

THE IMPLEMENTATION OF THE OTTOMAN LAND CODE OF 1858 IN EASTERN  
ANATOLIA

A THESIS SUBMITTED TO  
THE GRADUATE SCHOOL OF SOCIAL SCIENCES  
OF  
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS  
FOR  
THE DEGREE OF MASTER OF ARTS  
IN  
THE DEPARTMENT OF HISTORY

APRIL 2007

Approval of the Graduate School of Social Sciences

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## **ABSTRACT**

### **THE IMPLEMENTATION OF THE OTTOMAN LAND CODE OF 1858 IN EASTERN ANATOLIA**

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May 2007, 179 pages

The nineteenth century was an era that great centralization and codification attempts were realized in the Ottoman Empire. One of these attempts was the Ottoman Land Code of 1858, which put various land regulations throughout the empire into a standard code. But this standard Code gave different results when applied to different regions which had their own characteristic features. Eastern Anatolia, which had an autonomous position since its incorporation to the Ottoman Empire, was also in the scope of the Land Code.

The object of this study is to examine the implementation of the Land Code of 1858 in eastern Anatolia and the impacts of this implementation process in the region. Indeed, the general situation of the region greatly disaffected the implementation of the Code in eastern Anatolia. Because of the dominant disorder within the region and problems of the state in these lands, the Land Code could not be properly implemented in eastern Anatolia. The Land Code and the title deeds, which were distributed in accordance with the Code, were so important that they became the base of later ownership claims.

Therefore, the implementation of the Code had deep and long lasting effects on the land patterns and social relations in the region.

In this respect, this study will evaluate the implementation process of the Land Code throughout eastern Anatolia and the socio-economic transformation of the region as a result of this process.

**Keywords:** The Ottoman Land Code of 1858, Eastern Anatolia, landownership

## ÖZ

### 1858 OSMANLI ARAZİ KANUNNAMESİNİN DOĞU ANADOLU'DA UYGULANMASI

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Mayıs 2007, 179 sayfa

19. yüzyıl, Osmanlı İmparatorluğu'nda merkezileşme ve yasama konusunda önemli adımların atıldığı bir dönemdi. Bu atılan adımların bir tanesi de Osmanlı İmparatorluğu'ndaki çeşitli toprak düzenlemelerini standart bir hale sokan 1858 Osmanlı Arazi Kanunnamesi'dir. Ancak bu standart kanunname kendi karakteristik özelliklerine sahip farklı bölgelerde uygulandığında farklı sonuçlar vermiştir. Osmanlı İmparatorluğu'na katılmasından itibaren özerk bir konuma sahip olmuş olan Doğu Anadolu da bu Kanunname'nin uygulama alanı içindeydi.

Bu çalışmanın amacı Arazi Kanunnamesi'nin Doğu Anadolu'da uygulanması sürecini ve bu sürecin bölge üzerindeki etkilerini analiz etmektir. Bu süreçte bölgenin içinde bulunduğu genel durum Arazi Kanunnamesi'nin Doğu Anadolu'da uygulanmasını oldukça olumsuz yönde etkilemiştir. Bölge dahilinde hakim olan düzensizlik durumu ve devletin Doğu Anadolu'daki sorunları, Kanunname'nin burada düzgün bir şekilde uygulanmasını engellemiştir. Arazi Kanunnamesi ve Kanunname'ye göre dağıtılan tapu senetleri daha sonraki toprak sahipliği iddialarının temeli olduğundan çok önemlidir. Dolayısıyla Kanunname hem toprak sahipliği biçimleri hem de

bölgedeki sosyo-ekonomik ilişkiler üzerinde derin ve uzun bir süre devam eden etkilerde bulunmuştur.

Bu çerçevede, bu çalışmada Kanunname'nin bölgede uygulanması ve bu süreç sonucu bölgede yaşanan sosyo-ekonomik dönüşüm değerlendirilmeye çalışılacaktır.

**Anahtar Kelimeler:** 1858 Osmanlı Arazi Kanunnamesi, Doğu Anadolu, Toprak sahipliği

To Gülendaml Gözel, Yüksel Gözel  
and  
Yunus Emre Gözel



## ACKNOWLEDGMENTS

I would like to express my gratitude to my supervisor Recep Boztemur for his encouragement and guidance throughout my research. Without his support and trust to me, I could not dare to begin such a thesis.

I would also want to thank to Nesim Şeker and Mehmet Seyitdanlıoğlu who were very kindly read the draft and made valuable comments, criticisms and suggestions which had vastly improved the work. I would also want to thank my professors in METU, Mesut Yeğen and Eyüp Özveren who read the draft and made constructive criticisms to my thesis.

I am also grateful to Murat Uluğtekin who spent much time with me to improve my knowledge in Ottoman Turkish and never hesitated to spend his precious time in case of my questions. Without his encouragement, I could not begin a thesis based on archival research. Without his comments and criticism, this work would not come to an end.

I would like to thank Özden Erdoğan, Serap Efe, Deniz Dölek, Sinem Oflaz, Erinç Erdal and M. Mustafa Kulu for their encouragement and motivation during the thesis process. I have to express my deepest thanks especially to Özden Erdoğan, who always supported and became with me since I came to METU. She always motivated me with her friendship, patience and positive energy. I am also grateful to Deniz Dölek, who experienced the same processes with me and became my research partner in the Prime Ministry Ottoman Archives. Lastly, I have to express my gratitude to my dear friend Serap Efe for her belief in me.

I also owe a great deal to Şevket Pamuk who was very kind to direct me to research the British Archival Documents and even directed me to the related libraries which had these sources.

Finally, I would like to thank to my family for their deep and infinite love. They have always supported me both emotionally and financially in every field of my life.

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## LIST OF ABBREVIATIONS

A.MKT.MHM	: Sadaret Mühimme Kalemi Evrakı
A.MKT.MVL	: Sadaret Meclis-i Vala Evrakı
A.MKT.NZD	: Sadaret Nezaret Ve Devâir Evrakı
A.MKT.UM	: Sadaret Umum Vilayat Evrakı
DH.MKT	: Dahiliye Mektubi Kalemi
DH.MUİ	: Dahiliye Muhaberât-ı Umumiye İdaresi
HR.SYS	: Hariciye Nezareti, Siyasi Kalemi
HR.TO	: Hariciye Nezareti, Tercüme Odası
İ. DH	: İradeler, Dahiliye
İ.MMS	: İradeler, Meclis-i Mahsus
İ.MVL	: İradeler, Meclis-i Vala
MV	: Meclis-i Vükelâ Mazbataları
Y.PRK. MYD	: Yıldız, Yaveran ve Maiyyet-i Seniyye Erkan-ı Harbiye Dairesi
YA.HUS	: Yıldız, Hususi Maruzat
YA.RES	: Yıldız, Resmi Maruzat

## CHAPTER 1

### INTRODUCTION

The form of landownership in eastern Anatolia has different characteristics when compared with the rest of Turkey. For historical reasons large landownership system developed in eastern Anatolia as the dominant form, while small landownership became the mode in most parts of Anatolia. There are several factors which affected the development of this land pattern in the region such as the *yurtluk-ocaklık* system, the Ottoman Land Code of 1858, the Kurdish Armenian relations after 1878 and the *tehcir* of 1915. This thesis aims the analysis of the impacts of one of these factors, the Ottoman Land Code of 1858, in the emergence of the large landed estates in eastern Anatolia. It is the assertion of this thesis that the Land Code of 1858 had a significant impact on the development of this land pattern in the region.

The Land Code of 1858 was designed to arrange *miri* (state-owned) lands and only gave the usufruct rights (*tasarruf*) of these lands. However, the usufruct rights turned to ownership rights in the process. Indeed, the title deeds of *miri* lands distributed in accordance with the Code became the base of the ownership claims in the 20<sup>th</sup> century.

The existing land patterns in eastern Anatolia before the promulgation of the Land Code were indeed very different from the classical Ottoman land system that *yurtluk-ocaklıks* were widespread on these lands. Eastern Anatolia, incorporated to the Ottoman Empire in the reign of Selim I, had an autonomous position from this time until the middle of the 19<sup>th</sup> century that the concessions of the Kurdish *mirs* and autonomous position of the Kurdish emirates, which were given to the Kurdish emirates to bind them to the Ottoman Empire and for the security of the Safavid-Ottoman border, were eliminated in the 19<sup>th</sup> century with the destruction of the Kurdish emirates. One of the most important aspects of the concessions was the different land ownership pattern of the region. This

difference of course affected the coming developments even if the concessions and autonomy of the *mirs* were eliminated in the first half of the 19<sup>th</sup> century.

The elimination of the emirates brought a power vacuum to the region since the emirates had played the role of mediator in internal rivalries. When such a force did not exist, law and order disappeared in the region. In this chaotic environment, the Ottoman officials tended towards *aghas* and sheikhs, the only powerful figures after the elimination of the emirates in eastern Anatolia, in order to take the region under control. The implementation of the Land Code corresponded such an environment in the region and as an expected result of this environment, the *aghas* and sheikhs became more powerful in parallel to the title-deed recording process. The chaotic environment of eastern Anatolia in the second half of the 19<sup>th</sup> century has to be evaluated as a great element in the emergence of this result.

The Ottoman officials saw these locally influential figures as the most important agents to control social affairs in the region. In fact it will be a crucial effort of this thesis to question the role of this relation between the Ottoman authorities and influential actors in the formation of large landownership in eastern Anatolia. One of the sub-questions of the thesis is whether the Ottoman officials overlooked or gave permission to the registration of these lands in the name of these two groups, who could control the Kurdish tribes, in order to secure the Ottoman control over the Kurdish tribes. The factors, which influenced this situation that the state officials did not or could not protect the small peasantry in the formation of large landed estates, will be evaluated in respect to the dominant disorder within the region.

The Land Code of 1858 had a great impact on the population of the region in this sense that in many instances they could not achieve to register the lands in their own names, instead a small group registered or purchased the lands with public auctions. Some factors such as the fear of being taxed, being recruited for the military service, the need of security of the peasants because of the dominant disorder of the region, the ignorance or the corruption of the officials etc. affected the occurrence of this result. As a result of the land



registration process, many locally influential figures turned to large landowners while the commoners generally became sharecroppers.

This study will focus on this process that the implementation of the Ottoman Land Code of 1858 in eastern Anatolia and the social transformation of the region after the Code. In fact, there are many works on the Ottoman land system. However these studies did not pay enough attention to the application of the Land Code of 1858 throughout the empire and usually only focus on the juridical content of the Code.<sup>1</sup> This thesis is designed to cover the social effects of the Code instead of its juridical content.

For this purpose, in order to display the application of the Land Code of 1858 in eastern Anatolia, the Ottoman land system prior to the Land Code of 1858 will be examined. After the first chapter of introduction, the second chapter of the thesis will address to the analysis of the Ottoman land system prior to the Land Code of 1858. In this respect, the traditional aspects of the Ottoman land system and the characteristic features of eastern Anatolia within this system will be examined in a comparative manner. The incorporation process of the region to the Ottoman Empire and administrative organization of the region from its incorporation till the middle of the 19<sup>th</sup> century will be evaluated. The third part of this chapter will focus on the Land Code of 1858. The preparation process, content, peculiarities and the aims of the Code will be covered. In addition to these subjects, the different approaches on the quality of the Land Code of 1858 will be emphasized.

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<sup>1</sup> The existing studies concentrating on the implementation of the Land Code were generally on Egypt, Iraq or Syria. There is not any study on Anatolia. The most important studies are: Gabriel Baer, "The Evolution of Private Landownership in Egypt and the Fertile Crescent", in *The Economic History of the Middle East 1800-1914*, ed. by Charles Issawi, Chicago, The University of Chicago Press, 1966, pp. 79-90; Kenneth M. Cuno, "The Origins of Private Ownership of Land in Egypt: A Reappraisal", *International Journal of Middle East Studies*, Vol. 12, No.3 (Nov., 1980), pp. 245-275; Albertine Jwaideh, "Aspects of Land Tenure and Social Structure in Lower Iraq During Late Ottoman Times", in *Land Tenure and Social Transformation in the Middle East*, ed. by Tarif Khalidi, Beirut, American University of Beirut, 1984, pp. 333-356; Keiko Kiyotaki, "Ottoman Land Policies in the Province of Baghdad", unpublished PhD. Dissertation, University of Wisconsin-Madison, 1997; Peter Sluglett - Marion Farouk-Sluglett, "The Application of the 1858 Land Code in Greater Syria: Some Preliminary Observations", in *Land Tenure and Social Transformation in the Middle East*, ed. by Tarif Khalidi, Beirut, American University of Beirut, 1984, pp. 409-421.

The third chapter of the thesis will be the analysis of the implementation of the Land Code of 1858 in eastern Anatolia. In this part, firstly the process of land registration will be evaluated. The features of the region, the state-tribe relations and relations among the Ottoman officials, *aghas* and sheikhs will be examined in this respect. The second important point of the chapter is the sale of the *miri* lands. In addition to the registration of the lands, the sale of the *miri* lands had great impact on the formation of large estates within the region. These sales and the problems of the auctions will be covered. As indicated above, the features of the region had affected the application of the Land Code at a great extent. Especially the disorder and anarchical situation in eastern Anatolia has to be considered as a crucial factor when evaluating the registration process, which was so much related with having control and order. With the impact of this disorder, the process turned to “appropriation of the peasant’s lands by the locally powerful actors”. Since the land registration process and auctions brought face-to-face relations between the officials and the people, the relations among the Ottoman officials and the influential actors and their impact to the formation of large estates in eastern Anatolia will be evaluated briefly. In the last part, the tribunals of the period will be examined. The tribunals were the institutions where the land problems were solved. Therefore, their peculiarities and problems will be examined in this part.

The fourth chapter of the thesis will address to the transformation of the region after the implementation of the Land Code in eastern Anatolia. In this respect, the first step of the chapter will be the analysis of the landownership patterns in the region. The land statistics on land tenure from the British archives will be used in this part. In the second part of the chapter, the emphasis will especially lay on the impact of the Land Code on the tribal organizations since tribes were the main social unit in the region after the elimination of the emirates. The implementation of the Land Code of 1858 corresponds to the settlement of the tribes. The settlement process and the relation of the settled tribe to the land will be examined by considering the efforts of the government to stimulate agricultural production. The Land Code,

the settlement of tribes, many regulations for the settlement of the *muhacirs* all related with the aim of stimulating agriculture and agricultural produce and thus the revenue of the state. After the examination of these facts, the shifts in the roles of the social actors as a result of this process will be covered. The sheiks, *aghas*, peasants and nomads will be the focuses of this part. The thesis will end with the conclusion chapter.

A case-study approach was used in this thesis by focusing on eastern Anatolia. The main concern of the study was the impacts of a standard regulation of the center on a locality, and the impacts of the features of the locality on the implementation of a standard law. Indeed, the main stimulus for conducting such a research was stemmed from the fact that there are so rare studies on the implementation of the Code in different regions. The existing ones generally focus on the juridical content of the Code but not on the impacts or application of the Code. The target of this study is making an entrance to this subject. A comparative method by studying different provinces could be opted for this study but the implementation of the Code in other areas remains outside of the borders of this study, as well as such a work would require a broad analysis. The second factor in the selection of a case-study approach was the chance of providing a deeper background and analysis by concentrating on a region. However, comparative method was applied in some parts of the study, especially on the comparisons between the traditional Ottoman land system and the prevailing land system in eastern Anatolia. In the thesis, the relations among the actors were also not omitted. This thesis aims not only focusing on structures, land systems, but also incorporating the agent to the analysis. *Aghas*, sheikhs, common tribesmen and government officials are the most important ones of these agents. Therefore, the social actors and their relation with the Ottoman Land Code of 1858 were also covered.

For understanding the social effects of the Land Code, before and after of this law were examined. For such an examination, the opinions of the experts on the Ottoman land system and on eastern Anatolia were discussed. These experts were not only within the historians but also within the sociologists, economists and anthropologists. Thus, an interdisciplinary

analysis is aimed in this thesis. In addition to books and articles related with this subject, voyage records, memoirs, guidebooks, theses and dissertations were also examined.

Apart from these second hand sources, archival documents are one of the main sources for such a research. Therefore, the documents from the Ottoman State Archives in Istanbul and from the British Archives were used in this study. The reports of the British consuls were integrated to the analysis in many parts of the study. Even though, the British documents generally focused on the situation of the Christians, they give crucial analysis and explanations on the communal relations in the region while stating information on the Christian population of the empire. These reports of the British consuls after the 1877-78 war has to be evaluated by considering the British policy toward the region that the British government began to force the Ottoman Empire to implement a reform program on behalf of the Armenians in eastern Anatolia after this date. As for the selection of the documents, generally the documents between 1858 and 1880 were preferred. However, in order to show the deep impacts of the Land Code on the land system, which was not subjected to broad transformations in short span of time, some other documents of later years were also used in the thesis. This was a conscious selection as showing the deep and long-lasting effects of the Code in the region is thought to be paramountly important.

## CHAPTER 2

### THE OTTOMAN LAND SYSTEM AND THE OTTOMAN LAND CODE OF 1858

#### 2.1 The Ottoman Land System until the Land Code of 1858

This chapter will basically deal with the Ottoman land system before the promulgation of the Land Code of 1858 and the different aspects of the land system of eastern Anatolia from the classical Ottoman land system. For this purpose, first of all the general characteristics of the Ottoman land system and different land tenure types in this system will be briefly examined. An evaluation of the Ottoman land system is very important for understanding the impact of the Ottoman Land Code of 1858 to the former system and for comparing the land system of eastern Anatolia with the rest of the empire. Indeed, eastern Anatolia experienced a distinct land system beginning from the incorporation to the empire. The features of the incorporation defined this distinct structure of the region. Therefore, the incorporation process and the distinct features of the land system of eastern Anatolia, which had great impact on the development of today's landownership types, will be examined. The chapter will be concluded with the evaluation of the Land Code of 1858.

##### 2.1.1 *Miri* (State-owned) Lands

*Miri* lands were state-owned lands and the core of the Ottoman *miri* land system was *tımar*.<sup>2</sup> *Tımar*s were given to the military or administrative officials in order to meet their livelihood or service. The *tımar* holder, *sipahi*,

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<sup>2</sup> There were three types of fiefs in the Ottoman *miri* land system: *tımar*, *zeamet* and *has*. *Tımar* was granted to ordinary rank officials with a revenue of up to 20,000 *akçes* per year. *Zeamet* holders were *sipahi* officers or higher officials of the civil administration, and the revenue of this kind of fiefs was between 20,000-100,000 *akçes*. The last one, *has*, was only given to very high rank officials like the Sultan, vizier or *sancakbeyis* with a revenue more than 100,000 *akçes*. Ömer Lütfi Barkan, "Tımar", in *Türkiye'de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, pp. 805, 808, 848-49; Mehmet Doğan, "Türkiye'de Toprak Meselesinin Tarihçesi III, Osmanlı Toprak Düzeni", *Fikir ve Sanatta Hareket*, June 1972, p. 24.

acquired the right to collect taxes in his *timar* area. But it was not a complimentary right; he had to implement some obligations in exchange for taking this right. First of all, he had to send some of tax revenues to the central treasury, and had to administer the *timar* district. Secondly, he was responsible to secure the lands under cultivation, and thirdly he had to foster some cavalry men called *cebelu* and had to send them to the central army in case of war. The number of the *cebelus* was determined in accordance with the revenue of the fief.<sup>3</sup> Theoretically, the sultan was the owner of all lands in the Ottoman Empire. The *timar* holder did not acquire the right of ownership neither over the land, which was granted to him, nor over the duties and taxes, which the villagers were responsible of giving to the state. He only had the right of collecting some taxes for himself during the time he implemented certain services for the state such as arming and maintaining *cebelus* for the state. Barkan evaluates this collection right as a “salary” for an official service, since the *sipahis* did not have the ownership right of the land, in other words could not sell, could not endow or could not leave the land as a heritage to their heirs. *Timars* were given to them only for a limited time in return for an administrative position; in other words *timars* were not inheritable. *Timar* depended on the implementation of a service that if the *timar* holder did not attend to military campaigns, his *timar* was immediately taken from his hands.<sup>4</sup>

The peasants had inheritable tenancy rights on the land on which they lived, *raiyyet çiftliği*. This *raiyyet çiftliği*, the main unit of agricultural economy in the empire, was operated by the *çift-hane* system, the base of which was family labor with a pair of oxen. In this system, principally every family had an agricultural area enough in size to foster a family and can be

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<sup>3</sup> Ömer Lütfi Barkan, “Tımar”, p. 805; Martin van Bruinessen, *Agha, Shaikh and State, the Social and Political Structures of Kurdistan*, New Jersey, Zed Books, 1992, pp. 152-153.

