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PURCHASING THE LAND ESTATES IN THE OTTOMAN EMPIRE DURING 15th - 19th CENTURIES

The article is devoted to the problem of a landowning in the Ottoman Empire during the 15th and 19th centuries. It has become conventional wisdom that due to a feudal structure of the Ottoman's state there could not be any chance to own the land, purchase or rent, as all land was in solely possession of a Sultan, who granted his guards, nobles and warriors small tenures in order to maintain their loyalty. This system was known as a "timar system" and was used and still being used for proving feudal origins and social core of the Ottoman Empire. The main problem was that the scholars cycled only on the type of land possession which was one out of many. The Ottomans combined many different types of landowning from a personal property to the religious endowments, which were different in taxing, juridical aspects and so on. This order was constructed upon Muslim views on the land and property, according to the Ottoman's popular Turk views and Ottoman's laws. The Ottoman's law-books (kanunnameler) written upon Sultans Mehmet I (1451-1481), Selim I (1512-1520) and Suleyman I (1520-1566) clarified the situation. Everyone in the Ottoman's state could own, buy, sell, or rent a piece of land, which could be considered as a private property. That was possible with no distinction of sex, race or religion. The state lands were used only in exchange of army service and could not be privatized, but there were numerous accidents of semi-legal actions of converting the timar land into a *milk* (basic property). That became easier to realize after demolition of a timar system by the Sultan Mahmoud II in 1831 (1808-1839) and ratification of the Land code in 1858 which created the land market of European-style in the Ottoman Empire.

Key words: *Near East; the Ottoman Empire; land owning; the ottoman's land laws; feudalism.*

Introduction

An issue of land property in the pre-industrial societies was considered to be essential as agriculture gave ultimate income (Markova, 2014: 55). In lieu of the matter the land tenure had not only a private interest of everyday survival; however it had a national interest of tax collecting in order to keep bureaucracy working.

Due to accepted views in historiography, Medieval and Early Modern world did have a land market as a judicial event (there was no right to buy, sell, lease, or bequeath land, to consider it as inalienable private property). In a general scheme vassal got allotment, that could be used as a "conditional private property" (Nureev, 2011: 96), in case of fulfilling the feudal obligations (Blyskavyykyj, 2013: 40), a common peasant was only a temporary landholder and could not execute his right to use land according to his own will. Such a thesis is considered as a postulate both for "the West" and "the East". During the historiographical processes aforementioned scheme became known as "feudalism", created in the 18th century and still used as a motto with further prolixity (Pimenova, 2006: 64). In post-soviet historiography the meaning of a term feudal has been referred to Marx/Lenin's definition with almost no change:

"The feudal mode of production means such a state of society, that held landowning as an economic concrete. Productive relations of feudalism based on private property on land held by feudal (means of productions) and semi-full ownership of peasant (manufacturer). Manufacturer's servitude expended vastly till almost slavery or legally justified

serfdom. Using violence as a lever, feudals exploit villagers more and more. An economic side of this subjugation embodied in list of rents: bondhold, natural or money tax. Feudal also could act as a law enforcement unit or even judge in relation to his peasants" (Muravieva, 2014: 55 - English translation is mine - A.C.)

The theories interpreted land medieval property could be conditionally divided into three types: "the Asian mode of production" (manufacturing goods and reciprocating land under a strict almost total state control), "the rent mode of production" theory (in which private property prevails) and mixed "the oriental feudalism" (Alaev, L.B., Ashrafyan, K.Z, 2002: 2-3). The Ottoman empire as an integral part of so called "Eastern civilization" absorbed stereotypical views on a land question: all land, forests and wastelands were sole property of a Sultan, which could be granted as a tenure for the public service (first of all military and bureaucratic one), its owners or rather managers had no right to execute any economical deeds and acted as the tenants at best; moreover the land was not an object of economic relations until the 19th century (Rubel, 2002: 8-9), when Islamic land legislation was codified and the first pro-European cadastral registers were created, in particular the Ottomans basically adopted the European land and legislation system, which could be doubtfully proved after Ottoman Land Code of 1858 analysis¹. Nevertheless, there are critical thoughts emphasizing the fact of rapid

¹ The Ottoman Land, 1892. London: William Clawson and Sons.

changes that could be possibly interpreted as a creation of private property in the Ottoman Empire long before the 19th century (Cuno, 1980: 245). Even despite intense criticism of traditional statements of the feudal theory with the vast and numerous examples from Ethiopia to Japan, where acts of purchasing the land are also noticed and documented (Khismatullin, B. R., 2014; Benti, A. H. and Eleni, T. L. and Benti, A. P., 2016; Buluda, I., 1986; Sabra, A., 2004; Kulishenko, O. Yu., 2014; Krassov, O. Y., 2016), soviet historiographical cliché about a rigid land system on the "the East" still exists, and an issue of existing "feudalism" is still debatable among many researchers, who have made diametrically controversial and opposite statements upon the nature of Ottoman feudalism, namely, on the one hand depicting it as a unique fact, and on the other hand analyzing Ottoman feudalism throughout the European analogues, having compared the elements in the light of their adaptation to the Islamic world (Matuz, 1982: 281).

