally sent directly to warzones for military use. Apart from that, there were three modes of transfer: (1) transportation of all assets to Istanbul in kind, (2) auctioning all assets on premise and transferring revenues in cash and (3) a mix of these modes. Independent variables included in the model are an interaction variable of distance from Istanbul and distance from the nearest major port, the month of confiscation, net value of wealth and liquidity. Absent from previous regressions, the month of confiscation controls here for the effect of seasonality or whether climate or any other features of seasonality had an impact on the decision. If the decision of transfer was governed by minimisation of transportation costs, then this test should provide further proof for the above argument that cost-benefit calculation played an important role even in this step which we might call the third step of the process.

As displayed in table 3.8, controlling for other variables, two of three variables of importance lend support to the cost-benefit argument. This includes the finding that as the size of inheritance in-

creases, it becomes more likely for it to be sent in cash. That is, auctions were more often held in more distant regions. There were presumably costs of auction, but these costs can be negligibly included in the costs of agency that were already paid. As the liquidity increases, the assets are more likely to be sent in kind. This is because, in contrast to property such as real estate, liquid assets were easily moveable. Most liquid assets in the dataset are jewellery and cash. Yet the distance variables in the table do not support our hypothesis. The distance from Istanbul suggests that the more distant a location was; the more likely assets were to be sent in kind.

**Table 3.8:** Relative Risks of the Mode of Transfer of Confiscated Wealth

		1 (W/O Liquidity)		2 (W Liquidity)	
DV categories		SK-SC	M-SC	SK-SC	M-SC
<b>Wealth</b>	Net Value	0.935**	0.992*	0.859*	1.404**
	Liquidity			1.034***	1.019**
<b>Seasonality</b>	Month Included	Yes	Yes	Yes	Yes
<b>Spatiality</b>	Distance	1.553***	1.744***	1.738***	1.713***
N		633	633	290	290
Pseudo R <sup>2</sup>		0.1563	0.1563	0.3050	0.3050
LR Chi <sup>2</sup>		133.48	133.48	143.96	143.96
Prob Chi <sup>2</sup>		0.000	0.000	0.000	0.000

**Source:** See bibliography for data sources.

**Notes:** \*\*\*, \*\*, and \* denote statistical significance at the 1, 5, and 10 per cent levels. SK: Sent in Kind, M: Mixed, SC: Sent in Cash. The reference category is always the one after /. If relative risk is greater than 1, the odds of reference category are higher compared to the comparison category. If it is lower than 1, the outcome is more likely to fall in the comparison group.

This section has shown the results of several regression tests analysing the driving forces of the practice of confiscation in the Ottoman Empire. It can be concluded by stating that the outcome of the

process of confiscation was governed by a mixed bag of time-specific and spatial factors as well as cost-benefit calculation. An important question is how these results contribute specifically to our understanding of a seemingly ‘absolute’ monarch to confiscate. Let me answer this question in the next section.

### **3.4 Conclusion and Broader Implications**

This chapter has explored the driving forces of Ottoman confiscations during the period 1750-1839. The issues I dealt with above are new to the historiography of *müsadere* and to the broader literature of property rights abuses since they had never been framed this way. With the help of a novel dataset constructed out of *muhallefat* records, part I of this study shed some light on the targeted population, functions, motives and limitations of the *müsadere* practice during the period 1750-1839.

Based on the findings presented in this chapter, it is safe to argue that neither the decision nor the outcome of confiscation by the sultan was governed by chance. Rather, it has been driven by several factors, which cannot be explained solely by a revenue-maximisation approach. The chapter has considered political, fiscal, spatial forces as well as attributes of wealth. It finds that the profitability of confiscation, which is a function of costs and benefits shaped by spatial factors and certain qualities of wealth regarding its confiscability, determined the confiscation outcome in the first and second steps of the process of confiscation. The role of wars and distance was more evident during the pre-inventory step decision of whether to send a confiscator, disappearing when MNML regressions are run without considering steps. As the new information concerning the attributes of wealth and the power of the family was revealed by the confiscator, the second step was governed rather by the bargaining power of the family and wealth attributes. It was this relative power of some families that made them

turn a potential full confiscation into inheritance tax, which was a kind of partial confiscation. The cost-benefit argument was supported also by an additional test analysing how confiscation gains were transferred to the public treasury. The added value of the econometric approach is embedded in the two-step framework adopted in the chapter.

The added value of the econometric approach is as follows. First, although many results are in line with the existing non-quantitative studies, their hypotheses have been tested for the first time. The use of descriptive statistics was not sufficient to analyse a complex set of the potential determinants of the power and willingness to confiscate. Econometrics, however, allows us to control for the effect of other possible drivers. Second, the two-step framework adopted in the chapter made it possible to see how revealed information changed the outcome of the confiscation process, enabling us to better understand the limits of the practice of *müşadere*.

What are the implications of these findings for economic history? First, they lend further support to the view that self-enforcing constraints on the government mattered. The sultans possessed the power to confiscate, though at levels varying from sultan to sultan. But this power was by no means unconstrained. These constraints were not imposed by laws but by certain historical conditions and bounds of rationality. The beginning of Ottoman constitutional history can be dated to the last quarter of the nineteenth century. However, even in the absence of constitutional constraints, a rational ruler would not confiscate with unchanging power and willingness. His power and willingness to confiscate varied over time, space and identity of the wealth-holder. Although self-constraints on the sovereign have been examined by several studies often with a focus on sovereign lending, this chapter shows how a different type of predation was driven and constrained in a different institutional context.

Importantly, the impact of war was negative on the ruler's power to confiscate. This means that even if the rulers needed revenue to

wage wars, they did not confiscate at exactly wartime. This is because (1) the müsadere process was too costly and lengthy, and (2) wars increased the bargaining power of elites relative to that of the sultan. This mutual dependence is partly caused by the decentralised nature of Ottoman political economy and can be applied to any polities that were highly dependent on the elites to wage wars. Although wars were crucial for understanding the drivers of confiscation and the politics behind it, fiscal distress caused by wars was not the only game in town. Cost-benefit calculation and politics were other important determinants. Nevertheless, it would be wrong to think of this picture along the same line with debt repudiation, which was the most common form of confiscation in European history, during the early modern period. Failure to pay debts could damage the credibility of a ruler but under fiscal distress he had no choice but repudiation. In the Ottoman context, however, confiscation was not the best option during wartime.

The present chapter has put forward what has driven thousands of confiscations practised by the sultans. It has focused on their preferences with little emphasis on the role of counterbalancing power of the victims as a constraint. In doing so, it had to exclude some crucial aspects of human agency due to the lack of data on unobservable or hidden aspects of confiscation. But these aspects should not be overlooked for two reasons. First, after all, it was not the structures but individuals who made decisions, and their behaviour was shaped by each other's behaviour. Second, it is necessary to make use of more actual examples to clarify some points raised in the present chapter. So, Part II of this work proceeds to an analysis of the actors of confiscation, their interactions and implications of these interactions.



## **PART II: ACTORS OF MÜSADERE AND THEIR INTERAC- TIONS**

## 4 ENFORCEMENT OF MÜSADERE

Part II of this work examines the actors of müsaderе and their interactions. It includes two chapters. The present chapter investigates how confiscations were enforced and how strategic interactions among their actors contributed to the transpiring of various outcomes of the confiscation process. To answer these questions, I study the process of enforcement of the practice of müsaderе from the beginning to its end. This analysis contributes to all three components of the main research question of the study: what guided, enabled and motivated the müsaderе practice, and how and to what extent? To highlight its importance, the present chapter fixes the role of politics while analysing the enforcement process under the assumption that individuals are concerned only about monetary payoff, whereas much of the political economy story behind this process is endogenised in the next chapter.

This part interacts with Part I by using its findings as well as filling in some of its gaps. For example, it helps to explain how the actions of potential targets of müsaderе and enforcement agents could impose costs to the ruler. In contrast to the previous chapters, the approach adopted here is interactive rather than a primarily single-actor one. It relaxes the ruler-centric approach by embracing the behaviour of economic agents whose property was confiscated, and when available, that of any other agents who were involved in the process. And, it is sensitive to institutions of the society under study that shaped the behaviour of all actors including that of the ruler.<sup>242</sup>

The chapter makes use of game theoretical insights supported by qualitative evidence where necessary. Theory and historical evidence are used complementary in the way that they inform each other. Employing games facilitates understanding of the observed behaviour

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<sup>242</sup> Greif, *Path to the Modern Economy*, 350-377.

and the effects of some important yet non-quantifiable variables that could not be included in the previous chapter.<sup>243</sup> To draw qualitative evidence to the theoretical claims of the chapter, I have done a selective reading from a pool of thousands of correspondence documents that I thought could change our understanding of confiscations, while also relying on secondary literature mostly for what is already known. In addition, I have chosen a specific case since it possesses sufficient evidence and subjected it to a case-study analysis. These sources also put emphasis on the importance of decisions that were made in the pre-confiscation stage by the actors of *müsadere*. Pre-confiscation decisions refer to the prior interactions between the central government and the families. I leave presentation of historical evidence for these decisions to the next chapter where they are examined with a micro-historical method, even though inevitable references are occasionally made in the present chapter.

This chapter is organised as follows. Section 4.1 presents a narrative detailing how a typical case of confiscation was enforced by the central authority, where I specify the observed preferences of the actors of confiscation. In addition to this generalised narrative, I focus on a specific case of enforcement process, i.e. that of Fethullah Ağa, the *ayan* of Antakya. Section 4.2 builds a simple model out of this narrative to make sense of the observed behaviour in the enforcement and pre-enforcement stages under the revenue-maximisation assumption. In section 4.3, I shift the focus to understanding two principal-agent problems, namely between the sultan and the local administrator, and between the sultan and the confiscator, who was the main agent of enforcement. Section 4.4 investigates a special kind of enforcement, the outsourcing of confiscation. Section 4.5 concludes the chapter.

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<sup>243</sup> What I summarise here is a method introduced by Avner Greif called interactive, context-specific analysis. *Ibid.*, 350-376.

## 4.1 The Process of Enforcement of Müsadere

### 4.1.1 A General Narrative

The processes through which confiscations were conducted were complicated during the period under study; numerous forms of behaviour were possible and indeed observed. Despite this complexity and the fact that each case of müsadere had a unique nature, i.e. different actors, location, and timing, it is still possible to track some consistencies and recurrences. Before proceeding, it is necessary to recall the distinction between the two categories of confiscation: (1) post-mortem müsadere meaning those confiscations after the natural death of governing and landed elite, and (2) müsadere as punishment, meaning confiscations conducted as a form of punishment. Here I focus on those fitting the former category since they were inherently more arbitrary and predatory while they reflect the consistencies of the practice well. The processes for the latter category could differ from those for the former by means of a chasing and catching process. The remainder of the enforcement process was similar for both categories.

A typical enforcement process began when one of the local administrators (usually the local judge) of a town or city wrote to the centre, informing it that a wealthy individual had died in his area of service. It is crucial to note that this information was solely a recommendation of confiscation, while the ultimate decision was made by the ruler or his agents on his behalf later in the process. There is evidence showing that those who conveyed this information to the centre were, at least occasionally, remunerated for their loyal service.<sup>244</sup> In the meantime, and without waiting for the centre's decision, provincial administrators sometimes sealed the houses owned by the deceased to prevent property hoarding by family members of the deceased or from

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<sup>244</sup> Cezar, "Bir Âyanın Muhallefâtı," 52.

plundering by the local population. If properties were sealed, administrators paid for the services of watchmen as well.<sup>245</sup>

When Istanbul received this information, it had to decide whether to send a confiscator, not to confiscate or to negotiate with the family on payment of a specific amount of inheritance tax. The confiscator was typically chosen among low or mid-rank officials from the central administration. He was the person responsible for managing the entire process of enforcement. His role was of special importance because, at this stage, the only information available to the central government was the location of the wealth and possibly the bargaining position of the family if the deceased was from a prominent family or was known to have had patrons in the capital. The government did not have any precise information regarding the qualities of the wealth, especially its net value or liquidity which determined transportation costs. As it can be seen from table 4.1, at times, the families' networks influenced the outcome of the confiscation process.

While the decision not to confiscate resulted in no further required action, the decision to obtain inheritance tax was passed to local administrators who then informed the family that they were to pay the amount of cash set by the central administration. The family, in return, did not necessarily pay this amount straight away. Instead, they could attempt to negotiate with the centre either through the same administrators or occasionally by travelling to the capital to negotiate in person. It was not uncommon that the family itself made such an offer

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<sup>245</sup> One document is quite telling in this respect. Here I provide a full transliteration of it: 'My great and wealthy lord! May God give our great and merciful lord a long life and protect him from the impurity of this world and the world to come! When the son-in-law of Emin Toygarzade Seyyid Efendi informed me that his father-in-law died on Tuesday mid-afternoon, your humble servant together with Şeyh efendi, Nakib efendi and the chamberlain of Hakim efendi arrived in his home after the meal. A few cupboards as well as the rooms were sealed. A trunk in the inner room has been found and brought into the open. His son-in-law said that he had no wealth but bills of debt. But, because his death was expected, it is likely that the son-in-law has hidden the cash. Three to five days before his death, he is said to have made a will to transfer his wealth to his religious endowment but the will has not been officially registered. They informed us that he has still much crop and receivables from the craftsmen. Thus, either a confiscator shall be sent or there could be another way through negotiating with his son-in-law [inheritance tax].' C.ML 361/14781.

which could or could not be accepted by the centre. If they reached an agreement, the heirs paid the inheritance tax usually in annuities. The archives are also full of documents which show how the central administration tracked unpaid annuities. In case payments were not made on time, the family was warned; if repetitive warnings yielded no result, further confiscation or other forms of punishment, such as dispossession of offices or honours, could have applied. The same applies to inheritance tax realised in the second stage.

If the central government decided to send a confiscator to collect further data regarding the case of confiscation, the next step was to choose one. Although the sources do not provide much information about this choice, it is clear that it was made with care.<sup>246</sup> Per one document, it was based on [earlier] service, merit, reliability and right direction.<sup>247</sup> Documentation also emphasised that the confiscator was chosen among his peers for his above qualities.<sup>248</sup> This special attention paid to the selection of confiscators was because they had the ability to underreport the total sum of wealth either because they pocketed some property from it or because they accepted a bribe from the family.

A confiscator's responsibilities from beginning to end were (1) sealing the assets if not done previously, (2) resolving conflicts over ownership and possession of property, (3) preparing a detailed inventory of the wealth, (4) selling some or all assets in a locally held auction if so ordered, and (5) transporting some or all assets to Istanbul in kind or cash, if so ordered. This inventory process occasionally took place under the testimony of the local judge (or his surrogate) and/or a local pricing expert. If the confiscator suspected that the family had hidden

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<sup>246</sup> In the confiscation of the wealth of a notable of Ankara, Abdülhadi, the sultan addresses the confiscator (Halil Akifzade) by encouraging him with the following words: 'You are the confiscator and were selected among your peers due to your service and loyalty...' C.ML 657/26892 (17 July 1814 (29 Recep 1229)).

<sup>247</sup> MAD 9718.

<sup>248</sup> When Karaosmanoğlu Hacı Mehmed died, the centre sent a letter to the commissioned confiscator, listing his responsibilities. This was a type of mission definition. C.DH 329/16413 (28 August 1792 (10 Muharrem 1207)).

some assets of the wealth before his arrival, he could decide to do a further search or even *bastinado* the suspects with the help of local forces. These actions, at times, led to serious clashes between the confiscator and the family. Despite a certain degree of flexibility on various parts of the enforcement process, he was typically not given much freedom in his actions and was meant to follow the instructions sent by the centre.<sup>249</sup> Therefore, most archival documents regarding these confiscations consist of the correspondence between the centre and the confiscator.

The process of preparing an inventory was costly and lengthy. It took months or sometimes years. Its costliness and longevity depended on the complexity of the case. For instance, it could take longer in the instance of those who claimed ownership of some assets included in the confiscation or if the debt-credit relations of the deceased were complex to manage. If a debtor could show bills of debt or bring forth a witness, he was often paid from the inventory. At the same time, those who owed the deceased were tracked through bills of debt found in the inheritance and were asked to pay. After having resolved such issues and prepared the inventory, it was ready to be sent to Istanbul for a final decision.

Once receiving the inventory and after it was studied by the officials at the confiscation bureau, the centre made a second decision which acted as the outcome of the process. This decision was made with more information than the first. The extent to which this decision was like the one in the first stage of enforcement is dubious because it

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<sup>249</sup> An illustration of this is when the sultan tells the confiscator that he was supposed to do whatever he was ordered. It is also a good example of how a typical set of orders appeared: 'You know that confiscation of the wealth of this person (Abdülhadi of Ankara) was ordered. Whatever he possesses in that neighbourhood, any property, cash, debts and receivables, real estate, farms, cereals, animals, all shall be registered without permitting to even a tiny piece of it to be lost. You shall send the inventory to the capital and wait for our orders what to do next. If they dare to resist, you act according to the common sense as there will be no time to get an answer from us.' He then addresses the governor of Ankara, Vezir Abdurrahman Paşa: 'And, you are my vizier! Responsibility is on you. You shall help the confiscator in this task of revealing the property of the deceased.' C.ML 657/26892 (17 July 1814 (29 Recep 1229)).

sometimes stemmed from a necessity created by either the bargaining position of the family or other political and economic conditions of the time. The quantitative part has already shown what directed these outcomes. Nevertheless, a few words on the outcomes of ‘no confiscation’ and ‘inheritance tax’ are necessary. If we look more closely at the stated reasons behind ‘no confiscation,’ we see that there were essentially the five reasons displayed in table 4.1. The most frequent two reasons are self-evident. It would have been rational not to fully confiscate when the deceased had too much debt or the sum of his wealth was insignificant.<sup>250</sup> If we consider this data in combination with observations with negative net value (in which case one’s debts exceeded the value of his personal estates), then out of 51 cases with negative net value, 22 were reasoned as having too much debt or having an insignificant sum of wealth.

It is perhaps more curious to observe that some were reasoned by mercy of the sultan.<sup>251</sup> These generally stemmed from the requests by the family or mediators claiming that the deceased had left behind widow(s) and/or orphans who would have fallen into a very miserable state if the government confiscated the wealth of the deceased. Presumably as an effort not to damage his legitimacy by confiscating the wealth of people in dire need, the official sources referred to the ‘no confiscation’ decision taken in these situations as an indicator of the sultan’s benevolence over his subjects. It is also striking that the decision not to confiscate was explicitly linked with the mediators’ efforts

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<sup>250</sup> An example to the case of an insignificant sum is as follows. When it was decided to confiscate the inheritance of the notable of Köstence, Bekir, a confiscator was sent to the locality. Although the confiscator worked hard not to leave anything unregistered, the total sum was only 2,282 kuruş. Since Bekir was indebted with some 2,588 kuruş, the bureau of confiscation suggested ‘no confiscation’ as it would not have been worth confiscating. C.ML 391/15975 (30 November 1796 (29 Cemaziyülevvel 1796)).

<sup>251</sup> A request letter details this: When the notable of Edremid district, Alemizade Hacı Halil, died, the central government decided to send a confiscator to confiscate his wealth. Yet this letter requests that despite this decision taken a few months ago, after clearance of his debts, there would not have been much to go to the treasury. Additionally, it would especially have been mercilessness to his orphans to proceed with the confiscation. On the condition of silencing the debtors by paying some 16,500 kuruş to the treasury and with the backing of a certain Hacı Ali of Edremid, the wealth was left to the family with a mention of his orphans. C.ML 58/2656 (21 August 1792 (3 Muharrem 1207)).



in six cases. Mediation, if performed by an influential person, could be effective.

**Table 4.1:** Reasoning behind the Non-Confiscation Outcomes

Reason/Outcome	No Confiscation	Inheritance Tax	Total
Having too Much Debt	49	10	59
Appearance of Heirs	3	0	3
Insignificant Sum	40	1	41
Requests by Mediators	6	0	6
Mercy of the Sultan	33	2	36
Pardoning of the Punished	3	3	6
<b>Total</b>	134	16	150

**Source:** See bibliography for data sources.

**Notes:** This table is based on 150 cases in which I could identify the state's reason for no confiscation and inheritance tax.

Another outcome was the 'inheritance tax' mentioned above. Inheritance tax that was realised after the second stage was not much different than the one after the first stage in terms of including a process of negotiation.<sup>252</sup> It is useful here to provide some statistics inherently absent from the first stage's outcome of inheritance due to the

<sup>252</sup> Regarding the outcome of inheritance tax realised in the second stage: "Since it was decided to confiscate the wealth of my brother El-Hac Mehmed Ağa and uncle İsmail Ağa and his brothers, Mustafa, Haydar, Abdurrahman, Hasan and Koca Ağa who fled while they were residents of the district of Aladağ, Osman Ağa had been commissioned to manage the confiscation process. After he prepared the inventory and presented it to the Sublime Porte, the aforementioned properties have been left to us in exchange for 75,000 kuruş. Of this amount, we are supposed to pay some 50,000 kuruş by cash to the confiscator after we arrived at the location and this sealed bill of exchange undertakes that the rest shall be paid on the ninth of November. Your servants: Es-Seyyid Süleyman, the son of El-Hac Mehmed Ayan-ı Kaza M.-El-Hac Ahmed Kethüda-yı merkum El-Hac Mehmed' This makes it clear that there was a negotiation between the centre and two individuals, one of whom is the son of one of

lack of an inventory at that stage. The share of inheritance tax to total value varies from case to case between a minimum of 0.015 and a maximum of 6. Logically, this value should not be higher than 1, but it seems that inheritance tax paid by the family was sometimes greater than the value of the inheritance. This might mean only that the central government was not satisfied with the confiscator's estimation and thought that the deceased was wealthier than as expressed in the inventory. The average of this share was 60 per cent with a standard variation of 0.77, which shows that it was a very high inheritance tax.

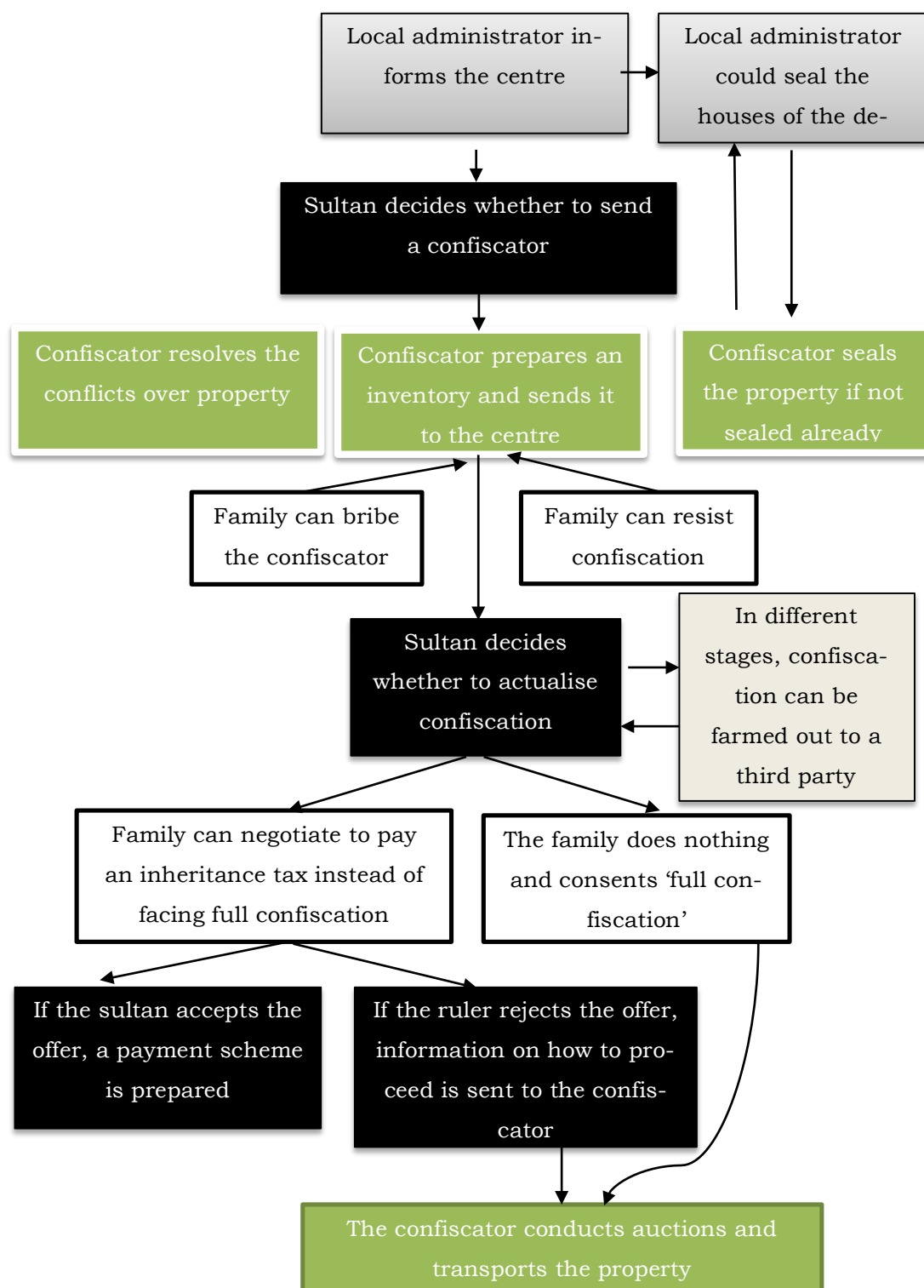
The next chapter will analyse short-term and long-term strategies of families to protect their property from the sultan. It suffices to say here that the families were not totally voiceless. Apart from negotiation as mentioned above as a peaceful way of resistance, they could also resist against the confiscator or, at the most extreme, even fight against government troops. The use of violent resistance was rare, however. Mostly, they simply consented to confiscation by doing nothing. The decision to consent was arguably based on power asymmetry between the central government and these families as well as on the expectation that resistance would have highly reduced the probability of obtaining future grants, if not eliminating it. There were many families that managed to stay economically and politically powerful despite having been hit by confiscation several times.