<sup>4</sup> Ömer Lütfi Barkan, “Tımar”, pp. 817-18. Although the state generally granted *timar* to the deceased *timar* holder’s son, these *timars* had not to be compulsorily the old *timar* of the father or had to allocate equal revenue. Barkan, who examined the documents on the *timar* lands, finds in his researches that the change of ownership in *timar* lands generally was not from father to son but instead among the non-relatives. Ömer Lütfi Barkan, “Osmanlı İmparatorluğu’nda Çiftçi Sınıfların Hukuki Statüsü”, in *Türkiye’de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, p. 786.

cultivated by a pair of oxen.<sup>5</sup> The *sipahis* could not expel them from the land if they continued to cultivate the land, but the peasants did not have the ownership of the land either. They could not sell or leave the land. They had to cultivate the land. If the peasant ran away from the land, the *sipahi* had the right to return the peasant to land. After 10 years passed over his runaway, the *sipahi* could not force him to turn back. The *sipahi* could only force him to pay an indemnity for he left the land uncultivated.<sup>6</sup>

These features of the *tumars* acquired a different character in the *eşkıncilü tumars* or *mülk tumars*. In this kind of *tumars*, the right of collection taxes or duties was granted to the *timar* holder during his life and his heirs could possess the revenue of these lands as a *mülk* after the death of the *timar* holder. The holders of the *mülk tumars* have to join or send *cebelü* to the army in case of a military campaign. If they did not join or send *cebelü* to the army, *tumars* were not taken from them unlike other *tumars* but the annual revenue of the *timar* area was confiscated by the state. When the *timar* holder died, his son inherited all of the *mülk timar*. Though they had the responsibility of joining or sending *cebelü* to military campaigns, these *tumars* could be sold or endowed like *mülk* lands by preserving the same obligations.<sup>7</sup> This kind of *tumars* passed to the Ottoman Empire from the tradition of the Anatolian *beyliks* (principalities).<sup>8</sup> In case of necessities, the Ottoman Empire preserved them, as in eastern Anatolia. Barkan evaluates *yurtluks* and *ocaklıks* of eastern Anatolia, granted to the *emirs* who cooperated with the Empire in the conquest of the region, in this context. The holders of *yurtluks* and *ocaklıks* had to maintain a

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<sup>5</sup> This system, which depended on small family production, is deemed as the source of today's dominant small family *çiftliks*. For detailed information on the *raiyyet çiftliği* and *çift-hane* system see Halil İnalcık, "Köy, Köylü ve İmparatorluk", in *Osmanlı İmparatorluğu Toplum ve Ekonomi*, İstanbul, Eren Yayıncılık, 1996, pp. 4-6. For detailed information on the taxes paid by the *reayas* see Halil İnalcık, "Osmanlılar'da Raiyyet Rüsümü", *Belleten*, 92 (October, 1959), pp. 575-610.

<sup>6</sup> Ömer Lütfi Barkan, "Çiftçi Sınıfların Hukuki Statüsü", pp. 743-747.

<sup>7</sup> Ömer Lütfi Barkan, "Tımar", p. 818.

<sup>8</sup> It is claimed by some historians that the Seçukid *ikta* and the *pronoia* of Byzantine Empire had great impacts in the development of the Ottoman *timar* system. For an evaluation and general characteristics of *ikta* and *pronoia* see *Ibid.*, pp. 815-17.

certain number of *cebelü* and join the military campaigns, though their holders could not be dismissed or appointed haphazardly and the lands had to pass to the sons of the holders in case of death or even in case of treason to the state. However, the Ottoman Empire did not hesitate to curtail their privileges when the state found such a chance.<sup>9</sup>

*Timars* could only be taken by persons from the military class: the sons of *sipahis*, the military elite of the newly conquered areas, or by the *kuls* of the sultan. Against them, the tax-paying subjects of the Sultan were called as *reaya*. The Ottoman Empire gave a real attention to the preservation of the status of the *reaya*. “*Raiyyet oğlu raiyyettir*” in other words “the son of the *reaya* is a *reaya*” was a basic principle of the Ottoman system. The hindrance for *reayas*’ taking *timars* was put to prevent the shift in status from *reaya* to *sipahi*. However, this administrative and land system was not applied throughout the Empire. There were many exceptions to the system, described briefly above. In fact, it could only be carried out in *sancaks* under the direct Ottoman rule. Frontier regions had greater autonomy and eastern Anatolia was in the scope of these autonomous areas because of its geographical position in the frontier.<sup>10</sup>

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<sup>9</sup> *Ibid.*, pp. 818-19. Barkan also classifies *timars* as *serbest* (un-restricted) *timars* and *serbest olmayan* (restricted) *timars*. Unrestricted *timars* had some financial and administrative privileges. High state officials like the Sultan, vizier, *beylerbeyi*, *sancakbeyi*, *nişancı*, *defterdar*, etc owned these *timars*. The other *timars*, not having such privileges, called as *serbest olmayan timars*. The owners of *serbest timars* had so wide privileges even to punish the *reayas* by himself. Ömer Lütfi Barkan, “Tımar”, p. 839; Ömer Lütfi Barkan, “Çiftçi Sınıfların Hukuki Statüsü”, p. 781.

<sup>10</sup> Kemal H. Karpat, “The Land Regime, Social Structure, and Modernization in the Ottoman Empire”, in *Beginnings of Modernization in the Middle East, the Nineteenth Century*, ed. by William R. Polk, Richard L. Chambers, Chicago, The University of Chicago Press, 1968, p. 75; Martin van Bruinessen, *Agha, Shaikh and State*, pp. 154-55; Hakan Özoğlu, *Kurdish Notables and the Ottoman State, Evolving Identities, Competing Loyalties and Shifting Boundaries*, Albany, State University of New York Press, 2004, pp. 52-53.



### 2.1.2 *Mülk* (Freehold) Lands

Beside state-owned lands, there were also lands owned by individuals or juridical persons in the Ottoman land system.<sup>11</sup> These lands, *mülk* (freehold) and *vakıf* (religious endowment), had distinct features compared to *miri* lands. The ownership right was absolute in this kind of lands. These *mülk* lands, unless they were converted to family *vakıf* (*evlatlık vakıf*)<sup>12</sup>, could be divided among the heirs according to *şeri* rules, could be sold and bought, could be endowed, could be donated, could be left to wife in return for marriage or could be sequestrated for debts. They were left highly independent in the financial and administrative arenas and generally they are not subject to military or other obligations. Therefore, state officials could not enter these lands, could not collect taxes from them, and even could not ask the *deftər* of the land in order to survey or examine the quantity of the acquired revenue. In the collection of taxes, these *mülks* were out of the state control.<sup>13</sup>

The *malikâne-divânî* system was based on different principles from the *mülk* lands. This system was seen beginning from Konya and widespread in the provinces of eastern Anatolia and Syria. The ownership of these lands was not possessed by the state, but owned by individuals or juridical persons. The owner of the land had the right of inheritance according to *şeri* inheritance law like a *mülk* land. However, this kind of *mülks* and *vakıfs* provided their owners only a restricted right of ownership since the state intervened to these lands to collect taxes. The owners of the *mülks* and *vakıfs* in the *malikâne-divânî* system could only demand a land rent (called as *malikâne*) from the villagers who

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<sup>11</sup> Ömer Lütfi Barkan, “Mülk Topraklar ve Sultanların Temlik Hakkı”, in *Türkiye’de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, p. 231.

<sup>12</sup> The family *mülks*, which were converted to *evlatlık vakıfs*, would stay in the hands of some selected members of the family by preserving its totality according to the conditions determined by the *vakıf*. Against the *şeri* inheritance laws, the lands of this kind of *vakıfs* were only inherited by a few members of the family, like the eldest son of the family. For a detailed information on the *evlatlık vakıfs* see Ömer Lütfi Barkan, “Şer’i Miras Hukuku ve Evlatlık Vakıflar”, in *Türkiye’de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, pp. 209-230.

<sup>13</sup> Ömer Lütfi Barkan, “Tımar”, pp. 819-820; Ömer Lütfi Barkan, “İmparatorluk Devrinde Toprak Mülk ve Vakıflarının Hususiyeti”, in *Türkiye’de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, pp. 253-54.

cultivated their lands. Behind this rent, the other taxes and duties were given to the state, in other words to the *sipahi*, who represented the state in these lands, in the name of *divânî* share. In this system, there are two heads of the village; one has the share of *malikâne* and other has the share of *divânî*. The land was considered as the property of the owner of the *malikâne*, however the leaser of the land was not him, instead the land was leased by the *sipahi*. These lands were also administered by the *sipahi*, collecting the *divânî* share.<sup>14</sup> This kind of *mülks* and *vakıfs* existed in the areas having a strong Turkish-Islamic tradition and were incorporated to the Empire much more easily. Barkan finds the origins of the owners of the *malikâne-divânî* lands in the old aristocratic classes of the pre-Ottoman period. In the areas, which were conquered from the Christian states, no *malikâne-divânî* was observed. On the other side, *mülk* and *vakıf* lands were generally prevalent in these Christian territories to accelerate the conquest and settlement on these lands.<sup>15</sup>

### 2.1.3 Changes in the Classical Ottoman Land System

After the middle of the 16<sup>th</sup> century, the classical Ottoman land system had encountered with a great shift. The reason of this shift was related with the economic and technological necessities of the time. The use of firearms in war technology brought the demise of the *sipahi* armies and since the maintenance of the *sipahis* was the basic function of the *tımar* system, the demise of the *sipahis* meant the demise of the *tımar* system. Instead of this system, a new one, the *iltizam* (tax farming), began to be applied throughout the Empire.<sup>16</sup>

The shift in war technology from the mounted soldiers to foot soldiers triggered the Empire's need for revenue. It was necessary to maintain a permanent army, and maintenance of such an army instead of *sipahis* required the increase in state revenues. The basic revenue system, also providing the main army units, *sipahis*, had to be changed. Tax-revenues had to be collected

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<sup>14</sup> Ömer Lütfi Barkan, "Tımar", p. 820; Ömer Lütfi Barkan, "Malikane-Divani Sistemi", in *Türkiye'de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, pp. 153-57, 185.

<sup>15</sup> Ömer Lütfi Barkan, "Malikane-Divani Sistemi", pp. 175-76, 182-84.

<sup>16</sup> Kemal H. Karpat (1968), *op.cit.*, p. 71.

in money form from then on, not by fostering cavalry. The new system, tax farming, depended on the farming of specific revenues to the highest bidder. While in the first phase, *iltizam* was only applied to a limited number of revenues; the scope of the system was extended to the *öşr* (traditional agricultural tax) revenues in the 17<sup>th</sup> century. In the relationship between the state and the tax-farmer (*mültezim*), the tax-farmer delivered money to the state before collecting taxes, and gained the right of collection of taxes in return of this pre-payment. These tax-farmers strengthened as the empire weakened, and they became local potentates, *ayans*.<sup>17</sup> Even though, *miri* lands were leased out to individuals on a life-term basis in this system, this life-term basis turned to be a hereditary right in the course of time. The lands in the hands of *ayans*, *malikane*, became *de facto* private properties.<sup>18</sup>

These *ayans* continued to be an important force until the 19<sup>th</sup> century when the Ottoman Empire attempted to curtail their power in order to empower the center. The original source of power of the *ayans* came from the taxes collected by them. Therefore, the center attempted to destroy this economic basis and the *tımar* system was abolished in 1831 and officials (*muhassıls*) were appointed to collect taxes. This meant the abolition of *de facto* ownership in *miri* lands. In 1830s, the state confiscated big *malikanes* even in remote regions of the Empire such as eastern Anatolia, and some of these confiscated lands were distributed among the peasantry. After this elimination process, the large parts of lands turned to small peasant households in western Anatolia. However, the state continued to lease out the confiscated lands to *mültezims* for tax-collection. Indeed, the efforts of the center to eliminate the local lords resulted in the demise of the power of them, but the center was not powerful

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<sup>17</sup> Huri İslamoğlu, Çağlar Keyder, “Agenda for Ottoman History”, in *The Ottoman Empire and the World-Economy*, ed. by Huri İslamoğlu-İnan, Cambridge, Cambridge University Press, 1987, pp. 57-59.

<sup>18</sup> Halil İnalçık, “The Emergence of Big Farms, *Çiftlik*s: State, Landlords and Tenants”, in *Studies in Ottoman Social and Economic History*, Aldershot, Ashgate Variorum, 2002, p. 112. Besides tax farming, many *miri* lands turned to *de jure* private lands in this process. The main vehicle of this turn was the Sultan’s granting of certain rights on the lands to individuals. As a result of property grants, state-lands were obtained by influential figures, and generally these lands were turned to *vakıf*. Halil İnalçık (2002), *op.cit.*, pp. 107-108.

enough to eliminate all kinds of local elements and was in need of money. The continuation of tax farming even after the elimination of the *ayans* was the sign of this incapability.<sup>19</sup>

## 2.2 The Land System in Eastern Anatolia until the Land Code of 1858

### 2.2.1 The Incorporation of Eastern Anatolia to the Ottoman Empire

Eastern Anatolia entered under the Ottoman rule after the battle of Çaldıran (August 1514). At the end of the 15<sup>th</sup> and by the beginning of the 16<sup>th</sup> century, this region had become the confrontation area of two empires, the Ottoman and the Safavid Empires. Since the Kurds were one of the main communities living in eastern Anatolia, the Kurdish tribes gained a vital position in the confrontation of these empires. The Safavid expansion and the need of security in eastern borders directed the Ottoman Empire toward relations with the Kurdish *mirs*.<sup>20</sup>

The battle of Çaldıran was an expected war since the two empires, the Ottomans and the Safavids, were enlarged against the other's interest. In the Çaldıran war, Selim defeated the Safavid ruler, Ismail, and occupied Tabriz. After the retreat of the Ottoman army to Ottoman territories, Ismail returned to Tabriz and tried to reestablish control over eastern Anatolia by sending the old Safavid governors to the Kurdish emirates. But the Kurdish *mirs*<sup>21</sup> revolted to these Safavid rulers. Because of these revolts and with the support of the

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<sup>19</sup> Şevket Pamuk, "Commodity Production for World-Markets and Relations of Production in Ottoman Agriculture, 1840-1913", in *The Ottoman Empire and the World-Economy*, ed. by Huri İslamoğlu-İnan, Cambridge, Cambridge University Press, 1987, p. 183; Mustafa M. Kenanoğlu, *1858 Arazi Kanunnamesinin Osmanlı Siyasal ve Toplumsal Yapısı Üzerindeki Etkileri (1858-1876)*, unpublished PhD. Dissertation, Ankara University, 2002, pp. 84-87; Mehmet Mert Sunar, *Tribes and State: Ottoman Centralization in Eastern Anatolia, 1876-1914*, unpublished MA Thesis, Bilkent University, 1999, p. 26.

<sup>20</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 136-137; Hakan Özoğlu, *op.cit.*, p. 47.

<sup>21</sup> The leaders of the tribal confederations are called *mir* while the chiefs of the tribes are called *agha*.

Ottoman army, the Safavids were forced to withdraw. Thus, the Ottoman sovereignty was formed in the region.<sup>22</sup>

The Ottomans were seen as liberators compared to the Safavids since Shah Ismail's policy towards the Kurds was not favorable. Shah Ismail had eliminated the Kurdish chieftains and the Shah's men had been appointed as governors in place of the *mirs*.<sup>23</sup> On the contrary to Shah's policy, the Ottoman Empire recognized the old Kurdish notables as governors of their tribes and left them in control of the areas, on which they lived. Idris Bidlisi played a vital role in the submission of the Kurdish *mirs* to the Ottoman Empire. At the early stages of his career, Bidlisi served to the Akkoyunlu as an official. Then, he began to work in the service of Selim. Idris was in the service of Selim in the Çaldıran campaign. His duty was to secure Kurdish support against the Safavids because of his knowledge of Kurdish affairs. With the contribution of his efforts, the Kurdish *mirs* presented their submission to Selim before his campaign and when the Ottoman armies came to the region, the *mirs* sided with the Ottoman army.<sup>24</sup>

The religious diversity was also important for the Kurds in their support to the Ottomans since the majority of the Kurds were Sunni Muslims and the troops of Ismail were extremist Shiites. This was not the basic cause of the hostility of the many Kurdish tribes to the Safavids but this reason was added to the vital problem, Ismail's unfavorable policy toward the Kurdish *mirs*.<sup>25</sup>

Idris Bidlisi explains his efforts to secure the Kurdish support to the Ottomans against the Safavids and the incorporation process in *Selim Şah-name*. While striving for this purpose, he had regularly met with the Kurdish

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<sup>22</sup> M.S.Lazarev, Ş.X.Mihoyan, E.I.Vasilyeva, M.A.Gasretyan, O.I.Jigilina, *Kürdistan Tarihi*, İstanbul, Avesta Yayınları, 2001, p. 82; Martin van Bruinessen, *Agha, Shaikh and State*, pp. 142-143.

<sup>23</sup> V. Minorsky, "Kürtler", *İslam Ansiklopedisi*, 6, İstanbul, Maarif Basımevi, 1955, p. 1100.

<sup>24</sup> V. L. Menage, "Bidlisi, Idris", *The Encyclopedia of Islam*, vol. I, Leiden, E. J. Brill, 1960, p. 1207; Martin van Bruinessen, *Agha, Shaikh and State*, pp. 143-144; Hakan Özoğlu, *op.cit.*, pp. 47-48.