The aim of this article is an endeavor to show the impropriety of Marxist-soviet interpretation of land relations in the Ottoman Empire regarding to the new ideas and theories in the state power and economics provided by European historians and according to the European data (an epochal research of Medieval Europe and medieval land relations studied by Marc Bloch, Susen Reynolds, Richard Lachmann, Charles Tilly, Perry Anderson and others), and also based on Asian data that question an ability of purchasing the land in the "the East" in general, and in the Ottoman Empire in particular.

Methods

The resource base of this research includes the Ottomans codes known as kanunname, the Ottomans land registers and recollections of foreigners.

Historiography of land tenure in the Ottoman Empire has been presented by the solid specialized researches and also by the general articles with the substantial factography. Among the general studies, the monumental work edited by Ekmeleddin İhsanoğlu should be mentioned, where almost all sides of history and daily life of the Ottoman Empire are enlightened (İhsanoğlu, 2006); nevertheless, there is a minimum amount of information dealing with land tenure except the general data of land holding types and their quantity. The same descriptive article of Çevket Pamuk who is one of the leading expert in the Ottoman economic history, scrutinized a village economy in a broad context of the Ottoman economic system (Pamuk, 2009). The property on land with a social background is analyzed in the works of Kemal Karpat (1972), Norman Itzkowich (1972), Russian ottomanist Yuriy Petrosian (1992), the useful and combined material is given in the encyclopedias of Ottoman history, edited by Gabor Agoston and Bruce Masters (2009) alongside with Selcuk Somel (2008).

Ukrainian historians have also involved in the investigation. Among them Antonina Makarevich should be mentioned who deals with a unique form of land using known as vaqf (Makarevych, 2016). The specialized works are represented by a monography of İsmail Hürrev Tükin, "Turkish village economy" (1972), where the social intercourses concerning land are analyzed on the basis of social history methods and throughout the extended historical period. Other proceedings are represented by the articles in English and Turkish, where the various

aspects of land relations in the Ottoman Empire are clarified.

Results and Discussion

It would be appropriate to begin with highlighting the land system and land granting typology and its dynamics in the Ottoman Empire. Generally all lands, forests, water resources and other natural objects were divided into three large groups of agricultural units:

1) Mülk (mülk arazi) - a private owned possession, which can be bought, sold, bequeath, or endowed (Pakalin, 1998: 612).

2) Vaqf (vaqf) - the land or another immovable property belonged to the endowment that could not be confiscated or taxed (Pamuk, 2005: 83-84).

3) Miri (miri arazi) - both juridical and administrative term, for indicating state property and income, which were put straight to the state treasury, (Somel, 2003: 192). The term is almost comparable to a term "zift-hane" (a peasant house holding with all the instruments and a couple of oxen, that plowed the land piece, estimating its size) (Somel, 2003: 68).

All these groups were divided into the smaller ones distinguished from each other in a legal status, economic value and amount of collecting taxes.

In the Ottoman Empire as in any Muslim country all aspects of life from the state business to a private daily life were derived from Islam doctrines. The fact admitted the right of a human to exploit and use land goods, but not provide a right of full possession. The status was formulated as a God-human connection. Truly ownership (raqaba), land transferring or bequeathing depended on a spiritual connection and was legitimated by it (Sait, Lim, 2006: 101). Simultaneously, property rights on land were identified by Prophet's rules as well as by the contacts between Muslim and non-Muslim world, especially with the Europeans; moreover the interactions prompted the fruitful thoughts of what the Muslim land Code would have been if the Europeans have never had any impact on it (Fachini, 2007: 9). Yet, the pragmatism, flexibility, ability and willingness to negotiate, adapted the existing institutes for a new reality which permitted the Ottomans to preserve their stable governmental status to the modern era, and simultaneously was balanced by the limits of their system (Pamuk, 2009: 2). In concord with it the Ottoman's system of land usage had appeared long before the Ottoman's state and collected Muslim principles as well as the appropriate legacy heritage of their predecessors - Seljuk and Sassanid's countries and Turkic national tradition (Biyik, Yavuz, 2003: 3).

More or less the institutionalized division of land and installation of rules were organized by the most profound and glorious sultans - Mehmed II Fatih (1451-1481) Selim I Yavuz (1512-1520) and Suleiman I Kanuni (1520-1566), who in the legal codes "Kanunname" combined the norms of a sharia law, Turkic customary law, and a compendium of sultan and government rescripts which could be used as the legal precedents. The earliest description of land usage can be found in a vaqf-name (a document, that allowed some pieces of land or other property to be endowed) issued by Ibrahim-bey a principality from Karaman in 1432. The extract provides the following:

"...enlisted in the act pieces of land, plows, channels, farmstead with all its revenues, dwellers, valleys, mountains, meadows, trees, rivers, stones, hills, roads and all goods, doors, sources with all internal and external rights from this

very moment becomes a vaqf possession and can't be sold, donated, mortgaged, or bequeathed"² (English translation is mine - A.C.)