In case the outcome in the second stage was partial or full confiscation, the next step was the method of transfer of the property to the treasury. The confiscator was usually informed about the procedures to follow, mainly regarding which assets to sell on the spot and which ones to send directly to Istanbul. Relying on the location of the wealth, transportation could be either overland or sea. Occasionally,

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those whose wealth was seized and the other being his chamberlain. This document is a debt contract in which the family members pledge to pay the inheritance tax. C.ML 11/480 (20 February 1821 (17 Cemaziyülevvel 1236)).

**Figure 4.1:** The Narrative of the Process of Müsadere Visualised



some assets were loaded to passing ships to reduce costs of transportation. The confiscator was sometimes ordered to transport some assets, usually munitions, to warzones instead of to the capital city. In

case of auctions, there were additional remunerations *dellalliye* paid to criers (*della*). After the transportation, the case was permanently closed unless any complaints concerning the ownership status of confiscated assets emerged or any concerns regarding cheating or hoarding arose.

Until this point, this section has provided a summary of how state confiscations were enforced in the Ottoman Empire in the long-eighteenth century. The process was complex and taken with great care by the central authority. To add some historicity to this narrative, the following sub-section deals with a case study of the enforcement process.

#### 4.1.2 The Case of Fethullah Ağa, the Notable of Antakya, and his Family

Fethullah Ağa was one of the local magnates of Antakya (Antioch) in mid-southern Anatolia between 1763 and 1782. During this period, he served as the intermediary tax farmer of Antakya (*mültezim*), the deputy governor of Antakya (*voyvoda*) and took an active part in the management of religious foundations.<sup>253</sup> His father, Kara İbrahim Ağa, was also the ayan of Antakya, and held his loyalty to the central state. In the first ten years of this period, he followed the footsteps of his father and won the central government's trust by his loyal service especially in terms of the readiness of his military contributions.<sup>254</sup> Because economic power was an important element of remaining in these offices for longer periods, like many local elites, Fethullah Ağa also attempted to acquire wealth via oppression of subjects, corruption and infraction of rules. This is at least what is told by the sources produced

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<sup>253</sup> While the main task of a voyvoda was to collect taxes in the seventeenth century, it turned into an office of district administration including such duties as provisioning of the city and the army, security of war and trade roads and inspection of tax collection. Voyvodas were typically chosen from the notables of provinces and districts in the eighteenth century. Kemal Kaya, "Tanzimat'tan Önce Belediye Hizmetleri Ve Voyvodalar," *Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Dergisi (OTAM)* 26, no. 41 (2007).

<sup>254</sup> Ülkü Tecimen, "Antakya Ayanı Hacı Fethullah Ağa Ve Ailesi" (Süleyman Demirel University, 2013), 64-88.

by the state. The events that led to his execution and confiscation of wealth were associated with local competition over state resources. Fethullah Ağa was not happy with the appointment of a certain Hacı Şerafeddin Ağa as the voyvoda of Antakya. Apparently, Şerafeddin had killed his father too. Upon the death of his father, he increased his oppression over the subjects to make more wealth for himself, which was critical to protect his power in the region. In terms of his corruption, he is said to have embezzled some 80,000 kuruş sent to him to purchase cereals.<sup>255</sup> Due to the complaints from the local community, he was first condemned with capital punishment and then pardoned in 1777. However, he later turned into a local bandit with his armed men and started a rebellion against the central state. He was finally executed in 1782.

**Table 4.2:** Inventory of Fethullah Ağa's Wealth Excluding Immovables (Kuruş)

Personal Estates	19,572
Debts Owed To	3,423
Debts Owned By	20,992
Net	2,003

**Source:** (Tecimen 2013)

In early 1783, a certain Sipahi Ömer Ağa was tasked as the confiscator of the wealth of Fethullah Ağa. The confiscator prepared an inventory and sent it to the capital. The summary of the inventory was as shown in table 4.2. His net value was calculated as 2,003 kuruş after deduction of debts owed by him to other people from the value of his personal estates and debts owed to him. This was a collective confiscation, however, as he was joined in rebellion by his nephew Süleyman Ağa and his accomplices. Their wealth, which was of less value, was also recorded for confiscation.

<sup>255</sup> Ibid., 90-95.

**Table 4.3:** Confiscation of the Wealth of Fethullah Ağa of Antakya and his Family

<b>Targets of Confiscation</b>	Hacı Fethullah Ağa, Süleyman Ağa, some of Fethullah's men and İsmail Ağa.
<b>Time</b>	1783-1792
<b>Reason</b>	Oppression of subjects, embezzlement, rebellion.
<b>Sultan(s)</b>	Abdülhamid I (r. 1773-1789), Selim III (r. 1789-1808)
<b>Confiscator(s)</b>	Sipahi Ömer Ağa, Habeş Ali, and Ali.
<b>Resistance</b>	Yes, by İsmail Ağa, the nephew of Fethullah Ağa.
<b>Net value</b>	Fethullah: 2,003+88,761
<b>Outcome</b>	First: Inheritance tax (15,000 out of 25,000 paid) Second: Full confiscation

**Source:** See cited documents.

This inventory as depicted was not the end of the first stage of the process. One of the nephews of Hacı Fethullah, Hacı İsmail Ağa, played a key role during the enforcement process. He first resisted the confiscator Ömer Ağa and did not follow the orders of the government by refusing to return his uncle's immovable property to the central government. Therefore, the above inventory excluded immovables. In due time, İsmail Ağa and the centre reached an agreement on the payment of a certain 25,000 kuruş to the treasury to buy his uncle's inheritance. Seven thousand five hundred of this amount was to be paid in three months and the rest in two instalments.<sup>256</sup> The intention of the centre

<sup>256</sup> AE.SABH.I 65/475-1 (30 September 1785 (26 Zilkade 1199))

was, using the language of the sources, to ‘silence the debtors,’ meaning to pay the debts his uncle had owed.<sup>257</sup> Despite this agreement, the confiscator managed to obtain only 15,000 kuruş paid in two instalments. Many warnings to pay the remaining amount went unanswered while İsmail was turning into a rebel against the state.

The process of confiscation of the wealth of Hacı Fethullah and his family was quite lengthy and probably costly too. It took some ten years to finalise the process. Some of this lengthy duration derived from the attempts to make the debtors pay, yet the actual process was active for at least five years. We see three different confiscators tasked with the confiscation. Ömer Ağa, who had prepared the first inventory, was dismissed for his inability to deal with this difficult mission. The second confiscator, Habeş Ali Ağa, exchanged many detailed letters with the central government, reporting what was happening. In some of them, he insisted that because he was engaged with this confiscation for some two and a half years during which he resided in Antakya and was not yet paid any commission, he was going bankrupt. He wrote, for example, that ‘despite all [his] efforts and exertions and homesickness due to our stay here for two years,’ he was not paid anything and was in dire need of money.<sup>258</sup> Habeş Ali was later ordered in September of 1785 by the sultan to send the remaining amount before June of the next year.<sup>259</sup> He and the judge of Antakya were even warned in a manner which accused them of ‘neglect’ and ‘toleration.’<sup>260</sup> Based on the letter of the confiscator, when İsmail Ağa was just about to make the payment of 10,000 kuruş, he apparently killed Amanzade Mustafa Ağa. This homicide reflects the nature of competition over state resources because Amanzade was one of his rivals, a notable of Antakya who was

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<sup>257</sup> AE.SABH.I 65/475-3 (6 September 1785 (2 Zilkade 1199))

<sup>258</sup> AE.SABH.I 66/4604-3.

<sup>259</sup> AE.SABH.I 65/475-7.

<sup>260</sup> AE.SABH.I 66/4604-2 (25 March 1785 (14 Cemaziyülevvel 1199)).

also the commander of Janissaries and a tax collector. After the homicide, İsmail Ağa fled to Hedjaz.<sup>261</sup>

Following his escape, Habeş Ali was ordered to prepare an inventory of the wealth of İsmail as well. But, in the meantime, the centre appointed a new confiscator also called Ali, and this time from the central administration.<sup>262</sup> The newly appointed confiscator was requested to collect the debts owed to İsmail Ağa.<sup>263</sup> After selling İsmail's assets in an auction, Ali sent some 6,000 kuruş to the treasury and the rest was used to clear the debts. With the escape of İsmail, the immovables of Fethullah Ağa were also sold at the value of 88,761 kuruş.<sup>264</sup>

What is also important in this story is that due to the rebellious and disloyal actions of İsmail, one of the documents includes a striking statement. The sultan wanted 'either [İsmail] or one of his sons or men shall never again be the commander of Antakya and not even set foot on this city anymore.' This clearly means that the family would be devoid of any future grants and privileges and, even worse, would not be able to live in their hometown any longer.

Before proceeding, it must be noted that this process did not apply to some confiscations that were outsourced to the elites in the region. At least a few of them became confiscation specialists. Allow me to analyse this outsourcing later in the chapter. In the present section, I provided an overview of the enforcement of confiscation. Figure 4.2 gives a simplified version of it. As it is shown there, it is merely a bunch of actions. The next section enriches this analysis by explaining how these actions transpired within a game theoretical framework.

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<sup>261</sup> AE.SABH.I 65/475-3 (6 September 1785 (2 Zilkade 1199)), AE.SABH.I 65/475-6. AE.SABH.I 66/4604-3 (25 March 1785 (14 Cemaziyülevvel 1199)).

<sup>262</sup> AE.SABH.I 65/475-6.

<sup>263</sup> AE.SABH.I 65/475-7.

<sup>264</sup> Tecimen, "Fethullah", 169-170.



## 4.2 Müsadere under the Revenue-maximisation Assumption

Why did the observed forms of behaviour transpire in the practice of müsadere? This question strays from the driving forces of confiscation in that answering it requires a more interactive approach. In doing so, this section provides a context-specific model, employing extensive form games. The use of extensive form allows capturing the sequential nature of strategic interactions observed in the müsadere processes, meaning that players often moved after observing the move of the player who previously moved.<sup>265</sup> Because my purpose is to highlight the role of politics in the following chapters, it is kept constant here while an extended version of rationality is presented later in this chapter and in the next chapter. There is also no need to include organisations in the games presented here. The single organisation involved in the process, which was the bureau of confiscation in Istanbul, was devoid of significant capacity to change how the game was played. One reserve to this, which will be detailed in the next chapter, is that the provincial families can be considered as a type of organisation. As the thesis evolves, I consider certain auxiliary transactions linking the central transaction between the sultan and the family.<sup>266</sup> What is taken as endogenous, on the other hand, is incentives of players. Each player tries to maximise his monetary payoff. Next chapters will show how changes in certain variables of politics can alter the outcome of the confiscation game.

The game presented in figure 4.2 is a game under the revenue-maximisation assumption. It has two players, sultan *S* and family *F*. These economic agents attempt to maximise their utility by not considering political costs and benefits of their actions. In other words, the players are short-sightedly concerned about monetary payoff alone.

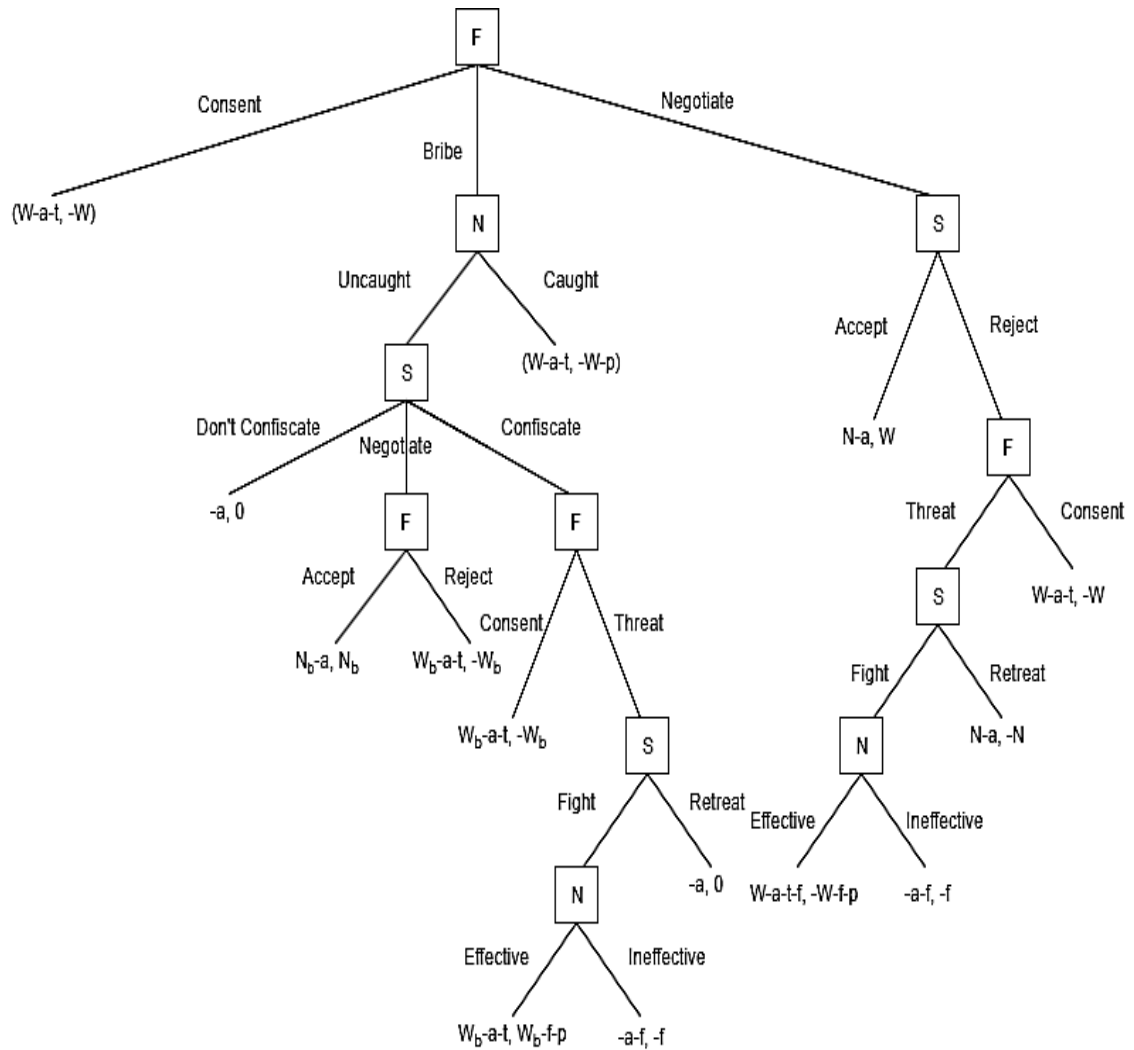
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<sup>265</sup> This section is motivated by Greif's call for the use of game theory for a better understanding of strategic interactions in economic history. Avner Greif, "Economic History and Game Theory," in *Handbook of Game Theory*, ed. Robert J. Aumann and Sergiu Hart (Amsterdam: North Holland, 2002).

<sup>266</sup> Greif, *Path to the Modern Economy*, 360-361.

Two related assumptions are also made to reduce the game of müsadere to two players: (1) revenue-maximising local administrators immediately seal the property after the game starts, (2) the family knows this fact, the revenue-maximising confiscator accepts their bribe; that is, he is not honest.

**Figure 4.2:** Müsadere Game Under Revenue-Maximisation Assumption



**Notes:** F: Family, S: Sultan, N: Nature

This context-specific game is designed as a one-shot game, which means that no further games will be played between the same players. Although this was indeed the case for most families faced confiscation for only once, it does not mean that they have not learnt an-

anything from earlier games played between the sultan (and other sultans) and other families. The players have perfect information, that is, each player knows the events that previously happened. Because both players know each other's incentive structure, the game in figure 4.2 is a dynamic game with complete and perfect information.

The game in the figure starts with the family's move since the previous move of the sultan whether to send a confiscator is a one-player game, which makes it a decision without much strategic interaction. This move is about the sultan's decision based on expected costs and benefits of confiscation. The only strategic interaction that could happen before the confiscator is sent is the case of negotiation, in which the sultan makes an offer to the family to pay inheritance tax that the family could either accept or reject. It is not necessary to detail this sub-game here as it is the same as the second-stage game of negotiation which I shall mention below.

On those notes, we can begin to analyse the game. The second stage of the process of confiscation is where the actual game presented in figure 4.2 begins. It starts with the family's move of responding to the action of the sultan to dispatch a confiscator. Now consider that the family consents to the confiscation of the wealth of the deceased denoted by  $W$ , in which case the game is kept short with full confiscation. In this case, the sultan incurs agency costs of  $a > 0$ , and transport costs  $t > 0$ . The payoffs are allocated as such:  $W - a - t > 0$  for the sultan, and  $-W$  for the family.

Before examining the family's move of bribing, consider the situation in which the family offers a deal to the sultan. The offer can either be accepted or rejected by the sultan. If he accepts the offer, the payoffs to the sultan are  $N - a$ , where  $N$  denotes negotiated value or inheritance tax paid by the family in lieu of confiscation. The family's payoff in the case of acceptance is  $-W$ . If the sultan rejects the offer and decides to confiscate, the family chooses whether to threaten with the use of violence or to consent. By consenting after rejection of its

offer, the family gets  $-W$ , while the sultan receives  $W - a - t$ . If the family signals to threaten him by certain forms of violence, the sultan moves again by either fighting or retreating. If he fights, it is 'nature' moving this time.<sup>267</sup> Nature determines here the probability of winning. Based on the archival evidence of such conflicts, which can also be seen in the above case study, I assign an approximate probability of winning of 90 per cent to the sultan and 10 per cent to the family. If the sultan ends up winning the fight, his payoff is realised at  $W - a - t - f$ , whereas the family's is at  $-W - f - p$ . The symbol  $f$  here denotes fighting costs for both players. If he fails to repress the family, the payoffs are distributed as follows:  $N - a$  and  $-N$  for the sultan and the family, respectively. If he decides not to engage in conflict for some reason, the sultan retreats in which case his payoffs are  $N - a$ , whereas the family's payoff is  $-N$  where  $N$  denotes the negotiated value of inheritance. One word of caution here is that it is assumed, to simplify the model, that the process of negotiation included only one offer. In fact, there could be more than one round, in which  $N$  would increase in every additional round to the point that the sultan was satisfied.

It was also common knowledge that the family could offer a bribe to the confiscator. As stated above, the game assumes that the confiscator, as a revenue-maximising individual, will accept the bribe and this information is known by the family. However, the model should be sensitive to whether bribing was caught or not by the sultan. As it will be shown later, we need to assign a high likelihood to the case in which it was not caught. If it was caught, which I assign a chance of 10 per cent, the family is generally subjected to the cost of punishment denoted by  $p$ . In this case, the payoffs are  $W - a - t$  for the sultan and  $-W - p$  for the family. If it goes uncaught, though, the game becomes more complicated. In the case of an uncaught bribe, the sultan has three potential moves, which are no confiscation, negotiation and confiscation. The case of no confiscation is simpler because the game

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<sup>267</sup> Nature is a hypothetical player in game theory with no strategic interests in the game.

would end with payoffs of  $-a$  and  $-b$  where  $b$  is the value of the bribe given to the confiscator. If the sultan offers a deal to the family, it can be either accepted or rejected. If it is accepted, the sultan gets  $N_b - a$ , where  $N_b < N$  represents the negotiated value in the case of unnoticed bribing over a net value underreported by the confiscator. The family's payoff from negotiation under uncaught bribing is equal to  $-N_b - b$ , which is higher than  $-W$ . If the sultan decides to confiscate in the case of uncaught bribing, the family moves by either consenting or threatening him with fighting. In the case of the family doing nothing, the sultan obtains the payoff of  $W_b - a - t$  and the family receives  $W_b$ , where  $W_b$  is equal to  $W - b$ . Similarly, once threatened by the family, the sultan decides whether to fight or retreat. If he chooses to retreat, the payoffs are  $-a_2$  for the sultan and 0 for the family. Military conflict pays off depending on their military strength. With the same logic used above, I assign probabilities of winning of 0.9 and 0.1 for the sultan and the family, respectively. If the sultan effectively represses, his payoff is  $W_b - a - t - f$ , while that of the family is  $-W_b - f - p$ . If repression proves to be ineffective, respective payoffs are  $-a - f$  and  $-f$  respectively for the sultan and the family.

What would be the equilibrium of this game where neither player can be better off by changing their strategy? For this, it is necessary to solve sub-games first. The game ends if the family consents, and thus there is no sub-game. To solve if there is equilibrium in the bribe and negotiate moves, I refer to some findings from my archival research. I have calculated that the negotiated value, on average, is equal to 60 per cent of the net value of wealth:  $N = W * \frac{3}{5}$ . Average agency costs were calculated to be around one tenth of the net value of wealth,  $a = W * \frac{1}{10}$ . Not much information is available regarding the value of  $t$  in the sources and it is highly dependent on distance. Using backward induction, in the final possible node of the bribe move, nature is very likely to choose effective repression. Knowing this, the sultan plays fight to better odds. Aware of the fact that he will play fight and win, the family

plays consent in the previous sub-game to avoid the costs of punishment. Before we proceed to the sultan's move, we need to explain which action the family will play if the sultan decides to make an offer. The family will accept the offer as it is partial confiscation, which is, for the family, better than full confiscation which would occur in the case of rejection. Knowing that his offer will be accepted, the sultan decides among three alternatives: no confiscation, inheritance tax and confiscation, paying off  $-a$ ,  $N_b - a$  and  $W_b - a - t$ , respectively. Given these payoffs to the sultan, it is straightforward that 'no confiscation' is strictly dominated by the other two alternatives. But, as seen below, there is no domination among 'inheritance tax' and 'confiscation.'

$$W_b - a - t > N_b - a$$

$$W_b - a - t > \frac{3W_b}{5} - a$$

$$W_b > \frac{5t}{2}$$

Is there a sub-game equilibrium in the sub-game of negotiation of the family? Using the same logic of backward induction, the sultan will play fight and win. Because this information is already available to the family, it will play consent in the previous game. Knowing this, the sultan rejects the offer, which forces the family to consent. The only equilibrium there is negotiate, reject and consent in which case the family obtains  $-W$ , which is the same payoff as in the consent move. Therefore, it is also strictly dominated by the bribe option of the family in its first move. Thus, the family is indifferent between consent and negotiate moves. This means that the family will bribe the confiscator and the game will end in one of these nodes: (1) bribe-unnoticed-negotiate-accept, (2) bribe-unnoticed-confiscate-consent. Thus, the game suggests that the family will bribe, which will go unnoticed. The sultan will then negotiate or confiscate. If he negotiates, the family accept the offer, while if he confiscates, the family will consent. Whether which one of negotiate or confiscate he will choose depends on the values of

$W_b$  and  $t$ . One important note is necessary. As the information that the family bribed the confiscator is not available to the sultan, he acts as if  $W_b = W$ . The same applies to the negotiated value under uncaught bribing. However, this lack of information does not change the outcome of the game. As the family will choose to bribe anyway, the action of the sultan is the main determinant of the outcome. His action is based on the profitability of confiscation by a cost-benefit analysis of the value of wealth (as perceived by the sultan) and transportation costs. Respective payoffs in two outcomes of the game are presented in table 4.4.

So, if  $W_b > \frac{5t}{2}$ , the sultan will play confiscation; otherwise, he plays inheritance tax. Both strategies are viable depending on the value of  $W_b$  and  $t$ . However, and most importantly, both payoffs strictly dominate the payoff from consent. To put it differently, it is not rational for the family to consent in its very first move under the constraints specified and that it will choose to bribe.

**Table 4.4:** Payoffs in Two Potential Outcomes

Condition/Player	Sultan	Family
If $W_b > \frac{5t}{2}$ (Bribe-unnoticed-confiscate-consent)	$W_b - a - t$	$-W_b$
If $W_b < \frac{5t}{2}$ (Bribe-unnoticed-negotiate-accept)	$N_b - a$	$N_b$

This section has presented the confiscation game as a fiscally driven phenomenon under revenue-maximisation. It has concluded that under this constraint the family would necessarily bribe, and the game would end with either acceptance of an offer made by the sultan, that is inheritance tax, or the family's consent to full confiscation.

Therefore, the issue of bribing requires further attention. The next section gives this consideration and attempts to understand the nature of principle-agent relations in the *müsadere* game.