<sup>25</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 141.

tribal leaders. In one of these meetings in which the Kurdish *beys* adopted to ally with the Ottoman Empire in the fight against the Safavids, the prominent Kurdish *beys* wanted from Bidlisi the appointment of someone among the Ottoman officials to carry out the commands and prohibitions of the Ottoman Empire, and to combine the Kurdish *beys* in case of a war or in such events.<sup>26</sup>

There is also an anecdote in *Sharafname*<sup>27</sup>, which is quoted by Bruinessen, explaining these events:

When the sultan left Tabriz for the west, the Kurdish *mirs* sent Idris to him with the demand of recognition of their hereditary rights over their respective territories, and with the request to appoint one from their midst as the *beylerbeyi* so that they could, under an unambiguous leadership, march together against Qara Khan and expel him from Kurdistan. The sultan then asked Idris which of the *mirs* was most worthy of this paramount leadership. The wise Idris advised: 'They are all more or less equal, and none of them will bow his head before any other. For an effective and united struggle against the Qizilbash it will be necessary to put coordinating authority into the hands of a servant of the court, whom all *mirs* will obey.' Thus was done, and Biyikli Muhammad remained behind in the east as the *beylerbeyi* of Kurdistan.<sup>28</sup>

The struggle of the two empires over this region gave the Kurdish emirates the chance of extending their power further. After the victory of the Ottomans in the Çaldıran war, stabilization of the Ottoman-Safavid border became crucial for both sides. Since the Kurds were the main social group living in this border, taking support of the Kurdish tribes was the desire of both empires. The *mirs* were granted fiefdoms in order to secure them to police the

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<sup>26</sup> İdris-i Bidlisi, *Selim Şah-name*, ed. by Hicabi Kırılancı, Ankara, T.C. Kültür Bakanlığı Yayınları, 2001, pp. 239, 255-56.

<sup>27</sup> Şeref Han al-Din Bidlisi, who was the elder brother of the *Amir* of Bidlis, wrote the history of the Kurds in Persian, *Şerefname*. He was born in the exile of his father in Persia. His family entered the protection of the Safavid ruler Shah Tahmasp. Therefore, he had grown up in the court of the Safavids and even took education with the children of Tahmasp. He had been appointed to many posts by the Safavids, such as being the *amir* of the Kurds and governorship of Nahçıvan and Şirvan. When these provinces were invaded by the Ottoman army, he had changed side and entered the Ottoman service. By this shift he had acquired the governorship of Bidlis. Said Naficy, "Sharaf al-Din Bidlisi", *The Encyclopedia of Islam*, vol. I, Leiden, E. J. Brill, 1960, p. 1208.

<sup>28</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 143-44.

border. It was an economic and effective policy in a time that the maintenance of an army in such a distant border was expensive and hard. The use of tribes for this purpose also could incorporate them to the Ottoman state structure. Thus, the Kurdish tribes stayed in a greatly autonomous environment under the Ottoman sovereignty until the 19<sup>th</sup> century.<sup>29</sup>

The administrative system, which was introduced after the Çaldıran, remained nearly same for four centuries. The *mirs*, who had supported the Ottomans during the Çaldıran war, became hereditary governors of their districts; even though, in the Ottoman administrative system, this position principally only filled by government officials and their administration rights were not inheritable. The *mirs*, becoming the hereditary governors of their districts, were coming from the old leading families. While the Safavids tried to break the power of these families, the Ottoman Empire recognized the administration right of them. As a result, the position of the old families heightened and consolidated.<sup>30</sup>

Indeed, while the Ottoman Empire needed the Kurdish tribes to secure the border against the Safavids, these tribes needed the Ottomans for protection from the Safavids, because their fragmented structure had made them vulnerable to Safavid attacks. In this mutual dependency, Idris Bidlisi formed the administrative framework for the region. Thus, Kurdish *beys* adopted Ottoman sovereignty by securing their positions over their tribes while the Ottoman Empire constituted a buffer against the Safavids.<sup>31</sup>

Bruinessen who examined Evliya Çelebi's *Seyahatname* mentions that Evliya thought that Kurdistan was a crucial area for the Ottoman Empire as a protective buffer against the Safavids. Evliya advocates that the autonomous position of the region was consistent with the interests of the Empire since this

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<sup>29</sup> David McDowall, "The Kurdish Question: a Historical Review", in *The Kurds: a Contemporary Overview*, ed. by Philip G. Kreyenbroek and Stefan Sperl, London, Routledge, 1992, pp. 13-14; John Bulloch and Harvey Morris, *No Friends but the Mountains*, New York, Oxford University Press, 1992, pp. 70-71.

<sup>30</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 144-145.

<sup>31</sup> Hakan Özoğlu, *op.cit.*, pp. 48-9.

position of the region served to the security of the country. To show the autonomy of the Kurds, Evliya's description of Palu will be quoted from Bruinessen:

The emir of Palu made his voluntary submission to Bıyıklı Mehmed Pasha, the vizier of Sultan Selim I, in 921/1515, and in return was granted possession of the district in perpetuity, as an autonomous government (*hükümet*) in the province of Diyarbakir. Rulership remains in the family. In official correspondence, the ruler is addressed with the honorary title *Cem-cenab*. The entire revenue of the district is granted to the ruler himself; no villages have been made into fiefs (*timar, zeamet*) to support *sipahi* troops and their officers. There are no Janissaries or other central government troops in Palu either. In time of war, the ruler joins the imperial campaign with 2000 mounted soldiers.<sup>32</sup>

### 2.2.2 Administrative Organization in Eastern Anatolia until the 19<sup>th</sup> Century

It was the policy of the Ottoman Empire to preserve old, local prominent *beys* and old customs in the newly conquered areas. The Empire only took measures against them when she found such chances by the time.<sup>33</sup> In accordance with this policy, most emirates<sup>34</sup> survived after the Ottoman conquest. The emirates were ruled by dynasties with their own military and bureaucratic organization. They survived until the 19<sup>th</sup> century when the Ottoman state destroyed them. The Kurdish tribes were integrated under these emirates and Kurdish *sancakbeyliks*. These emirates and *sancakbeyliks* were under the rule of the *beylerbeyi* of Kurdistan who was appointed by the Sultan.<sup>35</sup>

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<sup>32</sup> Martin van Bruinessen, "Kurdistan in the 16th and 17th centuries, as reflected in Evliya Çelebi's *Seyahatname*", *The Journal of Kurdish Studies* 3 (2000), pp. 1-11, [http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/Evliya\\_Celebi\\_Kurdistan.htm](http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/Evliya_Celebi_Kurdistan.htm) (accessed 09.11.2005).

<sup>33</sup> Ömer Lütfi Barkan, "Çiftçi Sınıfların Hukuki Statüsü", pp. 730-731.

<sup>34</sup> Emirate and tribe distinction is important to understand the autonomous position of the Kurds in the Ottoman Empire. The Kurdish emirate was a tribal confederacy, composed of tribes both nomadic and settled, and non-tribal groups. Hakan Özoğlu, *op.cit.*, p. 46.

<sup>35</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 133, 194.



In the Ottoman administrative system, the governor in every district was a *bey*, who was a military commander, and the judicial affairs were conducted by the *kadi* who was expert in the religious law and *kanunnames*. There were also muftis in every district. Muftis had to know Kouranic law and apply this law to events. *Beys* served as an executive authority in their districts called *sancak*. The title of the *bey*, who governed these districts, was *sancakbeyi*. The more pervasive units than *sancaks* were called *beylerbeyilik* or *eyalet*, large province in the Ottoman Empire. It was composed of a number of *sancaks*. The *beylerbeyi* was the title of the military and civil commander of the *eyalet* and it was a superior position over the *sancakbeyis*. In the Ottoman administration system, both the *sancakbeyi* and *beylerbeyi* were appointed by the central government.<sup>36</sup>

However, neither the Ottoman Empire nor the Safavids had enough power to control all Kurdish areas. Therefore, the main form of administration in these areas was indirect. The chiefs of tribes stayed in control in return for formal allegiance and paying taxes, or taking military and bureaucratic functions.<sup>37</sup> Even though the degree of autonomy granted to the Kurdish emirates was not in the same level for all of them, the emirates were highly autonomous political organizations. The degree of autonomy depended on some factors such as the accessibility of the land, the degree of political importance, and the internal strength of the emirate.<sup>38</sup>

The Kurdish territories, which entered under Ottoman sovereignty, were divided to three *eyalets*: Diyarbekir, Rakka (comprised of Urfa and Rakka, now in Syria) and Musul. In the forthcoming years new *eyalets* were formed, but the administrative system, which was established for the first three, applied to the new ones too. Three types of administrative units were formed

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<sup>36</sup> Hakan Özoğlu, *op.cit.*, pp. 51-52.

<sup>37</sup> Martin van Bruinessen, "Kurdish Society, Ethnicity, Nationalism and Refugee Problems", in *The Kurds: a Contemporary Overview*, ed. by Philip G. Kreyenbroek and Stefan Sperl, London, Routledge, 1992, p. 41.

<sup>38</sup> Hakan Özoğlu, *op.cit.*, p. 56.

for this region: Kurd *hukumeti*, *sancak* and *yurtluk-ocaklık* (*Ekrad beyliği*). In this administrative system, Kurdish tribal chiefs acquired vital positions. The districts, which were hardly accessible, were given full autonomy. These fully autonomous areas were called as Kurd *hukumeti*. The rulers of these *hukumets* were officially recognized. The state adopted not to intervene the succession in these *hukumets* and not to intervene in their internal affairs. The ruling of the chiefs became a hereditary right in these districts. The local population was the only power to select the governors among themselves. These *hukumets* neither paid tax to the state treasury nor undertook military service in the *sipahi* army. The lands were under the full control of the *mirs*, in other words there were not any *timar* or *zeamet* in these districts.<sup>39</sup> The *hukumets* generally located in the Iranian border and in least accessible areas. The other Kurdish territories were organized as *sancaks* or *yurtluk-ocaklıks*. The *sancaks* were under the Ottoman authority. They were governed by centrally appointed officials and there were *timars* and *zeamets*.<sup>40</sup> In *yurtluk-ocaklıks*, the governors were among the Kurdish ruling families like the Kurdish *hukumets*, though they had the responsibility of maintaining *cebelu*, joining military campaigns and sending taxes to the central treasury unlike the *hukumets*. In case of family rivalries for

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<sup>39</sup> The terms of “*mefruz’ul kalem*” and “*maktu’ul kalem*” is used for this kind of lands. “*Mefruz’ul kalem*” means that its lands are not indicated in the *tahrirs* and “*maktu’ul kalem*” means that state officials do not enter to these lands; its fiscal incomes are not sent to the central treasury and not administered by a centrally appointed Ottoman *bey*. Mustafa M. Kenanoğlu, *op.cit.*, p. 33.

<sup>40</sup> The Ottoman authority knew that local forces’ support was essential for keeping these lands under its sovereignty; therefore, even in Ottoman *sancaks* locally influential people acquired *timars*. After the conquest of the region, in the pasha’s *sancak* of Amid, 21 of the total 33 *timars* (%63.69), whose income did not exceed 10,000 *akçes*, were given to local people; while 12 of them (%36.36) were given to non-local people. If compared them in terms of income, the income of the local ones was %48.74 of the total income and the income of the non-locals was %51.26 of it. For the *timars*, whose income was over 10,000 *akçes*, the local people took 7 (%58.33) of the total (12), and the non-local ones took 5 (%41.67). The income of the local people was %79.96 of the total income while the non-local ones acquired %20.04 of the total income. M. Mehdi İlhan, “1518 Tarihli Tapu Tahrir Defterine Göre Amid Sancağında Timar Dağılımı”, *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Enstitüsü Dergisi*, 12 (1981-1982), p. 97. The *timar* holders were Akkoyunlu, Kurd, Turkoman, Rumelian and some were coming from the other regions. Since the Kurds had political power throughout the region, securing their loyalty was vital for providing stability in the region. Thus, nearly all *beys* of Kurdish tribes, at least, acquired tax revenues collected from their tribes. Another fact which reveals Ottoman respect for the local peoples’ interest was the prevalence of the *malikane-divanis* in the region. M. Mehdi İlhan, *op.cit.*, pp. 93-98.

succession, the state could intervene and appoint its favorite candidate to the governorship; however it could not appoint someone out of the ruling family. There were also *timars* and *zeamets* in *yurtluks*. However, the distinctive feature of them was while they have the same obligations, as other *timars* and *zeamets*, they were hereditary that it cannot be transferred to the strangers. The Kurdish *mir*s fulfilled their responsibilities when the state was strong enough to force them. However, when the state weakened, these obligations were not carried out.<sup>41</sup>

It was indicated in Ayn Ali Efendi's *Kavanin-i Ali Osman* that there were 8 *sancaks* in Diyarbekir *Beylerbeyliği* (Sagman, Kulp, Mihrani, Tercil, Atak, Pertek, Çapakçur, Çermik), and 4 *sancaks* in Çıldır *Beylerbeyliği* (Pertekrek, Livane, Nısf-ı Livane, Şavşad). These were administered as *yurtluk-ocaklıks*.<sup>42</sup> Besides, there were also *hukumets*: Cezire, Eğil, Palu, Genç, Hazzo (in Diyarbekir), Bitlis (in Van), Imadiye (in Baghdad) and Mihriban (in Şehr-i Zor). The new ones were added to this list in the 17<sup>th</sup> century.<sup>43</sup> Another information about the region indicated by Ayn Ali was on the hereditary tribal lords. According to him, over 400 tribal lords (*mir-i aşiret*) existed in the region. They were under the control of the *sancakbeyi* and had military obligations to the state.<sup>44</sup> There were also Ottoman *sancaks* of Diyarbekir which were administered by Ottoman *beys*: Harput, Ergani, Siverek, Nisibin,

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<sup>41</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 157-59; Hakan Özoğlu, *op.cit.*, pp. 56-57, John Bulloch and Harvey Morris, *op.cit.*, pp. 74-75. The famous historian of the 16<sup>th</sup> century, Gelibolu'lu Mustafa Ali writes about the *yurtluk-ocaklıks* as “*selatin-i maziye zamanlarında menasib ve dirlik makulesi meratib ocaklık tarikiyle virilürdi, yani ki atadan oğla mansib miras kılınurdu. Faraza bir ehl-i mansıbdan hata-i azim ve katlin icab eder günah-ı elim sadır olsa, cezasın virirlerdi. Fe’amma mansıbını yine eslah-ı evladına virüb hanedanını söyindirmezlerdi*”, Nejat Göyünç, “Yurtluk-Ocaklık Deyimleri Hakkında”, in *Prof. Dr. Bekir Kütükoğlu’na Armağan*, İstanbul, Edebiyat Fakültesi Basımevi, 1991, p. 271.

<sup>42</sup> Ayn Ali Efendi, *Kavanin-i Ali Osman*, İstanbul, Tasvir-i Efkâr Matbaası, 1280 (1863-1864), pp. 27-31.

<sup>43</sup> Nejat Göyünç, *op.cit.*, p. 273.

<sup>44</sup> “*Van ve Diyarbekir ve Şehrizur eyaletlerinde bazı mir-i aşiretler vardır. Lakin sancakbeyi hükmünde olmayub zü’amma makamında dört yüzü mütecavizdir. Tabl u alem sahibi değildir. Sancağı beyleriyle sefere eşerler. Fevt oldukda mutasarrıf olduğu tımar ile mir-i aşiretliği oğluna ve oğlu yoğise akrabasına virülür. Munkarız oldukda sair zeamet gibi harice dahi virilür.*”, Ayn Ali Efendi, *op.cit.*, p. 35.

Hisnkeyfa, Çemişkezek, Siird, Mayafarikin, Akçakale, Habur, Sincar, and the *sancak* of Diyarbekir.<sup>45</sup>

According to the agreement between the autonomous Kurdish emirates and the Ottoman Empire, the Ottoman Empire formally recognized the *mirs* since they paid the taxes, did not violate other's territories, upheld the Ottoman law and did not betray the empire.<sup>46</sup>

A decree issued by Süleyman I shows the Ottoman policy toward the Kurdish tribes. The privileges granted to the Kurdish *mirs* would be seen clearly from this decree:

...the provinces and fortresses that have been controlled by each of the Kurdish beys as their *yurtluk* and *ocaklık* since past times along with the places that were given to them with separate imperial licenses (*berat*); and their provinces, fortresses, cities, villages and arable fields (*mezraa*) with all harvest, under the condition of inheritance from father to son, are also given to them as their estate (*temlik*). There should never be any external aggression and conflict among them. This glorious order shall be obeyed; under no condition shall it be changed. In case of a bey's death, his province shall be given, as a whole, to his son, if there is only one. If there is more than one son, they shall divide the province contingent upon mutual agreement among themselves. If they cannot reach any compromise, then whoever the Kurdistan beys decide to be the best choice shall

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<sup>45</sup> Evliya Çelebi, "Evliya's Description of Diyarbekir", in *Evliya Çelebi in Diyarbekir*, ed. by Martin van Bruinessen and Hendrik Boeschoten, Leiden, E. J. Brill, 1988, p. 121: "The province of Diyarbekir consists altogether of sixteen *sancaqs* and another five *sancaqs* that are autonomous governorships (*hükümet*). Out of these nineteen *sancaqs* twelve have, as in the other provinces of the empire, *timars* and *ze'amets*, and their governors are appointed and dismissed by the state. But the other eight *sancaqs* are ruled by Kurdish *begs*. These districts were, on Bıyıklı Mehmed Paşa's application at the time of conquest, by imperial decree given in perpetuity to these *begs* as hereditary apanages (*yurtluq ve ocaqlıq*). They do not in any case accept appointment or dismissal [by the Porte]. When one of the mentioned *begs* dies, his position is given to [one of] his sons or relatives. However, the sources of revenue of these *sancaqs* are, like those of the ordinary *sancaqs*, recorded in a survey, and they also contain *timars* and *ze'amets*. When there is a military campaign, the holders of the *ze'amets* and the *timariots* of these *sancaqs*, along with their *alaybegis* and *çeribasıs*, take the field with the army corps of the vizier of Diyarbekir. If the *begs* fail to report for the required services their *sancaqs* are given to their sons or relatives. Beside the above-mentioned *sancaqs* there are another five *sancaqs* that are qualified as exempted from [fiscal] registration and excluded from access [of imperial tax collectors]. In these *sancaqs* there are no *timars* and *ze'amets*. The rulers have an inalienable right of possession, and have free disposal of all the revenues from their produce. In Imperial orders from the Ottoman Sultan to these rulers the honorific title of 'Excellency' (*cenab*) is used as a form of address."

<sup>46</sup> Martin van Bruinessen, "Kurdish Society, Ethnicity", pp. 42-43.

succeed, and through private ownership he shall be the holder of the land forever. If the bey has no heir or relative, then his province shall not be given anybody from outside. As a result of consultation with the Kurdistan beys, the region shall be given to either beys or beyzades suggested by the Kurdistan beys...<sup>47</sup>

While consolidating their position, this policy made most of the *mirs* depend on the Ottoman Empire to maintain their status. In this environment, the Ottoman Empire found the chance for interference to the structure of the Kurdish tribes. In this sense, Hakan Özoğlu claims that some emirates were the creations of the state because of state's interference to the Kurdish emirates in their unification and formation. However this fact does not mean that there had not existed any powerful emirate and all were dependent to the Ottoman Empire. There were some nearly independent emirates, but these emirates would be eliminated in the coming centuries. The last one of them, the Botan emirate, would be destroyed in the middle of the 19<sup>th</sup> century (1847).<sup>48</sup> In fact the Ottoman Empire and its officials in eastern Anatolia had always tried to break the power of the Kurdish *mirs* and tribal chiefs when they found such chances especially after the Iranian-Ottoman wars lost their significance. However, the power of the state was not enough to realize such a policy until the 19<sup>th</sup> century; therefore, the Kurdish emirates existed until this time in the Ottoman Empire.<sup>49</sup>

The number, size and autonomy of the emirates were not stable in the course of time. Several factors affected their situation such as the strength of the central government, the strength of the emirates and the treatment of the provincial governors. Bruinessen, quoting from 'Aziz Efendi (wrote in 1631), states that there was widespread discontent among the Kurdish rulers in the first half of the 17<sup>th</sup> century because of interferences of the provincial governors to their privileges. 'Aziz Efendi wrote about the interferences of the

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<sup>47</sup> Quoted from Hakan Özoğlu, *op.cit.*, pp. 53-54. The original document was published in Nazmi Sevgen's article, "Kürtler V", *Belgelerle Türk Tarihi Dergisi*, 9 (June 1968), pp. 70-72.