Consequently, that vaqf as an Islamic form of a charitable trust could encompass all the possessions including land that after signing vaqf-name could not be sold, taken, and become an object of legacy from a founder to the successors through the male line, and stayed under their direct control. Nevertheless, Vaqf possessions stayed under the State supervision and regularly provided the scrupulous accounts on their income and outcome. Each vaqf had their own bookkeeper, who did all paper work, which was used to make the governmental reports. Any attempt of infringement from the state power ultimately provoked the objections of vaqf-owners motivated their rights violation as well as the massive popular revolts (Makarevych, 2016: 24). Needless to say that only private property could be arranged at vaqf, as a result the moment demonstrates the existence of private property for all kinds of property - movable or immovable.

The state lands in the Ottoman Empire, are generally associated with so called a timar system, which constituted more than 87% of all lands in the end of the 16th century, and 40% in the middle of the 18th century (Agoston, Masters, 2009: 19-20). According to the concept, government granted its military class "askeri" a right to collect taxes from the appointed house holdings, particularly on their favor. The division of such donations (timars) was based on the amount of revenues: under 20 000 akze (silver coin) - timar, from 20 000 to 100 000 - zeamet, exceeding 100 000 - hass (İhsanoğlu, 2006: 443). The system often called on the European manner "military-allod" had been constructed for a hundred years and existed till the 19th century (Petrosian, 1992: 4-5). It was solely a Sultan's prerogative to order a timar-name, but there were many documented occasions, when people granted with a timar got their papers directly from their officers, despite an official prohibition. (Itzkowitch, 1972: 44):

"It has been said, that beylerbey gives to the sipahi some letters, in which prescribes kadiis (judges), that mention sipahi can collect from rayat something more. Beylerbey shouldn't do that. If they violate the law and wright it again, kadii can cancel that order and no subpoena will happened"³. (English translation is mine - A.C.)

In Kanunname of Sultan Mehmed II Fatih we find the following statement:

"...If sьvari (heavy armored cavalryman - A.C.) will forcibly dismiss rayat from his zift, in case of rayat returns tapu (land tax) should not be taken. If rayat will leave without permission or keep his land untreated during the year, sьvari can act in the way he want. House and field of rayat-fugitive belongs to sьvari, but if sьvari driven him away, house and field still belongs to rayat"⁴ (English translation is mine - A.C.)

² "Вақф-наме" Ибрагима Бея из княжества Караман. ["Wakf-name" by Ibrahim Bey from the Principality of Karaman]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XV/1420-1440/Ibrahim-bey/vakuf_1432.htm (Accessed: 11.06.2019)

³ Книга законов султана Сулеймана Кануни. [Book of Laws of Sultan Suleiman Kanuni]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XV/Agar_stroj/1/2.htm (Accessed: 11.06.2019)

⁴ Книга законов султана Мехмеда II Фатиха. [Book of the law of Sultan Mehmed II Fatih]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XV/Agar_stroj/1/1.htm (Accessed: 11.06.2019)

In Kanunname of Selim I Yavuz we can find additional proofs of peasants' personal freedom despite an economical domination of timar granted people:

"If someone, who hadn't have zift according to defter, would become owner of a zift and ziftlik (team of oxen and piece of land), should be done next: resmi- zift should be collect from them. In this case all determine by land", When someone of external rayats gets land and sipahi, coming to his land will say - you are stranger, -the land should not be leased to other. Only in case of dire need, rayat can get some land, booked by another"

"City dwellers can hold ziftlik only within the city "In case of rayat death, and if he had five or six married or bachelor sons, but they are able to work let them hold father's land with no partition and in common", "ziftlik is forbidden to be portioned. But if they want to divide it let them do it, they going to inherit father's land"⁵. (English translation is mine - A.C.)

Based on the text extract a conclusion could be drawn that rayats were to pretend on zift practically in each occasion, could divide it or bequeath. "It's in the possession of sipahi, who he is going to lend it, so be it"⁶. (English translation is mine - A.C.)

- sipahi did not own the land as well as rayats; however controlled the way of its usage. It could be possible for women to gain a zift, but in this case, the law became ambiguous:

"If the land stays empty and woman will ask for it and proclaimed - "I will pay what is required", - there are no padishah's law to grant a land to a woman - " It's in the possession of sipahi, who he is going to lend it, so be it". Nevertheless: "But if woman obtain land in some way, and keeps zift unharmed, paying ushr (land tax), and other taxes to sipahi, should not be any infringement and don't dare to say that woman couldn't replace man and sipahi shouldn't took the land from her"⁷. (English translation is mine - A.C.)