### 4.3 Principal-Agent Problems

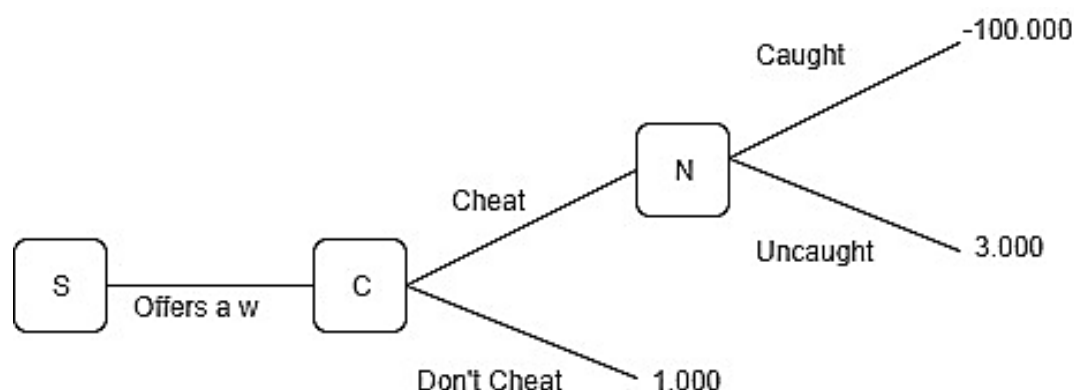
The principle-agent problem, which is the classic problem of political economy, applies here. We can reasonably think of the order given by the sultan to the confiscator, who was his main enforcement agent, as a type of contract. The order was to go to the locality and prepare the inventory by following the instructions without attempting to cheat. Indeed, there are a few reports in the archives of bribing. We should, however, be cautious about this because of the illegal nature of corruption; that is, there could exist some underreported cases. It is worth mentioning that the sultan has taken three measures to prevent such misbehaviour. First, it turns out that the confiscator was being selected with care based on his past conduct. Such a selection would never guarantee honesty on the confiscator's side as it might well be that a confiscator was cheating without being caught. Thus, another mechanism of the process was associated with the fact that the enforcement of confiscation was mostly a joint effort accompanied by local judges and governors.<sup>268</sup> What this implies is that he must have convinced other agents to accept the bribe, which was a deterrent mechanism. Third, there was an unwritten sanctioning mechanism, which can be tracked through the available sources. If the confiscator was caught cheating, various forms of punishment could apply, from being devoid of future offices to capital punishment. Importantly, confiscators knew these potential consequences of their actions.

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<sup>268</sup> The document detailing the responsibilities of Mehmed Emin Bey who was commissioned to confiscate the wealth of *Avcılarlı Hasan* of *Edremid* is a good example. After telling him what to do, it addresses the judge, military and notables of *Edremid*, asking them to help the confiscator in the matter of revealing the property of *Hasan*. C.ML 548/22549 (2 July 1806 (15 *Rebiülahir* 1221)).



**Figure 4.3:** Confiscator's Cheating Dilemma



**Notes:** *S: Sultan, C: Confiscator, N: Nature.*

From a rational-choice perspective, we can think of two additional factors that made bribery difficult. In the first place, if the family offers a bribe to the confiscator, there is an informational asymmetry between the family and the confiscator. That is, the family takes the risk of his being loyal to the sultan. If he turns out to be loyal, he can report it to the centre that can make the family face punishment harsher than property confiscation. Now suppose that the confiscator is not loyal, and he is the one who offers a deal including bribery to the family. In theory, the family is better off by accepting it. The question remains whether the confiscator would make such an offer. The key point is that by accepting a bribe, the confiscator takes the risk of severe punishment mentioned above. Although the likelihood of being caught was low, it was never zero.

Figure 4.3 displays this in a decision tree for the confiscator. This is not a game as it does not have strategic interaction. Since the value of  $w$ , representing wage offered to the confiscator by the sultan for his service, was usually consistent with the value of wealth, especially as it increased with the size of wealth, it is not necessary to consider  $W$  part of the confiscator's payoff. His payoff from being honest is equal to  $w$ . If he ends up cheating, it is Nature that plays the next move to determine if he will be caught or not. Suppose that he will be caught with a probability of 10 per cent and not caught with a probability of

90 per cent. In the case that he gets caught, he pays for cheating perhaps with his life. If so, his payoff from cheating should be a very high negative value.<sup>269</sup> If he does not get caught, the value of bribed money should be added to his payoff, which would then be  $w + b$ . If we intuitively solve this decision tree, we find that cheating is not rational if the probability of being caught is greater than zero. Since it is almost impossible to think of a case in which  $p = 0$ , the confiscator as a rational individual would typically opt not to cheat, getting a payoff of  $w$ . To add some numbers, assume that the real value of wealth is 10,000 kuruş. The value of  $w$  would then be 1,000. He agrees with the family to receive a bribe of 2,000 kuruş, however, in exchange for underreporting the value, say, on 5,000 from which the family will earn 3,000 while the sultan will lose 5,000. In this situation, the confiscator's payoff from uncaught cheating would be  $7,000 \cdot 0.9 = 6,300$ , while it would be  $-100,000 (p) \cdot 0.1 = -10,000$  from caught cheating. If he stays loyal, he will get 1,000. Because he does not have any control over the move of Nature, loyalty will make him better off.

It should be restated that although the surviving sources rarely point to the existence of bribery, some cases that seemingly ended with consent were possible cases of unnoticed bribing from which the sultan's payoff was  $W_b - a - t$ . In any case, the above logic lends support to the behavioural constraints of bribing.

Next consider another scenario of principal-agent relations. That is, if we go to the very beginning of the confiscation process, the sultan was not informed about a potential case of confiscation by the local administrators. Note that unless a complaint reported this, we would never know whether something like this occurred. From a behavioural perspective, however, the local administrator could do so either because he was scared off by the family or because he made a deal with

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<sup>269</sup> The archival sources are very clear in this. Severity of punishment in the case of what they call 'action against the consent of the sultan' which refers to cheating, is always emphasised in mission documents given to the confiscator. Encouragements and sometimes explicit statements to shirking also show its existence among the confiscators. C.ML 548/22549 (2 July 1806 (15 Rebiülahir 1221)).

the family as well. In this case, the local administrator takes a similar risk as the confiscator that he would be better off by loyally informing the sultan. Once he decides to inform, he is a loyal agent and will have no further move to play in the game. So, his subsequent action to seal the property to prevent hoarding reflects not his, but rather the sultan's, incentive structure. Sealing pays off higher than not sealing since the family would have a chance to hide unsealed property, which they would most likely do. This indeed occurred as depicted in the documents ordering the confiscator to make a more detailed search to reveal hoarded property. Sealing, however, must have made hoarding marginal. Now that we have examined two types of principal-agent problems, showing that there was little room for cheating because of the high costs associated with it, we can proceed to explain a specific form of enforcement.

#### **4.4 Outsourcing of the Confiscation Process**

Another observation from the sources of *müsadere* is that the sultans occasionally farmed out the enforcement process to a contractor, typically one of the rivals of the victim's family. Outsourcing was a new practice that arguably emerged in the second half of the eighteenth century. This is quite striking for our purposes mainly because of the terms of such contracts. Note that these were not legal but rather unwritten contracts.<sup>270</sup> Their terms differed but generally third parties offered to pay cash value to buy the rights of confiscation. On occasion, they were also granted offices and privileges held by the deceased or the punished. They hired fiscal experts to manage the complex financial procedures that were involved in these confiscations.

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<sup>270</sup> This institution of delegating confiscating rights to third parties was first noticed by Ali Yaycioğlu in his recent work on provincial elites in the long-eighteenth century. Yaycioğlu, *Partners of the Empire*, 108-109.

What were the respective costs and benefits of outsourcing to these actors? For the contractor, offering to buy the rights of confiscation required possession of ready cash. The wealth portfolio of office-holders and tax farmers shows that many of them did not have such high quantities of money (See: Chapter 6).<sup>271</sup> Those who could pay these amounts were arguably the wealthiest ones with ready cash. For those capable of making a financial offer and of using violence against another powerful family, one of the main benefits of this contract, in addition to revenue gains, was the ability to consolidate their power especially if the individual whose wealth he wished to confiscate was operating in the same region because it would have meant elimination of one of his competitors. However, the risk he was taking was perhaps greater than the risk taken by the government. Like a centrally appointed confiscator, he could face resistance by the family of the deceased and the amount of wealth might not have been as much as he expected. It is important to note that outsourcing typically occurred before the sultan sent a confiscator to the locality. Thus, in a way, both parties acted based on their respective estimated value of the richness of the deceased.

For the sultan, delegation of confiscation rights to a third party could be lucrative depending on some time-specific and spatial factors. For a given time and location, he thought that he would be better off by outsourcing compared to handling it centrally. Since the information on the total sum of the wealth is not available to the ruler at this stage of the game, he would act on a rough estimation of it and, as in the tax farming, accept a deal offered to him that was potentially lower than the estimated value. On the upside, he would avoid sunk costs of sending a confiscator and potential costs of transportation and fighting (in case the family decides to challenge). Perhaps most importantly, this type of outsourcing contributed to the monopolisation of provincial elites whose area of influence becomes bigger when they

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<sup>271</sup> Further evidence to this is given in chapter 6.

eliminate their rivals. The central state would prefer many small dynasties to a few big ones, since monopolisation of resources by big buyers will, in the long run, decrease the share of the sultan in tax revenues. This may explain why a large majority of confiscations was centrally enforced rather than outsourced.

## **4.5 Conclusion**

This chapter has discussed the internal dynamics of the practice of confiscation with a focus on its actors and processes of enforcement. Considering it in the form of several games, it has shown how its actors, namely the sultan, confiscators, local administrators, and families were limited by each other's respective incentive structure. The broad game of confiscation was a game with multiple equilibria as supported by historical evidence. When it is designed as a game assigning revenue-maximising behaviour to the players, there are two types of outcomes both beginning with the family's bribing, though we see rare evidence of this bribery. Although this was partly because some bribing passed uncaught and thus was not reported to the centre, both offering and accepting a bribe was highly risky for the family and the agents. Constrained also by political institutions, the players involved in the confiscation game acted in a way that led to multiple equilibria. While, on one hand, this reflects a certain degree of flexibility from the ruler's perspective, it was also a rational choice given the nature of his relationship with some targets of confiscation. In some cases, for which certain conditions needed to be present, the government outsourced the enforcement of confiscation to third parties who were usually competing for the same resources as the targeted individuals. These unwritten contracts were a win-win situation for their parties, namely the sultan and the contractor.

Using game theoretical reasoning, this section focused on the process of enforcement that started once the sultan was informed by

the local administrator regarding a potential case of confiscation. The use of game theory helped to make sense of certain types of behaviour that transpired in the game of confiscation. It also helped to explain why the confiscation game designed under the revenue-maximisation assumption does not lend support to what has happened. I have also referred to the impact of principal-agent relations to understand why they could not behave in a manner that a short-sighted revenue-maximising individual would act. This chapter did not, however, detail one important element of the game, which is the role of past conduct and bargaining position of the families; that is, how decisions made in the pre-confiscation stage influenced the outcome of the confiscation process. This stage can be called stage zero. The next chapter delves into the relevant sources used to shed light on patrimonial strategies of a powerful family based in central Anatolia. In addition to this link with the next chapter, the present chapter is also linked with chapter 6 concerning the limits of collective action among the targets of confiscation, by arguing that the ability of the families to resist confiscation even at the individual level was limited.

## 5 PATRIMONIAL MANAGEMENT AS A STRATEGY OF CIRCUMVENTING MÜSADERE: A MICROHISTORY

‘There is a *Çapanoğlu* behind this’ is an idiom in modern Turkish, referring to suspicious situations with unobservable factors. Few people, however, would know its origins, dating back to eighteenth-century Anatolia. Rumour has it that an inspector tasked with a fraud case was warned by a colleague of his as follows: “You are in trouble if there is a *Çapanoğlu* behind this! You better leave it well enough!” It is said that the case was immediately closed. There is an intriguing story behind the narration, referring to the power enjoyed by a family called *Çapanoğlus* of central Anatolia in the eighteenth and nineteenth centuries. This chapter is in part a history of the institutional background of this warning.

To place it into the context of the thesis, the chapter examines patrimonial management of provincial elites, who were potential targets of *müşadere*, as a way of circumventing confiscation. By patrimonial management, I mean certain strategies devised to accumulate capital out of state-related resources and transmit it through generations until their end results were reached. Although it was not always successful, greater success in management of provincial dynasties meant more monopolisation and a longer life for the dynasties. It can be said that these power holders were structured around family organisations that were tied not only by kinship but also by profit. This chapter illustrates how the practice of *müşadere* was also used to redistribute wealth from the disloyal elites who failed to play by the rules to the loyal elites who faithfully cooperated with the sultan. In doing so, it presents just another mechanism explaining why property protection was a public rather than private good. Analysing the role of long-term strategies in gaining relative immunity from *müşadere*, this chapter looks at the history of a single family that was among the winners in

relative terms. Therefore, it contributes to the overall theme of the thesis in two main ways. First, it shows how a mutually beneficial relationship was established and served to the purpose of protection of property from the perspective of the targets of *müsadere*. Second, it is complimentary to the last two chapters in terms of explaining previously abstracted details of agency.

The present chapter follows a micro-historical approach in terms of searching for answers to ‘great historical questions’ through smaller objects such as a single event, individual, family or location.<sup>272</sup> In doing so, it is important to choose a relevant microscopic unit of analysis and not to abstract it from its broader institutional and historical context.<sup>273</sup> Micro-historians typically work on outliers, once defined by Eduardo Grendi as ‘normal exception’ or ‘exceptional-typical,’ referring to the idea that few truly exceptional sources can actually be more useful than thousands of stereotype sources in revealing how things worked in past.<sup>274</sup> To follow such an approach, this chapter uses certain qualitative sources such as the correspondence, letters of complaint, imperial edicts, probate records and a travel book. While others have also been used in other chapters, a unique travel book written by Scottish traveller John M. Kinneir (1782-1830) is worth mentioning.<sup>275</sup> His account is quite telling in terms of social life in the family house and includes some insights, although they occasionally seem exaggerated, about the family’s capabilities.

This chapter is structured as follows. In section 5.1, I present a brief history of the family that also explains why it was chosen as the

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<sup>272</sup> Sigurður G. Magnússon and István Szijártó, *What Is Microhistory?: Theory and Practice* (London: Routledge, 2013).

<sup>273</sup> In that respect, Emma Rothschild’s study of the Johnstone family of eighteenth century Scotland has inspired this chapter. *The Inner Life of Empires* is “a new microhistory” in its effort to link a family’s experience of making money and using newly emerging economic opportunities by the use of information to broader debates of mercantilism, laissez faire economics and slavery.

<sup>274</sup> Francesca Trivellato, “Is There a Future for Italian Microhistory in the Age of Global History?,” *California Italian Studies* 2, no. 1 (2011).

<sup>275</sup> John MacDonald Kinneir, *Journey through Asia Minor, Armenia and Koordistan, in the Years 1813 and 1814* (London: John Murray, 1818).



subject of this micro-historical analysis. Section 5.2 looks at the attempts to confiscate the wealth of this family and how the remaining members of the family dealt with these confiscations. Section 5.3 examines the imperial dimension of their sources of bargaining power, i.e. their interactions with the central government. Section 5.4 proceeds to the regional dimension, looking at how they managed the regional politics, namely their interactions with other magnates who were their rivals. Section 5.5 reformulates the theory of *müsadere* considering the findings of this chapter. Section 5.6 concludes with an attempt at evaluating the implications of this micro-history.

### 5.1 Why the *Çapanoğlu* Family: A Concise Historical Background

The *Çapanoğlu* family was the product of a unique historical and institutional context. It was one of the most powerful local dynasties or ‘regional governance regimes’ that rose to political and economic power in the eighteenth century.<sup>276</sup> Like other provincial families, the *Çapanoğlu* family emerged due to the privatisation of fiscal and political resources in the eighteenth century by starting to acquire lesser offices in secondary tax farming markets.

The reasons I have chosen the *Çapanoğlu* family as the unit of analysis are as follows. First, unlike some families that were engaged in trade and commercial agriculture, this family directed their economic activities extensively on fiscal intermediation. This is not surprising because big farms called *çiftlik*s used for commercial agriculture tended to be situated in such regions as western Anatolia, the Balkans and the Black sea coasts that were all proximate to major

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<sup>276</sup> Historical sociologist Karen Barkey uses the term ‘regional governance regimes’ to refer to “the networks of large patriarchal families that established themselves around one or two leaders; developed their resources and influence through multiple state and non-state activities and positions; extended their networks to incorporate clients, whether lesser notables or peasants; and both in their local rule and in their understanding of their legitimacy mimicked the ruling household of the sultan.” Barkey, *Empire of Difference*, 242.

trade routes.<sup>277</sup> Coasts were also more favourable for international trade because of their easy access to markets, while the zone of influence of the family under study was landlocked during much of its history. Central Anatolia was not only distant from ports but unfavourable to the cultivation of high-value industrial products, such as olives, tobacco, and cotton, at the time.<sup>278</sup> Although the family extended its zone down to Tarsus in the eastern Mediterranean, the family members did not seem interested in potential commercial fruits of that region because of their existing sources of income.<sup>279</sup> As evidence will show in the next chapter, the business of governance was the most lucrative activity even for those who resided in coastal regions and despite the high risk of confiscation for those involved. Nonetheless, the reliance of the family solely on primary and secondary tax farming makes its history particularly promising in terms of property security since the fortunes of tax intermediaries were most likely to be confiscated by the central government, and this family seems to have circumvented this threat relatively successfully.<sup>280</sup> Second, as I have stressed in the quantitative analysis, the proximity to Istanbul was another determinant of the power and willingness to confiscate for the central government. In that aspect as well, the family's main zone of influence was not particularly advantageous.

Third, the family's success was significant because it came from a modest background. Historical accounts on the early period of the family are quite scarce. We only have the epitaph of Ömer Ağa, the first known member of the family, who died in 1704. Historians often pointed out that he was the chief of a certain *Mamalu* tribe which was

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<sup>277</sup> Zens, "Provincial Powers: The Rise of Ottoman Local Notables (Ayan)."

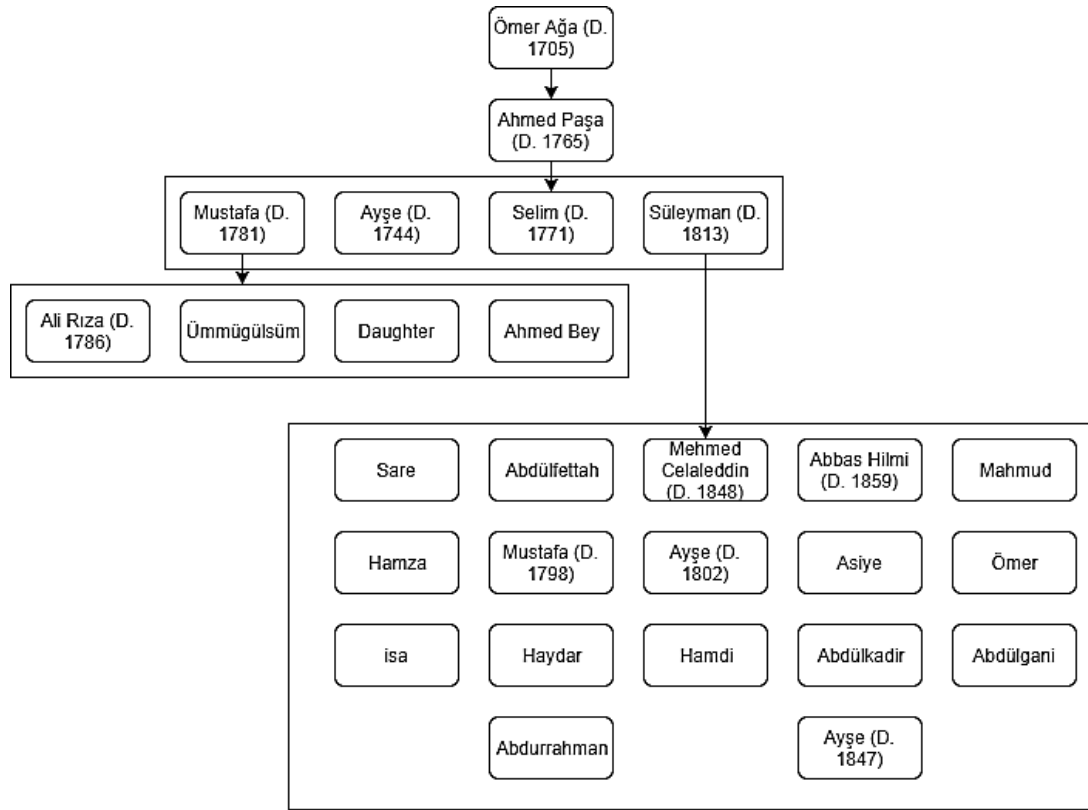
<sup>278</sup> F. Saris, D. Hannah, and J.W. Eastwood, "Spatial Variability of Precipitation Regimes over Turkey," *Hydrological Sciences Journal* 55, no. 2 (2010).

<sup>279</sup> Barkey, *Empire of Difference*.

<sup>280</sup> Halil İnalcık asserts that it was only the long-distance merchants in Middle Eastern societies that 'enjoyed [property rights] conditions, allowing them to become capitalists.' İnalcık, "Capital Formation."

settled by the central state into central Anatolia in 1696 to counterbalance the power of bandits operating in the region.<sup>281</sup> Clearly, starting from the level of tribal chieftom was not a special advantage to the family. Thus, the family must have built its reputation and accumulated wealth nearly from scratch. Despite these disadvantages, the family was one of the long-lasting families, while some lasted a far shorter duration. This longevity and humble beginnings is what makes the family an exceptional-normal case, which would help us to explain the unwritten rules of protection from state confiscation of property.

**Figure 5.1:** Genealogy of the Çapanoğlu Family



**Source:** Reproduced from Mert (1980)

Since the beginning, the base of the family was in Yozgat. Yozgat was a small village when the family settled there, yet it turned into a town of considerable size mostly due to the efforts of the Çapanoğlu

<sup>281</sup> İsmail Hakkı Uzunçarşılı, "Çapanoğulları," *Belleten* XXXVIII, no. 150 (1974).

family.<sup>282</sup> Ahmed Paşa (d. 1765) was the son of Ömer Ağa and seems to be the one who managed to secure a zone of influence in central Anatolia which they were freed from banditry and extortion. In his relations with the government, he built a reputation of trustworthiness and loyalty from his service of elimination of bandits and providing the government with military assistance and food provisioning. To reward such loyal service, he was granted eight official positions between 1728 and 1765.<sup>283</sup> Ahmed's son Mustafa (d. 1783) maintained family power after a three-year interregnum period starting with the death of his father.<sup>284</sup> If a golden age of the family is determined, it was the times of Süleyman (d. 1813) who was the youngest son of Ahmed. Under his leadership, the family's zone of influence reached its greatest extent from central Anatolia to some parts of northern and southern Anatolia.<sup>285</sup> In addition to his own revenue farms in these regions, he managed to establish a large network throughout Anatolia because people who worked with him were also granted tax farms.

The political power of the family was largely curbed after the death of Süleyman in 1813. This was part of the greater centralisation project of Mahmud II (r. 1808-1839).<sup>286</sup> The sultan pursued a decisive, but not necessarily violent, policy against the local elites. For the Çapanoğlu family, it was quite peaceful as they did not resist the centralisation. It was arguably a deliberate choice of the sultan to wait until the death of Süleyman, who was the most influential member of the family. As a result, in 1813, all revenue farms controlled by the family were reclaimed by the centre that appointed salaried state officials to the fiscal and political administration to the family's zones of

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<sup>282</sup> British geographer and traveller John Kinneir, who visited Yozgat in 1813 and was received by the most influential family member, Süleyman, wrote that the population of Yozgat was 16,000 at the time.

<sup>283</sup> Barkey, *Empire of Difference*.

<sup>284</sup> Özcan Mert, *18. Ve 19. Yüzyıllarda Çapanoğulları* (Ankara: Kültür Bakanlığı, 1980).

<sup>285</sup> AE.I.Abdülhamit 1337.

<sup>286</sup> Pamuk, "Fiscal Institutions."

influence. Perhaps also as a strategic move, the sultan kept the strongest member of the family, Mehmed Celaledin Paşa, away from Yozgat by constantly appointing him as governor to cities distant from his hometown.<sup>287</sup> In a way, he was incorporated into the centralised administration. In 1828, he was deposed of the military title of Paşa because of 'his incapability and shirking' and exiled to Tekirdağ in the west of Istanbul where he lived until his death in 1848.<sup>288</sup> After the death of Süleyman, the members of the family other than Celaledin were brought to Istanbul where they were kept under watch by the sultan, while some were honoured with lesser titles.<sup>289</sup>

Although references are occasionally made to other members of the family, the rest of this narrative revolves mainly around the most influential three individuals, namely Ahmed, Mustafa and Süleyman (See: Figure 5.1). The following section concerns the attempts at confiscating the wealth of the family and how the attempts were largely circumvented by the family.

## 5.2 Wealth and Confiscation

Did the family face any confiscation, and if so, how did they handle it? The Çapanoğlu family lived at a time of opportunity as well as insecurity. Their skilful use of their opportunities to circumvent insecurity explains why and how the family managed to keep its power and wealth intact for nearly a century. Despite various attempts at confiscating the wealth of the family members, the heirs enabled relatively successful intergenerational transfer of wealth by conducting negotiations with the central government. These negotiations resulted in either no confiscation or in the payment of a certain amount of compensation. As evidence to what they achieved by not facing confiscations, John Kinneir, who stayed in Süleyman's house for four days in 1813,

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<sup>287</sup> C.DH 2319, 6273.