<sup>48</sup> Hakan Özoğlu, *op.cit.*, pp. 54-59.

<sup>49</sup> David McDowall, *A Modern History of the Kurds*, London, I. B. Tauris, 1996, p. 38.

provincial governors to the succession in the Kurdish emirates in case of death of a Kurdish ruler. These governors had appointed outsiders to their position and many Kurdish rulers had escaped because of these unfavorable attitudes and because of the fear of being killed. When Evliya visited the region (1671-1682), it seems that the hereditary *beys*' position improved again.<sup>50</sup>

The Kurdish emirates especially benefited from the decentralization, which had occurred throughout the Empire in the 17<sup>th</sup> and 18<sup>th</sup> centuries, and they emerged as semi-independent principalities. In this period, the local notables were at the zenith of their power all over the empire. With the reign of Mahmud II, this process was reversed. The centralization became the cornerstone of the empire's new policies.<sup>51</sup>

### **2.2.3 The Demise of the Kurdish Emirates in the 19<sup>th</sup> Century**

The status of the Kurdish emirates continued for three decades with small modifications until the 19<sup>th</sup> century. But this status and the Kurdish emirates would be eliminated in the 19<sup>th</sup> century. The main reason for this end was related with the internal and international problems of the Ottoman Empire. The 19<sup>th</sup> century was characterized by numerous crises for the Ottomans. The empire had faced with the threat of disintegration in this century. The unrest and separatist movements of the Ottoman subjects in the Balkans and the expansionist activities of Russia toward eastern Anatolia forced the Ottomans to take some measures against these threats. It was crucial for the Ottoman Empire to respond this separatism for the integrity of the empire. In 1828, eastern Anatolia was occupied by the Russian forces. Some Armenians sided with the Russians, also some Kurdish tribes entered into war by forming a regiment on the side of Russia. Centralization was one of the main measures introduced to prevent these threats and to secure eastern

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<sup>50</sup> Martin Van Bruinessen, "The Ottoman Conquest of Diyarbekir and the Administrative Organization of the Province in the 16<sup>th</sup> and 17<sup>th</sup> Centuries", in *Evliya Çelebi in Diyarbekir*, ed. by Martin van Bruinessen and Hendrik Boeschoten, Leiden, E. J. Brill, 1988, pp. 13-14, 24.

<sup>51</sup> Hakan Özoğlu, *op.cit.*, p. 65.

borders. It means the establishment of direct control in eastern borders, and thus the end of semi-autonomous status of the Kurdish emirates.<sup>52</sup>

Application of the *Tanzimat* reforms and centralization in the region was not achieved easily. Because of the region's special position for the empire and for its relative autonomy, application of the *Tanzimat* was postponed for some years. In 1845, the implementation of *Tanzimat* reforms began in the region.<sup>53</sup> It was essential for the empire to find a solution to the threat posed by the West and to the separatist activities of its subjects. While the reform in military and in administration became the tools of the empire to challenge these threats, this reformation required extra expenditure. The empire was already having financial problems, and this new policy brought a new burden to the empire's budget. The centralization policy aimed the collection of taxes directly by the state; therefore, this policy brought the dissolution of the existing power structure in eastern Anatolia. With an Ottoman imperial order (*irade*), a new administrative system was introduced to the region. The province of Kurdistan was created by this order, Kurdistan *Eyaleti*. There is not enough information on the exact status of this new province, but it is obvious that the formation of such a province was a tool for direct central rule in eastern Anatolia. Strengthening the eastern border of the empire against Russia and Persia was another aim of the formation of this new *eyalet*. *Eyalet-i*

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<sup>52</sup> David McDowall, "The Kurdish Question", p. 14; David McDowall, *A Modern History of the Kurds*, pp. 38-39; Lazarev, *op.cit.*, pp. 119-120.

<sup>53</sup> Ahmet Lutfi Efendi, *Vakanüvis Ahmet Lutfi Efendi Tarihi*, VI-VII-VIII, İstanbul, YKY, 1999, pp. 1186-87. But the people were not willing to accept the *Tanzimat* reforms. There were many insurrections against the reforms. "*Tanzimat-ı hayriyye usulü henüz icra olunmayan mahallerden Erzurum Eyaleti dahi altmış bir (1845) senesi ma'-mülhakatuha daire-i tanzimata idhal olunduyşa da mahal-i mülhakadan Van sancağı ahalisi işbu nimet-i adaleti takdirden gafil olmalarıyla zahib oldukları girive-i iğfalden halaslarıyla tahrik-i uruk-ı teyakkuzları hususuna memuriyetiyle Meclis-i Vala azasından mühendis Kamil Paşa Van canibine revan olmuştur....Suret-i ilana nazaran Tanzimat-ı hayriyye ahali-i Van kabulde bulunmuyorlar imiş. Böyle başlıca şeylerin icra ve adem-i icrası müteneffizan-ı memleketin yed-i ihtiyarında idi. Van'da dahi besbelli o misillü müteneffizan-ı eser-i siyatiyle hilaf-ı irade hareket olunmuş olduğu cihetle mişarünileyh Kamil Paşa ber-vech-i muharrer canib-i Van'a izam olunmuştur.*" pp. 1199-1200.

*Kurdistan* continued to exist from 1847 to 1867. The *vilayet* of Diyarbekir was formed in 1867 instead of *Eyalet-i Kurdistan*.<sup>54</sup>

In fact the Kurdish emirates were not the only autonomous districts in the empire. The preceding centuries had witnessed a great tendency in the empire toward decentralization. As the empire declined for the last two centuries, local forces, *ayans*, formed semi-independent administrations throughout the empire. The provincial notables increased their power in this process and even the Sultan was forced to recognize them in 1807 by the *Sened-i İttifak*. The Kurdish notables were among these provincial notables but not the chief threats to the sovereignty of the empire. Sultan Mahmud II saw the solution in the reestablishment of the state apparatus. Not only military reforms but also administrative reforms were realized in this period. Sultan Mahmud began to carry out centralization policy after the Russian war of 1806-12. The first targets were the *ayans* in central Anatolia. By military campaigns, Mahmud II succeeded in breaking their power and replaced the local rulers by centrally appointed officials. Until 1830s, all *derebeys* (the valley lords) in Anatolia and in the Balkans were eliminated. By appointing government officials, hereditary positions were destroyed. Muhammad Ali Pasha of Egypt was the most resistant of them. Sultan's armies were defeated by Pasha's forces; only European interference prevented Pasha from going further. After this setback, Mahmud continued centralization. The Kurdish emirates were also targets of the centralization policy. This policy succeeded in the region too that by the middle of the century there were no Kurdish emirates. In a series of campaigns, all of them were destroyed in that period. Government officials were appointed to replace the old hereditary rulers. The aim of this replacement was to establish direct control in the region. However, these officials could not effectively fill the place of the *mirs*. The officials had only real authority near the cities, but in the periphery they did not have any

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<sup>54</sup> Hakan Özoğlu, *op.cit.*, pp. 60-62. The *vilayet* of Diyarbekir was constituted by uniting the *eyalets* of Kurdistan and Mamuretülaziz, A.MKT.MHM, 387-B/5 (Document 1 and 2), 19 *Rabiülahir* 1284 (August 20, 1867).



authority.<sup>55</sup> The abolition of the emirates, which had performed the duty of establishing security and balance in eastern Anatolia for the preceding centuries, gave rise to a power vacuum in the region. Although the Ottoman Empire appointed Ottoman officials to their place, these officials could not fill the power vacuum.<sup>56</sup>

In fact, centralization process in eastern Anatolia was never totally achieved, and it was not a peaceful process. During Muhammad Ali Pasha's revolt, some of the old *mirs* revived and revolted against the empire. The two influential ones were Mir Muhammad of Revanduz (1834) and Bedirhan Bey of Botan (1847).<sup>57</sup> The defeat of the Ottomans by the Egyptian troops in 1839 showed the Kurds the weakness of the Ottomans. This event triggered the coming Kurdish revolts.<sup>58</sup> The main motive behind the revolts was the fear of losing the privileged position.<sup>59</sup> Even though the revolts were suppressed and their leaders were weakened, the ones who did not join the revolts preserved their positions.<sup>60</sup>

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<sup>55</sup> David McDowall, *A Modern History of the Kurds*, pp. 40-41, Martin van Bruinessen, *Agha, Shaikh and State*, p. 176, Lazarev, *op.cit.*, pp. 123-133.

<sup>56</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 193. By the beginning of the 19<sup>th</sup> century, there were four leading Kurdish dynasties in the region: Bahdina in Amadiya, Soran in Revanduz, Baban in Süleymaniye and Botan in Cizre. Mehmet Mert Sunar, *op.cit.*, p. 22.

<sup>57</sup> On the elimination of Bedirhan Bey, Ahmet Lütü Efendi wrote that: "*Balada zikr oluna Cizre gailisinin ber-taraf olunması münasebetiyle o vakte kadar havalı-i Kürdistan birtakım rüesa-yı mütegalibe-i Ekrad idarelerinde bulunup Devlet-i Aliyye'nin kuvve-i zabıtası oralarda na-büd hükmünde idi. Buna sebeb ise havalı-i mezkurenin hin-i fetihde yurdruk, ocaklık olarak hatt-ı hümayunlar ve ferman-ı aliler ile oraların her türlü idaresi rüesa-yı memlekete havale olunmuş...*", Ahmet Lütü Efendi, *op.cit.*, p. 1250.

<sup>58</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 179. For detailed information on the Bedirhan Bey's and Mir Muhammad's revolts see Martin van Bruinessen, *Agha, Shaikh and State*, pp. 176-182; Chris Kutschera, *Kürt Ulusal Hareketi*, İstanbul, Avesta Yayınları, 2001, pp. 23-28; David McDowall, *A Modern History of the Kurds*, pp. 42-47; Wadie Jwaideh, *Kürt Milliyetçiliğinin Tarihi, Kökenleri ve Gelişimi*, İstanbul, İletişim Yayınları, 1999, pp. 106-142.

<sup>59</sup> *Tanzimat* was on its own a source of resentment for the *aghās* since it was against the unfair treatment to the non-Muslim elements of the Empire. The tribal leaders had extracted various dues and taxes from the local Christian population and it was obvious that they would oppose such an attempt. For this reason many groups, discontent of these policies of the Porte, rallied on the revolt of Bedirhan Bey. Mehmet Mert Sunar, *op.cit.*, p. 27.

<sup>60</sup> Rıfki Arslan, *Diyarbakır'da Toprakta Mülkiyet Rejimleri ve Toplumsal Değişme*, Ankara, San Matbaası, 1992, pp. 45-46.

After the destruction of the emirates, there was no force to prevent internal rivalries and conflicts in and among the tribes. The Ottoman governors could not fill the conciliatory role of the *mirs* in these conflicts. As McDowall states, the Ottoman authorities underestimated the mediating role of them. The Kurdish people did not trust the Ottoman authorities, and also the impact area of the officials was only restricted to the city centers. The feuds were the basic source of the conflicts. With the revival of old conflicts, the region entered in a chaotic situation. Even traveling in the region was dangerous. Some tribes were split because of feuds while some tribes increased their power in this chaotic situation.<sup>61</sup>

Law and order disappeared in the region after the elimination of emirates and the *mirs*. When such a force did not exist, the inter-tribal conflicts exploded immediately. Since the control area of the newly appointed officials did not exceed the city centers, banditry became widespread all over eastern Anatolia and the economic condition decreased rapidly as security was destroyed. Before the elimination of emirates, the *mirs* had protected the peasants from excessive exploitation of the pastoral tribes. The *mir* was also the one who prevented land abuses by freezing borders between the tribes within his authority. He determined the agreement between disputing claims. Their elimination brought unbearable exploitation of the peasants by nomadic tribes and conflicts among the tribes. Because of these abuses many Armenians, who were largely peasants, escaped to Russian controlled areas.<sup>62</sup>

The decline of the *mirs* in the first half of the 19<sup>th</sup> century brought the rise of the *aghas*. According to McDowall one of the reasons of this rise was related with the need of political security and features of economic life in eastern Anatolia that strict discipline was required to maintain economic viability and political security in the mountain villages. The distribution of the scarce resources and implementation of the required responsibilities for the survival of the tribe was directed by the *agha*. The *agha* was the only gate of

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<sup>61</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 181; David McDowall, *A Modern History of the Kurds*, p. 47.

<sup>62</sup> David McDowall, *A Modern History of the Kurds*, p. 49.

the tribe to the outside world. It was the responsibility of the *agha* to conduct contacts with the other tribes, *mirs* and with the state. The position of the *aghas* was also recognized officially by the state. This recognition reinforced the status of the *agha* in his tribe and to other tribes' chiefs. But it also made his position fragile since that position depended on the fulfillment of government's obligations. If he did not obey the state, the support of the state could be directed to one of his rivals.<sup>63</sup>

In the 19<sup>th</sup> century after the demise of the *mirs*, another emerging actor in eastern Anatolia was the sheikhs. The *mirs* of the emirates were acting as mediators between *aghas* of different tribes. Their abolition meant the absence of such a mediator. Thus, the conflicts between *aghas* increased rapidly. This mediator role was filled by the sheikhs. Especially *Nakşibendi* and *Kadiri tarikats* (religious orders)<sup>64</sup> gained power and spread all over Kurdistan from then on. These religious orders became the centers of loyalty for the Kurdish society. Since the effect of the sheikhs exceeded tribal borders, they could easily use this supra-tribal position as mediators in inter-tribal disputes.<sup>65</sup> It was a crucial fact in the rise of the sheikhs that they were independent of the tribes. This means that they became independent of the conflicts, rivalries and particularly feuds of the tribe. Therefore, they could act the role of mediator and peacemaker in the conflicts and rivalries of the tribe and even among tribes since their influence was not restricted to the boundaries of a tribe. In addition to the role of arbitrator, for these orders had members among various tribes, they could integrate rival tribes under their leadership. This was the main

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<sup>63</sup> David McDowall, "The Kurdish Question", p. 15; David McDowall, *The Kurds*, London, MRG Publications, 1996, p. 10.

<sup>64</sup> The *tarikats* dated back to the 12<sup>th</sup> and 13<sup>th</sup> centuries; for example the *Nakşibendi* order was established at the end of the 14<sup>th</sup> century and the *Kadiri* order was established in the 12<sup>th</sup> century. By the beginning of the 19<sup>th</sup> century, the *Kadiri* order was the most dominant *tarikat* in Kurdistan. However, the *Nakşibendi* order spread in Kurdish society rapidly and surpassed the *Kadiri* in the course of the 19<sup>th</sup> century. David McDowall, *A Modern History of the Kurds*, pp. 50-51. For detailed information on the *Nakşibendi* and *Kadiri tarikats* see Martin van Bruinessen, *Agha, Shaikh and State*, pp. 216-234.

<sup>65</sup> David McDowall, "The Kurdish Question", p. 15; David McDowall, *A Modern History of the Kurds*, p. 50.

reason of sheikhs being the leaders of Kurdish rebellions in the last part of the 19<sup>th</sup> century. The members of the orders were not only among the tribes but also among the peasants, urban craftsmen and workers. Thus, the sheikhs rallied a crowded community behind them.<sup>66</sup>

The rise of the sheikhs stemmed from their holy man status; but also the material conditions should not be ignored. The last quarter of the 19<sup>th</sup> century was a very hard period for the Ottoman Empire and for the Kurds. The Russian threat in the eastern borders of the empire was growing day to day. The 1877-78 Russian war especially devastated the region. The rise of nationalism among the Armenians and the separatist activities among them also troubled the Kurds. Famine and economic problems of the empire were also added to these negative factors. In such an unfavorable period, devotion to the sheikhs was an expected development. This devotion brought the strengthening of the sheikhs not only in the spiritual realm but also in the material area. As Olson writes there was a direct relationship between the number of sheikh's followers and the food, money and land he received from them. However, this was a mutual relation that money was needed to hold followers for a sheikh.<sup>67</sup>

Parallel to the rise of sheikhs, sheikhly dynasties emerged which had great power. These dynasties were especially powerful in the areas where inhabited by small tribes and where blood feud and tribal conflicts were widespread. They were not strong in the areas where strong tribes still existed and tribal conflicts were not serious. They were also weaker in non-tribal districts.<sup>68</sup>

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<sup>66</sup> Martin van Bruinessen, "Kurdish Society, Ethnicity", pp. 36, 50-51. Sheikh Ubeydullah of the *Nakşibendi* order was the most prominent of these rebellious sheikhs, who revolted against the Persian and Ottoman Empires calling for an autonomous Kurdistan. For detailed information on the rise of sheikh Ubeydullah see Robert Olson, *The Emergence of Kurdish Nationalism and the Sheikh Said Rebellion, 1880-1925*, Austin, University of Texas Press, 1989, pp. 1-7; Wadie Jwaideh, *op.cit.*, pp. 144-193; and David McDowall, *A Modern History of the Kurds*, pp. 53-59.

<sup>67</sup> Robert Olson, *op.cit.*, pp. 1-7; Wadie Jwaideh, *op.cit.*, pp. 144-147.

<sup>68</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 232.

The appropriation of lands was a significant element in the rise of the sheikhs and *aghas*. In fact, *yurtluk-ocaklıks* were abolished in 1819, but a new land regime was not introduced to the region after the elimination of the prominent *mirs*. Instead, the *tarikats* sheikhs and *aghas* gained power in this process by acquiring lands. The central government did not attempt to take any measure against them and they acquired *de facto* possession of lands and even they were granted lands by the state.<sup>69</sup>

In fact, the great triggering force in the rise of *aghas* and sheikhs was the new Land Code of 1858. The Land Code of 1858 profoundly affected the social and economic structure of the Kurdish tribes. This land code adopted possession of the land in exchange of a payment of a small fee to the *tapu* office (land registry). Indeed, securing the actual tillers of the soil to become its legal possessors was the aim of the Code. But a small elite abused this land code by registering the land of commoners for their name. Bruinessen quoting from Dowson, who examined landholding patterns in Iraq, indicates that many villages were wholly or partially registered as the personal possessions of notables in Kurdistan. These notables usually left the villages after these possessions and constituted an absentee lord class. However, according to Bruinessen, Dowson's thesis is not valid for the entire region since in many mountain villages local people registered the land for their name. But in the plains nearly as a rule the lands were registered in the name of the *aghas*. This event caused a decrease in the communal side of the tribal economy and individualization emerged. While many *aghas* became large landowners, the local people became sharecroppers and in some cases hired laborers. This

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<sup>69</sup> Rıfki Arslan, *op.cit.*, pp. 45-46. The *Tanzimat* reforms were not implemented in the provinces of Erzurum and Diyarbakir until 1845. The beginning of the implementation process in 1845 encountered with resistance in the region. The main source of resistance was the holders of *yurtluk* and *ocaklıks*. As a solution to this resistance, the lands of some of the holders of *yurtluk-ocaklıks* were confiscated. In exchange of these lands, a salary was put on the old holder or the directorship of the *kaza* was given to him. The holders of *yurtluk-ocaklıks* also impeded the application of the tax reforms by resisting to the census of property. Musa Çadırcı, *Tanzimat Döneminde Anadolu Kentlerinin Sosyal ve Ekonomik Yapısı*, Ankara, Türk Tarih Kurumu, 1997, pp. 192-93, 228.

situation increased the domination of the *aghas* over commoners.<sup>70</sup> The sheikhs, who had the control of *vakıfs* (pious foundations), also benefited from the Land Code of 1858. They used the *vakıf* lands as their own property; and like *aghas*, the sheikhs recorded the lands of the peasants in their own names by using their charisma among their followers.<sup>71</sup>

#### 2.2.4 Social Structure of the Kurds

There had been always a tension between the central states and groups living out of their authority zone. The Kurds were one of these communities since they generally settled in the mountainous areas far away from state's control. The mutual demonstration of the strength of the state and tribes against each other determined the relation between the state and tribes. If the state had enough power to control tribes, these tribes owed allegiance to the state. On the other hand, the tribesmen tended to revolt against a weak state, which could not dominate the tribes. Generally it has been the policy of the states to recognize the semi-autonomous status of the Kurdish tribes in exchange for doing some services to the state.<sup>72</sup>

The region in which Kurds lived was a mountains and plateau area where Anatolia, Iraq and Iran meet. This geography was the main reason of the autonomous position of the Kurdish tribes against the states. The tribes were generally located in the periphery of the states. Because of their inaccessibility, they achieved a degree of political independence. Since this region is mountainous, it became a buffer between neighboring states and also because of living in the border these tribes easily changed side between neighboring states (the Safavid and the Ottoman Empires).<sup>73</sup>

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<sup>70</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 182-84.