Consequently sipahi had no actual right to possess any kind of land except obtaining revenues from it exploitation. Moreover, timar granted people had no right to register the right of propriety selling, renting or bequeathing; nevertheless there were distinguished exceptions: in the 16th - 17th centuries on the territory of Ahalciz pašalık (modern Georgia), timar lands as yurdluk and ocaklık appeared both in the legal status of state lands (azarı muriye) and private (mьlk), and the smart owners took care about keeping their timar rights safe and untouchable, bequeathing them to their successors. A procedure of a new owner's introduction was applied in the case of a former owner's death, who used a timar according to the other legal procedure (Zajcev, Oreshkova, 2006: 326).

The same ambiguity could be traced in the 17th century documents depicting a situation in Hotin district - nahiyе (modern Ukraine):

"Lenkovci village, 29 inhabitants. Entrusted to Ali-agma, agha of left wing gunьliyan. The same day (first draft on the margins): mьlk-name is given in march 27 1717 (second

⁵ Книга законов султана Селим-хана. [Book of the Law of Sultan Selim Khan]. Retrieved from: http://www.vostlit.narod.ru/Texts/Dokumenty/Turk/XVI/1520-1540/SelimI/Kanun_name/text.htm (Accessed: 11.06.2019)

⁶ Ibid.

⁷ Ibid.

draft): Cancelled by Sultan's firman May 16, 1718" another one "Nesfoyo village. Desolate. Entrusted on the right of left wing *günyliyan* to Kolchak Ilias-agma march 22, 1716 (first draft on the margins): *мылк*-name is given in march 27 1717. (second draft): Cancelled by Sultan's firman May 16, 1718"⁸. (English translation is mine - A.C.)

In this manner, there was a specific procedure of getting *мылк*-name (a privatization voucher) but the content and peculiarities of such documents were unknown. An additional change appeared in 1695, when the Ottoman government installed an institute of *malikane* - a hereditary right to cultivate and use land allotment, nevertheless the act, did not change the course of a rapid crisis between power, peasants and land-holders. The same situation was with the *siftlik*s, that began to appear swiftly and in abundance in the documents of the Ottoman correspondence from the beginning of the 18th century. They were deliberately oriented on the foreign markets, and could be conventionally regarded as the first private ventures and their owners as entrepreneurs (Scott, 1998, s. 32). The Ottoman document of the time of Selim III reign (1789-1809) gives evidence:

"If some land and householdings belonging to the monasteries or individuals from the ancient times, were violently confiscated, and till our time is called *rayat lands*, should be meticulously investigated. In case this land are held with offences, it should be returned to previous and truly owners"⁹. (English translation is mine - A.C.)

Above-mentioned extract also stated a respectful attitude to the private property, whatever it was and whoever it possessed. It should be mentioned that our understanding and interpretation depend on the translation correctness and accuracy in some terms' interpretation which sound in a different way in Ottoman and therefore have another juridical meaning different from the present one.

The evidences of foreigners in the Ottoman Empire concerning a land question and its legal structure contained the obvious contradictions; the most demonstrative would be a document of 1826:

"As for most of the Ottoman country is consists of *apapanages*, it should be shown the character of land property and supreme power, not only by Muslim rule but also by Osman in particular"¹⁰. (English translation is mine - A.C.)

In the very first lines only one type of landholding was emphasized, which was not a dominant one at the 19th century. There were further contradictions embodied and developed in some paragraphs: "It can't be no doubt, that in Turkey as well as in the rest muslim states of Asia, real and hereditary land right protected by law never exists, right of possession grounds on the direct ownership, which were granted

by first invaders and their successors, and never by written law, codifying before conquer"¹¹, the authors of a brochure set strictly negative tone for the land property's relation in the Ottoman Empire. Notwithstanding, the following citation is absolutely in discord with the previous one:

"...we present literary translation of *defterdar's Mohammed Chelebi-efendi* declaration, who was appointed by Sultan Selim II in 1566 to fix the financial laws and bring together in one ultimate law: All lands in muslim state could be divided into a three classes. First one - paying tithe (*Ersi-ashrige*) granted to Muslims and consists **their full and uncontested private property which they can buy, sold, bestow, or endowed**, this manors are not pay *haradgie* by Muslim laws. Second one - manors, that pays *Ersi haradgie*, after the conquering can be kept after its previous owners with obligation to pay not only tithe but also a *Haradgie Nuiwasaf* (land tax) and *Haradgie mukdessa* (building tax) Lands of a second type are as well as the first class are being in full and uncontested property of their possessors **which they can buy, sold, bestow, or endowed** (English translation and text selection are mine - A.C.).¹²

Consequently, the foreigners admitted the ownership of land even by the standards of their own countries. They were equipped with the documents certified the established order of things since the 16th century; nevertheless they had still interpreted the land relations in the Ottoman Empire as the medieval and feudal ones. Regarding to the state lands a situation was ambiguous:

"Ottoman land belonging to this class are called **crown lands**. They can't be privatized and while it's user is cultivating an keeps it safe and profitable, paying all taxes, the land can't be taken off. The land transpassing to the heritors through man's line, and even when man-owners are dead, the land don't return to treasury. Generally it can't be sold and every deal are treated as invalid, according to the law"¹³. (English translation and text selection are mine - A.C.)