<sup>288</sup> C.DH 146/7263 (21 May 1829 (17 Zilkade 1244)).

<sup>289</sup> C.DH 3394, C.SAR 2597.

reports that “His wealth in jewels was generally believed to be immense.” He also noticed that “In countries where private property is insecure people are naturally inclined to invest their fortunes in diamonds and other precious stones, which, on any reverse of fortune, may be easily concealed or carried away.”<sup>290</sup>

**Table 5.1:** Items of Ahmed Paşa’s Inheritance Confiscated

<b>Introductory protocol:</b>	
In accordance with the imperial order to confiscate cash, it is the inventory of jewellery, housewares, cereals, and animals of the murdered deputy governor of Bozok (voyvoda), Çaparzade Ahmed Paşa:	
(1) Those properties in his house in Yozgat, and those hidden in various places sealed with the signatures of Feyzullah Paşa, the governor of Sivas, and the surrogate judge of Yozgat.	
(2) Those cash and wares that the deceased has taken together with him when he escaped, and were returned after his death by his son Mustafa Bey and Mustafa’s chamberlain Osman.	
(3) Those cash and wares found in a chest escaped by his wife Ayşe Hatun to a village called Perçem and returned after a certain Emin reported her.	
(4) Those jewellery and wares belonging to his wife Ayşe, his daughter Ayşe and his son Süleyman.	
(5) Those cereals and animals of the deceased found in 118 warehouses in Yozgat and various villages.	
<b>Confiscated Assets</b>	
Big emerald ring	1
Shield	1

<sup>290</sup> Kinneir, *Journey*.

	Guns and daggers	6
	Silver belt	2
	Two-headed silver belt	4
Items to be sent to Istanbul	Silver stick	6
	Silver flag tail	3
	Silver flag ensign	1
	Silver axe	6
	Tail with silver ball	3
	Turcoman flag with silver ball	1
	Golden dagger with one emerald six demantoid stones at its top	2
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Items to be auctioned	Horse	27
	Horse under joint ownership	16
	Wheat	16,242
	Barley	1,839
	Corn	150
	Chick pea	125
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**Source:** (Polat 2015)

The first attempt of confiscation involved the inheritance of Ahmed after his execution in 1765. Execution for political reasons had

often been accompanied by confiscation.<sup>291</sup> The cause of his execution was a rumour that he was collecting illegitimate taxes, a rumour probably circulated by his rival Abaza Mehmed Ağa. Abaza Mehmed was later tasked with the confiscation of the wealth of Ahmed together with another rival of Ahmed, Zaralızade Feyzi Paşa, who was a member of the Zaralızade family of the neighbouring city of Sivas.<sup>292</sup> Upon Ahmed's execution, two main revenue farms held by Ahmed, namely the farm of the sub-province of Bozok and of the Mamalu tribe, were taken back from the hands of the family. In the meantime, his eldest son Mustafa fled to Crimea by taking 45,000 kuruş from the inheritance of his father, while his other sons Selim and Süleyman went to Istanbul to negotiate their demand that tax farms entitled to their father stay with the family.<sup>293</sup> The central government, however, sent them back to Yozgat on the grounds that their absence from Yozgat was inspiring a lack of authority there and even ordered Abaza Mehmed Ağa not to let them leave the town again.<sup>294</sup> Their demand to get the farms back was fulfilled only after a three-year interregnum period. It is understood that the family members tried to conceal some property from the confiscators. The governors of the neighbouring cities where Ahmed Paşa possessed property and animals were ordered to be further searched. However, these orders have remained inconclusive.<sup>295</sup> Although the initial order was to fully confiscate his wealth, most of his property was eventually left to the family members, including his real estates. Most importantly, the centre did not touch the tax farms that were in possession of Ahmed Paşa's sons.

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<sup>291</sup> Mumcu, *Osmanlı Devletinde Siyaseten Katl*. Yaycıoğlu, "Wealth, Power and Death."

<sup>292</sup> C.ML 23566. Ahmed Paşa had survived through one of these public complaints sent to the imperial centre. The complaint letter included similar complaints regarding oppression. In this case, we see that the issue was taken to the court of Gemerek under the observance of an agent sent by the central administration. Ahmed was later cleared of the accusation due to the positive testimony of some people and lesser elites. Possibly, these witnesses were threatened by Ahmed. But there are also reasons to think that these people were either happy with his rule or were in his network and thus benefiting from it.

<sup>293</sup> C.ML 747.

<sup>294</sup> C.DH 152/7576 (17 August 1765 (29 Safer 1179)).

<sup>295</sup> Serkan Polat, "Çapanoğlu Ahmed Paşa'nın Muhallefatı," *Tarih Okulu Dergisi*, no. 24 (2015).



The items of Ahmed's wealth registered for confiscation were as depicted in table 5.1. This shows that those items ordered to be transported in kind to Istanbul were munitions. This was typical for many other confiscations. Animals and cereals of Ahmed Paşa were asked to be sold in an auction to be held in Yozgat. The rest of the inheritance mostly remained with the family. Therefore, this confiscation included only a small fraction of his assets. In addition, the table does not give any sense that Ahmed Paşa was engaged with trade. He does not even seem to be interested in moneylending like other local elites. The only economic activity other than tax farming with which he was engaged was small partnerships in animal husbandry. However, these animals were raised most likely for family use only.

The inheritance of Selim, one of the sons of Ahmed, was also initially confiscated in return for his debts to the state. The central state, however, preferred to leave it to the heirs of Selim on the condition that they pay 10,000 kuruş to the treasury.<sup>296</sup> Another turning point in the family's history was after the assassination of Mustafa by his slaves. At the time of Mustafa's death, his brother Süleyman was in Istanbul. In the meantime, one of the retainers of Mustafa, Gürünlü Mustafa Ağa, sent a letter to the capital, requesting that the sub-province of Bozok be granted to Mustafa's fourteen-year-old son, Ali Rıza. In his letter, he mentions Çapanoğlu Mustafa as someone who was not interested in animal husbandry but possessed big farms. After mentioning that his master Mustafa was known for his giving cereals to the needy and constructing mosques and bazaars, he stated that if Ali Rıza was granted the office, he would serve the imperial centre with as much effort and loyalty as his father.<sup>297</sup> Despite this request, Süleyman proceeded by offering a deal to the central government for him to pay 1,980,000 kuruş in exchange for Mustafa's inheritance and the deputy

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<sup>296</sup> C.ML 22621.

<sup>297</sup> AE.SABH.I 15/1333 (6 April 1789 (10 Receb 1203)).

tax collectorship of Bozok. Sultan Abdülhamid I (r. 1774-1789) wrote of the incident as follows:

My vizier, we are not in a position to say that there was no property of the deceased and agree with his sons and brother on a certain amount of compensation. It is said that he owned only 20,000-30,000 purses [10 million-15 million kuruş]. The reality is that this one is not like others who died before. He was a brutal oppressor. His subordinates will of course hide the property unless they were ordered to unearth.<sup>298</sup>

**Table 5.2:** Confiscation Attempts for the Çapanoğlu Family

Name	Year	Justification	Outcome
Çapanoğlu Ahmed Paşa	1765	Crime	Partial Confiscation
Çapanoğlu Selim Bey	1771	Indebtedness	Inheritance Tax
Çapanoğlu Mustafa Bey	1781	Enrichment by Royal Grant	Inheritance Tax
Abdullah	1801	Affluence (Need of Revenue in Treasury)	Full Confiscation
İlbaşı Ahmed	1813	-	Inheritance Tax
Çapanoğlu Süleyman Bey	1813	Enrichment by Royal Grant	Inheritance Tax
Çapanoğlu Hafize Hanım	1825	-	Full Confiscation

**Source:** See bibliography for data sources.

Nevertheless, Süleyman's offer was accepted after some delay due to the fiscal distress at the time. From this time to his death in 1813,

<sup>298</sup> AE.I.Abdülhamid 1337.

Süleyman never again lost his control over the resources of the region. The same confiscation process also applied to his wealth in 1813. This time, Süleyman's son Celaleddin Paşa pledged to pay 500,000 kuruş to the treasury in three instalments. This offer was accepted, while all the personal estates, except 80 real estates in Amasya on the north of Bozok, stayed in the hands of the family.<sup>299</sup> As mentioned above, the demands of the sons of Süleyman regarding the tax farms of their father became inconclusive due to the ongoing centralisation efforts.

The evidence presented in table 5.2 suggests that the family faced a total of seven confiscation attempts at the zenith of its power. Only two of these attempts ended with full confiscation and these two cases concerned people in the close network of the family, which means that the wealth of major figures was not fully confiscated. This leads to the argument that the Çapanoğlu family seemed to be relatively successful in circumventing the attempts of the centre to confiscate their wealth. The question arising from this narrative is what exactly put the Çapanoğlu family in such a position that the government did not seem willing or able to fully confiscate their wealth. The next three sections seek to answer this question.

### **5.3 Managing 'the Imperial': Relations with the Centre**

The sources of bargaining power of the Çapanoğlu family rested on a mutual dependence they established with the central government, the local know-how of the family and its successful management of intra-elite competition. This section starts by clarifying how they managed their relations with the centre. A document dated to 1786 is quite telling in this respect. Upon the allegations that Süleyman was oppressing the people under him, the sultan asked the opinion of the Grand Vizier how to proceed. While for many others, this could result

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<sup>299</sup> C.ML 10764.

in execution and confiscation, the first part of the response of the Vizier was as follows:

It cannot be said that what is being rumoured about the Çapanoğlu is wrong. But at this time if there is a need of 5,000 and 10,000 soldiers, we have only Çapanoğlus from the dynasties that can send. They were the ones who sent 1,000 soldiers to Egypt and this time 2,000 to the army of Ismail. If they are needed again, they would do the same.<sup>300</sup>

The words of the vizier refer to a type of reciprocity based on the military support in exchange for non-confiscation. The second part of the vizier's answer emphasises the irreplaceability of the family's know-how by a centrally appointed official: 'If a Paşa is appointed to replace him, his influence will not be like that of the Çapanoğlu because of inexperience. That is because he knows the temperament of people. For now, we shall try to warn him by sending a letter.' The sultan responded as follows: "My vizier, it is understood that his execution is not timely. There should be a more appropriate time for it."<sup>301</sup>

As the document clearly stated, one source of bargaining power for the family was its ability to man the army. When asked, their local know-how and networks with townsmen made them capable of recruiting thousands of armed men to join the army. Kinneir writes this as such: '...and it is said that he could master, in the course of a month or six weeks, an army of forty thousand men.'<sup>302</sup> Depending on the nature of the external threat, they were ordered to either lead their troops in person or appoint a commander from their men to lead. The family often passed these missions to the notables of towns in their region of influence and their close retinues. These lesser elites were part of the network of the family in their role as beneficiaries of part of the pie of the family's revenue. When the family pleased the centre with

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<sup>300</sup> Uzunçarşılı, "Çapanoğulları."

<sup>301</sup> HAT 25642.

<sup>302</sup> Kinneir, *Journey*.

timely dispatch of soldiers, its members were granted further titles and sources of revenue.<sup>303</sup>

It is important to note, however, that at least in several occasions, the family did not abstain from overlooking the demands of the sultan. For example, in 1777, Mustafa did not obey the imperial order to go to Baghdad with the requested number of men (2,000) to join a campaign against Iran; instead, he eventually sent only 1,000 men led by a commander as opposed to leading the men personally as ordered.<sup>304</sup> This was a reaction to the government's appointment of his rival, Canikli Ali Paşa, as the governor of Sivas –a city neighbouring Yozgat from the east. Because the Caniklizade family had already been in control of the northern borders of the zone of the Çapanoğlus, this appointment would have meant that the Çapanoğlus were contained by their rival family from both north and east. Although the central government was not happy with Mustafa's act, he was still granted the tax collectorship of Kırşehir (*muhassıl*).<sup>305</sup> Such disloyalties seem to have been tolerated if they were exceptional as in the history of the Çapanoğlus.

Moreover, the family members provisioned the army as well as the capital or functioned as requisition agents.<sup>306</sup> From the mid-eighteenth century to the 1820s, the family was frequently asked to dis-

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<sup>303</sup> During the Russo-Ottoman war of 1787-1792, for example, Süleyman was granted the title of Büyük Mirahur 'to consolidate his power' to recruit soldiers from his region. C.AS 611/25799 (1 January 1791 (25 Rebiülahir 1205)).

<sup>304</sup> HAT 215, 222.

<sup>305</sup> C.DH 13606.

<sup>306</sup> As Mehmet Genç eloquently identified, there were three main principles of Ottoman economic thought: provisionism, fiscalism and traditionalism. Provisionism was an anti-mercantilist policy, encouraging Western imports and discouraging exports to Europe. Ottoman rulers wanted to make sure that everyone would have enough to eat, presumably motivated by the incentive to prevent peasant uprising. Genç, *Devlet Ve Ekonomi*. Particularly important was the provisioning of the capital, of which absence was thought to be a major threat to the survival of the empire. Onur Yıldırım, "Bread and Empire: The Workings of Grain Provisioning in Istanbul During the Eighteenth Century," in *Nourrir Les Cités De Méditerranée Antiquité - Temps Modernes* ed. Brigitte Marin and Catherine Virlouvet (Paris: Maisonneuve & Larose, 2004).

patch such products as grain, pack animals, sheep, meat and potassium nitrate.<sup>307</sup> Some demands were to purchase these goods from their territories and transport the goods to Istanbul. Purchasing could be difficult, as the price paid to the producers by the government was lower than the market price.<sup>308</sup> For instance, in 1803, Konya's potassium nitrate producers, who had been demanding a price increase, sold Süleyman low-quality products as a way of protest.<sup>309</sup> In another instance, Çapanoğlu Osman sent a letter to the centre, explaining the problems he was having in requisition of potassium nitrate. He stated that since the centre was not sending a significant amount of money at once and doing so only in small pieces, the producers of central Anatolia were either producing low-quality potassium nitrate or not producing at all as they did not have enough to buy raw materials and pay their employers.<sup>310</sup> As the centre expected of them, however, the family responded affirmatively to a majority of these demands. Therefore, in 1806, Selim III (r. 1789-1808) wrote to Çapanoğlu Süleyman with regards to grain and meat provisioning in the middle of a war with Russia as follows:

...You are my astute and loyal servant. So, you shall consider my sorrow and send immediately as much provisions and cereal as you can to Istanbul. It is because enemies surround us all at this time. May God crush the enemies of religion and state! You are my only consolation in Anatolia...<sup>311</sup>

In fact, that Süleyman was his only consolation in Anatolia was a word of encouragement because other families such as the Karaosmanoğlus of western and the Caniklizades of northern Anatolia were asked to do the same.

The family's coercive power was also used in elimination of bandits. Banditry was one of the challenges facing the state authority at

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<sup>307</sup> Potassium nitrate is one of the raw materials of gunpowder.

<sup>308</sup> Seven Ağır, "The Evolution of Grain Policy Beyond Europe: Ottoman Grain Administration in the Late Eighteenth Century," *Journal of Interdisciplinary History* 43, no. 4 (2013).

<sup>309</sup> HAT 4513.

<sup>310</sup> C.AS 238/10047 (8 July 1802 (7 Rebiülevvel 1217)).

<sup>311</sup> Uzunçarşılı, "Çapanoğulları."

the time. Comprised of nomads and unemployed mercenaries, bandits were plundering property of rural populations and passing merchants, thereby damaging the tax base. Therefore, preventing the bandits from plunder was a win-win game for the family and the government as both were beneficiaries of state resources. The family skilfully suppressed many banditry activities in the region, which always pleased the centre that was busy to deal with generally small-scale domestic hassles. The motivation of the family to take such initiatives is explained well by an incident from 1766. As mentioned above, upon the assassination of Ahmed, Mustafa had fled to Crimea. However, he was later captured and jailed by Abaza Mehmed Ağa who had played the major role in the assassination and confiscation of the wealth of his father. Somehow breaking out of prison, Mustafa lived with the Mamalu and Köçeklü nomads for a while. While among the nomads, he noticed an opportunity of wiping out a bandit group which was damaging the population through plunder and murder. With the troops that he gathered from the nomads, Mustafa attacked the bandits in 1766, killing almost 800 of them. He then sent some of the severed heads to the capital as proof of his achievement.<sup>312</sup> As a reward for his service of distinction, the government awarded him the tax farm of Mamalu nomads to be shared with his brother Süleyman, while also awarding him the honorary title of *Kapıcıbaşı*.<sup>313</sup> The central government particularly trusted Süleyman with such initiatives. In 1796, when a man named Müftü Abdülhalim was oppressing the populace in the Ayaş district of Ankara with the claim of ayanhood, Mustafa was ordered to go negotiate with him; and if the rebel attempted to fight or escape, to do whatever was necessary.<sup>314</sup>

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<sup>312</sup> AE.III.Mustafa 25565, C.ML 22924.

<sup>313</sup> The title of *Kapıcıbaşı* (literally: chief gatekeeper) was an honorary title granted to provincial elites in the eighteenth century, implying a symbolic bond to the Ottoman dynasty. Antonis Anastasopoulos, "Introduction," in *Provincial Elites in the Ottoman Empire*, ed. Antonis Anastasopoulos (Rethymno: Crete University Press, 2005).

<sup>314</sup> AE.SSLM.III 243/14151.

The late eighteenth and early nineteenth century was a period of reforms. The decisive defeats by the Russians in the wars of 1768-1774 and 1787-1792 had particularly revealed the necessity of military reforms. Selim III introduced a series of reforms known as *Nizam-ı Cedid* (New Order). The reforms included the establishment of a new army abiding by Western standards and a treasury to finance the costs of the army. The establishment of the new system in the provinces required the help of the local elites. Some elites were among the groups of opposition because they thought that the reforms would put their rights and concessions at stake.<sup>315</sup> However, interestingly, some including the Çapanoğlu family backed the reforms from the beginning, not feeling the same fear as other families.<sup>316</sup> Pro-reform families volunteered to supply men and money to the new army in Istanbul and invited military experts to train their own men to bring the new regime into their own zones of influence. This factional setting culminated in anti-reform factions which instigated a coup that toppled Selim III from his throne in 1808. The new sultan was enthroned with a contra-coup by one of the local notables, Alemdar Mustafa Paşa, who agreed to organise an assembly to which he invited representatives from major provincial dynasties. Here, the Deed of Agreement was signed to guarantee property rights protection on the sultan's side and the continuation of support for reforms on the side of elites. Süleyman was one of the signees of the deed. He went to Istanbul with his troops just in case of a retaliatory event.<sup>317</sup>

Even more important was that Süleyman improved his reputation in the eyes of the central government by supporting reforms. Kadi Abdurrahman Paşa, one of the architects of the New Order, was assigned the governorship of Konya where he was going to be responsible for establishing the new regime. His entry to the city, however, was

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<sup>315</sup> Other two groups of opposition were the Janissaries who have felt threatened because of the new army and religious scholars who saw the reforms as secular and evil.

<sup>316</sup> Zürcher, *Turkey*.

<sup>317</sup> C.DH 8417.



prevented by anti-reform factions in Konya in 1804. The governor had to wait for four months outside the city. The centre then asked Süleyman for his help to allow the governor settle in the city. Taking on this task, he sent a representative to Konya to negotiate with the anti-reformists. His arbitration proved successful after the deed of the governor to the people of Konya, stating that they would not be harmed by his reform works. The government thanked Süleyman for protecting 'the honour of both Kadi Abdurrahman Paşa and the sultanate,' while rewarding him the rights of tax collection of Amasya on the condition of instituting the New Order there.<sup>318</sup> In addition, shortly after 1805, Mustafa Celaleddin Paşa, the son of Süleyman, was appointed as the governor of Sivas.

Managing the relations with the imperial centre was an important part of the patrimonial management of the family. The family mostly preferred loyalty in its relations with the sultan, but loyalty was given in exchange for obtaining state resources and relative protection from confiscation by the sultan. The imperial dimension was not the only aspect of patrimonial management, however. The next section deals with the management of the 'local' dimension of their patrimony.

#### **5.4 Managing 'the Local': Networks and Intra-Familial Competition**

In economic terms, we can think of these regional governance regimes as organisations that linked the interests of family members and subordinates. They were organisations that enabled their members to extract monopoly rents. With subordinates and lesser elites, they established a patron-client relationship tied by profit. The relationships with other families, however, were inherently dissonant. Other families were their competitors in monopoly rents. This section

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<sup>318</sup> C.DH 1904, HAT 2037, HAT 12008.

discusses the role of networks and competition in patrimonial management of the elites.

It is necessary to clarify that the concept of family refers to an entity broader than people tied by kinship. The size of the family by affinity would not have been enough to manage the interests of these organisations effectively. The sources mention many individuals who were economically tied to the family. Among these were the retainers of the family, who generally used the family title, as well as lesser elites in the region.<sup>319</sup> For example, tax farming contracts make it clear that people in the family network were also bidding in auctions. An esham contract from 1808 is stimulating in this respect.<sup>320</sup> In that year, the tax farm of İzmir and its surrounding areas was decided to be divided into 32 shares, each of which was valued to yield 2,000 kuruş per year. Half of a share was sold in an auction to Şerife Nimetullah Hanım, who was the wife of the assistant of the representative of the Çapanoğlu family in Istanbul, for 6,000 kuruş.<sup>321</sup> Thus, even someone who was linked with the family so indirectly could afford to pay a reasonable amount of money for a share of a tax farm in western Anatolia. It also demonstrates that major families such as the Çapanoğlu family had a representative in Istanbul to negotiate the rights of the family with the centre. Similarly, one of Süleyman's men purchased a share from the customs tax farm of Istanbul.<sup>322</sup> Although the core zone of influence of the family was central Anatolia, their network extended far beyond that region.

The functionaries of the family were also granted offices in the fiscal system. When a certain Alaeddin Paşa was granted the tax farm

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<sup>319</sup> These people are called *kapı halkı* (literally: people of the gate). The term denotes people who are employed in the outer service of the family and close retainers of the family.

<sup>320</sup> Esham was an improved system of tax farming exercised between 1775 and 1870. It was a kind of domestic borrowing similar to a bond issue. In esham, each tax farm was divided into many shares called *faiz* and sold to individuals. Agoston and Masters, *Encyclopedia of the Ottoman Empire*, 556-557.

<sup>321</sup> AE.SMST.IV 5/375.

<sup>322</sup> AE. SMST.IV 13/960 (26 March 1808 (28 Muharram 1223)).

of Kırşehir, a city neighbouring Yozgat, İsmail Ağa from the personnel of Süleyman was appointed as the deputy tax collector.<sup>323</sup> A striking example of the monopoly power also relates to the network of the family. When the tax collector of Kayseri, a city also neighbouring Yozgat from the southeast, was unable to pay his instalments on time, he was dismissed from the office. The newly appointed tax collector was one of the men of Süleyman, Ömer Ağa.<sup>324</sup> This demonstrates that once the families reached a certain level of economic power, their power to extend their zones of influence could increase exponentially. Once their rivals died or were dismissed for any reason, the family members and retinues were ready to replace them.<sup>325</sup>

For successful patrimonial management, the local elites had to survive through the competition with their rivals over the rents.<sup>326</sup> Cooperation between them, or generally fiscal entrepreneurs, would have put them in a better position against confiscation by the sultan. However, because of the reasons discussed in the next chapter, the outcome was intra-elite competition rather than cooperation. As complementary to the argument of Balla and Johnson regarding the inability of tax farmers to act collectively, I show here the nature of intra-elite relations that could be quite dissonant when their material interests clashed.<sup>327</sup> Although the local dynasties had their own zones of influence, the resources lying at the intersection of these core zones were disputed and constantly shifting between the families. The central gov-

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<sup>323</sup> C.DH 41/2027 (26 March 1803 (2 Zilhicce 1217)).

<sup>324</sup> C.DH 138/6871 (27 December 1798 (10 Receb 1213)).

<sup>325</sup> Another document shows that Süleyman offered deals to those tax farms controlled directly by the centre and whose revenues were going to the new treasury established to finance the new army of Selim III. Per this document dated 1801, tax collection rights of 37 revenue units in Bozok were given to him. AE.SSLM.III 244/14194 (23 November 1801 (17 Receb 1216)).

<sup>326</sup> In the travel book of French archeologist Georges Perrot, the existence of the intra-elite competition is told with direct reference to the Çapanoğlu family. He says that the neighbouring families was jealous of them. Writing his work after the power of the family declined, Perrot also states that the region was much wealthier and people were happier under the rule of the family than under the control of central delegates at his own time. Georges Perrot, *Souvenirs D'un Voyage En Asie Mineure* (Paris: M. Lévy frères, 1864), 380-391.

<sup>327</sup> Balla and Johnson, "Fiscal Crisis."

ernment occasionally intervened in these conflicts either directly or indirectly by using the threat of confiscation which in a way, fostered loyalty and explicitly showed the government's stance.