<sup>71</sup> Robert Olson, *op.cit.*, p. 4.

<sup>72</sup> David McDowall, "The Kurdish Question: a Historical Review", pp. 12-13.

<sup>73</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 135; David McDowall, *A Modern History of the Kurds*, pp. 5-6.

In the social hierarchy, tribes stood in a dominant position against the settled peasants, either Muslim or Christian. Tribes were in a more prestigious position compared to the settled peoples for the tribes held their own military power. Especially the tribal Kurds constituted the military force of eastern Anatolia, and therefore they were regarded as the nobles of the region. Since the measure of being noble was related with being a member of the military class, non-tribal groups were deemed inferior compared to the tribesmen. These non-tribal groups (*reaya*) either Muslim or Christian were the source of agricultural products and revenue for the tribes. *Reaya* including peasants and sedentary people were at the bottom of social hierarchy. The sedentary Kurds, not a part of a tribe, lived under the domination of tribes.<sup>74</sup> Eastern Anatolia did not contain a homogeneous society. There were Jews in the region for a very long time. Christian communities were also one of the old peoples of these lands, especially the Armenians and Assyrians. The Armenians were generally a non-tribal society living in the towns and villages of eastern Anatolia. The Assyrians also contained both tribal and non-tribal groups.<sup>75</sup>

Tribes were the main social units in the region that most of the Kurds lived as the members of tribes. Tribes were generally nomadic or semi-nomadic that they spend the winter in permanent villages, and in the summer they go to mountain pastures.<sup>76</sup> There were also large numbers of non-tribal Kurds living in the plain and foothills. The conflicts and rivalries among various Kurdish tribes was a general feature of the Kurdish tribalism. These conflicts and rivalries had always been a vital gun for the states to control and dominate Kurdish tribes. If one tribe did not act in accordance with the state's wishes, the rival tribe of it was supported by the state to provide a counter

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<sup>74</sup> David McDowall, *A Modern History of the Kurds*, p. 17; Hakan Özoğlu, *op.cit.*, p. 64; Martin van Bruinessen, "Kurdish Society, Ethnicity", pp. 40-41.

<sup>75</sup> David McDowall, *A Modern History of the Kurds*, pp. 12-13.

<sup>76</sup> For details on geographical distribution, names and features of the Kurdish tribes in the Ottoman Empire see Mark Sykes, "The Kurdish Tribes of the Ottoman Empire", *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 38 (Jul.-Dec., 1908), pp. 451-486.

balance against the rebellious tribe. Since the reward of the state was profitable for the rival chieftain, he could cooperate with the state against the rival tribe.<sup>77</sup>

The Diyarbakır *salnames* give important data about the number of population on the basis of religions. For example the *salname* of 1300 (1882-83) indicated the population data throughout the *vilayet* by specifying the numbers on the basis of *sancak*, *kaza* and then *nahiye* even giving the number of homes in addition to the number of population according to religion.<sup>78</sup> The people around Diyarbakır were mainly composed of the Kurds. It was the same for Mardin apart from the tribal population. The *salnames* state some comments on the structure of the population of the *vilayet*.<sup>79</sup> There is also some information on the livelihood of the people.<sup>80</sup>

## 2.3. The Land Code of 1858

### 2.3.1 Preparation and the Content of the Land Code of 1858

In the 19<sup>th</sup> century, the Ottoman Empire was subject to interstate competition. This process brought a basic shift in the armed forces from cavalry army to infantry army. In order to maintain infantry armies, the central

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<sup>77</sup> David McDowall, "The Kurdish Question", p. 12; Martin van Bruinessen, "Kurdish Society, Ethnicity", pp. 40-41.

<sup>78</sup> For detailed information see *Salname-i Diyarbakır 1300 (1882/1883)* in *Diyarbakır Salnameleri*, Vol. 3, 1286-1323 (1869-1905), ed. by Ahmet Zeki İzgöer, İstanbul, Diyarbakır Büyükşehir Belediyesi Yayınları, 1999, pp. 170-172.

<sup>79</sup> "Şehrin mülhakatında bulunan ahalinin ekrad ve müstareb aşayirden olduğu malumdur.... Lakin Kürdlerde ittifak bulunmayıp aralarında daima nifak vâki olur. Her biri hadd-i zatında şecâatine güvenerek yekdiğerine ser-furû etmezler. Ekradın ekserisi ehl-i sünnet ve cemaattendirler. Yalnız birazı Devlet-i Emeviyye zamanında Şam taraflarına gitmiş ve oradan garip bir mezhep ahzıyla avdetlerinde mezheplerinden bir kısmı nükul ederek bir kısmı halen onunla kalmıştır. Bunlara Yezidi denilir.", *Salname-i Diyarbakır 1301 (1883/1884)* in *Diyarbakır Salnameleri*, Vol. 3, pp. 222, 234, 253.

<sup>80</sup> "Ekrad taifesi ziraat etmek ve bazı mahallerde fidan gars eylemek ve biraz da hayvanat beslemekle meşgul ve müstarab ahali umumiyetle koyun, deve, kısrak gibi havyanat yetiştirerek hasılatıyla müteayyıştırler... Ziraat ve felâhat bu vilayette her bir keb ü kardan ziyade meydan almıştır. Arazinin kabiliyetinden istifade için felahata hasr-ı iştigal eden ahalinin kısm-ı a'zamu nasılsa servet-i tabiiyeyi mucib olan alat ve edevat-ı cedide-i asriyenin tedarik ve istimâlinde ihmal gösterdiklerinden hala eski usulde ziraat cari olmaktadır. Ziraatın başlıcaları buğday, arpa, ak darı, erz, pamuk, tütün, mercimek, küşne, susam, nohut, üzüm, kavun ve karpuz ve sebzedir.", *Salname-i Diyarbakır 1302 (1884/1885)* in *Diyarbakır Salnameleri*, Vol. 3, pp. 357-58.



government tried to empower itself. The other side of the empowerment of the center was the demise of the local powerful groups. The 1850s and 1860s were especially hard years for the Ottoman Empire in the financial arena. The reformation of the state apparatus and high costs of warfare meant a huge financial burden for the state, which sought to increase its revenues in order to cope with this burden. There was a serious deficit in the budget and it was crucial for the Empire either to find loans from outside or increase its domestic revenues. The needs of the central army and central bureaucracy required new regulations for property and taxation. These problems directed the center to regulate the financial apparatus and the provincial administration in the decades between 1856 and 1876.<sup>81</sup> These years signify a crucial process of fixing the provincial administration that the statesmen aimed to solve the problems of the provinces with new laws for the administration of the provinces. Both the Land Code of 1858 and *Vilayet Nizamnamesi* of 1864 (The Provincial Reform Law of 1864)<sup>82</sup> can be evaluated in this context.

The Land Code of 1858 was prepared by a commission who was headed by Ahmed Cevdet Pasha.<sup>83</sup> This Commission worked on the Code by considering old *kanuns*, various *fetvas* and custom and usage without making translation of another country's Land Law.<sup>84</sup> Until the enactment of the Land

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<sup>81</sup> Huri İslamoğlu, "Politics of Administering Property: Law and Statistics in the Nineteenth-Century Ottoman Empire", in *Constituting Modernity, Private Property in the East and West*, ed. by Huri İslamoğlu, London, I. B. Tauris, 2004, pp. 286-87; Roderic Davison, *Reform in the Ottoman Empire*, New York, Gordion Press, 1973, pp. 112-113.

<sup>82</sup> The Provincial Reform Law of 1864 regulated the provincial system of the Ottoman Empire. The new provincial units, *vilayets*, were formed instead of the old system (*eyalet*). The *Vilayet Nizamnamesi* was the tool of extending the *Tanzimat* administration to the provinces. For an evaluation of the *Vilayet Nizamnamesi* see Stanford J. Shaw, Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution, and Republic: The Rise of Modern Turkey, 1808-1975*, Cambridge, Cambridge University Press, 2002, pp. 88-89.

<sup>83</sup> Ahmed Cevdet Pasha was a member of the *ulema* and well informed in Muslim law. Roderic Davison, *op.cit.*, p. 98; Zeki İzgöer, *Ahmet Cevdet Paşa*, İstanbul, Şule Yayınları, 1999, p. 15. For detailed information on the life and works of Ahmed Cevdet Pasha see Ali Ölmezoğlu, "Cevdet Pasha", *İslam Ansiklopedisi*, 3, İstanbul, Milli Eğitim Basımevi, 1945, pp. 114-123.

<sup>84</sup> This commission had also prepared the new Penal Code. Roderic Davison, *op.cit.*, p. 99; Zeki İzgöer, *op.cit.*, pp. 27-28; Mehmet Doğan, "Türkiye'de Toprak Meselesinin Tarihçesi IV, Tanzimat Toprak Hukuku", *Fikir ve Sanatta Hareket*, July 1972, p. 9.

Code of 1858, Ottoman land laws could not be put in a standard code and various laws were adopted for every province. The Land Code exceeded these regional differences and tried to apply the same rules throughout the Empire to all state-owned lands. This standardization in the land regulations was a very important attempt to provide uniformity in land matters even if it only regulated *miri* lands and procedures related with it.<sup>85</sup>

In fact, most of the lands were *miri* when the Land Code was adopted.<sup>86</sup> By the promulgation of the Land Code, a reference point was established for property matters. Even though the Land Code regulated *miri* lands, the state accepted the revenue claims of groups outside state lands since it classified the lands under five titles as *miri*, *mülk*, *vakıf*, *metruke* and *mevat*.<sup>87</sup>

1. *Mülk* Land: these lands were held as absolute freehold ownership and were subject to Islamic law. In the Ottoman context, there were two rights related to the landownership matters: *rakabe* (the right of ownership) and *tasarruf* (the right to usufruct of land). The owners of the *mülks* had both rights.
2. *Miri* Land: these were state-owned lands, in other words *rakabe* belonged to the state, but the state did not use the *tasarruf* right of these lands. The usufruct right was rented to individuals as a heritable leasehold ownership.
3. *Vakıf* Land: these were the lands devoted to religious foundations.
4. *Metruke* Land: these were public lands dedicated to some public requirements such as *mera*, grove and roads.

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<sup>85</sup> Mustafa M. Kenanoğlu, *op.cit.*, pp. 114-115.

<sup>86</sup> Doreen Warriner, *Land Reform and Development in the Middle East, A Study of Egypt, Syria, and Iraq*, London, Oxford University Press, 1962, p. 68.

<sup>87</sup> Huri İslamoğlu, "Politics of Administering Property", p. 292.

5. *Mevat* Land: empty or unclaimed land.<sup>88</sup> If anyone begins to cultivate *mevat* land, which was the property of the state, over a fixed period, this land turns to *miri*, and he could take the usufruct right of the land.<sup>89</sup>

The Land Code of 1858 accepts full and individual usufruct right on the *miri* lands, but the ownership right stays with the state. The lands like *mera* (pasturing ground), *ayla*, public roads, wood or forest etc., which were allocated to the use of all villagers in order to meet the common needs of the village, were left to the common usufruct of the village. This article of the Land Code was important for it aimed to put a hindrance against the *aghass* and *beyss* who could have formed domination over the villagers in case of personal possession of these kinds of public lands.<sup>90</sup>

The registration of the *miri* lands in the name of the cultivator was a rule of the Code.<sup>91</sup> The state ownership resembled to ownership in modern sense for it required land registration and adopted the transferability of land by a sales contract. With the grant of title directly to the cultivator, it was hoped that the intermediary forces would be eliminated between the government and the small cultivators. In theory, the *rakabe* would stay in the hand of the government, and the title would be granted to the usufruct of the land. It was claimed that this rule was an attempt against feudal or tribal forces who had been traditional intermediaries.<sup>92</sup>

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<sup>88</sup> This classification was done in the articles 1-7. R. C. Tute, *The Ottoman Land Laws: with a Commentary on the Ottoman Land Code of 7<sup>th</sup> Ramadan 1274*, Jerusalem, Greek Conv. Press, 1927, pp. 1-16; Doreen Warriner, *Land and Poverty in the Middle East*, London, The Royal Institute of International Affairs, 1948, p. 16.

<sup>89</sup> Doreen Warriner (1962), *op.cit.*, p. 67.

<sup>90</sup> The position of the public lands was regulated by the Land Code with the articles 91-102. R. C. Tute, *op.cit.*, pp. 88-96. Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat ve 1274 (1858) Tarihli Arazi Kanunnamesi", in *Türkiye'de Toprak Meselesi*, İstanbul, Gözlem Yayınları, 1980, pp. 337-338; Mustafa M. Kenanoğlu, *op.cit.* p. 180.

<sup>91</sup> *Tapu* Law for granting title deed for the state lands was promulgated in 1859. This law and regulations for the title deeds were indicated in R. C. Tute, *op.cit.*, pp. 129-137.

<sup>92</sup> Article 3 of the Land Code is about the obligation of the registration of the *miri* lands and it states that legal ownership is vested in the Treasury while those who acquire possession would

The Land Code essentially recognizes the usufruct of individual-small peasantry. Articles 8, 130 and 131 confirm this principal by stating that the whole village land cannot be granted entirely to one or two persons. The establishment of big estates, *çiftlik*s, was only permitted in the lands whose village community had dispersed and in case there was no hope for the resettlement of the villagers. However, neither the old codes (*kanunnames*) nor the new Code defined a limit for the size of the *miri* lands.<sup>93</sup> Therefore the existence of such preemptive articles could not stop the establishment of the *çiftlik*s. Barkan states that towards the last decades of the Empire and especially after the *miri* lands began to be transformed to *mülk*, there are many signs showing that such *çiftlik*s were established.<sup>94</sup>

In this context, the closed eye of the Land Code to the relations between the peasants and the *çiftlik* owners was a crucial deficiency of the Code.<sup>95</sup> There was no regulation about the sharecropping agreements and the position of the tenants in the Code, even if it was the most widespread form of tenure. Because of this gap, the share tenancy agreements continued to be formed by custom, not by a general law. For there was no law, which would regulate and recognize their position legally, the tenants had no security of tenure and had no protection against eviction.<sup>96</sup> Donald Quataert evaluates this as provisions favoring large landowners and undermining state-small cultivator relation.<sup>97</sup>

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receive a title deed. R. C. Tute, *op.cit.*, p. 7; Doreen Warriner (1948), *op.cit.*, p. 17; Huri İslamoğlu, "Politics of Administering Property", p. 293.

<sup>93</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", p. 339. Article 130 of the Code: "The lands of an inhabited village cannot be granted in their entirety to an individual for the purpose of making a chiftlik, but if the inhabitants of a village have dispersed, as mentioned above, and the land has become subject to the right of tapou, if it is found impossible to restore it to its former state by bringing new cultivators there and settling them in the village and granting the land in separate plots to each cultivator, in such a case the land can be granted as a whole to a single person or to several for the purpose of making a chiftlik." R. C. Tute, *op.cit.*, p. 119.

<sup>94</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 367-69.

<sup>95</sup> *Ibid.*, p. 369.

<sup>96</sup> Doreen Warriner (1948), *op.cit.*, pp. 16-17, 85. R. C. Tute states that the rights of the cultivators were defined by the contracts between the titleholder and the cultivators and the

The communal ownership is also forbidden in the article 8 of the Land Code: “The whole land of a village or of a town cannot be granted in its entirety to all of the inhabitants nor to one or two persons chosen from amongst them. Separate pieces are granted to each inhabitant and a title is given to each showing this right of possession”.<sup>98</sup> Because of un-recognition of the communal and share tenancy rights legally, there was no force to protect these rights and the holders of these rights customarily lost their rights.

In the Land Code, the usufruct right of the peasants, who worked on the *miri* lands, came close to a full ownership right that according to the Code, peasants can cultivate the land as how he wished to do (article 9). However, still this usufruct was not full and absolute since he cannot construct a building on it (article 31); cannot bury dead (article 33); cannot leave the land uncultivated for three successive years without any reason (article 68); cannot plant tree without permission of the official or make vineyards and orchards (article 25). But it has to be stated that while the application of these provisions had been controlled by the *sipahis* before the *Tanzimat*, they lost their effect after this period.<sup>99</sup>

The Code approached to the Islamic law of private property by extending the succession line of the user’s heirs on the *miri* lands. The main motive behind this extension was to direct the heirs to improve the land and cultivation since they would inherit the use right of the land from their ancestors. The freedom to lease the land was also made closer to the Islamic concept of private property.<sup>100</sup>

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rules of *Mecelle* were applied in case of problems among them. The Code did not deal with their rights, R. C. Tute, *op.cit.*, p. 120.

<sup>97</sup> Donald Quataert, “The Age of Reforms”, in *An Economic and Social History of the Ottoman Empire, Volume 2: 1600-1914*, ed. by Halil İnalcık-Donald Quataert, Cambridge, Cambridge University Press, 1997, p. 857.

<sup>98</sup> R. C. Tute, *op.cit.*, p. 17.

<sup>99</sup> Ömer Lütfi Barkan, “Türk Toprak Hukuku Tarihinde Tanzimat”, p. 340.

<sup>100</sup> Kemal H. Karpat (1968), *op.cit.*, pp. 87-88. The rules and procedures on the inheritance of the *miri* lands were regulated between the articles 54 and 59. Article 23 is on the lease of the *miri* lands by the possessor and it protects the rights of the possessor.