According to these statements, the inability of buying and selling the state lands did not make their temporary owners dependent, instead allowed them getting revenues from the land in accordance with fulfilling their obligations. The groundbreaking shifts in the land relations appeared only in the 19th century. The first strike was made by Sultans Mahmud II (1808-1839) and his son Abdulmecid (1839-1861), by laws of 1831, 1834 and 1839 which cancelled a *timar* system and permitted to register it as a private property - *мылк*. In 1848 the new land law introduced the elements of a free-market (the land could be purchased at the auctions) but remained the small owners alone with the old land elite (*Tuĸin*, 1972: 173). And the final redaction of the Ottoman Land Code (*Arazi Kanunnamesi*) practically brought the European practice of land use into the Ottoman Empire in 1858 (*Tuĸin*, 197: 119). All land was divided into 5 classes: *Arazi Memluke* (the private land), *Arazi Miriye* (the state land), *Arazi Mevkufe* (the rented land), *Arazi Metruke* (abandoned or with an unidentified owner), *Arazi Mevat* (the wastelands)¹⁴. For historical accuracy it should be mentioned that a kind of the constructive change and the process of defining an owner led to the further catastrophic consequences: in the situation when 80% out of a

⁸ Турецкие документы о состоянии Хотинской округи (Яхие) в первой половине XVIII в. [Turkish documents on the state of the Khotyn district (Yakhiye) in the first half of the 18th century]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XVIII/1700-1720/Dok-ty_Chotin_okr/frametext.htm (Accessed: 11.06.2019)

⁹ Священный рескрипт. Сентябрь 1802 г. [Holy script. September 1802]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XIX/1800-1820/Selim_III/Dva_Ukaza_i_Sv_reskript/frametext3.htm (Accessed: 11.06.2019)

¹⁰ Государственные законы и постановления Оттоманской Порты. [Ottoman Port State Laws and Regulations]. Retrieved from: http://www.vostlit.info/Texts/Dokumenty/Turk/XIX/1820-1840/Gos_zakony_i_post_Ott_Poroty/text2.phtml (Accessed: 11.06.2019)

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ The Ottoman Land, 1892. London: William Clawson and Sons.

total of population were rural inhabitants or were consumers of the agricultural products, 44% of total state income originated from the agricultural products, 70% of the most deprived Ottoman subjects paid 77% of all taxes and 5% of the richest Ottomans owned 65% of all land fund in the Empire (*Topses, 2017: 264-265*). The fact additionally proves that the social institutes (ownership of land in this case) are completely disastrous for any state without an appropriate economic policy which leads to the rise of a constructive legal system that acts according to the interests of all society.

Conclusion

The Ottoman's land system and the legal characteristics of the land relationships formed in medieval times and existed with some changes till the mid-19th century. The Ottomans combined different types of land using: private, state and communal in the attempt to raise maximally a capital of the main source of state income. The private lands were an object of the economic activity and could be bought, sold, rented, exchanged, bestowed and endowed. There was no principal distinction who acted as an economic actor whether a person was a man or a woman, a Muslim or a non-Muslim. The Vaqf land was non-alienated and tax-free, and a Vaqf could be exclusively created on the private land property. The state lands certainly could not be an object of economic activity despite the numerous facts proved the opposite and they fully became the economic objects after the timar's system abolishment by a Sultan Mahmud II in 1831. The Land Code of 1858 introduced the European-based norms of land usage. The problem of a discrepancy of the Ottoman land relationships consisted in the difficulty of adequate translating the Ottomans' economic terminology in the selection and analysis of the sources, and according to a prejudiced view of the further Ottomans' contemporaries, who considered the land relationships in the light of feudal rudiments and emphasized only on the negative sides which obviously presented. Nevertheless, according to the economic data of labor productivity (see Appendix 3), the crop-capacity of preindustrial Ottoman lands was comparable to or in some cases exceeded the rates of the industrial states' crop capacity in the 19th century (*Coegel, M. M., 2004: 25*). It cannot be explained by the climate or other natural reasons, disregarding socio-economical and institutional causes. The Ottoman's system land usage and land relations guaranteed the high levels of productivity in general, having stimulated the peasants and especially free people to work as the private owners, who were personally interested of working at their private land, but an ineffective economic policy, the complex and branched legal system as well as the absence of industrialization did not secure prosperity for the peasant-owners.