One of the most well-known inter-family clashes occurred between the Çapanoğlu and Caniklizade families. The zone of the Caniklizades was the Black Sea region in northern Anatolia. To reward his distinctive service in the Russo-Ottoman War of 1768-1774, Canikli Ali Paşa, the prime figure of the Caniklizades, was assigned the rights of tax collection of Amasya in 1772. After the governorship of Sivas, which was also one of the disputed areas between the two families, was given to Canikli Ali Paşa as well, Mustafa protested these grants by refusing to dispatch the requested number of soldiers to Baghdad for the war against Iran. Canikli Ali Paşa was then appointed as the commander of a campaign to Crimea that had been lost to Russia during the war.<sup>328</sup> This appointment came with many offices awarded to his family to finance his expenditures during the campaign.<sup>329</sup> Upon these developments, Mustafa started overlooking the imperial orders such as provisioning of camels to be used for transportation of grains from Sivas to Crimea with various pretexts. He even went beyond this by preventing the dispatch of soldiers and military aids from his own region.<sup>330</sup>

Although this was a risky action, the public opinion created by the fiasco of Ali Paşa in the campaign served the purpose of Mustafa. This was possibly Mustafa's expectation from the beginning. As part of this atmosphere, the people of Amasya sent a public petition to the imperial centre, complaining about the outright confiscation of their property by Mikdat Ahmed Paşa, the son of Ali Paşa. The centre then sent a letter to Ali Paşa to preclude his son from such acts. When Ali

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<sup>328</sup> Rıza Karagöz, *Canikli Ali Paşa* (Ankara: Türk Tarih Kurumu, 2003).

<sup>329</sup> These were the governorship of Erzurum (Ali Paşa), the tax farm of the sub-province of Kastamonu (Ali Paşa), the deputy governorship of Sivas (Mikdat Ahmed Paşa –the son of Ali Paşa– who was then 18 years old), the tax farm of the sub-province of Çorum (Mehmed Bey –the nephew of Ali Paşa). In the meantime, Ali Paşa's elder son Battal Hüseyin was awarded with the honorary title of *Kapıcıbaşı* (Chief Gatemen of Imperial Abode). Mert, 18. Ve 19. Yüzyıllarda Çapanoğulları.

<sup>330</sup> Ibid.

Paşa remained silent, Mustafa intervened by sending a word to Ali Paşa warning him to obey the order. Getting angry for having been warned by a lower-rank person (Canikli Ali held the title of Paşa), Ali Paşa attacked the territories under the Çapanoğlu control. Mustafa's counter-attack, however, proved successful, defeating the troops of the Caniklizades in 1779. Ali Paşa then wrote a letter to Istanbul, asking for the punishment of Mustafa with the mention of his flaws and even his betrayal in the provisioning of grain and camels during Ali Paşa's own Crimean campaign. When his endeavour remained inconclusive, he burnt his bridges by saying first: 'Either you execute him, or I will remove him,' and then, '...hereafter I have no business with the state. I do whatever I want and ruin many lands.'<sup>331</sup> This statement was an explicit rebellion against the state. Therefore, Canikli Ali Paşa was declared an outlaw and dismissed of the title of vizier. In political terminology of the Ottoman Empire, the consequence of rebellion against the state was capital punishment and confiscation of wealth. The government delegated the process of punishment to Mustafa, while sending numerous orders to local notables and administrators in the region to help him. After losing two battles against Mustafa, Caniklizade Ali fled to Crimea. In the meantime, the wealth of the Caniklizade family was confiscated, which shook the family.<sup>332</sup> Although Ali Paşa was later pardoned, the disloyal attitude of the Caniklizades put them in a worse position in comparison to their rivals. In contrast, the Çapanoğlus were never at odds with the centre to such an extent.

The role played by the Çapanoğlu family in the confiscation of Canikli Ali Paşa was not uncommon. As confiscations were lengthy and costly, they were asked for help many times. This was an opportunity for the family, which turned Süleyman into a confiscation specialist.<sup>333</sup>

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<sup>331</sup> MD 178/37-1, MD 178/37-2.

<sup>332</sup> Karagöz, *Canikli Ali Paşa*.

<sup>333</sup> An episode, which does not fit into the main text, is striking. In 1795, Süleyman was asked to help the confiscator commissioned with the confiscation of a certain Mühürdar İsmail of Bozok 'who was

He was ordered at least ten times to confiscate, or to help someone else to confiscate, the fortunes of his rivals or potential rivals. For instance, Hacı İbrahim Paşa, who was the possessor of tax farms of Niğde and Kayseri, lying on the south of the base of the Çapanoğlu family, was sentenced to death in 1793 for illegitimate tax collection. The centre delegated the task of execution and confiscation of Hacı İbrahim Paşa to Süleyman. This was a difficult task but a great opportunity for Süleyman, who apparently had plans to extend his power to the south since the powerful Caniklizades had already blocked his potential move towards the north. He eventually chased and managed to catch his target in a village in upper Sivas (hundreds of kilometres away from the family base). He then prepared an inventory for İbrahim Paşa's inheritance and gave İbrahim's properties to the commissioned confiscator, who then auctioned them. He also imprisoned three of İbrahim Paşa's men. The wealth of Ömer Ağa, İbrahim Paşa's steward, was later confiscated also for making his wealth out of illegal transactions. He promptly benefited from the success of this mission in the form of tax farms of Niğde and Kayseri, and perhaps even more, and which opened for him the southern corridor to the eastern Mediterranean cities of Adana and Tarsus.<sup>334</sup>

The second round of the conflict started when Süleyman was appointed as the governor of Sivas because of his support for the sultan's reforms. Tayyar Mahmud Paşa, the son of Canikli Ali Paşa, who was the governor of Trabzon in northeast Anatolia in 1804, came to Canik, the base of the Caniklizade family, and started recruiting men with the aim of attacking the Çapanoğlus.<sup>335</sup> The central government, not wanting a new hassle back in Anatolia while spending its energy in

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famous with his richness.' This was, of course, no surprise. But the beginning sentences of the document show that the person was actually murdered by Süleyman 'due to his greed for Ismail's wealth.' The document does also warn Süleyman for paying extra attention to the issues of searching and prevention of hiding. Yet it does not say anything about some punishment that could apply to Süleyman himself. C.ADL 25/1528 (2 November 1785 (29 Zilhicce 1199)).

<sup>334</sup> C.ADL 8/521, C.ML 14191.

<sup>335</sup> HAT 7535.

the Balkans addressed a Serbian uprising and Dağlı rebellion, took the province of Amasya back from Süleyman to appease Tayyar Mahmud Paşa and put a centrally appointed official in charge.<sup>336</sup> Still not satisfied, Tayyar Mahmud Paşa occupied the cities of Tokat and Zile which had been under the control of the Çapanoğlus, declaring that he would abolish *İrad-ı Cedid*, the financial source of the New Order. As with Tayyar Mahmud Paşa's father, the government declared him the outlaw, which dictated capital punishment and confiscation. This task was given to the governor of Erzurum, Yusuf Ziya Paşa, and Süleyman was ordered to help him. Soon after Tayyar Mahmud Paşa failed in his attempt to be pardoned, his troops were defeated by the government troops. Upon successfully banishing the 'outlaw,' Yusuf Ziya Paşa was awarded the governorship of Trabzon, which had been formerly filled by Tayyar Mahmud Paşa, as well as the tax farms of the sub-provinces of Canik and Şarkıkarahisar. Süleyman's reward was taking Amasya back.<sup>337</sup>

Süleyman did not want to wait too long to find an opportunity to achieve his ultimate aim to capture the lands of the Caniklizade family. The rebellion by anti-reform factions in the Balkans in 1806 spread soon after into northern Anatolia. Taking advantage of this, Süleyman sent a letter to Istanbul, stating that the people of cities under the administration of Yusuf Ziya Paşa, his former collaborator, were not happy with him. This time, Süleyman proposed that if these places were given to the administration of a centrally appointed tax collector, he would happily establish the New Order there.<sup>338</sup> This proposal was not accepted by the government. Nevertheless, it is quite telling about the intertwining of the 'regional' and the 'imperial' in the lives of the Çapanoğlus. As usual, the rejection of his proposal did not change Süleyman's loyalty to the sultanate. He had already obtained one of the lion's shares from the opportunities created by the reforms. In 1209

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<sup>336</sup> C.DH 14686.

<sup>337</sup> C.DH 14686.

<sup>338</sup> Şahin, "Economic Power."

of the hegira calendar (1794-1795), he appeared as one of the seven major tax farmers, and held more than 3,000 tax farms out of 6,341 by the İrad-ı Cedid treasury, making him the largest tax farmer of the time.<sup>339</sup>

This section has shown that the ‘imperial’ dimension of patrimonial management of the Çapanoğlu family helped the family to increase its monopolisation of the local resources. Given the institutional setting of resource allocation, intra-elite conflict was an inevitable outcome while confiscation was an important part of it. The Çapanoğlu family was one of those families that managed these processes relatively successfully. Losers, on the other hand, were confiscated and severed from state resources at least temporarily.

## 5.5 Incorporating Politics into the Model

How does this narrative change the game played by revenue-maximising players presented in the previous chapter? In the first place, it makes clear that politics and rent-seeking explain why the families were largely willing to accept confiscation of their wealth and why it was a rational strategy to negotiate for both the sultan and the families. The degree of success in patrimonial management strategies was an important determinant of the confiscation policy of the sultan.

The underlying logic behind the politics of *müşadere* was that the targets of confiscation were beneficiaries of state resources, which were allocated mostly based on favouritism.<sup>340</sup> It is true that confiscation was sometimes a form of punishment, say, after military failure of

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<sup>339</sup> Cezar, *Osmanlı Maliyesinde Bunalım*.

<sup>340</sup> A letter of thanks and request sent by the head of the notable of Thessaloniki, Yusuf, provides additional support to this claim. In this letter, he thanks the sultan for leaving his father’s inheritance to the members of the family for some 200,000 kuruş and bestowing his father’s offices to him by ordering the newly appointed governor of Thessaloniki not to intervene with his tax farms. He requests some payment for a certain mission given to him and oaths that his wealth if summed ‘from needle to threat’ would not be enough to cover their expenses. Yusuf then apologises for his apparently disloyal



high-rank officials. An exception could be the case of rebellion against the political authority of the Ottoman dynasty. Although, as it will be discussed later in the study, there was a macro-historical obstacle to their power to resist, I want to emphasise the expectation that remaining loyal would have paid off more than what was lost in the confiscation. Put formally, by consenting the families sacrificed  $W$  revenue at a time  $t$  for a certain  $X > W$  revenue at time  $t + 1$ .<sup>341</sup> While this increased the price of resistance, as shown in the quantitative analysis, the families with high relative bargaining power managed to negotiate with the sultan on payment of inheritance tax.

Bargaining power also partly explains the sultan's decision to offer a deal to the family in the first stage. The other part of the reasoning is that of external factors such as war and distance. The kind of power we refer to here is the distribution of bargaining power between the sultan and the targeted family; that is, the ability to exert influence on each other's decisions. *Ceteris paribus*, it could be rational for the sultan to keep the family in the game by not fully confiscating their wealth for the following reasons. First, the family could be the only family with sufficient economic power to buy fiscal contracts in their region of influence. The Çapanoğlu family is a good example of such monopoly power. Importantly, as this power increased over time with the addition of new areas, it was becoming even more difficult to

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actions during his youth and promises not to stray again from the path of loyalty. This letter was taken by one of his men to the capital and included some 1,000 kuruş, which was the first instalment of inheritance tax. C.ML 300/12183 (15 August 1813 (17 Şaban 1228)).

<sup>341</sup> One of the typical examples of this is as follows. In the document through which I present a transliteration here, the son of Seyyid Ömer Paşa, the former governor of Maraş offers to pay some 100,000 kuruş in exchange for his father's inheritance and offices. 'From the first of the month of Muharrem of 1211 to one year later, the inheritance of my father, the former governor of Maraş, was registered for confiscation. In exchange for payment of 100,000 kuruş to the treasury in three instalments, my father's inheritance, the governorship of Maraş with the honorary title of mirmiran, was given to me. I hereby declare that 33,333 kuruş will be paid when the order reaches me, with the rest to be paid in two instalments in two and six months.' There is another interesting letter affixed with the same set of documents. In that one, the person who wrote it, probably an influential person, states that Ahmed Duran Bey, the son of Seyyid Ömer Paşa, is loyal to the sultan's persona and if the province was bestowed upon him, he will have no difficulty paying the amount he promised to pay. C.ML 505/20531 (5 July 1796 (20 Zilhicce 1210)).

eliminate them. Second, the family could have an integral power network, again as in the case of the Çapanoğlu family. Third, the family could have a local know-how that was absent from their competitors as mentioned by the sultan regarding the family under study. Finally, the family could be so loyally serving the purposes of the central government that a one-time gain from confiscation could not replace the family's service. Under these conditions, it would be too costly for the sultan to cut this relationship or weaken their power as long as they continued to serve these functions and their functions were needed by the central government.

In contrast, the sultan might view the family negatively for various reasons such as potential disloyalty or a poor reputation in the eyes of the state, and thus their elimination would make him better off. In that case, he would be extra-motivated to confiscate their wealth. This is what exactly happened in the case of the Caniklizade family whose wealth was confiscated and whose benefits from the system were temporarily cut. This leads to the argument that we should add to the game of confiscation a political payoff of the sultan and the family. On the side of the sultan, bargaining power of the family mattered in the decision to confiscate, while on the family's side resistance was not necessarily a good strategy against the sultan. In the next chapter, I will give more details on the lack of their capacity to resist but this time from the perspective of the lack of collective action.

This broader and reformulated theory of the müsadere can be best understood within the conceptual framework of *Violence and Social Orders*.<sup>342</sup> North, Wallis and Weingast formulated this framework to understand political and economic development of societies. They identified two types of states: natural states and open-access states.

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<sup>342</sup> Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2013).

Natural states are those in which a dominant coalition of elites monopolise rents by limiting access. In natural states, economics is politics, meaning that “wielding power within the coalition is the critical element in economic success, while the distribution of economic privileges is the key to creating incentives for stable relations within the coalition.” They continue by arguing that “resources can be gained by military success, and within the coalition, resources can be gained by political success.” Their framework captures most of the elements of the political economy behind the *müşadere* practice.

## 5.6 Conclusion

This chapter has shown how successful patrimonial management could make provincial dynasties in the eighteenth-century Ottoman Empire better off in the face of the practice of confiscation. *Müşadere* was a unique and useful tool in the hands of the sultan to keep fiscal intermediaries under control and to redistribute resources by exacerbating intra-elite competition. These functions of it, however, were also subject to the capacity of the state to tax, administer and monitor. Patrimonial management was the combination of strategies of the elites that increased their chance to accumulate wealth out of state resources under the threat of *müşadere*. Their strategies, as in the case of the Çapanoğlu family, could put them in a better position vis-à-vis the sultan in terms of not only a higher level of protection of property and their lives, but also entitlement of offices and grants. ‘The political’ and ‘the economic’ were greatly intertwined in the lives of the Çapanoğlus that helped them to make and largely protect their wealth, originating from their two-dimensional choices and strategies, namely the ‘imperial’ and the ‘regional’ dimensions of patrimonial management.

To conclude, there existed the opportunities of establishing a symbiotic relationship with the central government. Lacking sufficient

military and fiscal capacity, the government's exacerbation of intra-elite competition was arguably a way of political survival and maintenance of social and political order during a period of transition. The willingness of the local elites to win the sultan's favour by fighting the bandits, for example, made not only themselves but also the local population and the government better off. In addition, rather than clashing with any local trouble-makers, the central government used the tool of *müsadere* to let the favoured eliminate the others, thereby increasing the life of the favoured and perhaps succeeding during a period of crisis in this way.

In a broader framework, this story contributes to the global history of economic and political management of aristocracies and elites as well as rent-seeking.<sup>343</sup> Unlike in Europe where aristocracy was regarded as a parasitic class or with little interest in growth-enhancing investments, there was no aristocracy of that manner in the Ottoman Empire. One of the reasons persistently raised in the existing literature was the existence of constant confiscations of property of any groups who were likely to appear as aristocracy. This chapter examined the group that came closest to the concept of aristocracy during the whole of Ottoman history. Provincial elites have not enjoyed strong hereditary rights on their property. Fragility of their wealth structured their relations with the state in a different way. Like European aristocracies, however, they focused their attention on extracting monopoly rents through offices in the form of a 'partnership' as it was called by Ali Yaycıoğlu.<sup>344</sup> The creation of monopoly positions was not entirely under their control, yet when they reached a certain level of local monopolisation they could more easily protect their position by benefiting from their monopoly power.

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<sup>343</sup> Paul Janssens and Bartolomé Yun-Casalilla, eds., *European Aristocracies and Colonial Elites: Patrimonial Management Strategies and Economic Development, 15th-18th Centuries* (Aldershot: Ashgate, 2005).

<sup>344</sup> Yaycıoğlu, *Partners of the Empire*.

The micro-historical approach adopted in this chapter was useful to understand the abovementioned issues. The case of the Çapanoğlu family sheds some light on how things historically proceeded, although it makes no pretension to be fully representative as is the case for studies done through microhistory. It is true that there were apparently families that were less successful in patrimonial management, such as the Caniklizade family. However, the path followed by the family under study was one leading to relative success, if not the singular path to allow for this. It is now necessary to leave the microscope to the side and to take a glance in the next chapter at the macro-historical factors that led to the survival and abolition of the müsadere practice.

**Appendix 5.1** *Excerpts from Kinneir's 'Journey through Asia Minor, Armenia and Koordistan in the Years 1813 and 1814'*

*... His revenue, which was almost entirely derived from a tax on the grain produced in his estates, amounted, on an average, to ninety thousand purses a year, twenty thousands of which it is said were set aside to bribe the ministers of the Sultan. His wealth in jewels was generally believed to be immense; and it is said that he could muster, in the course of a month or six weeks, an army of forty thousand men. He lived in great splendour; his haram was filled with the most beautiful Georgian slaves, and food for three hundred people was daily prepared in his kitchen. I was received by him with politeness and dignity, in a magnificent apartment surrounded with sofas made of crimson velvet, fringed with gold, and opening into a garden of orange trees ornamented with a marble basin and jet d'eau. His countenance was benevolent, and his beard as white as snow; he made me sit close to him, and asked a number of questions respecting Buonaparte, of whom he appeared to be a great admirer. He afterwards demanded where I was going, and what I wanted in that part of the country. I told him I was travelling to amuse myself and I intended to visit Casarea and Tarsus. He replied that, as the road was in many places infested by brigands, he would give me a guard and letters to the governors of the different districts through which I should pass, and on taking leave of him he enjoined the doctor to see that all my wants were supplied during my stay at Ooscat.<sup>345</sup>*

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<sup>345</sup> Kinneir, *Journey*.

### **PART III: AN INSTITUTIONAL ANALYSIS OF MÜSADERE**

## 6 INSTITUTIONAL PERSISTENCE OF MÜSADERE IN THE LONG-EIGHTEENTH CENTURY

Previous chapters have focused on how and under what constraints confiscations were conducted. This chapter shifts to the question why confiscations were persistent throughout the long-eighteenth century. The chapter also looks at the related question of why it was officially abolished in 1839. Concerning the question of abolition, it must be noted at the outset that although confiscation remained a political tool until the end of the nineteenth century, it was never at the same intensity as during the period under analysis.

The chapter puts the relationship between the ruler and his agents into the centre of analysis. In doing so, it argues that given the high costs of investment in state capacity caused by the size and heterogeneity of the empire, confiscation remained the best available policy to survive through the crisis and enabled what I call controlled decentralisation. Potential targets of müsadere, on the other hand, were unable to credibly punish the sovereign because of the high costs of collective action. Regarding the question of abolition, it is argued that the abolition declared in 1839 was more credible than earlier declarations partly due to the diminishing significance of functions of the practice, such as keeping the agents under control, as a result of some advances in curbing their vested interests. The analysis employed here does not deny the role of the nineteenth century modernisation that had generated hostility against such practices of the classical regime. It presents a complementary argument to the role of modernisation.

The method used here is called ‘Analytic narratives.’ Introduced by Bates (et. al), the analytic narratives method seeks to explain historical phenomena with the use of formal lines of reasoning from rational choice theory.<sup>346</sup> Specifically, it requires an iterative combination

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<sup>346</sup> Bates et al., *Analytic Narratives*.



of theory and historical evidence. This chapter deals with two puzzles, namely the survival and abolition of the müsadere practice, namely why the practice of confiscation persisted and became more frequent despite the weakening of the ruler's power and why it was abolished at the time of centralisation. The method is useful mainly because it captures the impact of the institutional environment in addition to that of human agency. Other than building on the findings of earlier chapters, this chapter uses additional evidence on investment preferences of the targets of müsadere and the profiles of bidders in confiscation auctions.

The chapter is organised as follows. Section 6.1 looks at the functions of the müsadere practice from a broader perspective. Section 6.2 offers a narrative highlighting a puzzle of survival. Section 6.3 examines the forces of survival embedded in the institutional design of müsadere. Section 6.4 shifts the focus to general forces feeding the lack of collective action. Section 6.5 tackles the question of abolition while reformulating the theory of institutional survival. Section 6.6 concludes.

### **6.1 A Functional Approach to the Practice of Müsadere in a Period of Crisis, the Long-Eighteenth Century**

This section analyses various functions of the müsadere practice to understand why the confiscation policy was the best available tool to deal with the crisis of the eighteenth century. A functional approach is useful because its functions are the elements that enabled the central authority's continued interest in it. I argue that many functions of müsadere, which served the aims of the central government, be they fiscal, administrative or redistributive, were associated with the low capacity of the Ottoman state. These functions cannot be fully distinguished from each other and were eventually related to the main prob-

lem facing the sovereign, namely how to minimise costs of decentralised tax collection. In this section, I show how these functions interrelatedly kept the sultans' interest intact in exercising confiscations. The focus here is rather on administrative and redistributive functions of *müsadere*, which were indirectly fiscal given the institutional structure, and not on its most obvious but less important revenue-generating function.

In 1695, the Ottoman Empire introduced the life-term tax farming in which tax farms were sold to private contractors under competitive allocation. However, this new system soon ceased to be efficient as it gave way to monopolisation of revenue sources in fewer hands. In other words, the central government was no longer benefiting from the information revelation features of the system. As a result, the state became more dependent on the local elites not only in tax collection but in performing certain military and administrative tasks. After having faced this problem, the centre extended the centuries-old practice of confiscation to these new actors though on a selective basis. To understand why, now consider a low capacity monarchy which is unable to tax, fight and administer without the cooperation of the local elites outside the primary realm of the central state.<sup>347</sup> Thus, if local elites and administrators are too weak, this state lacking that kind of cooperation will collapse under the attacks of its external enemies. If they are too strong, however, they will either dethrone the current ruler or establish their own states, leading to the central state's disintegration. A solution of political survival can be granting a degree of political participation to these elites, but this is, by definition, absent from monarchies. Another solution could be to invest in state capacity towards

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<sup>347</sup> State-elite cooperation was a common phenomenon in the early modern world. For a thorough analysis, see: Jan Gleason, *War and the State in Early Modern Europe: Spain, the Dutch Republic and Sweden as Fiscal-Military States, 1500-1660* (London and New York: Routledge, 2002). Jean-Laurent Rosenthal, "The Political Economy of Absolutism Reconsidered," in *Analytic Narratives*, ed. Robert H. Bates, et al. (Princeton: Princeton University Press, 1998).

more centralised institutions as it precociously happened in eighteenth-century England.<sup>348</sup> However, the costs of such investment, which would have encountered with vested interests of the elites, were much higher in the Ottoman Empire due to the greater size of its territory and heterogeneity of its population. The only viable solution was thus to find an equilibrium level of decentralisation in which the elites are neither too weak nor too strong. The practice of *müsadere* played a key role in maintaining this balance by constantly curbing the elite power to the extent that they could still be useful and allowing the ruler to play them against each other.

In addition, there is a close relationship between the administrative capacity of a state and the use of confiscation as a tool of punishment. The sultans lacked sufficient capacity to implement their policies because of poor monitoring technology.<sup>349</sup> This is closely related to administrative power, which is defined as ‘the extent to which the ruler’s choices and outcomes are influenced by potential defiance by those with administrative capacity.’<sup>350</sup> The Ottoman sultans had their own methods of monitoring the behaviour of their administrators and solving agency problems but these were never effective enough.<sup>351</sup> Seen through the lens of the above definition, administrative power further weakened in the eighteenth century Ottoman Empire because of its increased reliance on tax entrepreneurs, who also held administrative offices, as a result of intensified warfare. This occasionally led to inevitable conflicts between the centre and its administrative agents.

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<sup>348</sup> Johnson and Koyama argue that because of their need for inside credit England and France shifted away from decentralised to cabal tax farming, which made it necessary to invest in standardisation. Noel D. Johnson and Mark Koyama, "Tax Farming and the Origins of State Capacity in England and France," *Explorations in Economic History* 51 (2014).

<sup>349</sup> This was not specific to the Ottoman Empire. For an analysis on early modern China, see: Ma and Rubin, "Paradox of Power."

<sup>350</sup> Greif, "Administrative Power."

<sup>351</sup> Metin M. Coşgel et al., "Crime and Punishment in Ottoman Times: Corruption and Fines," *Journal of Interdisciplinary History* 43, no. 3 (2013).

In the Ottoman Empire, the practice of *müsadere* was related to administrative capacity through one of its functions that is to keep administrators under control.<sup>352</sup> The very existence of *müsadere* (and the accompanying institution of ‘political execution’) was a deterrent factor for unintended behaviour of administrators such as embezzlement and corruption in the absence of effective methods of monitoring agent behaviour. One mechanism was their fear of getting caught. As was seen in chapter 2, nearly half of the confiscations were justified by a crime. The other was that their incentive to gain wealth by cheating the principal was lower in the existence of confiscation as that wealth was likely to be subject to confiscation even if they were not caught.