The difference between the *şeri* inheritance rules and rules of inheritance in *miri* lands stemmed from the anxiety to prevent the division of the *miri* lands. For this reason the inheritance right in the *miri* lands had been very restricted in the preceding ages. The Land Code extended the scope of heirs that it recognized the equal division of the *miri* land to the daughter and son heirs of the holder of the *miri* land. If he had children, they prevent the other relatives' taking a share from the inheritance. If he did not have children, all the land passes to the father of the deceased, and if the father did not exist, the mother of the deceased takes all the land. There are some ranks in the succession line, and every rank prevents the following ranks' taking share from the land.<sup>101</sup> If all owners of the right of *tapu* one by one abnegated to take the land, after offering the land to the last one in the succession line of the heirs, the land can be given to the highest bidder with auction. However, article 68 of the Code states that the land will be put to auction without seeking the heirs if the land was left uncultivated three successive years without any reason. Even the *miri* land came close to *mülk* lands in the process, this rule of three years continued until the Republic.<sup>102</sup>

If an arable land fell to the *tapu*, principally the land could not be given to someone outside the village community as long as anyone among them needed to this land (article 59). Barkan evaluates this rule as a vehicle to prevent establishment of absentee landlords who could buy the lands piece by piece and make the villagers leaseholders on these lands in the course of the time. Nevertheless, this rule was dissolved with the coming provisions stating that there is no priority of choice between outside and inside of the village.<sup>103</sup>

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<sup>101</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 357-58. The line of inheritance was also modified after the promulgation of the Land Code, and the line of heirs was extended with new laws. For detailed information on line of the heirs in the Land Code of 1858 and the modification after it see Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 352-361, and see *Arazi Kanunnamesi*, ed. by Orhan Çeker, İstanbul, Ebru Yayınları, 1985, pp. 36-38.

<sup>102</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 365-66.

<sup>103</sup> *Ibid.*, p. 314.

The articles 36, 37, 38 and 39 make closer the usufruct of *miri* lands to *mülk* lands.<sup>104</sup> The usufruct of the *miri* land can transfer it to whoever he wants with the permission of the land official according to articles 36 and 38 in return of money or without taking it. In the *mülk* lands, there is no need for such permission that *Mecelle* (Islamic law) is applied to them. Moreover, if the *miri* land is cultivated jointly, the consent of the partner is required for the transfer of his part of the land (article 41).<sup>105</sup> Articles 15-17 are about the division of the *miri* lands. The approval of the land official is required for this and the division ought to be harmless for the *miri* land. However, it has to be remembered that the permission of the state official lost its importance after the *Tanzimat*, and it turned to be nearly a dead formality.<sup>106</sup>

The endowment of the *miri* land for religious purposes was also bond only having a *temlik senedi* directly given by the Sultan and giving full ownership of the land (article 121).<sup>107</sup>

In the Land Code, as a rule *miri* lands cannot be sequestrated in case of possessor's having debt to a creditor (article 115). Nevertheless, this rule was dissolved with the coming provisions. Firstly with the decrees of 24 *Cemazeyilahir* 1277 (January 7, 1861) and of 24 *Rebiulevvel* 1278 (September 29, 1861), this rule was dissolved for the state debts. Then with the decree of 27 *Şaban* 1286 (December 2, 1869), this rule was extended to ordinary debts and thus it was dissolved completely. It shows that the land policy of the Empire for securing *miri* lands had eroded for a long time, and at last *miri* lands turned to *mülk* with a great speed.<sup>108</sup>

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<sup>104</sup> Mustafa M. Kenanoğlu, *op.cit.*, p. 127.

<sup>105</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", p. 344; R. C. Tute, *op.cit.*, pp. 40-45.

<sup>106</sup> R. C. Tute, *op.cit.*, pp. 20-21; Mustafa M. Kenanoğlu, *op.cit.*, p. 126; Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", p. 345.

<sup>107</sup> Mustafa M. Kenanoğlu, *op.cit.*, p. 130.

<sup>108</sup> Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 345-46.

### 2.3.2 The Aims of the Ottoman Land Code of 1858

The intention of the state in the grant of title deeds is interpreted by researchers differently. However, three interpretations are dominant in the literature: the intention to register actual users, the intention of promoting agriculture and the intention of identifying taxpayers.

It was the requirement of the Land Code that individuals have to have a title deed for legal use of the state lands. According to D. Quataert, surveying of all lands and giving title deeds to actual users of the lands, small cultivators, was intended by the state. This method of granting title deeds would reinforce state control over the lands and would eliminate the intermediary people, notables. Providing agricultural development was also inherent in the targets of the Code that it even offered title to the illegal *de facto* users of the state lands who cultivated the land for a period of ten years. The ban to leave state lands untilled for three years can also be evaluated in this respect. It was a policy which directly affected many areas: maintaining and promoting agriculture, thus promoting production and at last point promoting tax revenues. The grant of title deed of the whole village land in the name of a single individual became possible if villagers had dispersed, in other words if the lands were left uncultivated. In other words, to maintain and promote production and to meet tax requirements, the state tolerated the formation of large landownership.<sup>109</sup>

For Roderic Davison, the object of the Code was the classification and regularization of the customary land tenure forms and updating the rules, which needed this after the dissolution of the fief system. He deems the second aim of the Code as the determination of the responsible taxpayer by granting title deeds to individuals. This registration process would also prevent the conversion of the *miri* lands to *mülk* or *vakıf*. Thus, the other side of this process was hoped to be the demise of the influence of the large landowners by increasing the power of the center since the Code forbid one individual's holding of entire village land.<sup>110</sup>

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<sup>109</sup> Donald Quataert, "The Age of Reforms", pp. 856-857.

<sup>110</sup> Roderic Davison, *op.cit.*, pp. 99-100.



Huri İslamoğlu, finds a direct relation between the demands of market actors and the struggles of the central bureaucracies to achieve generality and uniformity in administrative practices. She evaluates the Land Code of 1858 in this respect that exclusion of multiple claims of different groups in relation to taxation was the main aim of the Code. Therefore, the hegemony of the centre would be formed by putting the lands under the state taxation. Since the Code made registration of the lands compulsory, the possessor of the land was determined by eliminating the multiple claims to possession.<sup>111</sup> She deems the Land Code as a power field: “in which multiple actors, including different state agencies, confront each other to negotiate and to contest, and thus to cast and re-cast the very terms of domination and subjugation.”<sup>112</sup>

Unlike the early-modern state, the modern state resented to the particularistic regulations, negotiated between the ruler and local groups on the distribution of sources of revenue. The 19<sup>th</sup> century’s centralist state did not function over the particularistic regulations; the new state formed the general regulations and procedures instead of these particularistic regulations. In other words, negotiations would be conducted over the general rules from then on. The Land Code of 1858 is regarded in İslamoğlu’s approach that it stemmed as a result of this generalization attempt of the empire over the lands and also related with the state’s claim over the tax-revenues.<sup>113</sup> The fiscal requirements of the state rendered tax revenues crucial for the central state that the singular claim of the state has to be established on tax revenues. With the exclusion of multiple claims to the land use, the person who registered the land in his name became liable for the payment of taxes on land.<sup>114</sup>

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<sup>111</sup> Huri İslamoğlu, “Towards a Political Economy of Legal and Administrative Constitutions of Individual Property”, in *Constituting Modernity, Private Property in the East and West*, ed. by Huri İslamoğlu, London, I. B. Tauris, 2004, pp. 4-5.

<sup>112</sup> *Ibid.*, p. 10.

<sup>113</sup> Huri İslamoğlu, “Politics of Administering Property”, pp. 282-83, 285-86.

<sup>114</sup> *Ibid.*, pp. 11-12, 279.

In the 19<sup>th</sup> century, it was always advised by the European advisors to the Ottoman Empire to pass a new land regime, which would replace the existing one, originally based on the *miri* lands. It was presented as a requisite for economic development. Engelhardt, who was the most prominent European authority on the *Tanzimat*, finds transition to private property system as the most difficult problem for the Ottoman Empire. In fact, while the state wanted to continue to hold title to lands for controlling the revenue of them, the agrarian groups who hold the right to use land wanted both the use right and title to land. Because of these conflicting demands of the state and the other groups, the state frequently used to proclaim that the *miri* and *vakıf* lands were the property of the state not of the ones who use them.<sup>115</sup> Barkan also underlines the impact of the foreign state ambassadors' suggestions and advices, for the transformation of the Ottoman land system, to the Ottoman officials who sought to find solution to the financial and economic problems of the Empire. These European advisors suggested the abolishment of the ban on the sales of state-owned land, and even wanted permission for foreigners' owning land and establish *çiftlik*s. These advices and suggestions had influence on the *Tanzimat* statesmen in the process and the *miri* land regime transformed slowly in a way that at last point it lost all of its basic features.<sup>116</sup>

The disintegration of the *tımar* system and the rise of the *ayans* had gone hand in hand. At this period the *tımar* lands came close to private ownership. Mahmut II had interrupted this process by destroying the big *ayans* and confiscating their lands. These lands were either assigned to his own men or rented to individuals. However, one of the results of this policy was the uncultivated lands throughout the country because of the government's inefficiency or because of trials on the quarrelling ownership claims which were based on the old ownership deeds. These litigations could be ended with

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<sup>115</sup> Kemal H. Karpat (1968), *op.cit.*, p. 85.

<sup>116</sup> Ömer L. Barkan, *Hüdavendigar Livası Tahrir Defterleri I*, Ankara, Türk Tarih Kurumu Basımevi, 1988, p. 94. Foreigners acquired the possession right on the immovable properties with the law of 7 *Safer*, 1284 (June 10, 1867) in the Ottoman Empire, R. C. Tute, *op.cit.*, pp. 140-141.

reorganization of the *miri* land system and also it would secure steady cultivation, make easy the land circulation, increase the land values and the state revenues.<sup>117</sup> For Kemal Karpaz, the Land Code of 1858 was the result of three contradictory desires of the government: to secure a systematic cultivation for increasing state revenues; to prevent individual claims to *miri* lands; and to form a new legislation concerning land. According to him, the Code, making state ownership of land intact, introduced the modern concept of public domain or *amme* which corresponds to the French *droit foncière de l'état*. In other words, it transformed state ownership to the public ownership concept.<sup>118</sup>

Doreen Warriner, stands on a similar place with Karpaz. With the abolition of the *timar* system in 1831, tax-farmers became responsible of collecting taxes. Nevertheless, the tax revenues were not satisfactory in this system in which an intermediary person existed between the actual cultivators and the state. The reformation of taxation was inevitable and the Land Code reflects this object of the government that it aimed to grant title to actual cultivators, and thus eliminating intermediary forces between the state and actual cultivators. This direct relation between them would be formed against the tribal sheikhs, tax collectors, and against other intermediary forces.<sup>119</sup>

For Haim Gerber, the Code was only a reenactment of the classical Ottoman laws on the agrarian matters with small modifications. Because of this, he regards the Land Code as conservative. In his approach, the mere change introduced by the Code was the regularization and modernization of the matters related with the land. Beyond this, the Code did not intend to bring any

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<sup>117</sup> Kemal H. Karpaz, *An Inquiry into the Social Foundations of Nationalism in the Ottoman State: From Social Estates to Classes, From Millets to Nations*, Princeton, Princeton University, 1973, p. 94.

<sup>118</sup> Kemal H. Karpaz (1968), *op.cit.*, pp. 85-86; Kemal H. Karpaz (1973), *op.cit.*, p. 95.

<sup>119</sup> Doreen Warriner (1962), *op.cit.*, pp. 68-69.

shift in landholding patterns to the benefit of any group, neither the benefit of actual users nor of the absentee lords.<sup>120</sup>

On the other side, Bernard Lewis evaluates the Land Code of 1858 as a vehicle to solve the problems of the countryside. This was an attempt in the formal Westernization. The logic behind this attempt was that the Western villages and Western agriculture was prosperous and if the land system was regulated in the Western type, the problems of the Ottoman countryside would be solved.<sup>121</sup>

This study shares the ideas of many of these scholars about the aims of the Land Code. The examinations during this thesis showed that the Land Code was highly related with the tax incomes of the lands. The state intended to acquire as much as possible income with the registration of the lands that the titleholders became responsible of paying the taxes of these registered lands. In addition to the identification of the taxpayers, the enhancement of the agricultural produce was also aimed by the Code. As will be evaluated in the coming chapters, the state endeavored constantly to stimulate agriculture in the last part of the 19<sup>th</sup> century. In this purpose, even the allotment of wastelands to individuals who would open these lands to cultivation was adopted in the Code. The rise in agricultural produce would mean rise in the revenues of the state. This was a two-sided process highly supported by the state.

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<sup>120</sup> Haim Gerber, *The Social Origins of the Modern Middle East*, Boulder, Colo., L. Rienner, 1987, pp. 68-72.

<sup>121</sup> Bernard Lewis, *The Emergence of Modern Turkey*, New York, Oxford University Press, 2002, p. 119.

## CHAPTER 3

### THE IMPLEMENTATION OF THE OTTOMAN LAND CODE OF 1858 IN EASTERN ANATOLIA

#### 3.1 Introduction

According to article 3 of the Code, the registration of land became obligatory.<sup>122</sup> With the registration of lands, a title deed (*tapu*), stating their title to occupancy, where the land is situated, the boundaries of the land and the number of *dönüms* (acre), was given to titleholders (*Tapu* Law, article 14). The *Defterhane* was the institution responsible for recording the new title deeds. Indeed, the *tapu* was very important for the peasants and landholders since it was the only legal proof of having the usufruct of a piece of land.<sup>123</sup>

After the promulgation of the Land Code, orders related with the new procedure on the *miri* lands were sent to the *eyalets*. With an *irade* (decree) of 02 *Rabiulahir* 1276 (October 29, 1859), a *katip* (clerk) of *Defterhane-i Amire* (the Imperial Cadastral Office)<sup>124</sup> called Şekib Efendi was appointed for the implementation of the new Code in the province of Kurdistan. In this document, it was recorded that many *miri* lands in the province were forcefully taken under the usufruct of some people by *seneds* without convenient proof, witness and consideration. Beyond these lands, most of the other lands were acquired forcefully without *seneds*. This illegal situation of the region was

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<sup>122</sup> After the promulgation of the *Tapu* Law in January 13, 1859 (8 *Cemazeyilahir* 1275), Regulations as to Title Deeds was issued in 7 *Şaban* 1276 (February 29, 1860). R. C. Tute, *op.cit.*, pp. 129-137.

<sup>123</sup> “*Tapu* Law”, R. C. Tute, *op.cit.*, p. 130. Before the promulgation of the Land Code, the *tapus* were given by the local intermediaries. The Land Code eliminated the role of the intermediaries in the issuing of *tapus* since this right was given to the *Defterhane*. For information on the evolution of the Ottoman *tapus* see Anton Minkov, “Ottoman *Tapu* Title Deeds in the Eighteenth and Nineteenth Centuries: Origin, Typology and Diplomatics”, *Islamic Law and Society*, 7/1 (Feb. 2000), pp. 65-101.

<sup>124</sup> The Imperial Cadastral Office was established in May 21, 1847 to conduct procedures regarding immovable property. <http://www.tkgm.gov.tr/ana.php?Sayfa=tarihcegorev> (accessed in April 16, 2007)

aimed to be put under law with the appointment of Şekib Efendi, who would conduct investigation on the *miri* lands of the province and implement the new procedures in there.<sup>125</sup> However, the death of Şekib Efendi before starting work hindered the implementation of the new Code until the arrival of a new official. In another document of 1277 (1860), it was indicated that the arrival of the new official was being waited by the province for the application of the new procedures. By the arrival of the new one, it was hoped that the new regulations would be completely applied to *miri* lands and *ilm ü habers* could be given to the holders of the lands.<sup>126</sup> *Ilm ü habers* were the temporary title deeds. Because of the complicated procedure of the title deed distribution and problems of communication throughout the empire, temporary title deeds, called *ilm ü haber*, were given to the landholders. These temporary documents would be valid until the distribution of the original documents.<sup>127</sup> In the above-mentioned document of 1277, the arrival of *ilm ü habers* were recorded and it was ordered by the center to the local administrators to pay attention to the application of the new procedures completely and to the distribution of the *ilm ü habers* according to the new regulations.<sup>128</sup>

After the death of Şekib Efendi, who had been sent to the province of Kurdistan to teach the new regulations, a new *Defterhane-i Hakani* official, Sadık Efendi was appointed in place of him. Until the arrival of the new one, it was ordered that one of the local *tapu* officials would be appointed as the *vekil* (proxy) of him. However, in the document which stated the appointment of Sadık Efendi, it was also stated that Sadık Efendi would firstly gone to Mardin to appoint *tapu* officials in there and to teach them the new regulations. The reason of this duty in Mardin was stemmed from the fact that Mardin was the only district in the region, which did not attempt to do anything for the

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<sup>125</sup> İ. MVL, 422/18529 (Document 1 and 2), 02 *Rabiulahir* 1276 (October 29, 1859). See Appendix 1.

<sup>126</sup> A.MKT.UM, 437/90, 07 *Cemazeyilahir* 1277 (December 21, 1860).

<sup>127</sup> Anton Minkov, *op.cit.*, p. 75.

<sup>128</sup> A.MKT.UM, 437/90, 07 *Cemazeyilahir* 1277 (December 21, 1860).

implementation of the new Code. Because of the ignorance of the administrators of Mardin, Sadık Efendi was sent there. This ignorance was emphasized in the document and the *kaymakam* of Mardin was warned since this ignorance put him under responsibility. After teaching the local *tapu* officials the new regulations, Sadık Efendi would have gone to the center of the province.<sup>129</sup>

In a document of 08 *Receb* 1277 (January 20, 1861), in which the measures taken in Kurdistan, Kars, Van and Hakkari for the application of the Land Code were stated, the complaint of the province for the delay of the new official's arrival in the province of Kurdistan was also indicated. The implementation of the new regulations was bond to the arrival of the new official. Therefore, it was wanted from the center by the authorities of the province to solve the problems which delayed the arrival of the new *tapu* official to the province. Until his arrival, the local *tapu* officials would carry the land regulations.<sup>130</sup>

In the orders of the center, the local authorities was obliged to prevent the usufruct of the lands without *seneds* within six months after the arrival of the temporary title deeds, and in case of the continuation of the usufruct of lands without *seneds*, the officials were warned of being regarded responsible for this situation. However, in the documents coming from eastern Anatolia, we see that the local authorities evaluated this period of six months inappropriate for the region.<sup>131</sup> Since the region existed in the Iranian frontier and was regarded as fragile lands (*mevaki-i nazike*), the application of the new regulations totally at once was regarded unhealthy for the region. Therefore, the local authorities demanded the extension of the period of six months.<sup>132</sup>

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<sup>129</sup> A.MKT.MHM, 207/25, 15 *Receb*. 1277 (January 27, 1861).

<sup>130</sup> A.MKT.NZD, 340/18, 08 *Receb* 1277 (January 20, 1861).

<sup>131</sup> A.MKT.UM, 442/54 (Document 1), 03 *Cemazeyilevvel* 1277 (November 17, 1860). See Appendix 2.

<sup>132</sup> A.MKT.NZD, 340/18, 08 *Receb* 1277 (January 20, 1861). In this document, the *mutasarrıf* of Van wanted permission from the center for the extension of the time of six months to a year.

They proposed the application of the new regulations step by step and in an appropriate manner. Since this kind of action would extend the period of implementation of the regulations, the consent of the center was sought by these local authorities.<sup>133</sup> In spite of this extension of time, the local *tapu* officials were informed on the new regulations and it was planned that a *tapu* official would be appointed to every *kaza* for putting into practice of the Code in the localities.<sup>134</sup>

### 3.2 Registration of the Lands

The implementation of the Land Code of 1858 and registration of the lands in these fragile lands began with such delays and problems. The features of the region greatly affected the registration process in eastern Anatolia. In a region like eastern Anatolia, where the state had always been weak and the influence of the local forces prevailed, the Code gave way to contrasting results with the rest of the country. Even if the Code targeted the actual tillers' taking of title deeds, the result of the implementation of the Code became the large landownership for the region. For analyzing the reasons of these results, the features of the registration process in eastern Anatolia have to be evaluated.