REFERENCES

- Blyskavyckyj, A. A. (2013). Chastnaya sobstvennost na zemlyu, *Zemelnyj vopros*. Issue 9. pp. 39-49 (In Russian).
- Khismatullin, B. R. (2014). Mezhevanye zemli v Kazanskom khanstve (seredina XV - XVI vv.). *Vestnyk Kazanskoho universytetu kultury i isskustv*. Issue 4. pp. 108-111 (In Russian).
- Benti, A. H. and Eleni, T. L. and Benti, A. P. (2016). Historical survey of land tenure system and women's right to resource access in Northern and Central Ethiopia. *African journal of gender and women studies*. Issue 3. pp. 20-27 (In English).
- Buluda, I. (1986). Feudalsim in East Africa. *Journal of the Faculty of Arts and Social Sciences University of Dar es Salaam*. Issue 2. pp. 29-42 (In English).
- Sabra, A. (2004). The Rise of a New Class? Land Tenure in Fifteenth-Century Egypt: A Review Article. *Middle East Documentation Center. The University of Chicago*, Issue 2. pp. 203-210 (In English).
- Kulishenko, O. Yu. (2014). Pravo vlasnosti i pravo volodinnya zemleyu v Hetmanskiy Ukraini: kharakterystyka ponyat. *Naukovyj visnyk Mizhnarodnoho humanitarnoho universytetu*. Issue 9. pp. 167-169 (In Ukrainian).
- Krassov, O. Y. (2016). Systemy zemlevladyenyya v stranax Mahryba. *Lex Russica*. Issue 6. pp. 184-202 (In Russian).
- Alaev, L. B., Ashrafyan, K. Z. (ed.) (2002). *Istoriya Vostoka*: In 6 vol. Moscow: Vostochnaya lyteratura, Vol. 2. Vostok v sredniye veka. 716 p. (In Russian).
- Ihsanoğlu, E. (ed.) (2006). *Istoriya Osmanskoho hosudarstva, obshhestva, cyvylyzacyy*: In 2 vol. Moscow: Vostochnaya literatura, Vol. 2. 602 p. (In Russian).
- Makarevych, A. S. (2016). Znachennya imaretiv v systemi vakfu Osmanskoy imperiyi XIV-XVI st. *Naukovi praci istorychnoho fakultetu Zaporizkoho nacionalnoho universytetu*. Issue 45. pp. 147-150 (In Ukrainian).
- Markova, S. P. (2014). Ponyatyie "feodalizm" v sovremennoy issledovatel'skoy interpretacyi. *Vestnyk AHU*. Issue 1. pp. 53-60 (In Russian).
- Muravieva, L. A. (2014). Ekonomika Zapadnoy Yevropy v period ranneho i klassicheskoho feodalizma (V-XIV vv.). *Mezhdunarodnyi bukhalterskiy uchet. Stranycy istorii*. Issue 3. pp. 54-64 (In Russian).
- Nureev, R. M. (2011). Feodalnoye obshhestvo kak vyshaya i posledniaya stadiya tradycionnoy ekonomiki. *Khrystyanskiy typ kultury. TERRA ECONOMICUS*. Issue 3. pp. 95-140 (In Russian).
- Zajcev, I. V., Oreshkova, S. F. (ed.) (2010). *Osmanskiy mir i osmanystika. Sbornyk statej k stoletiyu so dnya rozhdeniya A. S. Tverytynovoj (1910-1973)*. Moscow: IV RAN, 516 s. (In Russian).
- Petrosian, Yu. A. (1992). *Osmanskaya imperiya: mohushhestvo i hibel. Istoriyeshkiye ocherky*. Moscow: Vostochnaya literatura, 187 s. (In Russian).
- Pimenova, L. A. (2006). Predstavlenyya o "feodalnom" v dorevolyucyonnoy Francyy XVIII v. In.: Hurevych, A. Ya. (ed.), *Odysej: chelovek v istorii. Feodalizm pered sudom istorikov*. Moscow: Nauka, pp. 63-77 (In Russian).
- Rubel, V. A. (2002). *Istoriya Serednovichnoho Skhodu*. Kyiv: Lybid, 736 p. (In Ukrainian).
- Adanir, Fikret (1998). The Ottoman peasantries, 1360-1860. In: Scott T. (ed.), *The Peasantries of Europe. From the Fourteenth to the Eighteenth Centuries*. London and New York: Longman, pp. 269-310.
- Al-Ossmi, L. and Ahmed, V. (2017). Land, property and user's rights according to Islamic-Ottoman reforms in Iraq. *International Journal of Heritage Architecture*. Issue 3. pp. 379-387 (In English).
- Biyik, C. and Yavuz, A. (2003). The Importance of Property Ownership and Management System in the Ottoman Empire in Point of Today. *2nd FIG Regional Conference Marrakech, Morocco, December 2-5, P. 1-12* (In English).
- Coegel, M. M. (2004). Agricultural productivity in the early Ottoman Empire. *Economic working papers*. Issue 35, pp. 1-37 (In English).
- Cuno, K. M. (1980). The origins of private ownership of land in Egypt: a reappraisal. *International journal of Middle East studies*. Issue 12, pp. 245-275 (In English).
- Agoston, G., Masters, B. (ed.) (2009). *Encyclopedia of the Ottoman empire*. New York: Facts on File, 689 p. (In English).
- Facchini, F. (2007). Islam and private property. *HAL*, pp. 1-16 (In English).