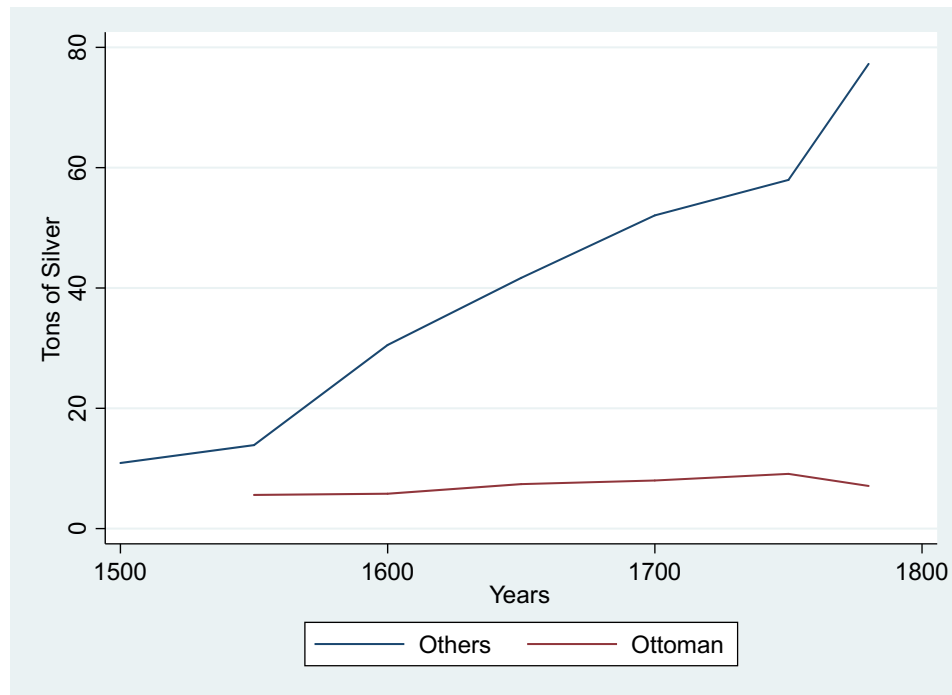
The redistributive function of *müsadere* was that it enabled the state to constantly curb the power and wealth of its agents, which in turn prevented them from building long-lasting patrimonial structures at the expense of the central authority. As was explained in chapter 5, some were relatively more successful in circumventing confiscations, which made them survive longer. However, there were many short-lived families as well and the relatively successful ones ultimately faced the same end in the 1810s and 1820s. This second administrative function of *müsadere* provided a fair amount of redistribution of power and wealth.<sup>353</sup> It is important to recall the emphasis placed in chapter 4 that this was done despite high costs associated with *müsadere*, and these high costs were ironically related to the low capacity to administer as well since the enforcers of *müsadere* were also the administrative officials.

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<sup>352</sup> In China, as emphasised by Rubin and Ma, low capacity to implement policies was a deliberate choice by the sovereign as they preferred to invest less in administrative capacity to tie their own hands from the ability to confiscate. In the Ottoman Empire, confiscations and administrative capacity were linked in a different fashion. Ma and Rubin, "Paradox of Power."

<sup>353</sup> Yavuz Cezar and Suraiya Faroqhi share this view as they briefly mentioned in their individual works. They both state that through *müsadere* the central administration managed to control the provinces in the absence of a modernised army. Yet this view does not seem to have been echoed by others. Suraiya Faroqhi, "Wealth and Power in the Land of Olives: Economic and Political Activities of Mürîdzade Hacı Mehmed Agha, Notable of Edremit," in *Landholding and Commercial Agriculture in the Middle East*, ed. Çağlar Keyder and Faruk Tabak (Albany: State University of New York Press, 1991), 94.

**Figure 6.1:** Ottoman State Revenues in European Perspective (in per capita tons of silver)



**Source:** Reproduced from (Pamuk and Karaman 2010).

**Notes:** The annual revenues per capita for other European states with which the Ottomans were in military competition are presented as the average among them. The states included in the data shown in the graph are England, the Dutch Republic, France, Spain, Austria, Russia and Poland-Lithuania.

However, the sultans faced a trade-off regarding the redistributive function of *müşadere*. Specifically, once local elites managed to hold a certain degree of power, they could survive even longer by somehow bypassing full confiscation through the institution of inheritance tax. Inheritance tax was useful for the sultan for it enabled constant support to be received from the provincial dynasties. Even so, it also harmed the ruler's welfare function in the long run as it led to the monopolisation of resources. Once monopolised, they could send a lesser amount of tax revenue to the centre. The fact that powerful families were given the chance to circumvent full confiscation through inheritance tax, but could not get complete immunity from it, relates to an equilibrium level of confiscation activity among the sultans. This is an

equilibrium in which the sultan inevitably gives a certain level of immunity to the powerful, which leads to power monopolies. Immunity is given inevitably because of the low capacity of the state to fight, to tax and to administer. Figure 6.1 shows that the fiscal capacity of the Ottoman Empire was persistently lower than the average among major states in Europe at the time. Since the Ottoman Empire was in military competition with the states shown in this graph, the graph illustrates the relatively low military capacity of the Empire and thus the increasing number of military failures during the seventeenth and eighteenth centuries.

Taken together, a high capacity state would not need to confiscate the wealth of its people, or to be administrators, tax farmers or others, even considering the lack of formal constraints to their power. The most used definition of state capacity is the capacity to collect taxes and enforce rules, which are two basic functions of a state. This definition indeed covers all functions of *müsadere* as follows. A state strong enough to extract enough revenue from its population would not need extra-ordinary revenues such as those from outright confiscations. Likewise, a state capable of monitoring the behaviour of its administrators with a reasonable efficiency, which was crucial for the enforcement of rules as well as to collect taxes in the Ottoman context, would not attempt to confiscate their wealth upon the administrators' deaths or as arbitrary punishment. Its use as a redistributive mechanism is indirectly related to state capacity. The need for redistribution of power and wealth stemmed from the decentralised structure of the Empire. Contrary to the generally accepted view in Ottoman historiography, the Ottoman state was never centralised in a modern sense. Centralisation-decentralisation dichotomy, however, is more useful when considered in relative terms. Decentralisation was the outcome of the lack of the sufficient organisational and technological capacity to administer a state of massive size. Therefore, the practice of

müsadere was and became increasingly the only viable alternative of survival.

All in all, the ongoing benefits of the Ottoman rulers derived from the practice of müsadere were closely associated with low state capacity. Once it became part of Ottoman politics and was mastered over the centuries, it was of good use in managing the conflictual period of the long-eighteenth century. When the central government ceased to benefit from the competitive tax farming, the practice of confiscation made a controlled type of decentralisation possible, which was an important intermediary system on the way to centralised fiscal system.<sup>354</sup> Given the high costs associated with state capacity investment, this was a viable solution to the fiscal and political problems facing the central government in the long-eighteenth century. Confiscations made a controlled decentralisation possible in a period of transition. This political economy explanation helps us to understand the existence of the practice. That is, it did not exist only for the sake of seizing people's property or simply for financing wars. However, the fact that it existed or that the sultans were continuously interested in it does not completely explain its survival. For that, it is also necessary to examine the other side of the coin, which is the perspective of the targets of müsadere.

## **6.2 The Question of Survival**

### **6.2.1 Puzzle**

This sub-section is a brief narrative of the puzzle of survival of the müsadere practice during the long-eighteenth century. As mentioned in the introduction, state confiscation of a similar nature was a common practice in most pre-modern Muslim states. It arguably became part of the Ottoman system sometime in the fifteenth century

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<sup>354</sup> Nineteenth-century centralisation is used in relative terms. Despite some gains towards centralisation, the central administration continued to rely on tax farmers to a lesser extent until the end of the empire.

and was institutionalised in the sixteenth century. In 1453, Mehmed II conquered the city of Constantinople after which he executed his grand vizier, whom he accused of treason, and confiscated the vizier's wealth. The vizier was also a member of a provincial aristocracy of Turcoman origin, which had played important roles during the process of state building. Execution of the vizier and confiscation of his estates were arguably part of this power politics in the sultan's grand strategy of curbing the power of these families to bring all power under direct control of the Ottoman dynasty. While the following decades saw more confiscations of the wealth of office-holders, Mehmed II undertook a campaign of confiscation directed at the assets of pious foundations starting in 1475, also as part of his centralising reforms.<sup>355</sup>

Although the balance of power followed fluctuating trends during the four centuries that followed, *müsadere* had already entered the political and economic order and remained intact until 1839. It is important to recall a distinction made in the introduction. Confiscations both before and during the eighteenth century had different characteristics in terms of their targeted population, methods of implementation and frequency. They became more numerous and sophisticated, and applied to a new group, namely provincial elites, in the eighteenth century. The previously widespread justification of enrichment by royal grant was used much less frequently. This trend is puzzling since the central government had now delegated more of its power to the periphery, yet the prime targets of confiscation were those new holders of power. Although political institutions allocated all *de jure* power to the monarch in the Ottoman Empire, the elites possessed *de facto* power that derived from their military, economic and political resources.<sup>356</sup>

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<sup>355</sup> Halil İnalcık, "The Rise of the Ottoman Empire," in *A History of the Ottoman Empire to 1730: Chapters from the Cambridge History of Islam and the New Cambridge Modern History*, ed. Michael Cook (Cambridge, New York: Cambridge University Press, 1976), 49-51.

<sup>356</sup> Acemoglu and Robinson, *Dictatorship and Democracy*, 21.



The question is why this power did not translate into collective retaliation against the confiscation of their wealth.

Institutionalists call the point of departure creating a path dependent on stability as a 'critical juncture.'<sup>357</sup> In this respect, the year 1453 was a critical juncture in the history of *müsadere*. The reason Mehmed II, and not the preceding sultans, was able to practice confiscations, at least on such a scale, was arguably linked with his triumphant reputation, which made his authority unquestionable during his reign.<sup>358</sup> To use the terminology of new institutional economics, the following 150 years, as with many institutions of the classical Ottoman regime, generated self-reinforcing processes that made a reversal from the existing path difficult even after changes in the institutional environment.<sup>359</sup> Moreover, this was a process of 'learning-by-doing' in terms of enforcement of confiscation.

It is useful to add that the period of consolidation of central power in the fifteenth and sixteenth centuries created a persistent path. But how could have this path been reversed? One view concerning institutional change is that exogenous shocks based on parameter shifts lead to a change in institutions. Military revolution that occurred in parts of early modern Europe was an exogenous shock for traditional institutions of the Ottoman Empire. As a result, many of the institutions were transformed even before modernity. Because of these military advances in Europe, the central government increasingly privatised fiscal resources with the aim of collecting more taxes. Privatisation, however, availed peripheral forces to which much power was delegated. Private fiscal contractors became increasingly stronger and

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<sup>357</sup> On the concept of critical junctures, see: Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative and Counterfactuals in Historical Institutionalism," *World Politics* 59, no. 3 (2007).

<sup>358</sup> The conquest of Constantinople gave him much reputation and power as well because it had a religious importance as it was allegedly heralded by Prophet Muhammad: "Verify you shall conquer Constantinople! What a wonderful leader will he be, and what a wonderful army shall that army be!"

<sup>359</sup> Avner Greif and David D. Laitin, "A Theory of Endogenous Institutional Change," *American Political Science Review* 98, no. 4 (2004).

some of them started to act semi-independently from the centre from the second half of the century onwards. Curiously enough, the sultans could confiscate even more and, more importantly, do so by targeting these peripheral figures. Another approach to institutional change focuses on the role of political actors. It argues that political actors could block changes due to their ongoing benefits from status quo.<sup>360</sup> I explain below that there is some credibility to this view in the case of müsadere since there were indeed some winners of the system. Yet, winning or losing was barely a function of *de jure* power that they lacked. Simply, anybody, including once-winners except the sultan, was subject to müsadere and so a potential loser. Even confiscation entrepreneurs mentioned in chapter 4 occasionally had their wealth confiscated. Thus, the first puzzle remains unsolved. Why were they unable to push for a change in their favour? It is this puzzle I address below.

### 6.2.2 Forces of Survival: Institutional Environment

The analysis adopted here proposes that the inability of the targets of müsadere to solve the problems of collective action was one reason why it continued to be exercised through the long-eighteenth century. By collective action, I refer to the ability to retaliate collectively or impose economic and political costs on the ruler, either violently using coercion or non-violently using bargaining for property security. So, it differs from what Tine de Moor names ‘institutionalised collective action’ by its structure as a group of non-state organisations, a long-run effective form that was absent from the Ottoman order.<sup>361</sup> The type of collective action I refer to is a simpler and short-run effective form,

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<sup>360</sup> Daron Acemoglu and James A. Robinson, "The Persistence and Change of Institutions in the Americas," *Southern Economic Journal* 75, no. 2 (2008).

<sup>361</sup> Tine de Moor, "The Silent Revolution: A New Perspective on the Emergence of Commons, Guilds, and Other Forms of Corporate Collective Action in Western Europe," *International Review of Social History* 53, no. S16 (2008).

which could potentially lead to a change in institutions. In the terminology of Albrecht Hirschman, this is the 'voice.' Per his theory, when the benefits of the members of an organisation are harmed, they will respond in two ways: (1) exit (quit the relationship) or (2) use their voice (try to restore the relationship). Let our organisation here be a state and its members be the subjects of the sovereign. The level of 'loyalty' to the organisation, which is related to the legitimacy of rule in a state, determines the probability of each strategy to be chosen.<sup>362</sup>

Retaliation of any form (voice) is only effective when collective. Collective action still has its own obstacles. As Mancur Olson theorises, an individual is not willing to take part in retaliation unless the benefits accrued from participation exceed costs. His theory has two fundamental insights: (1) small groups are better in coming together and (2) selective incentives are conducive to formation of collective action.<sup>363</sup> As for exiting the relationship, economic actors who face confiscation can move their enterprise to another state. To do so requires a certain level of mobility and independence regarding their sources of income from those distributed by the state. Merchants, for example, have more mobile capital and are more independent from the state. This is important given that one of the justifications of *müşadere* was indeed enrichment by royal grant or to have financial accounts with the treasury.

First, I shall focus on the forces which prevented collective action, and which are outside the realm of the *müşadere* institution. These forces constitute the institutional background behind confiscations. The question of the property security of tax farmers was answered by Balla and Johnson (2009) in a comparative study of France and the Ottoman Empire in the eighteenth century.<sup>364</sup> They argue that property rights of tax farmers were more secure from state predation in France. They focus on the definition of security as it relates to the

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<sup>362</sup> Hirschman, *Exit, Voice and Loyalty*.

<sup>363</sup> Olson, *The Logic of Collective Action*.

<sup>364</sup> Balla and Johnson, "Fiscal Crisis."

security of tax farming contracts against the unilateral dissolution of the sovereign. These contracts were indeed not well-respected by the sultan such that they could be terminated once a higher bid was made. My analysis here also considers the practice of *müsadere* of which tax farmers were among the main targets. One may argue that the practice of *müsadere* did not violate property rights since it was implemented after death, but even then, it violated the right to bequeath which was well-recognised by Islamic law. Additionally, post-mortem confiscation was not a rule. Many wealth-holders lost their wealth as an arbitrary punishment. This use of *müsadere* was closely linked to falling out of favour of the central government.

Regarding the reasons why property rights of tax farmers were less secure in the Ottoman Empire than in France, Balla and Johnson rightfully draw attention to the role of collective action organisations. That is, while a tax farmer organisation called General Farms protected property rights of its members against the French Crown, such an organisation was never formed among the Ottoman tax farmers. The lack of collective action, in their view, was due to high costs of collusion that stemmed from the size of the empire, heterogeneity of tax farmers and the lack of corporate form as well as legal personhood. The Empire indeed ruled a large territory (larger than France), which was relatively unfavourable for the establishment of stable tax farmer networks. Those who were involved in the tax farming system were of various origins, which also increased the costs of collusion. On the issue of the lack of corporate form, Balla and Johnson mainly cite Timur Kuran, who attributes it to the small size of Islamic partnerships caused by egalitarian Islamic inheritance law that traditionally divided inheritance into many pieces, as opposed to the case in Europe.<sup>365</sup>

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<sup>365</sup> Timur Kuran, "The Absence of the Corporation in Islamic Law: Origins and Persistence," *The American Journal of Comparative Law* 53, no. 4 (2005).

It is true that there was no effective collective action organisation as the 'silent revolution,' as dubbed by Tine de Moor, experienced in the history of Europe.<sup>366</sup> The only potential exception would be craft guilds, but Ottoman guilds were not independent from the state's sphere of control. However, other forms of collective action could have been possible. Although its effects were shorter lasting, violent collective action took place in the form of peasant revolts and Janissary insurrections. These were reactions to other forms of confiscation, which were excessive and unlawful taxation for the peasants and monetary debasements for the Janissaries. It is at first surprising that confiscation was faced by tax farmers and office-holders, the latter which were the most powerful and the wealthiest group of society; but confiscation of office-holders did not lead to a similar outcome as the peasants though it was a more direct confiscation. A second look at the nature of the relationship they maintained with the central government, however, removes that surprise by showing that family-state relations were based on rent-seeking in which loyalty paid off greatly. That is, even if one could benefit from the common good of property security by joining collective retaliation against the sultan, the least risky strategy was to remain loyal by freeriding due to the uncertainty whether all others, or at least a reasonable number of them, would have joined too. The costs of collective action even with a small number of people were high. Here the existence of a corporation, of course, could be a game changer in favour of wealth-holders by motivating attendance and thereby reducing these costs through positive and/or negative sanctions.

Other disincentives of collective action relate to group size and distance. Most scholars agree with the general idea behind Olson's theory that small groups are better in organising collective action. The data analysed in chapters 2 and 3 included some 1,017 cases. Yet the number of those under the threat of *müsadere* can be comfortably estimated to be much higher. The exact number of office-holders and tax

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<sup>366</sup> Moor, "Silent Revolution."

farmers, as the prime targets of müsadere, is difficult to estimate. Nevertheless, Ariel Salzmann's estimates give us a rough sense: "Over the course of the eighteenth century some 1,000 and 2,000 Istanbul-based individuals, along with some 5,000 and 10,000 individuals based in the provinces, as well as innumerable subcontractors, agents, bankers, accountants, and managers, controlled an important share of state assets." The group size should be seen in relative terms, and Salzmann's approximate numbers are reasonably higher than those concerning France. As an additional disincentive, the distance between the targets of confiscation, which could be up to 5,000 kilometres from Bosnia to the Arab peninsula, would have mattered too.<sup>367</sup> However, the spatial distribution presented in chapter 2, reflecting a negative correlation between frequency of confiscation and proximity to the capital, causes us to stray from distance being one of the main forces of survival since those who suffered the most were actually clustered.

Now I shift to the ability to use the 'exit' strategy. To what extent were the sources of income of the targets of müsadere dependent on the resources distributed by the central government? Ali Yaycioğlu defines the economic activity of provincial elites as 'the business of governance,' stressing its rent-seeking nature.<sup>368</sup> Yet other studies and Yaycioğlu himself recognise that the business of governance was not their only enterprise. For example, they are known to have invested in commercial agriculture.<sup>369</sup> So, in answering the above question, it would be useful to look at where they derived their revenue. It can be argued that the more they invested in such assets as farms, real estate, and luxury, the less likely they could avoid confiscation.

Figure 6.2 illustrates the confiscated wealth of a select group of twenty individuals including their debt relations (See also: Appendix). This sample has been selected based on the likelihood of bypassing

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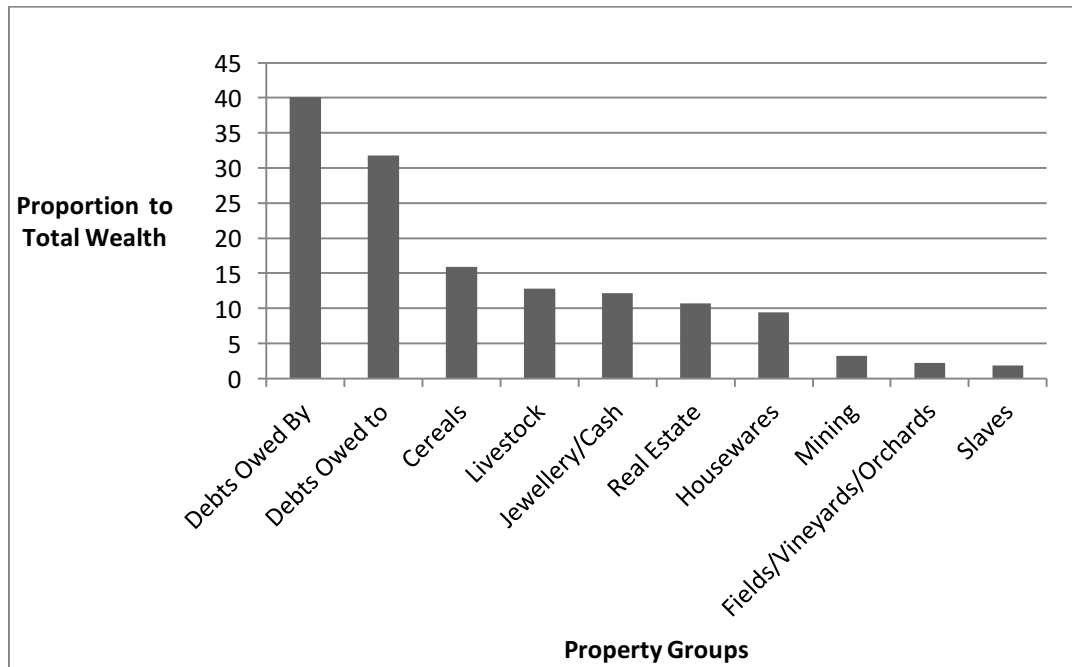
<sup>367</sup> Salzmann, "An Ancien Regime Revisited."

<sup>368</sup> Yaycioğlu, *Partners of the Empire*, 95.

<sup>369</sup> Çağlar Keyder and Faruk Tabak, eds., *Landholding and Commercial Agriculture in the Middle East* (Albany: State University of New York Press, 1991).

confiscation using two criteria. The first is the proximity of their location of residence to the coast since those living in coastal areas were, *ceteris paribus*, more likely to be engaged with other economic activities than the business of governance. The second is status as provincial elites, as this group was expectedly more independent from the central government relative to other office-holders. Except for two people, all included in this sample were living in either coastal locations or very close to the coast. With one exception, all were provincial elites.

**Figure 6.2:** Asset Composition of Confiscated Wealth of a Selected Sample of Provincial Elites Living in Coastal Areas



**Source:** CML 339/13926, DBŞM MHF.d 12922, DBŞM MHF.d 13048, DBŞM MHF.d 13077, DBŞM MHF.d 13722, DBŞM MHF.d 13177, DBŞM MHF.d 13194, DBŞM MHF.d 13202, DBŞM MHF.d 13208, DBŞM MHF.d 13210, DBŞM MHF.d 13224, DBŞM MHF.d 13350, CML 227/9489<sup>370</sup>

The figure stresses debt-credit relations as the most striking element of their investment portfolio. Debts they owed and those owed

<sup>370</sup> In addition to these muhalledat records, I have used those present in transliterated forms in: Ömer Karaoğlu, "Osmanlı Devletinde Müsadere Uygulaması: İ. Mahmut Dönemi (1808-1839)" (Ph.D Thesis, İstanbul University, 1998), 81, 89, 95, 100. Cezar, "Bir Âyanın Muhalledâtı." Şahin, "Economic Power," 47.

to them form more than 70 per cent of their wealth. In the most extreme case, for example, a notable of Zihne (modern day Nea Zichni in Northern Greece), Abdülfettah Bey, owed some 429,584 kuruş to the treasury that amounted to three times the value of his personal assets.<sup>371</sup> Being indebted to the public treasury generally signified unpaid annuities of tax farming contracts, which indicates a high degree of dependence on the state. It also shows the central government's inability to control the fiscal realm. While this notable of Zihne was only indebted to the public treasury, others in the sample owed to moneylenders, who were predominantly Greek and Armenian, as well. Debts owed to them generally came from their retinues, relatives or people in their network. Thus, it is justified to say that credit relations constituted the most important part of their economic activities.<sup>372</sup>

The marginal proportion of fields, vineyards and orchards among their possessions reveals that they did not invest much in large-scale agricultural production. This property group reflects their private property in the form of land, while the lands they were supposed to collect taxes from were under state ownership.<sup>373</sup> The figure suggests that animal husbandry was a relatively more essential agricultural enterprise, but the number of animals stated in these documents gives a sense that they were raised rather for family use than for markets. Other than the unimportance of agricultural production, there is no sign of industrial activity in their inheritance either. One example that could potentially contradict this is the case of a certain Seyyid Abdülaziz Ağa of Milas in southwest Anatolia.<sup>374</sup> His inheritance included some revenues from a mine he was operating, but it turned out that this mine

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<sup>371</sup> Karaoğlu, "Müsadere Uygulaması", 89.