According to G. Baer, the process of surveying of lands and registration of title deeds was carried out in an anarchical and confusing manner. The instructions for the registration of lands generally were not totally and accurately applied. The administrative inefficiency and incapability were the basic causes of this situation. The regional differentiations and features were also added to the incapability of the officials.<sup>135</sup>

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<sup>133</sup> A.MKT.UM, 442/54 (Document 1), 03 *Cemazeyilevvel* 1277 (November 17, 1860). "...arz ü beyan olunduğu üzere bu havali Kürdistan ve nihayet hudud-ı hakaniyeden olması ve mevaki-i nazikeden bulunması cihetiyle bu havali ahali hakkında usul-ı mezkurun tedricen ber-vefk-i matlub u ali icrası için imtidat-ı müddedinden dolayı merhamet-i seniyye-i canib-i sadır-ı taazzumalarının erzani icab edeceği bedihi ve hüveyda...", See Appendix 2.

<sup>134</sup> *Ibid.*

<sup>135</sup> Gabriel Baer, "The Evolution of Private Landownership in Egypt and the Fertile Crescent", in *The Economic History of the Middle East 1800-1914*, ed. by Charles Issawi, Chicago, The University of Chicago Press, 1966, p. 87.



Kemal Karpat also thinks that the registration of the lands became a failure in the Ottoman Empire. According to him, there were many reasons of the failure of the registration process such as the fear of being conscripted because of registration, the inability of the officials and various kinds of evidences used for registration by the individuals. This disorganized character of the registrations resulted in some individuals' taking advantage of this situation. They achieved to register lands, not originally tilled by themselves, in their own names. In addition to these facts, the existence of tribal groups in some parts of the empire such as the Fertile Crescent impeded the operation of the Code in these areas, and in fact resulted in the rise of new landowners because of the registration of communal lands in the name of tribal chiefs.<sup>136</sup>

The claims of this chapter are parallel to the ideas of these scholars that the registration of the lands and title deed distribution became a failure in eastern Anatolia in respect to the aim of giving title deeds to the actual tillers. To reveal the experienced problems and events in this process, archival documents will be used.

The British Consuls in the region constantly reported the failure of the land registration. In these reports, the approaches of social actors, *aghas*, villagers and officials to this new practice of title deed distribution were explained clearly. It can be seen from these documents that the villagers generally could not understand the significance of this process and indeed it came to them very puzzling. The corrupt practices and ignorance of the government officials made the situation more complicated. The *beys* were in the group who had profited from this process. They were in need of possessing property since they had lost their old feudal rights and thus income resources after the centralization policies of the Ottoman Empire in the first half of the 19<sup>th</sup> century. A memorandum of 1879 states that before the promulgation of the Land Code, the lands were held by the people without title-deeds or

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<sup>136</sup> The course of preparation of a new land system can be carried to 1840s. From 1848 on, the government began to the registration of land deeds. This was an important step in the pass of many unclaimed lands to the state ownership. However, on the other side of this process, many local lords, who gave bribe or threatened the government officials, registered many pasturelands in their own names. Kemal Karpat (1968), *op.cit.*, pp. 87-89.

government certificates. Instead of them, each district had its peculiar traditional customs about the lands. With the promulgation of the Code, permanent registering officers were appointed and title-deeds substituted the local arrangements. The new laws and regulations regarding land tenure, certificates, registration procedures etc. were “to the simple-minded villagers, utterly unintelligible, and often puzzling to the acting official”:

Remembering the ignorance, habits of neglect, and corrupt practices of many of the officers sent to those out-of-the-way places, we can understand what difficulties arise. This “reform” has been a new source of trouble to the people and of profit to the Beys, and also to the officers, who are intrusted with discretionary power over the property of the poor villagers. The Beys in general being deprived of heir old feudal rights and power of levying taxes, &c., now feel the need of possessing property. They are, therefore, endeavouring to accumulate all kinds of standing property, and this at any cost to the poor inhabitants of their districts.<sup>137</sup>

The villagers were cheated by the *beys* to register the lands in their own names. As a result they appropriated the lands of many villagers. When the villagers understood what had happened, they applied to the authorities for the correction of these situations, which will be analyzed later in this chapter under the heading of tribunals. But the cases hanged for a long time by the authorities and generally the *beys* achieved to provide the support of the local officials and made the application of the villagers being refuted by false evidences or by corruption. In many instances, violence and beatings of the *beys* were enough to hinder the application of the villagers to the authorities. What had happened in Sanjar (Sincar) will be quoted from a British consular report:

This Hadji Bey, Ismail Bey of Osnag, Hasan Bey of Aboghna, and Ahmet Bey of Hoghas, appropriated the fields of twelve villages of the district of Sanjar.

During the registration these Beys offered their service to these villagers to get their fields legalized, carrying through the complicated operations of registrations, &c. The Beys, however,

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<sup>137</sup> “Inclosure 3 in No.66, Memorandum”, *Correspondence Respecting the Condition of the Population in Asia Minor and Syria, Turkey, No. 10 (1879)*, London, Harrison and Sons, p. 112.

after getting possession of the papers of the villagers, got them registered in their own names, dividing the property among themselves. The villagers appealed to Osman Effendi, and although he acknowledged their right to the property, yet he let it hang on until Ulash-oghloo died, and having received 20,000 piastres from the above-mentioned Beys, he gave verdict in their favour.

It was in this way Hadji Bey took possession of some fields belonging to Toros, and when this man complained to the authorities the Bey had him beaten most violently. For a like offence Hadji Bey, with his two sons, fell upon Boghos, beating him with the stock of his gun so severely that he was confined to his bed for months.

Igidian, having the courage to appeal to Osman Effendi, was detained two months at Casaba with fair promises of justice, until Hadji Bey presented Osman with a mule, and then this poor man was dismissed without redress. The effect of this was great consternation among the villagers.<sup>138</sup>

What the people thought about the land somewhat affected the application of the Code. For example in the approach of the nomadic people, land was not evaluated as a good material that could be used in commercial area. The tents, livestock and other personal things were regarded as private property, but agricultural land was not regarded in this sense. First of all they did not occupy a land permanently to regard it their own. Instead, they needed and used grazing grounds but these were adopted as the communal property of the tribe.<sup>139</sup> So it was not surprising that the Land Code failed among nomadic people.

The rate of productivity has also some effects on the perception of land among the people. According to Muzaffer Erdost, who stayed and made researches in the region for a while, the value of the land was not so high for the people of the region in the 1950s. Low productivity of the agricultural areas was the basic reason of this attitude. In addition to this reason, the tradition of tribal dominance was also affected the unfavorable attitude of the people to the agriculture. Instead of agriculture, animal husbandry became the main source of income for the region. This is a more suitable form of living for the tribesmen and for a region, which had been a buffer and encountered with

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<sup>138</sup> *Ibid.*, p. 112.

<sup>139</sup> Doreen Warriner (1948), *op.cit.*, p. 18.

invasions at plenty of times. The geography of the region also could not be omitted that the mountains and plateaus were not suitable for the development of large-scale cultivation. These were all suitable for nomadism and animal husbandry.<sup>140</sup> In eastern Anatolia, the districts are mentioned with the name of the tribe living there. In this perception, the land is still regarded as the property of the tribe. The land parcels are sold and bought among the members of the tribe, even living in the same village is preferred in these transactions.<sup>141</sup> Even if this perception of land among the people of eastern Anatolia is derived from the field researches of the researchers in the 20<sup>th</sup> century, the determining reasons of this perception such as the geography, the climate, the nomadic and tribal character of the population were also prevailing in the 19<sup>th</sup> century. Therefore, we will present this perception as one of the factors that affected the development of land patterns in the region, even if the impact of this factor cannot be exaggerated.

This perception of land prevailed in Iraq until recent times. The tribe's customary right of ownership on the land was the dominant form, and the lands were distributed among the tribesmen. The area, distributed, was changed from time to time among the tribesmen, and the new piece of tribal land was given for cultivation (*musha* system) in these re-allotments.<sup>142</sup>

The practice of shifting agricultural plot in the *musha* system blocked the application of the Land Code since the villagers could not prove ten years of occupancy on a fixed land piece. For they could not prove ten years' possession, their lands were either granted in exchange of the *tapu* payment or put to public auction. The sheikhs, notables and *aghas* benefited from this gap

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<sup>140</sup> Muzaffer Erdost, "Ağaların Bilinmeyen Tarafları", *Yön*, 10 (Feb. 21, 1962), p. 11; Mehmet M. Sunar, *op.cit.*, p. 16.

<sup>141</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 53-54.

<sup>142</sup> Doreen Warriner (1948), *op.cit.*, p. 18. According to Baer, for Fertile Crescent, the *musha* system based on the collective ownership of the village lands was an important factor in the failure of the registration of *tapus* in the name of individual tillers. In the *musha* system, the village land was redistributed among the village community periodically. This system prevented registration of agricultural lands in the name of individuals. Tribal character of the most of the society also contributed to this failure. Gabriel Baer, *op.cit.*, p. 87.

in most parts of Iraq.<sup>143</sup> For example, in southern Iraq, the registration process turned into a conflict between sheikhs and tribesmen. Because of this conflict and because of the annoyance of the state from the strengthening of the sheikhs as a result of this process, the application of the Code in southern Iraq was suspended with two decrees in 1880 and in 1892, and lands remained under the ownership of the state. The state also preserved the right to evict tenants at will.<sup>144</sup> In fact, the most benefited person from the application of the Land Code in Iraq was Abdülhamit II. He acquired 30% of the total cultivated land in the Baghdad province and also obtained large estates in the *vilayets* of Basra and Musul. These all realized in the form of land purchases from the state.<sup>145</sup>

In the “north-eastern rain-fed zone”, there is a contrast in land tenure with the rest of the country. In this part of northern Iraq, small landholders are more powerful. But in the south of Musul, there is a similar tribal system to south and land is held by the tribal sheikhs and notables.<sup>146</sup>

Indeed, there are some data on the proportion of land proprietorship in the region before the implementation of the Land Code. In one of them, which was indicated in the article of Othman Ali, on the *liva* of Kerkük, the proportion of the small peasant proprietors was estimated as 75% of the land of

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<sup>143</sup> Saleh Haider, “The Land Problems of Iraq”, in *The Economic History of the Middle East 1800-1914*, ed. by Charles Issawi, Chicago, The University of Chicago Press, 1966, p. 166. Even though, in many studies on Iraq, the implementation of the Land Code was started with the governorship of Midhad Pasha (1869-1872), the Ph.D. dissertation of Keiko Kiyotaki destroys this fact by proving that it had already begun in the governorship of Namık Pasha (1861-67). Ebubekir Ceylan, “1858 Toprak Reformunun Bağdat’ta Uygulanışı, Review on Ph.D. Dissertation by Keiko Kiyotaki; *Ottoman Land Policies in the Province of Baghdad, 1831-1881*”, *Türkiye Araştırmaları Literatür Dergisi*, 3/5 (2005), p. 833.

<sup>144</sup> Doreen Warriner (1962), *op.cit.*, p. 143, Doreen Warriner (1948), *op.cit.*, p. 109. “Midhat pasha intended his land policy: 1-to induce the tribesmen to settle; 2-to provide security in tenure and encourage cultivation; 3-to distribute small and large tracts of land to the holders of farroans, and to the villagers who cleaned a canal or planted a garden; 4-to legally register the land, thus eliminating an important cause of dissension among the tribes; and 5-to establish direct contact with the peasantry and limit the power of the tribal chiefs.” Othman Ali, “Southern Kurdistan During the Last Phase of Ottoman Control: 1839-1914”, *Journal of Muslim Minority Affairs*, 17 (Oct. 97) (reached from Ebscohost).

<sup>145</sup> Saleh Haider, *op.cit.*, p. 168.

<sup>146</sup> Doreen Warriner (1948), *op.cit.*, p. 107. Since northern Iraq is a mountainous region, it can be used as an example for the landownership differentiation on the basis of mountain-plain areas.

Kerkük. This situation changed deeply with the introduction of the *tapu* system that many small peasants lost their lands by registering the lands in the name of the *agha*. There were many effects, which defined this transformation of the lands to the land proprietors. It was a fact that coercion of the locally influential people had an impact on this result, but the main factor was the peasants' need of security and protection. This protection could only be provided by the *agha*.<sup>147</sup>

### 3.3 Sale of *Miri* Lands

The problems in the registration of the lands were not only limited with the registration of the lands which were already held by the villagers. Indeed, there were two types of registration: one was for the lands which were held according to old *kanuns* for a while, and the other one was for the newly acquired lands which were formerly vacant.<sup>148</sup> The problems also emerged in the second type of the registration even in more serious degrees.

The sale of *emlak-ı miri* to the subjects of the empire was an important aspect of the Land Code.<sup>149</sup> Article 18 of the *Tapu* Law regulates the auction of the lands:

Land which, in default of persons having a right of *tapu*, or in case of renunciation of such right, becomes vacant and which in accordance with Article 77 of the Land Code must be granted by being put up to auction, if it is not more than three hundred *dönüms* in extent must be put up to auction and granted to the highest bidder by the Council of the *Kaza*. If the land is from three hundred to five hundred *dönüms*, it may be put up to auction for a second time by the

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<sup>147</sup> A similar process was experienced in Süleymaniye. According to Othman Ali, it was effective in the occurrence of this result that the *aghas* were already controlled the tribal lands as tax farmers. Therefore, these lands were recognized as their property in the registration process. Othman Ali, *op.cit.*

<sup>148</sup> Haim Gerber, *op.cit.*, p. 72.

<sup>149</sup> The orders were sent to the *Eyalet-i Kurdistan* for the sale of *miri* lands in the province by auction to Muslim and non-Muslim subjects of the empire and for the application of the new regulations on the *miri* lands beginning from 1860. A.MKT.MHM, 187/29, 19 *Zilkade* 1276 (June 8, 1860); A.MKT.UM, 424/1, 12 *Safer* 1277 (August 30, 1860); A.MKT.MHM, 206/31, 05 *Recep* 1277 (January 17, 1861); A.MKT.MHM, 205/89, 1 *Recep* 1277 (January 13, 1861).

Council of the *Sancak*. But when the land exceeds five hundred *dönüms* a fresh auction must be held by the Ministry of Finance after the auctions held by the Councils of the *Kaza* and the *Sancak*. The date of the beginning and close of the biddings to the Councils of the *Sancak* and the *Vilayet*, with particulars of the boundaries and extent of the land, shall be published in the newspapers of the *Vilayet*; and in case of land over five hundred *dönüms* in those of İstanbul... Members of such Councils who wish to bid must withdraw from the Council during the bidding... If the inhabitants of the place need the land they shall be treated as having a right of the last degree and it shall be granted to them according to their need.<sup>150</sup>

The tithes of the lands were put to auction by the local authorities and in theory the highest bidder bought the land on lease for a year (though this time could be extended to ten years). However, great corruption emerged in this practice, and the sale of tithes to the highest bidder only stayed on paper.

Great corruption exists in the sale of three tithes, for, though ostensibly sold to the highest bidder, opportunities are not wanting for favouring those who are willing to pay for a preference over the other candidates, or who, either as members of the municipal council and court of justice, or through their influence with them are seldom unsuccessful in urging their claims.<sup>151</sup>

In fact, these sales were one of the chief components of the formation of large landownership in the region. The registration of the lands and sale of the *miri* lands to the villagers caused many problems, especially in eastern Anatolia, where *yurtluk* and *ocaklıks* were widespread.<sup>152</sup> The *aghas* and *beys* appropriated the land of the villagers, generally forcefully, and registered these lands in their own names. They especially used the public auction of the lands. As a result of this process, they obtained *miri* lands from a very low price. If the *agha* or *bey* had a post in local councils, and if they could secure the support of the *tapu* official, they could easily be large landowners. There is a

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<sup>150</sup> R. C. Tute, *op.cit.*, p. 131.

<sup>151</sup> "Extract from a General Report by Mr. Skene, British Consul at Aleppo, on that Consular District", *Accounts and Papers*, sess. 2, vol. 30 (1859), p. 809.

<sup>152</sup> Rıfıkı Arslan writes about the *yurtluk* and *ocaklıks* that they were regarded as *mülk* lands with the Land Code since it did not introduce a regulation regarding the status of them. Rıfıkı Arslan, *op.cit.*, p. 48.

comprehensive document in the Ottoman archives, which explains this process in detail. This document is about the auction of *miri* lands of Palu. In Palu, two *beys*, who were also the members of the Council, seized the property and lands of the population of Palu by force. Indeed, these lands had been formerly held by their family as *yurtluk-ocaklık*. Then, two-thirds of these lands were entered under the state property and their sale by auction to the farmers was decided. The other one-third was left to the old holders by giving their title deeds without payment.<sup>153</sup> It was decided that a *tapu* official from the Imperial Cadastral Office would carry out the registration of these lands and distribution of title deeds to the villagers who desired to buy these lands. However, the auction of two-thirds to the villagers were not realized, instead the *beys* obtained these lands, and even they demanded illegitimately some money in the name of “rent of soil” (*icare-i zemin*) from the villagers, who cultivated these lands, in addition to *öşr*. With the complaints of the villagers, this situation in Palu was investigated. The result of the investigation was that these *beys* accomplished to register these *miri* lands in their own name and took *tapus* of them. The *beys* bought the *miri* lands to a very low price and generally none of these lands were put to auction. The auctioned parts of the *miri* lands was also suspicious that most of them were obtained by the *beys* even if there was a great desire by the villagers to buy these *miri* lands. This shows that corruption reigned in the registration process in Palu. Furthermore, the *beys* forced the villagers who cultivated their lands to pay *icare-i zemin* in addition to *öşr*. These improper events stemmed from the fact that all actions passed

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<sup>153</sup> A.MKT.MVL, 119/57, 14 *Safer* 1277 (September 1, 1860). We see from other documents from the Ottoman archives that the division of the lands (*yurtluk-ocaklıks*) of the *beys* to three pieces was a general practice in eastern Anatolia. In this division, one-third of the land was allotted to the *bey* without payment while the rest was put to public auction for the distribution of them among the farmers of the village. In one of these documents (DH.MKT, 1442/34, 04 *Zilkade* 1304/July 25, 1887), for the proper distribution of these two-thirds in the *nahiye* of Eğin, a military force was stationed in the district. This shows that the distribution of these lands was not implemented peacefully and for the prevention of the occurrence of misuses, military forces accompanied the distribution process.



from the hands of the *beys*; therefore, they used to continue to the misuse and oppression on the farmers.<sup>154</sup>

The official in Palu proposed some measures to prevent the oppression on the villagers. The distribution of title deeds to the villagers was the first and most important step of these measures. The title deeds had not been distributed to the villagers even they had paid the required money for taking title deeds of the *miri* lands. The receipts of these payments would be examined and the title deeds would be distributed to the villagers according to the document. The second step was the prevention of the payment of *icare-i zemin* to the *beys* and giving back of the collected amount to the villagers. The third step was the open public auction of the still unsold *miri* lands to the willing villagers. The document states that there was also a problem in the collection of the installments of formerly sold *miri* lands. Collection and transfer of them to the central treasury as soon as possible were also wanted by the center. The existence of such a huge corruption in the region directed the center to investigate the reason of this misuse of authority. Especially the *tapu* official of the district in whose time these misuses were realized was blamed for this event.<sup>155</sup>

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<sup>154</sup> “...şu hususun bila-taraf istikşaf-ı muamelat-ı mahalliyesine ibtidar olunmasıyla vaki olan cevabında canib-i miriye aid olan araziden bazılarını kendülerinin haber ve malumat olmaksızın bir dun fiyat ile yine bu beyler alub ve ekserisi dahi müzayedeye verilmeyerek ve bila arz olunmayarak beyler taraflarından deruhde olunub bunların umumundan usul-i atıkası veçhile kendülerinden gayr-ez öşr onda bir buçuk icare-i zemin ahz olunarak ikisi arazi taksimi gibi canib-i hazineye ve bir hissesi beylere verilmesiyle bu suret kendülerine gadri ve hem de hazineye hasarı müeddi olacağından ve mir-i mumaileyhin bil-müzayede almış oldukları mevki müzayedeye komulmamış olsa kendüleri beylerin verdikleri akçanın iki kat bedeliyle ve tapu-yı misliyle almaya ve şu mağduriyetten istihlas olmağa mecbur bulunduklarından bahisle hükm-ü irade-i seniyyenin infaz ve icrasıyla giriftar oldukları gadr ü taaddiden ahalinin himaye olunmasını ve bir de zıkr olunan araziden mahallince kendülerine satılan arazi için yedlerinden alınan akçanın miktarını mübeyyin memuru tarafından ahaliye birer makbuz pusulası verilerek henüz tapu senedleri kendülerine teslim olunmamasıyla kendülerinden alınan akça nuzülleri(?) kalmış ise bit-tahari meydana çıkarılarak uhdelere yazılan arazinin lazım gelen tapu senedlerinin itası...”, “.... mir-i muma-ileyhin ber-minval-i meşruh-ı canib-i miri için satılan yerlerden almış oldukları arazinin fi'l-asl iradesi zürana fûruht olunması suretini emr ve arazi hakkında müesses olan hükm-ü kanun dahi bu merkezde dair olub ahali tarafından izhar-ı taleb olunub durur iken bunların onlara verilmeyüb de hod be hod beylere verilmesinin sebep ve hikmeti nedir...” A.MKT.MVL, 119/57, 14 Safer 1277 (September 1, 1860).