- Itzkowitz, N. (1972). *Ottoman empire and Islamic tradition*. Chicago: The University of Chicago press, 125 p. (In English).
- Karpat, K. H. (1972). The transformation of the Ottoman state, 1789-1908, *International journal of Middle East studies*. Issue 3, pp. 243-289 (In English).
- Sait, S., Lim, H. (ed.) (2006). *Land, Law and Islam Property and Human Rights in the Muslim World*. London: Zed Books, 241 p. (In English).
- Matuz, J. (1982). The nature and stages of the Ottoman feudalism. *Asian and African studies*. Issue 16. pp. 281-292 (In English).
- Pakalın, M. Z. (1993). *Osmanlı tarih deyimleri ve terimleri sözlüğü*. Cilt II. İstanbul: Milli eğitim basımevi, 870 s. (In Turkish).
- Pamuk, S. (2005). *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*. İstanbul: İletişim, 242 p. (In Turkish).
- Pamuk, S. (2009). Changes in factor markets in the Ottoman empire 1500-1800. *Continuity and Change*. Issue 24, pp. 1-30. DOI: <https://doi.org/10.1017/S0268416009007048> (In English).
- Somel, S. (2003). *Historical dictionary of the Ottoman empire*. Lanham: Scarecrow press, 399 p. (In English).
- Tüçkin, İ. H. (1990). *Türkiye köy iktisadiyatı*. İstanbul: İletişim Yayınları, 218 s. (In Turkish).
- Topses, M. D. (2017). The Socio-Economic and Political Structure of the Peasantry in the Tanzimat Reform Era. *Sociology Study*. Issue 5. pp. 263-267 (In English).
- Феодализм перед судом историков / ред. А. Я. Гуревич. Москва: Наука, 2006. С. 63-77.
- Рубель В. А. История Средневекового Востока. Пособие. Киев: Либідь, 2002. 736 с.
- Хисматуллин Б. П. Межевание земли в Казанском ханстве (середина XV - XVI вв.). *Вестник Казанского университета культуры и искусств*. 2014. № 4. С. 108-111.
- Adanir Fikret. The Ottoman peasantries, 1360-1860. The Peasantries of Europe. From the Fourteenth to the Eighteenth Centuries / ed. Tom Scott. London and New York: Longman, 1998. P. 269-310.
- Al-Ossmi L., Ahmed V. Land, property and user's rights according to islamic-ottoman reforms in Iraq. *International Journal of Heritage Architecture*. 2017. No. 3. P. 379-387.
- Benti Alexandra Hailu, Eleni Tafari L., Benti Abule Paulos. Historical survey of land tenure system and women's right to resource access in Northern and Central Ethiopia. *African journal of gender and women studies*. 2016. No. 3. P. 20-27.
- Biyyik Cemal, Yavuz Ayşe. The Importance of Property Ownership and Management System in the Ottoman Empire in Point of Today. 2nd FIG Regional Conference Marrakech, Morocco, December 2-5, 2003. P. 1-12.
- Buluda İtandala. Feudalism in East Africa. *Journal of the Faculty of Arts and Social Sciences University of Dar es Salaam*. 1986. No. 2. P. 29-42.
- Canbakal Nыlya, Filiztekin Alpay. Wealth and Inequality in Ottoman Lands in the Early Modern Period. Rice University Conference on the Political Economy of the Muslim World, 2013. 32 p.
- Coegel Metin M. Agricultural productivity in the early Ottoman Empire. *Economic working papers*. 2004. No. 35. P. 1-37.
- Cuno Kenneth M. The origins of private ownership of land in Egypt: a reappraisal. *International journal of Middle East studies*. 1980. No. 12. P. 245-275.
- Encyclopedia of the Ottoman empire / ed. G. Agoston, B. Masters. New York: Facts on File, 2009. 689 p.
- Facchini Francois. Islam and private property. *HAL*. 2007. P. 1-16.
- Itzkowitz Norman. Ottoman empire and Islamic tradition. Chicago: The University of Chicago press, 1972. 125 p.
- Karpat Kemal H. The transformation of the Ottoman state, 1789-1908, *International journal of Middle East studies*. 1972. No. 3. P. 243-289.
- Land, Law and Islam Property and Human Rights in the Muslim World / ed. S. Sait, H. Lim. London: Zed Books, 2006. 241 p.
- Matuz Josef. The nature and stages of the Ottoman feudalism. *Asian and African studies*. 1982. No. 16. P. 281-292.
- Pakalın Mehmet Zeki. *Osmanlı tarih deyimleri ve terimleri sözlüğü*. Cilt II. İstanbul: Milli eğitim basımevi, 1993. 870 s.
- Pamuk Sevet. *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*. İstanbul: İletişim, 2005. 242 p.
- Pamuk Sevet. Changes in factor markets in the Ottoman empire 1500-1800. *Continuity and Change*. 2009. No. 24. P. 1-30.
- Sabra Adam. The Rise of a New Class? Land Tenure in Fifteenth-Century Egypt: A Review Article. *Middle East Documentation Center. The University of Chicago*. 2004. No. 2. P. 203-210.
- Somel Selcuk. Historical dictionary of the Ottoman empire. Lanham: Scarecrow press, 2003. 399 p.
- Tökin İsmail Husrev. *Türkiye köy iktisadiyatı*. İstanbul: İletişim Yayınları, 1990. 218 s.
- Topses Mehmet Devrim. The Socio-Economic and Political Structure of the Peasantry in the Tanzimat Reform Era. *Sociology Study*. 2017. No. 5. P. 263-267.