<sup>372</sup> Suraiya Faraqi reaches the same conclusion about the wealth of a certain Müridoğlu Hacı Mehmed Ağa of Edremid. She interprets a high share of debts and credits in his portfolio as an expectation of later foreclosure. In addition to his tax farming activities, he was engaged with olive agriculture and overwhelmingly so with moneylending. Faraqi, "Müridzade Hacı Mehmed," 94. Ali Yaycıoğlu also recognises the very complex nature of debt relations in the eighteenth century provinces: Yaycıoğlu, *Partners of the Empire*.

<sup>373</sup> Although the ownership status of other lands is questionable even in the eighteenth century, vineyards and orchards were always recognised as private property.

<sup>374</sup> D.BŞM.MHF 13077.



was just his tax farm owned by the state. Thus, the label ‘mining revenues’ (*nühas gelirleri*) found in his inheritance reflected his revenues from a state-owned tax farm.

This discussion is linked to a historiographical debate on the rise of commercialisation in the Ottoman Empire, which was once conceptualised by Marxist historians as the transition from feudalism to capitalism, or from state to private ownership. Although local elites had been presented as the main actors of this development, more recent literature argues that they were mainly engaged with the business of governance, that the role of their big farms called *çiftlik*s was overestimated and that they were, in fact, not of considerable size.<sup>375</sup> Also relevant to this discussion is the fact that those whose wealth was confiscated tended to orient their activities away from trade and towards the realm of politics and rent-seeking. Fiscal business was more lucrative and a quicker way of making wealth. This was the case, however, at the risk of *müsadere*. Indeed, engagement with the business of governance must have arguably made it easy to justify the confiscation with the official defence of obtaining enrichment by royal grant. These points emphasise that the benefits of rent-seeking exceeded its risks such that they could be pursued despite the threat of *müsadere*.

### 6.2.3 Forces of Survival: Institutional Design of *Müsadere*

What mechanisms of survival did the practice of *müsadere* contain in its institutional design? To answer this question, it is first essential to explain its severity and flexibility. To clarify, by the survival of *müsadere* I do not mean that it survived through this process entirely unchanged. Institutional flexibility, associated to institutions of the Ottoman Empire by Şevket Pamuk, can be applied to the practice of *müsadere* as well. As evolutionary game theory suggests, behaviours with higher payoffs are more likely to be replicated over time. This was

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<sup>375</sup> Veinstein, "On the *Çiftlik* Debate."

arguably why a new form of müsadere, specifically inheritance tax, appeared in the eighteenth century to occasionally replace full confiscation. Similarly, without the rise of centrifugal forces in this century, the outsourcing of müsadere would not have emerged. Therefore, in this century, the müsadere game included outcomes other than confiscation, reflecting a certain degree of flexibility and adaptability to the new conditions. These new practices within the müsadere system either created conflictual interests or allowed for the possibility of bypassing confiscation. However, the new practices do not explain the whole story behind the lack of collective action since they were not universally applied. For reasons discussed in chapter 3, some gained while some lost from this flexibility and adaptation.

Collective action in this context is all about the accumulation of discontent. Two other features of institutional design of the müsadere practice, i.e. exclusiveness and non-collectiveness, also contributed to the absence of collective action. By non-collectiveness, I mean that it rarely targeted multiple individuals at once. It usually applied to one person at a time partly due to its post-mortem nature. This made those who were under the risk of müsadere reluctant to join collective action until it was their turn to be confiscated. When it was their turn, then others were not interested in joining collective action for the same reason. Exceptions to this non-collectiveness did exist. For example, I have observed that confiscation was collectively conducted in the case of rebellion. However, these cases are outcomes of rebellion and qualify as just another type of collective action. Furthermore, confiscation of the wealth of rebels was more easily justifiable in the eyes of the public. As for exclusiveness, it means that müsadere mostly excluded the property of relatives except for the case of a crime committed by more than one member of the same family. We understand this from the documents which show that if the assets of a relative were confiscated,

any objections were normally considered carefully often before the witnesses. Confiscation as an additional form of punishment was subject to the principle of individuality.<sup>376</sup>

Another disincentive of collective action was the presence of intra-elite competition. This competition can be examined in two dimensions, namely inside and outside the *müsadere* system. Within the system of *müsadere*, outsourcing of *müsadere* reflected intra-elite competition from the perspective of both those who offered (the sultan) and those who accepted (the contractor) the challenge. While delegation of *müsadere* was important, most confiscations were conducted centrally by the agents of the sultan. Therefore, a more important dimension of intra-elite competition was the general competition among the elites over fiscal and political resources. As shown in the previous chapter, two prominent families were in conflict based on the question of who would have benefited more from state resources. Outsourcing of *müsadere* was just a result of this rent-seeking competition that occurred outside the *müsadere* system. In other words, confiscation of the wealth of a family signified an opportunity for the contractor family operating in the same or neighbouring region. As in the case of these families, the conflict over the resources of intersecting points of their areas of influence could even result in armed conflict between them. The stance taken by the central government varied but it was not necessarily reconciliation. Instead, as in this case, the central government could openly support one party (the Çapanoğlus) due to their higher expected loyalty derived from past conduct while declaring the other party (the Caniklizades) as rebels and confiscating their wealth. It is crucial to note that the latter family was later pardoned and brought back into the game. In conclusion, the confiscation game was only part

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<sup>376</sup> When a certain Veli Paşa of Divriği was punished with confiscation, for example, his sons purchased their father's big farms back from the government. The relevant archival document emphasises the point that Veli Paşa's sons were not responsible from his actions and so there was no drawback to their request of purchase. CML 97/4348.

of a broader game of rent-seeking. Their conflicting interests, particularly at the regional level, made any collusion difficult.

**Table 6.1:** Bookkeeping of the Inheritance of Mufti Halil Efendi

	Value (kuruş)
Auctioned in the central treasury	197,633.5
Auction in his house	25,000
Auction in his waterfront residence	20,000
Total	242,633.5
Taxes	10,950
Remaining	232,727.5
Transportation costs	669.5
Remaining	231,058
***	600
Final total	230,458

**Source:** *D.BŞM.MHF 13327*

Moreover, outsourcing was not the only internal element of the müsadere that discouraged collective action. One must ask who gained from confiscations. Although a complete analysis of redistributive aspects of the practice of müsadere requires a separate monograph, one way of answering this question may be found by looking at the auctions held for sale of confiscated assets. It is true that some properties were transported directly to the palace or warzones,<sup>377</sup> but many others were sold in auctions. One example is the confiscation of the wealth of Mufti Halil Efendi who died in Istanbul in 1821. His personal assets were auctioned in three different locations, namely the palace treasury, his house and his waterfront residence.<sup>378</sup> The auction document starts with the bookkeeping entry given in table 6.1.

<sup>377</sup> I found in chapter 3 that this was most common for liquid assets as well as such goods as firearms, gunpowder, tents, and cereals, which could be used directly in wars.

<sup>378</sup> On auctions, see: A. Nühket Adıyeke and Nuri Adıyeke, "Yunan Ayaklanması Sırasında Girit Resmo'da Müsadere Ve Müzayedelere Dair Bir İnceleme," *Kebikeç*, no. 32 (2011).

**Table 6.2:** Occupational and Title Distribution of Bidders of Confiscation Auctions in a Chosen Sample

Occupation/Title	Ağa	Efendi	Bey	Paşa	No Title	Total
Military	28,049	1,980	0	0	835	30,864
Administrative	120,046	61,232	2,555	0	60,729	244,562
Legal Community	0	8,190	0	0	3,079	11,269
Artisans	7,971	17,956	0	0	8,601	34,528
Merchants	12,688	3,831	0	0	15,610	32,129
Moneylenders	0	0	0	0	705	705
Palace Officials	5,000	0	0	8,605	0	13,605
Minters	0	20,000	0	0	0	20,000
No Occupation	61,692	90,934	0	0	18,912	171,807
Total	235,715	204,123	2,555	8,605	108,471	559,468

**Source:** *D.BŞM.MHF.d 13289, D.BŞM.MHF.d 13327, D.BŞM.MHF.d 13454, D.BŞM.MHF.d 13341, D.BŞM.MHF.d 13465.*

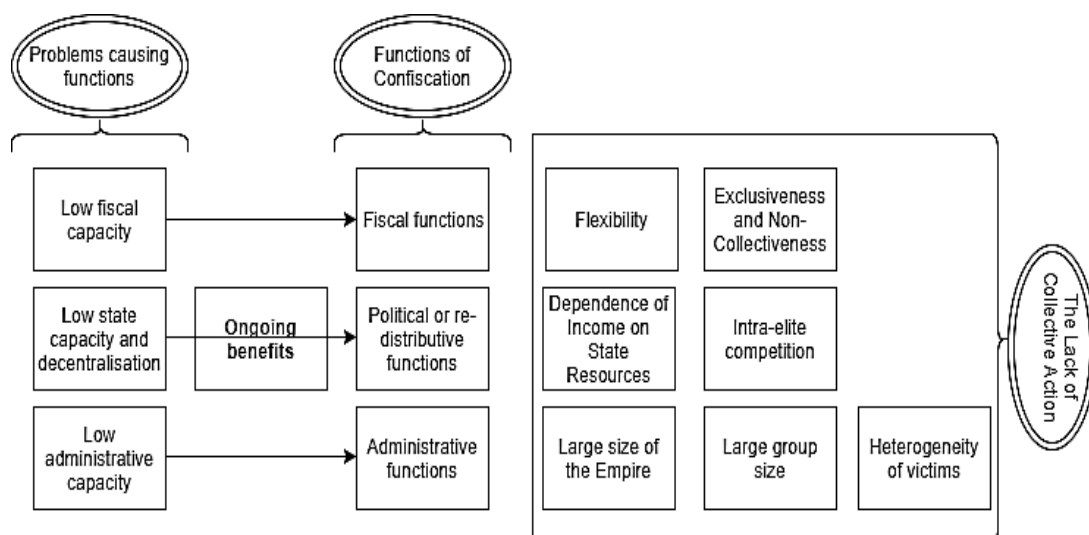
**Notes:** Those cases included in the data presented are Mustafa Mazhar Efendi (Head of Finance Department, 1818), Halil Efendi (Mufti, 1821), İsmail Paşa (Governor of Niğde, 1822), Ali Esad Paşa (Governor of Alanya, 1828), Salih Paşa (Governor of Damascus, 1828)

Based on a sample of five auctions, figure 6.2 shows that many bidders present at auctions were again office-holders. It displays how much each occupation and title group paid to buy the auctioned assets. Ultimately the administrative officials paid some 44 per cent of the total payment. The categories of ‘no occupation’ and ‘no title’ reflect those not specifying title or occupation. But the fact that most of the bidders included in the category of ‘no occupation’ are titled as either *efendi* or *ağa* means that they likely fall into the occupation categories of government officials too. It is striking to see that two purchasers of the assets of Ali Esad Paşa and one of those of Salih Paşa were the officials of the Bureau of Confiscation themselves. The former two purchased some textiles.<sup>379</sup> Taken together, these lists of purchasers demonstrate that when auctioned, confiscated properties were mostly bought by office-holders. This reflects their satisfaction in paying for confiscated assets without much care for the fact that their families

<sup>379</sup> D.BŞM.MHF 13454, D.BŞM.MHF 13465.

were also on the possible path of being denied the inheritance of their wealth when the time came.

**Figure 6.3:** Forces of Survival of the Practice of Müsadere through the Long-Eighteenth Century



That the central state conducted confiscations with some degree of flexibility and followed certain unwritten rules respecting the rights of others arguably contributed to the lack of motivation to attend a potential collective action. This section has also shown that the confiscated assets were redistributed among the other potential targets of confiscation. Before proceeding to the abolition, I provide a diagram in figure 6.3, summarising the main argument of this section.

## 6.3 The Question of Abolition

### 6.3.1 Puzzle

This sub-section addresses the second puzzle of this chapter, which is why the practice of müsadere was abolished in 1839 despite the consolidation of central power. The notion of abolition here refers to the most credible attempt to abolish the practice although it is known that confiscations continued at a lesser intensity after 1839.

This question, which is equally important to identifying the forces of survival, also requires understanding why several attempts before the one in 1839 failed. To date, historians of the Ottoman Empire have not examined this question presumably because they have assumed that the abolition was an outcome of the nineteenth century modernisation. The period of modernisation started with military reforms in the eighteenth century but peaked with the promulgation of Gülhane Edict that instigated the era of Tanzimat reforms in 1839. The edict, which included a statement about the abolition, was the outcome of an ideological change in its core. Under the influence of wars lost to the Europeans for at least a century and due to a greater exchange of ideas after the French Revolution, the government classes were now convinced that European institutions were superior to theirs and that European-style reforms were necessary.

Objections occasionally arose against the use of müsadere from the Ottoman intellectuals and statesmen, but these objections were rather weak. Many chroniclers of the eighteenth and nineteenth centuries mentioned müsadere as a political convention with no attempt at criticising it. Those who criticised it preferred to make a distinction between lawful and unlawful confiscation. The latter was considered a practice that the sultans should avoid. One of the most detailed remarks was made by Sarı Mehmed Paşa, who was the minister of finance in the early eighteenth century. In his well-known counsel book, he suggested that the use of müsadere should be restricted to the situations when an individual was legally punished with execution, while he criticised its use as a means of extracting revenue. More specifically, he mentioned the unlawful confiscation as ‘abominable wealth collected through confiscation in the treasury.’<sup>380</sup> The great historian of the nineteenth century, Ahmed Lütfi Efendi, distinguished between the lawful and unlawful confiscation such that it would be lawful if the

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<sup>380</sup> Defterdar Sarı Mehmed Paşa, *Ottoman Statecraft the Book of Counsel for Vezirs and Governors of Sarı Mehmed Pasha, the Defterdar*, trans. Walter Livingston Wright (Westport: Greenwood Press, 1971), 108.

individual had made wealth through his public service. Though he wrote his chronicle after the abolition of müsadere, he nevertheless supported that this kind of confiscation would have been legitimate even during his own time.<sup>381</sup> In works such as that of Sadık Rıfat Paşa, one of the architects of the nineteenth century reforms and the minister of Foreign Affairs, the müsadere practice is also mentioned pejoratively. After his return from a diplomatic mission in Vienna, he wrote a booklet entitled 'On the State of Europe' (*Avrupa Ahvaline Dair*).<sup>382</sup> In this booklet, he spoke highly of the lack of such an institution as state confiscation of the wealth of officials in Austria so that the office-holders could feel more attached to their state. Thus, in his view, the main detriment of müsadere was to decrease loyalty and attachment of officials, which in turn adversely affected administrative efficiency. From a theoretical perspective, however, the Ottoman ethicist Kınalızade (d. 1572) touched upon its impact on taxation as follows: 'When a cruel ruler confiscates the oxen of the peasants, how shall he collect the tithe in the time of harvest? How can he confiscate the property of merchants and get all of them only once without sacrificing continuous customs revenues?'<sup>383</sup>

The question arises regarding the existence of any response to these criticisms from the sultans or if they thought of abolition before 1839. It is documented that Selim III felt obliged to respond to a criticism that came from one of the district governors. He wrote that his intention was not to harm the rights of orphans but to confiscate the wealth of someone who made wealth by imperial grant, which was a tradition of his ancestors.<sup>384</sup> Thus, the sultan himself makes the above

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<sup>381</sup> Ahmed Lütü Efendi, *Vakanüvis Ahmed Lütü Efendi Tarihi*, trans. Ahmet Hezarfen, 8 vols., vol. 1 (İstanbul: Tarih Vakfı-Yapı Kredi Yayınları, 1999), 106.

<sup>382</sup> Mehmet Seyitdanlıoğlu, "Sadık Rıfat Paşa Ve Avrupa'nın Ahvaline Dair Risalesi," *Liberal Düşünce* İlkbahar, no. 2 (1996).

<sup>383</sup> Fatih Ermiş, *A History of Ottoman Economic Thought: Developments before the Nineteenth Century* (London: Routledge, 2014), 62.

<sup>384</sup> Enver Ziya Karal, *Selim İli'ün Hatt-ı Hümayunları -Nizam-ı Cedit 1789-1807* (Ankara: Türk Tarih Kurumu, 1988), 33. The issue of leaving wealth to those families with orphans and widows in need of subsistence money has been discussed in chapter 4.



distinction between lawful and unlawful confiscation too. However, the data presented in Part I reveals that this distinction was barely respected; nor did the government care much in the eighteenth century whether confiscation was gained through offices.

In 1812, Alemdar Mustafa Paşa, who became the grand vizier of Mahmud II in the same year, organised an assembly in Istanbul to which a select group of major provincial elites was invited. At the end of the assembly, the Pact of Alliance (Sened-i Ittifak) was signed. Although Sultan Mahmud II did not attend the assembly, he had allowed his signature to be put on the pact. One of the clauses of the pact was the sultan's respect of property rights of provincial elites. Thus, he had made a commitment given in exchange for the continuation of the elites' support for his reforms. The assembly was the event that best approximated a form of collective action, though not all families sent a representative to it. Yet we know that this pact was never put into practice. This is also confirmed by the data presented in chapter 2, which does not show any gap in the confiscation activity during those years. In 1826, Mahmud II issued an edict abolishing the practice of *müsadere*.<sup>385</sup> Both commitments, however, failed to be credible since *müsadere* remained in effect until 1839, when it was finally abolished in the Gülhane Edict with the following remarks:<sup>386</sup>

If there is an absence of security of property, everyone remains indifferent to his state and his community: no one interests himself in the prosperity of the country, absorbed as he is in his own troubles and worries. If, on the contrary, the individual feels complete security about his possessions then he will become preoccupied with his own affairs, which he will seek to expand, and his devotion and love for his state and his community will steadily grow and will undoubtedly spur him into becoming a useful member of society.

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<sup>385</sup> Ögün, "Müsâdere (Osmanlılar'da)."

<sup>386</sup> It must be noted that there were indeed property confiscations by the ruler conducted after 1839. Consider the example of confiscation of Armenian property at the end of the nineteenth century. But it is not wrong to say that there was a significant improvement in property rights security.

As these remarks show, the reason of the abolition was to increase the quality of public service and thus prosperity by referring to the insecurity that confiscations created. The main purpose of the edict was also declared along similar lines, namely removing corruption, abolishing tax farming and granting equality to all subjects before law regardless of ethnicity and religion. In focusing on the effects of *müşadere* on administrative efficiency, this clause shows similarities with the views of Sadık Rifat Paşa, which is not surprising given his role in these modernisation attempts. Although the edict was a project of Mahmud II and was finalised by his son Abdülmecid I (1839-1876) after his death, its actual architect was the grand vizier Mustafa Reşit Paşa, who was a former ambassador to Vienna as well. The role of reform-minded statesmen cannot be denied. When seen from a broader perspective, one would also see that the Tanzimat reforms were a diplomatic move. By launching these Western-style liberal reforms, the Ottomans wanted to receive the support of Britain in the Egyptian situation created by the rebellion of the Ottoman governor, Mehmed Ali Paşa, against Egypt.<sup>387</sup> The same motive had played the main role in the signing of the Treaty of Balta Liman of 1838, which gave Britain full access to Ottoman markets.

These attempts of modernisation only partially explain the abolition. Essentially, it does not explain why the sultan's commitment in 1812 and 1826 was not credible. To find this explanation, it is necessary to discover whether there was a change in the equilibrium that made it survive, namely those forces feeding the lack of collective action and the functions of *müşadere* for the central government. What constitutes a puzzle here is that the abolition did not come because of resistance by the victims of *müşadere* but from the enforcers and when the sovereign was more powerful than before. To put it differently, the

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<sup>387</sup> Zürcher, *Turkey*, 51.

consolidation of the power of the ruler curiously contributed to the improvement of property rights. The next sub-section explains how.

### 6.3.2 Explaining Abolition

The fact that the sultan could not credibly commit to end the practice of *müsadere* deserves further attention. In this section, I argue that the loss of essential functions of *müsadere* changed the equilibrium of survival.<sup>388</sup> Specifically, from the 1810s to the 1830s, Mahmud II managed to curb the power of major provincial elites, abolish the main corps, the Janissaries, and replace it by a new army loyal to the sultan's persona. Although the institution of tax farming was officially abolished by Gülhane Edict, many provincial power-holders holding tax farms and offices were gradually replaced by centrally appointed administrators. Though fiscal and political centralisation must be considered distinct concepts from a theoretical perspective, they were closely related in the case of the Ottoman Empire since the agents of the eighteenth-century decentralisation were both fiscal and political actors. Therefore, curbing the power of local elites also meant injecting more revenues into the centre. It is true that the central state remained partly dependent on tax farmers until the collapse of the empire, but there were considerable gains in terms of fiscal centralisation by the 1830s. Going back to the discussion at the beginning of the chapter, investment on state capacity were now less costly due to the elimination of the vested interests of the local elites.

The ultimate elimination of centrifugal actors came in the early nineteenth century as a combination of various methods. The treaty of Bucharest in 1813 and Napoleon's invasion of Russia gave Mahmud some time to direct his attention to eliminating provincial elites. The

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<sup>388</sup> This argument is similar to a statement made by Suraiya Faraqi: "From the Ottoman sultan's point of view, the abolition of *müsadere* in the course of the Tanzimat came just at the time when the institution was no longer essential from a political point of view." Faraqi, however, does not go beyond this sentence. Therefore, in a way, this section departs from her remark. Faraqi, "Mürizade Hacı Mehmed," 95.

methods he used were a combination of peaceful and violent methods. In the case of the Çapanoğlu family, he acted immediately after the death of Çapanoğlu Süleyman in 1813. The elimination of this family was relatively smooth. Some members of the family were invited to reside in the capital to prevent them from rising to power again. One of the sons of Çapanoğlu Süleyman, Mehmed Celaleddin Paşa, was continuously granted governorships in provinces outside the base of the family, Bozok. Importantly, he was not a so-called independently acting power-holder anymore; instead he was now part of the administrative hierarchy. Although more blood was shed in the case of the Karaosmanoğlu family for the control of central-western Anatolia after the death of Karaosmanoğlu Hüseyin Ağa, it was not the most difficult case. Concerning the distant Arab lands, the sultan was less successful in restoring the direct rule. Despite several achievements, for example, it was greatly challenged by the elites of Baghdad. The central authority was also restored in the Balkans during the period 1814-1820, though the methods for achieving this remain uncertain.<sup>389</sup> This decisive centralisation of Mahmud II led to the shift of power in favour of the central government in a high majority of provinces.

Certain gains in fiscal capacity relaxed the fiscal function, which was arguably less important than the other functions. Mahmud II finally managed to inject more revenues into the centre partly due to the elimination of local elites and partly due to tax reforms. Although revenue data is largely missing between the late eighteenth and early nineteenth centuries, it is possible to see the impact of fiscal centralisation on the revenues of the state based on significant increases achieved from the second half of the nineteenth century onwards in comparison with the latest years from the eighteenth century for which data exists.<sup>390</sup> This marks a decline in the importance of müsadere as a source of revenue.

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<sup>389</sup> Shaw and Shaw, *Rise of Modern Turkey*, 14-16.

<sup>390</sup> Pamuk and Karaman, "State Finances."

With these advances in centralisation in both fiscal and political terms realised in the early nineteenth century, the main function of the practice of *müsadere*, which was to control the fisco-political realm in the provinces, started to lose its importance. Thus, the costs of abolishing *müsadere* declined. When the problem is defined this way, it becomes useful to put it in the comparative context of the other two Muslim empires of Eurasia. The Ottoman, Safavid and Mughal Empires all experienced a period of crisis in the long-eighteenth century, yet the Ottoman Empire was the only one that managed to survive through this crisis. One of the causes of the fall of Mughal Empire of India was localisation of power and, by extension, the inability of enforcement of the central authority because of eighteenth-century military pressures.<sup>391</sup> The Mughal rulers also confiscated the wealth of office-holders through the escheat system after their death. Yet the existence of the escheat seemingly did not help to prevent the emergence of local potentates, which caused the breakdown of the empire though the regional dynasties continued to use legitimating power of the centre until the British rule. The same cause applies to the Safavids who lost their authority to a regional dynasty called the Qajars in 1789.<sup>392</sup>

Despite passing through a similar process and having its power delegated to local actors, the Ottoman Empire survived until the end of World War I without much resistance to its re-centralisation. This is just one aspect of a broader question that Şevket Pamuk answered by emphasising the role of pragmatism and flexibility of Ottoman policies. The sub-question regarding why the Ottoman Empire was more successful in dealing with the agents of decentralisation can be better answered with a mention of *müsadere*. As detailed in chapter 4, *müsadere* was a highly institutionalised and sophisticated form of confiscation in the eighteenth century. It helped the centre to keep the

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<sup>391</sup> Andrea Hintze, *The Mughal Empire and Its Decline: An Interpretation of the Sources of Social Power* (Aldershot, Brookfield: Ashgate, 1997), 103-140.

<sup>392</sup> Rudi Matthee, *Persia in Crisis: Safavid Decline and the Fall of Isfahan* (London, New York: I.B. Tauris, 2012), 139-173.

power of centrifugal forces under constant control by creating a relatively efficient redistribution of wealth. When other conditions of centralisation, such as a relatively peaceful period in the international arena, were apparent, they were not too powerful to resist. In comparison to the Mughals, the Ottomans had lost a smaller proportion of their political power to the provinces because they were more successful in keeping them dependent on the central state through processes of reciprocity discussed in chapter 5. Therefore, the forces of survival of *müsadere* indirectly contributed to the survival and recovery of the Empire.