LIST OF REFERENCE LINKS

- Блискивицкий А. А. Частная собственность на землю. *Земельный вопрос*. 2013. № 9. С. 39-49.
- История Востока. В 6 т. Т. 2. Восток в средние века / ред. Л. Б. Алаев, К. З. Ашрафян. Москва: Восточная литература, 2002.
- История Османского государства, общества, цивилизации. В 2 т. Том. 2 / ред. Е. Ихсаноглу. Москва: Восточная литература, 2006.
- Крассов О. И. Системы землевладения в странах Магриба. *Lex Russica*. 2016. № 6. С. 184-202.
- Куліщенко О. Ю. Право власності і право володіння землею в Гетьманській Україні: характеристика понять. *Науковий вісник Міжнародного гуманітарного університету*. 2014. № 9. С. 167-169.
- Макаревич А. С. Значення імаретів в системі вакфу Османської імперії XIV-XVI ст. *Наукові праці історичного факультету Запорізького національного університету*. 2016. № 45. С. 147-150.
- Маркова С. П. Понятие "феодализм" в современной исследовательской интерпретации. *Вестник АГУ*. 2014. № 1. С. 53-60.
- Муравьева Л. А. Экономика Западной Европы в период раннего и классического феодализма (V-XIV вв.). *Международный бухгалтерский учет. Страницы истории*. 2014. № 3. С. 54-64.
- Нуреев Р. М. Феодалное общество как высшая и последняя стадия традиционной экономики. Христианский тип культуры. *TERRA ECONOMICUS*. 2011. № 3. С. 95-140.
- Османский мир и османистика. Сборник статей к столетию со дня рождения А. С. Тверитиновой (1910-1973) / Ред. И. В. Зайцев, С. Ф. Орешкова. Москва: ИВ РАН, 2010.
- Петросян Ю. А. Османская империя: могущество и гибель. Исторические очерки. Москва: Восточная литература, 1992. 187 с.
- Пименова Л. А. Представления о "феодалном" в дореволюционной Франции XVIII в. Одиссей: человек в истории.

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КУПІВЛЯ І ПРОДАЖ ЗЕМЛІ В ОСМАНСЬКІЙ ІМПЕРІЇ XV-XIX СТОЛІТЬ

У сучасній історіографії усталеною є думка про те, що в Османській імперії не існувало ринку землі в сучасному економічному тлумаченні. Базуючись на створеній у XVIII столітті концепції феодалізму й розвинутої в працях марксистсько-радянського штибу, було створено образ суспільства, що не знало приватної власності на землю, яка належала обмеженій кількості юридично повноправних вельмож. Для "Сходу" й для Османської імперії зокрема, ця теорія, органічно поєднуючись із концепцією "східного деспотизму", створила хибне уявлення про земельні відносини, згідно з яким, неначебто, вся земля належала державі, уособленням якої була постать султана, що роздавав земельні наділи в тимчасове користування. Користувачі земельних угідь не мали права продати, купити, орендувати, заповідати, розділяти земельний наділ тощо. Люди, що працювали на землі, були лише тимчасовими тримачами-орендаторами, які постійно перебували під економічним, а часто й під фізичним гнітом привілейованої частини османського суспільства (здебільшого військової), й ледь не на становищі рабів, прикріплених до тієї чи іншої ділянки. Навіть привілейовані верстви володіли землею на час несення державної служби і моментально втрачали будь-які права на землю після припинення служби. Згідно такої картини, приватної власності на землю не могло бути априорі. У статті здійснюється спроба довести на основі законодавчих актів, що в Османській імперії існував вільний ринок землі, яка могла бути об'єктом економічних стосунків між усіма підданими Османської держави, що земля була поділена на велику кількість різноманітних типів в залежності від економічних та природних обставин, земельний наділ міг знаходитися в приватній власності, а типологія землі в Османській імперії була зумовлена максимізацією прибутку держави. Кричуща невідповідність даних, базованих вже на перекладених і доступних джерелах із історії османських земельних відносин ґрунтується на застарілому радянському погляді, складності перекладу османських юридичних та економічних термінів та недотриманні принципу історизму при зіставленні османських соціоекономічних реалій із сучасними.

Ключові слова: Близький Схід; Османська імперія; земельні відносини; османське право; феодалізм.

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