Returning to the question of abolition, when the recentralisation was partly achieved at the expense of provincial elites, *müsadere* was not as necessary. The Ottoman transition from non-hereditary ownership of office-holders to private ownership was not due to the inability of enforcement as it was with the Mughals, but rather a deliberate choice because of the functional loss. This happened as such under influences of modernisation. Before proceeding any further, it is useful to note that the loss of territories in the early nineteenth century, especially with the independence of Greece in 1830, arguably increased the administrative capacity of the Ottoman Empire. With its size shrinking, it was less costly to monitor the agents. It is useful to restate that the abolition of *müsadere* occurred from within, that is, without much resistance from those who suffered from it. In this regard, it cannot be regarded as a limitation to absolute power undesired by the sovereign. On the contrary, it happened at a time when the sovereign was more powerful. Therefore, the lesson to be drawn from this narrative is not how absolute power was constrained but how and why property rights were improved with the consolidation of central authority.

## 6.4 Conclusion

This chapter argued that the practice of *müsadere* survived through the long-eighteenth century due to the continuity of its functions and the lack of collective action. The lack of collective action was caused by the distinct institutional characteristic of *müsadere*, the lack of group identity among the targets of *müsadere* and the general institutional environment. *Müsadere* was abolished as a deliberate and resolute action in 1839 because of some loss in its functionality and because of an ideological change happening at the time. The chapter has shown that the issue of survival stands out when examined within the broader context of institutional research and Eurasian state formation. In the Ottoman Empire, the practice of *müsadere* played a crucial role in controlling the political and economic power of the provincial figures at a time of decentralisation when investing on state capacity was costly. The continual use of the *müsadere* practice in the eighteenth century contributed to the political survival through the modern era through enabling a transitional type of decentralisation, i.e. controlled decentralisation.

To link this argument with those of the previous chapters, it should be highlighted that even though *müsadere* infringed on the property rights of a specific group of people, this was not necessarily detrimental for economic growth and political stability. The economy suffered arguably more from problems of coordination and decentralisation than insecurity of property. After all, the data shown in this chapter reveals that the targets of *müsadere* barely invested capital in resources outside the realm of the state. This does not make them a parasitic class as European aristocracy has long been labelled. However, we can argue with more confidence that they were a select group of people, though without a distinct group identity, who sought for privileges and grants from the ruler. At its best and with some constraints, the tool of confiscation enhanced the redistribution of wealth and power.

## APPENDIX 6.1: Components of Inheritance of a Selected Sample of Provincial Elites Living in Coastal Areas (in proportion to total wealth)

Name	Year	Occupation	Location	Jewelry/Cash	Fields/Vineyards/Orchards	Cereals	Real Estate	Livestock	Housewares	Slaves	Mining	Debts to	Debt by
Seyyid Abdülaziz Ağa	1788	Local Notable	Milas	0	5.78	0.73	0	9.41	0	0	64.06	20.00	0
Ahmed Ağa	1788	Governor	Sığla	2.82	0	12.36	69.10	6.69	0	0	0	9.01	75.47
Caniklizada	1792	Local Notable	Canik	21.63	2.45	15.04	1.42	0	43.47	0.82	0	15.14	0
Hacı Ali Ağa	1798	Deputy Tax Farmer	Boyabad	52.12	4.28	1.79	8.90	2.98	0.63	6.14	0	23.12	0
Genç Mustafa	1799	Superintendent	Canik	37.41	1.15	7.62	3.56	3.65	16.62	2.24	0	27.70	0
İbrahim Ağa	1805	Deputy Tax Farmer	Akşehir	0.38	0	0	0	9.61	75.57	14.42	0	0	0
Kör İsmailoğlu Hüseyin	1808	Local Notable	Havza	0	0.19	3.66	14.20	9.30	4.29	0	0	68.33	63.46
Ömer Ağa	1809	Superintendent	Kırmastı	7.72	9.09	2.89	26.80	18.30	8.30	0.87	0	25.99	0
Cihanazade Abdulaziz Bey	1812	Local Notable	Aydın	7.45	0	60.94	18.47	0.68	6.13	6.30	0	0	164.06
Süleyman	1813	Local Notable	Söğüt	0	2.80	58.18	22.21	16.79	0	0	0	0	0
Tulumoğlu Halil	1813	Local Notable	Kozluca	0	2.46	16.32	0	71.57	9.63	0	0	0	0
Seyyid Ömer Ağa	1813	Deputy Tax Farmer	Menteşe	2.33	11.80	5.32	20.96	48.30	0.70	1.80	0	8.77	0.61
Evranoğlu Osman	1813	Local Notable	İslimiye	1.42	0	0	16.39	0	5.69	0	0	76.48	24.90
Sarıcaoğlu Osman	1813	Local Notable	Yenişehir	0	4.11	34.85	0	27.31	8.073	0	0	25.64	0
Osman Ağa	1814	Local Notable	Babadağı	3.03	0	2.60	0	0	0	0	0	94.35	0
Abdülfehtah Bey	1823	Local Notable	Zihne	0.24	0	86.09	10.01	3.65	0	0	0	0	374.58
Ahmed Paşa	1824	Governor	Şam (Damascus)	13.94	0	0	0	4.84	7.13	3.14	0	70.92	26.25
Yusuf Agah Efendi	1824	Accountant of Palace Kitchen	İstanbul	11.68	0	5.93	0	0	3.08	0	0	79.29	68.99
Hacı Çelebioğlu Es-Seyyid Osman Ağa	1825	Superintendent	Değirmen dere	3.59	0	2.74	2.67	0.38	0	0.74	0	89.85	0
Hasan Bey	1829	Local Notable	Ermenek	77.39	0	0	0	22.60	0	0	0	0	3.54

**Source:** See: Figure 6.2



## 7 CONCLUSION

This thesis has explored the driving forces, informal constraints, functions, survival and abolition of the practice of *müşadere* by the sultans of the Ottoman Empire with an emphasis on the period from the 1700s to 1839, through the lens of new institutional economics. The main research question of the thesis asked what enabled, guided and motivated ‘predation’ by the Ottoman state, and how and to what extent. This research can be regarded as a case study. It was not solely the Ottoman sultans who confiscated the wealth of their subjects during the pre-modern period. It was indeed a phenomenon of pre-modernity that the sovereign seized wealth in different forms and with various motives, methods, degrees of resistance and constraints. Yet the case of *müşadere*, despite its many complexities, stands as a fruitful working ground to study these elements of state predation under an allegedly absolutist monarch with no formal constraints to his power. Thus, the implications of this research also contributed to various strands of the current literature such as on the interaction between state capacity and confiscation, state policies under decentralisation, patrimonial management of elites under the threat of state confiscation, and stability and change of property insecurity. In other words, the case of *müşadere* was used as a lens to analyse these themes in economic history.

In doing so, this thesis has drawn on both quantitative and qualitative sources to identify and analyse the institutions surrounding the *müşadere* practice. First, a new dataset of confiscations was constructed from *muhallefat* records and supporting materials. In terms of methods, this thesis has followed independent yet complementary methods for respective chapters. I was motivated to do so because of the context-specific qualities of the practice of *müşadere*, which made

it necessary to look at its various aspects from different angles. In this respect, both econometric and qualitative methods were relevant and necessary. Descriptive statistics in chapter 2 allowed for the presentation of general characteristics of the practice, while econometric techniques were used in chapter 3 to reveal the exact motives of the sultan. Game theory in chapter 4 helped to make sense of certain types of behaviour observed in the practice of *müşadere*, while a micro-historical examination in chapter 5 made it possible to understand the strategies of the powerful under the threat of property insecurity. The ‘analytic narratives’ method employed in chapter 6 was useful to solve the puzzles of survival and abolition. These methods supported each other in terms of benefiting from one another’s findings. Even so, the questions they addressed could not be answered by the methods beside the primary one chosen for each respective question.

Before proceeding to the contributions of the thesis, we should restate how the case of confiscation in the Ottoman Empire can be compared to other cases. First, the groups under the threat of confiscation were different from many other cases. Unlike sovereign lenders and merchants, office-holders and tax farmers did not have sufficient capacity to punish the sovereign because of the lack of collective action. Second, the practice of *müşadere* was mostly post-mortem seizure of property, which at first seems like a political convention. Third, it was singular and rarely collective, except for cases in which rebellion was involved. These differences make it somewhat tricky to locate the case under scrutiny in a broader context of abuses of sovereign power in history. Yet, at the core, they were likely to be driven by similar motives. Additionally, they were similar in that they were exercised by the sovereign arbitrarily and selectively. In this respect, it was just a different form of taking, which is why the findings of this thesis are useful in understanding the scope and limits of state predation in early modern history. Practices, which were similar to the *müşadere* practice,

existed in other Islamic polities and later in China where the wealth of office-holders was at constant risk of confiscation too. Property rights and hereditary property rights in the modern sense emerged much later in Asia and the Middle East compared to the West.<sup>393</sup>

On these notes, this section proceeds to evaluate how this thesis has contributed to the literature on the nature of policies of early modern states, state predation and patrimonial strategies of elites, state capacity and formation during the early modern period. In the rest of this chapter, I will first take a step back and re-evaluate the implications of the study for Ottoman economic history and general economic history. The focus will be on what this research has achieved and what its contribution to the above lines of literature has been. Then, I will touch on the limitations of this study by considering some potential areas of future research.

Were sultans confiscatory and what determined their power and willingness to confiscate? The nature of absolutism has always been an important question of economic and political history, perhaps more so since the rise of the NIE in the 1970s. The main argument of a recent book by Acemoğlu and Robinson is that extractive institutions were the main culprit of interstate divergence that we observe today. Absolutism was obviously depicted as the most favourable ground for the emergence of extractive institutions. In this book, they even directly refer to the Ottoman Empire as one of their examples as follows: 'The reason that the economic changes that took place in England did not happen in the Ottoman Empire is the natural connection between extractive, absolutist political institutions and extractive economic institutions. Absolutism is rule unconstrained by law or the wishes of others, though in reality absolutists rule with the support of some small group

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<sup>393</sup> Huri İslamoğlu-Inan and Peter C. Perdue, *Shared Histories of Modernity: China, India and the Ottoman Empire*, *Critical Asian Studies* (New Delhi, New York: Routledge, 2009).

or elite.<sup>394</sup> The main findings of the study do not mean that the sultan formally shared his *de jure* power with others. Yet those others were, at least indirectly, shaping his policies primarily in areas of warfare, taxation and confiscation.

This study has repetitively drawn attention to the selectivity of the *müşadere* practice. The sultans did confiscate but only selectively so because their power and willingness to confiscate was not the same each time, location and for every family. The usual claim made by traditional historians of the Ottoman Empire that those who made wealth through state resources were automatically subject to confiscation fails to explain this selectivity. By relying on the current literature in economics and political science exploring constraints on the sovereign, the present study argued that confiscations were driven by not only fiscal but also political and redistributive forces. The sultan's aim, in this case, was not to maximise his revenues but to maximise his rule.<sup>395</sup> Moreover, to better understand the interactive nature of the *müşadere*, this thesis has given voice to the victims. Fiscal history has already shown that absolutist states did have less capacity to tax. Confiscations were no different. Just like their inability to collect taxes at the level of fast-growing European states, confiscations occurred but limitedly so. Admittedly, *müşadere* was just one aspect through which we can study the constraints on the sovereign.

What were the self-constraints of the sultan's power to confiscate? The thesis argued that the sultans were constrained by their consideration of costs and benefits as well as by the bargaining power of the elites under the threat of *müşadere*. The former was linked with transaction costs of confiscation determined by the location and confiscability of assets. Bargaining power of the elites varied over time, space and based on their resources. These variations shaped the power

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<sup>394</sup> Acemoglu and Robinson, *Why Nations Fail*.

<sup>395</sup> Irigoin and Grafe, "Bounded Leviathan."

and willingness of the sultan. In contrast to the literature, wars were found in the context of *müşadere* to have been negatively associated with confiscations. This was the case primarily because of the increase in relative bargaining power of the elites due to the increased need for their cooperation during wartime. In a way, the central state lacked the ability to fight wars abroad without the cooperation of the elites, which made it prefer military support to one-time revenue gains from confiscation.<sup>396</sup> The role bargaining power played in the practice of *müşadere* urges us to pay more attention to the perspective of the victims when analysing this kind of institution in history. Constraints not necessarily came from constitutions or representative institutions but from the nature of relations between the ruler and constituents as shaped by the institutions of societies. These non-formal constraints have been examined by social scientists in various contexts. But the Ottoman case seems to be largely missing from this literature.

Why did rulers confiscate? They could indeed be driven by many motives. The need for more revenue was among them. I do not deny the fact that the sultans obtained much revenue through confiscations. Although it was probably not significant in terms of its contribution to total state revenues, it served the purpose of being an extraordinary source of revenue. However, the negative correlation between the power and willingness to confiscate with wars suggests that the revenue was extracted more outside the course of preparation and actual fighting of wars. The problem was rather with the size of the empire and its low capacity, which made it difficult to monitor the behaviour of administrators and control the power of fiscal entrepreneurs. This political-economic function of the *müşadere* enabled redistribution of resources and exacerbation of competition over rents. While

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<sup>396</sup> This is in line with Rosenthal's study of how the state and elites interacted in warfare. Rosenthal, "The Political Economy of Absolutism Reconsidered."

provincial elites were attempting to monopolise rents, the central government wanted them to be redistributed among different actors as much as possible and preferably towards those who played by the informally set rules. The risk of confiscation was known to these people, yet the business of governance was nevertheless the most profitable economic activity. This leads us to consider the relationship between the *müşadere* practice and economic performance.

Did *müşadere* impede economic development and lead to the decline of the Ottoman Empire? In earlier twentieth century historiography, incompetency of later sultans was presented as the main reason for the economic and political decline of the empire. In contrast, economic historians of the Empire recently adopted a different approach to the notion of its decline. Military decline, Şevket Pamuk argued, was an outcome of persistently low fiscal capacity.<sup>397</sup> Other works blamed political, cultural and religious institutions regarded as ill-suited for economic growth. Among all these debates, however, an institution that seems to have survived from the classical regime into the era of modernity has been relatively understudied. Historians who studied the *müşadere* practice have generally taken a descriptive approach and few were, in fact, economic historians with an interest to link it to broader debates of economic history. Additionally, none of them have conducted a systematic analysis of the anatomy of this institution.

The question here is whether the findings of the study lend any support to the view that confiscations were to be blamed for economic underdevelopment or the decline of the Ottoman Empire. They do not. First reason of this is that there were ways to evade it. Although this study did not touch on the issue of religious endowments, it is well-known that these institutions of Islamic polities were used as a shelter from *müşadere* by the sultans. There was indeed a significant increase

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<sup>397</sup> Pamuk and Karaman, "State Finances."

both in the establishment of religious endowments in the eighteenth-century Ottoman Empire and the proportion of family waqfs to total number of waqfs.<sup>398</sup> Family waqfs were particularly designed for the above purpose. This function of waqfs has been emphasised, for example, by Timur Kuran.<sup>399</sup> Yet what is overlooked in these analyses is that most religious endowments were established by administrators and tax farmers, and these groups had little incentive to invest in growth-enhancing economic activities.

Importantly, and as a second reason to why there is not much to blame confiscations for economic underdevelopment, the main targets of *müşadere* sought to obtain monopoly rents as opposed to anything else. They were fiscal intermediaries and administrators with little interest in investing in areas favourable to development. What they did was overwhelmingly dominated by rent-seeking using their monopoly power. The more powerful ones were more capable of protecting their wealth from the government. This capability is one of the main insights of North and Weingast's renowned work regarding the impact of constraints to the power of the sovereign in England on industrial revolution.<sup>400</sup> Yet, in the Ottoman case, neither sovereign lending existed nor productive classes such as merchants and artisans worried much about confiscation of their wealth. Those who felt the most insecure were in the business of revenue extraction, and apparently many of them tried to maximise their revenue by not sending enough revenue to the centre. By confiscating their wealth, the government attempted to protect its share in the fiscal revenue pie. However, as mentioned above, it lacked the full capacity to do so.

Although the indifference of the targets of *müşadere* to valuable activities has been emphasised in the current study, it should also be

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<sup>398</sup> Bahaeddin Yediyıldız, *18. Yüzyıl'da Türkiye'de Vakıf Müessesesi (Bir Sosyal Tarih İncelemesi)* (Ankara: Türk Tarih Kurumu Yayınevi, 2000).

<sup>399</sup> Kuran, "The Provision of Public Goods".

<sup>400</sup> North and Weingast, "Constitutions and Commitment."

stressed that they operated in an economic system without much incentive regardless of the existence of the müsadere practice. In this system, tax farming was the most lucrative activity despite the higher risk of confiscation. If other incentives for people to engage with trade had been in place, the same people, who have fallen victim to müsadere, would probably not have been operating in the fiscal system. In that case, we would not even attempt to question whether it affected economic performance.

While the müsadere practice in the eighteenth century is defined as an institution that enabled the central state to keep its control over the resources, it is necessary to ask whether it was conducive to the emergence of the modern state. Although the literature on the nature of political economy in the eighteenth-century Ottoman Empire had traditionally been centred on the dichotomy between centralisation and decentralisation, the revisionist literature has mainly referred to the uselessness of these concepts since the Ottoman Empire was never completely centralised. I continued to use these terms nonetheless, though carefully and in relative terms. One of the central themes of this line of literature has been the nature of relations between the centre and provincial elites, who were tax entrepreneurs and office-holders. Since the publication of the study by Ali Yaycıoğlu, we now know more about these relations.<sup>401</sup> With the caveat that he is currently working on a new project on confiscations and their influence on people's lives, his recent book on provincial elites does not establish the link between müsadere and centre-periphery relations. In this respect, this study has referred to the fragility of what he calls 'partnership.' Provincial elites, as people who were dependent on state resources, used their sources of bargaining power to circumvent confiscations; yet this often-non-violent resistance was not sufficient to create any institutional change in their favour. Partnership, in other words, was under

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<sup>401</sup> Yaycıoğlu, *Partners of the Empire*.



the sultan's control. The threat of confiscation enabled him to be the stronger player of the state-elite relations.

In the economic historiography of the rise of the modern state, both political and fiscal centralisation was often emphasised as a necessary condition.<sup>402</sup> The müsadere practice contributed to both kinds of centralisation. In the eighteenth century when some power was delegated to the periphery, confiscations served the purpose of preventing higher degrees of decentralisation; while in the early nineteenth century it played an important role in curbing the power of the local elites and enabled political centralisation. Fiscal centralisation was related to political centralisation since the local elites were fiscal entrepreneurs who retained tax revenues before the revenues reached the treasury. As shown in the thesis, these roles were limited to the extent that the elites were needed by the state during the period of transition to modern state, yet they had to be controlled both politically and economically. Although there have been individual studies examining the confiscation of the wealth of provincial elites, this thesis is the first study that emphasised the importance of these abuses in understanding the centre-periphery relations; and from there addressing such themes as centralisation, decentralisation and, more broadly, state formation. In relation to this, the sultans were constrained in their ability to implement policies. Even though the elites were unable to organise collective action, they could bargain. Some capacity of the elites to negotiate with the centre stemmed, in the first place, from low capacity of the state, which had previously left the devolution of power to them.<sup>403</sup> Under these conditions, confiscation was the best available policy to deal with the crisis of the eighteenth century while alternative

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<sup>402</sup> Bartolome Yun-Casalilla and Patrick O'Brien, eds., *The Rise of Fiscal States: A Global History, 1500-1914* (Cambridge: Cambridge University Press, 2012), 14-16.

<sup>403</sup> Jared Rubin, *Rulers, Religion, and Riches: Why the West Got Rich and the Middle East Did Not*, *Cambridge Studies in Economics, Choice, and Society* (Cambridge: Cambridge University Press, 2017), 190-191. Pamuk, "Political Power."

policies such as investment in state capacity were not feasible due to high costs associated with it caused by the difficulty of the vested interest of the elites. Especially from the second half of the century until the 1820s, the practice of confiscation enabled the central administration to maintain a controlled decentralisation, that is, the political and economic power of the agents of decentralisation were kept under constant control.

Overall, this thesis thus contributed to the literature on the rise of modern states by stressing the role of confiscations in the Ottoman path to the modern state that started to emerge in the nineteenth century. Müsadere contributed to the success of a low capacity state to reach modernity. This thesis showed how a low capacity state behaved in a period of crisis and transition, which could easily be fatal to its very existence. This capability to independently deal with this crisis, by itself, was a strength rather than weakness. It should be embedded in the fact that there were centuries of experience for the Empire when it came to confiscations.

However, the complexities of the case of müsadere studied in this thesis are captured best by the framework drawn by North, Wallis and Weingast.<sup>404</sup> That is, the role of the müsadere practice becomes clear when seen through the lens of their framework. They view the natural states as the dominant coalition of elites, while they constantly prevent non-elites from using factors of production by limiting access to them. They also capture the fragility of the position of elites by arguing that changes in “relative prices, demographics, economic growth, technology and a host of other variables” could change their position.<sup>405</sup> Most victims of confiscation in the Ottoman Empire were the members of the dominant coalition. They enjoyed many privileges and monopoly rents by limiting access to them. But their economic and political position

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<sup>404</sup> North, Wallis, and Weingast, *Violence*.

<sup>405</sup> *Ibid.*, 40.

was extremely fragile. In this sense, the thesis contributed to the authors' framework by presenting an extreme form of fragile dominant coalition.

Finally, the discussion in the previous chapter contributed to the literature on stability and change in institutions. Property rights of elites were secured greatly in 1839 partly because the sultans were not as interested in exercising confiscations as before. The literature on institutional persistence and change has focused on the role of exogenous shocks leading to changes such as technological; yet the change took place in the absence of any exogenous shocks and collective action by those whose rights were abused. It came in the form of changes in incentives of one of the parties.

It is also necessary to highlight the limitations of this research, the first being source limitations. One can question, for example, the representativeness of the quantitative data used in chapters 2 and 3. The sources of the müsadere practice are quite dispersed even in the BOA, let alone those in other archives. There were, for example, some muhallefat records that would not specify details other than a list of assets. For the outcome of the müsadere process, I have resorted to the correspondence between the central government and müsadere agents. Yet even these sources were not always enough to finalise the details of the observation. My reading of qualitative sources, however, gives a picture that does not contradict the findings of the quantitative analysis. For the potentially questionable impact of wars on the power to confiscate, for example, I presented a document in chapter 5 showing the same motive when they decided not to confiscate the wealth of the family. A second limitation is that there were obviously elements of the müsadere that were unmeasurable in the quantitative analysis. This, however, was the precise purpose of the multi-method approach adopted in the study. With the help of other sources, I have tried to

shed light on how patrimonial management strategies or relative bargaining power of the families played an important role. A future work can be comparing confiscated inheritances with non-confiscated ones by employing tereke records. Due to the time limitation, I have decided to make use of the outcome of the process of confiscation, but such a comparison may yield further results.

What this research has not directly attempted to examine is the impact of confiscations on economic growth. I could not test this important issue due to the questions about the representativeness of the data, the time limitation of the doctoral programme, and the fact that the period under question did not show much fluctuation in terms of economic indicators. Indirectly, however, I have analysed the actions and investments of potential victims of confiscation, finding that they were not productive classes. A complete analysis of this issue can be done in future, however. For that, one would possibly need to collect data for a longer period. This can be done perhaps by comparing the period before and after the abolition of the *müsadere* practice, controlling for all potential variables that could have influenced economic performance.

As I have found in this study, the existence and survival of *müsadere* was more related to low state capacity than to property rights. It must have had some detrimental effects in terms of economic incentives. The main point of any future research, however, should revolve around the themes of state capacity, state formation and political economy. An important caveat, however, is the role of religious endowments which were arguably used as a shelter from confiscation. This role of *waqfs* should be one of the directions of future research as well. It was not one of the objectives of the present study and I do not believe this significantly affected its quality; but archival sources regarding the functioning and founders of religious endowments are quite rich. It would be an important contribution not only to the field of Ottoman

economic history but also to the field of Islamic economic history to analyse to what extent the founders of family waqfs established these institutions with the motive of protecting their wealth. For this, an examination should be made regarding the extent to which the founders were the members of the same family who were paid constant salaries by the waqfs, and how likely it was for these people to invest their capital in productive activities if they were not under the threat of confiscation.

Another potential area of future research is comparisons between property rights abuses. From my preliminary attempt in chapter 6, it appears that Islamic and Asian states exercised similar practices in the pre-modern period. One would probably not find sources of confiscation for the Safavids of Iran for which there is very scarce data except for chronicles. However, the archives of the Mughal Empire, especially those sources in the Andhra Pradesh State Archives, seem to be very promising in making this comparison between the *mūsadere* practice of the Ottoman Empire and the one called *zabt* by the Mughals exercised for the wealth of *zamindars*.<sup>406</sup> Although a high majority of sources in the Mughal archives are not yet catalogued, there should be a way of handling this issue for those who can read the *Shikasta* script of Persian. One additional source for comparison is early modern China during the Qing dynasty (r. 1644-1912). From the recent work of Rubin and Ma (2017), similarities between the two cases can easily be found.<sup>407</sup> A collaborative work between economic historians of China and the Ottoman Empire has the potential to reveal important findings regarding early modern political economies in Eurasia that did not even share a religion, as in the case of the Mughal-Ottoman comparison.

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<sup>406</sup> Islam, "The Mughal System of Escheat: An Analytical Study".

<sup>407</sup> Ma and Rubin, "Paradox of Power."

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