<sup>155</sup> *Ibid.*

In another document of 1863, the farms and lands in the district of Hazro (in Diyarbekir) were put to public auction. These areas became unoccupied with the death of its local *bey* who had held these lands, and so they were put to auction. The one who bought these lands in the auction was the son of the deceased *bey*.<sup>156</sup> This sale shows that even if these lands were put to public auction, the villagers could not benefit from these events, and generally the offspring of the old *beys* obtained these lands.

The auction of the lands was realized in a very problematic manner that even the influential actors such as the sheikhs could lose the lands which had been allotted to their *dergahs* very long time ago. For example in a document dated 1891, the chief sheikh (*postnişin*) of the *dergah* of Zerdelikav in Süleymaniye applied to the government for taking back the lands (villages of Curcakale and Zerdelikav) which had been allotted to meet the requirements of his *dergah* 100 years ago. The lands of the *dergah* had been put to auction and allotted to a Pasha in 1891. As a result of this auction, the sheikh applied to the Ottoman government for correction of the situation by giving the lands again to himself with paying the required money.<sup>157</sup> This document shows that even the sheikhs, who had great power relative to the villagers, could emerge as the loser from the auctions. When the position of the villagers considered who were very weak compared to the influential actors of the region, it was an expected result of the auctions that the villagers could not take the possession of the lands and even lost the lands, which had been formerly cultivated by them. This document is also important that it indicates the sheikh's desire for the allotment of the lands in his name not in the name of the *dergah*. Indeed, it was a crucial process that the lands of the *tarikats*, and *dergahs* etc. transformed to the lands of the sheikhs.

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<sup>156</sup> İ.MVL, 497/22480 (Document 1 and 3), 16 *Cemazeyilevvel* 1280 (October 29, 1863).

<sup>157</sup> YA.RES, 54/23 (Document 1 and 2), 25.08.1308 (April 5, 1891).

### 3.4 The Disorder in the Region

The dominant disorder and anarchy in the region also greatly affected the implementation of the Land Code in these lands. The last part of the 19<sup>th</sup> century was a period that while security decreased throughout the region, anarchy and disorder increased.

According to Henry C. Barkley, who visited the region in the last quarter of the 19<sup>th</sup> century, the anarchy was a general condition throughout the region and the state power was not seen in most districts of eastern Anatolia. The tools of state power, officials, were regarded as thieves since many of them used their positions to engage in corruption. He wrote on the constant insurrections of the Kurdish tribes that strengthened the anarchical state of the region. They plundered and stole the properties of both the Muslims and Christians. In addition to their damages to the sedentary people, they always fought among themselves. However, according to Barkley, these excessive actions of the tribes were deemed as the local affairs in the approach of the state, and therefore the state did not generally interfere these cases in the region.<sup>158</sup>

The arbitrary practices of the *valis*<sup>159</sup> who were the heads of provincial administration were also stated in the journey reports of the European visitors. According to these sources, whatever thought in İstanbul to improve the general condition of the country, the sole authority to implement them was the *valis*. However, there was no continuity in the domestic order of the country that the governors of the provinces were taken from the office in a short time, that within some months. These short time and arbitrary practices of the governors hindered the application of many decisions and policies of the

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<sup>158</sup> Henry C. Barkley, “Anadolu’da ve Ermenistan’da Bir Gezi”, (A Ride Through Asia Minor and Armenia)”, in *Seyahatnamelerde Diyarbakir*, ed. by M. Şefik Korkusuz, İstanbul, Kent Yayınları, 2003, p. 163.

<sup>159</sup> The authority of the governors of the provinces highly increased with the Provincial Reform Law of 1864. The execution of the laws and supervision of the political, social, security and financial affairs of the province were in the scope of his authority. For detailed information on the scope of the authority of the *valis* see Stanford J. Shaw, Ezel Kural Shaw, *op.cit.*, p. 89.

center. The obscure content of the government deeds was also a vital factor in the delay of their implementation.<sup>160</sup>

Indeed, the lack of order in the region did not emerge in the last part of the 19<sup>th</sup> century. Those who study the region can easily observe that it was a general feature of the all 19<sup>th</sup> century. İbrahim Yılmazçelik, who analyzed Diyarbakir in the first half of the 19<sup>th</sup> century, finds the most effective reason of this disorder in the constant shifts of the provincial governors and their attitudes toward the people. The people of the region fell in a very hard situation because of these attitudes of the governors and because of the rising disorder. The collection of unofficial taxes gave huge damages to the inhabitants of the city even if the collection of such unofficial taxes by provincial governors was prohibited by government *fermans*. Besides the *valis*, the inferior officials were also found guilty because of misuses they did from time to time in this period.<sup>161</sup>

According to a Russian brigadier general who was commissioned in the Russian Foreign Affairs and prepared a book on the Armenian-Kurdish relations and on the socio-cultural structure of the Kurdistan in the last years of the 19<sup>th</sup> century, the disobedience of the Kurds to the Ottomans was not the policy of the empire, but instead stemmed from the impotence of the government in these lands. The policy of having good relations with some Kurdish *beys* and sheikhs was a necessity for the government in order to sustain its authority on these lands. Otherwise, a weak government official or *kaymakam* did not have the capability to implement the state rules there that the powerful Kurdish *beys* could easily terminate them without any fear.<sup>162</sup>

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<sup>160</sup> Librairie Armand Colin, “Dışarıdaki Fransa, XIX. Asırda Fransız Katolik Misyonları, Doğu Misyonları”, in *Seyahatnamelerde Diyarbakir*, ed. by M. Şefik Korkusuz, İstanbul, Kent Yayınları, 2003, pp. 214-15.

<sup>161</sup> İbrahim Yılmazçelik, *XIX. Yüzyılın İlk Yarısında Diyarbakır (1790-1840)*, Ankara, TTK, 1995, pp. 248-9, 255. These attitudes of the governors triggered two important insurrections in the city in the first half of the 19<sup>th</sup> century. For details on these insurrections see Yılmazçelik, pp. 249-254.

<sup>162</sup> V. T. Mayevsriy, *19. Yüzyılda Kürdistan’ın Sosyo-Kültürel Yapısı, Kürt-Ermeni İlişkileri*, trans. by Mehmet Sadık-Haydar Varlı, Sipan Yayıncılık, 1997, p. 111.

The lack of law and order in the province was also constantly stated in the Ottoman documents. For providing law and order in the province, the *valis*, blamed for this situation, were changed in short time spaces.<sup>163</sup> The perpetual complaints arrived to the government on the maladministration of the *valis*. We understand from these documents that the shifts in the *valis* did not give way to the improvement of the conditions within the province. The new *vali* became another source of complaint and misconduct in a short time after his appointment.<sup>164</sup> It is obvious from this kind of documents that the governors of the province were shifted constantly because of the claims of maladministration. The short duration of the offices brought the alienation of the governors to their office since he could not stay in this position too long. On the other hand, it also brought the ignorance of the governors to the local affairs, in other words they could not put solutions to the local problems. As the claims of maladministration were taken into account, it seems that obtaining of whatever they could was the dominant approach for many governors.

The circumstances in the eastern provinces were also frequently reported by the British consuls to the Ottoman government. The disorder, misuses of the officials and members of the councils, and the tyranny of the Kurdish *beys* were the chief subjects in these reports. According to the reports, these plunders, aggression and oppression to the population contributed at a

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<sup>163</sup> YA.RES, 13/55 (Document 1), 3 *Zilkade* 1298 (September 27, 1881). According to this document, in 1881, the disorder and unrest in the province of Diyarbekir was related with the failure of the *Vali*, İzzet Pasha, in his office that from the time of his appointment there had been a constant unrest in the province. This situation gave cause for complaints from the inside and outside of the province. The province stood in an important position for the empire, therefore the appointment of a new *vali*, Hasan Pasha, instead of him was instantly decided by the center. See Appendix 3.

<sup>164</sup> MV, 10/15, 15 *Şaban* 1303 (May 19, 1886). This document is also on the deposition of the *vali* of Diyarbekir, Sami Pasha, because of maladministration. According to this document, because of maladministration of the *vali*, oppression on the population, and crimes and corruption increased in the province. Thus, order and security ceased in the province. The date of this document is 1303, which means that within 5 years the governors of the province were changed at least 3 times (İzzet Pasha, then Hasan Pasha and lastly Sami Pasha were deposed from office): “...Diyarbekir vilayeti valisi Sami Paşa hazretlerinin su-i idaresi asarından olmak üzere vilayetçe vukuat-ı cinayet ve ahval-i zulmiye ve irtikabiyenin tekessüründen bahisle bir müddetten beri şikayet olunmakta ve vilayetin her tarafında bu yolda müteaddid telgraflameler keşidesiyle Bab-ı Aliye müracaat edilmekte...”

great extent to the disorder of the province. However, the oppressors generally did not encounter with the proper reaction to their misbehaviors. The British Consul gave the example of an *agha* called Reşid, who had forcibly taken the property and corns of the Christians of Silvan. The villagers gave a petition against the *agha*, and therefore the *agha* came to Diyarbekir for the investigation. However, the investigation gave no result since most of the members of the Great Council of province were composed of the Kurds. They protected the *agha* and he returned to Silvan without any punishment. According to the document, instead of being punished, he punished the complainants. He took revenge from them and even forced them to pay his expenses in Diyarbekir.<sup>165</sup> The consul finds the reason of government's impotence in the region not in the inability of *valis* but in the assignment of the works to the councils. In the councils, the government decrees were not applied quickly, and left to be hanged. The ones who had to complete official procedures fell in a very hard situation because of the extension of time. According to the consul, the noted members of the council believed that the new procedures related with the *Vilayet* Law were the creations of the Europeans, and therefore the members did not favor and even opposed to their application. The other side of the hindrance of the application of the new rules was the strangulation of the cases.<sup>166</sup> The incapability and misconduct of the officials were also an important source of complaint. Their incapability also affected the extension of the cases. There was no order, and the official documents and petitions were lost because of this disorder. Both Muslims and Christians were damaged because of this incapability of the officials.<sup>167</sup>

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<sup>165</sup> HR.TO, 244/50 (Document 3), 20.04.1868.

<sup>166</sup> *Ibid.* The composition of the local councils was also problematic that the old members did not want to lose their positions with the election of new members. The *Vilayet* Law required a new election for the members according to the new rules of the Law. However, according to the document, the old members made difficulties for a new election to preserve their position in the councils. Because of this, the consul claimed that the decisions of the Council in most of the cases were not acceptable.

<sup>167</sup> *Ibid.*

The Ottoman government was also aware of the chaotic situation in the eastern provinces. The brigands and their aggressions on the population were the main subjects of the complaints coming from the region. For the improvement of the conditions of the region and for the prevention of the oppression, plunders and atrocities, the government appointed commissioners.<sup>168</sup> The duties and the authorization of the commissioners in Diyarbekir were defined by another document of two months later. This is an important document for it included the problems and also the attempts of the government to solve them. The first instruction was on the composition of the *Vilayet* Council which would be headed by the commissioners. This council would be formed from the all classes of the subjects of the empire in proportion with the number of the religious groups. It was expected that the members would be selected from the ones who were trustable and well informed on the general situation of the province. The council would work to improve the defectives and would evaluate freely the needed reorganization of the provincial administration. The necessary and possible reforms would be immediately implemented in concert with the *Vali*. The other reforms regarding the administrative rules and laws would be put in effect after the consent of the *Bab-ı Ali*. The second area of the commissioners was the order of the province. For this purpose a commission of the experts (*erbab-ı vukuf*) which would work on the formation and improvement of the provincial police force (*zabita*) was formed. This police force was crucial for order and security in the province; therefore its composition and good character of the policemen were regarded highly crucial. Honesty and honour had to be the features of the policemen, therefore dismissal of the policemen of bad character, and the appointment of the worthy and honest people instead of them were ordered by the government. If there was a complaint against a police, the commissioners would take him under investigation after taking the required permission. The third duty of the commissioners was the investigation of the condition of the tribunals of *Nizamiye*. In this duty, the new *Nizamat Layihası* (Regulations

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<sup>168</sup> İ.MMS, 60/2847 (Document 2), 13 *Safer* 1296 (February 6, 1879).

Bill) would be the base of its reorganization. The division of the tribunals to two departments that one of them would serve as the law court and the other one as the court of crimes was ordered by this bill. These courts had to act according to *Usul-i Muhakeme ve Ceza Kanunnamesi*. This division meant that there was a need for the appointment of the new judges to the new departments of the tribunals, in addition to the replacement of the corrupt and incapable judges. The appointment of the heads and members of these new tribunals was also the responsibility of the commissioners. They had to select them by considering candidates' having the required capability and good character. The salary of the new members and judges of the newly divided tribunals, the establishment of new tribunals in the districts which needed them and taking measures for securing the independence of the judges against the local officials were the duties of the commissioners in respect to the reform of the tribunals. If the members of the tribunals had to be dismissed because of misuses, the commissioner had to act against them immediately. The complaints of maladministration about the members of the administrative councils would also be examined by the commissioners, and they had the right of changing the members and sending the cases to the related tribunal if the claims were found correct about the members. The commissioners had the same power on the government officials who were incapable and acted illegally. But investigation of some government officials was dependent on the consent of the government according to the *Memurin-i Muhakeme Nizamati*. The complaints against this kind of officials had to be sent to *Bab-ı Ali*, and another official had to be appointed instead of him until the arrival of the decision of the government. The scope of commissioners' authority was so wide even to include the investigation of the officials of *muhakeme-i şeriye* (religious trials).<sup>169</sup>

The amount of taxes and their collection was another problem of the region that this subject was also in the scope of reorganization by the Commissioners. After the examination of the taxes, the laws and regulations on the taxation which were regulated in the provincial level could be changed and

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<sup>169</sup> YA.HUS, 160/111 (Document 2), 13.04.1296 (April 6, 1879).



improved with the approval of the *vali*. If the reorganization of the regulations exceeded the provincial level, the evaluations on the needed shifts have to be sent to the government. After putting right of these works in the center of the province to a certain extent, it was expected from the commissioners to visit the periphery of the province and fix the complaints of the population in these districts. For the investigation of the complaints, the commissioners could establish investigation commissions in these districts.<sup>170</sup>

In the periphery of the province, there were many districts in which the laws and regulations of the government could not be put in force until 1879. The tribes, either nomad or settled, in these districts were the main reason of this disobedience. The commissioners would try to put the law and order in force among them, and then collect *miri* taxes in these districts with the help of the military forces. In order to put them under the laws of the state, the commissioners were authorized to take all measures. The authority of the commissioners even reached to the level of declaration of martial law (*idare-i örfiyye*), and sending into exile the individuals who did not compromise with the authorities for the public order. The settlement of some of the nomadic tribes could also be applied if regarded necessary for the public order.<sup>171</sup> The assaults and atrocities of some Christians by the tribes and Kurds in Cizre, Nusaybin, Silvan, Midyat and Siird were successively reported from these districts. According to these reports, each of the heads of the Kurds appropriated some villages and took tax from every house. The government also authorized the commissioners for the examination of these claims and improvement of the situation. After the trials, the criminals had to be punished according to the law.<sup>172</sup>

There were many reports sent to the government regarding excessive banditry in the region. Especially the conflicts between the Kurdish and Arab tribes were causing the death of many people. They either fought among each

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<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*

<sup>172</sup> *Ibid.*

other or attacked on the sedentary people. According to the documents, the attitude of the local officials towards this kind of assaults contributed greatly to the continuation of them. In their approach, these conflicts or attacks were deemed unimportant since the tribes did not revolt against the government. The condition of the police force (*zabita*) of the region complicated the situation much more that they were not taking salary for several months (according to this document for 22 months). Therefore, waiting the proper functioning of the police was impossible either. As a result of these facts, banditry was widespread throughout the region. In addition to these facts, the corruption of the council made the criminals' being found guilty very hard. By bribing to the members of the council, the criminals secured being released in a short time.<sup>173</sup> The Ottoman archival documents reveal that the problems in the payment of the *zabtiyes*' salaries were not limited to the period in the former document, but indeed continued for a long time.<sup>174</sup>

When evaluating the prevailing disorder in eastern Anatolia, the impact of the Ottoman-Russian war of 1877-78 has to be mentioned. This war has at great extent contributed to the anarchy of the region since the weakness of the Ottoman government had seen obviously by the Kurdish *beys* in this war. This situation triggered their crimes and oppression on the peasants greatly. Both Muslims and Christians were the sufferers of this oppression.<sup>175</sup>

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<sup>173</sup> HR.TO, 255/57, 10.06.1879: “*memurin-i mahalliye Kürtlerle Araplar mücadelesine asla ehemmiyet vermeyip yalnız hükümete karşı isyan etmemelerine dikkat ediyorlar, zabıta yirmi iki aydır maaş almadıklarından artık kendilerinden iş beklemek abestir, Sina sancağında hareket-i şekavetkerane eksik değil mutasarrıf münhalleri(?) ahz u tevkif ettirse bile meclis rüşvet fevtiyle derhal sebillerini tahliye ediyor*”

<sup>174</sup> HR.SYS, 78/5 (Document 107), 25.09.1882.

<sup>175</sup> “No. 8, Major Trotter to the Marquis of Salisbury, Diarbekir, Dec. 28, 1878”, *Correspondence*, (1879), p. 12: “I may commence by stating that, from the almost universal consensus of many witnesses, the country generally is in such a state of anarchy as has not been known for many previous years. During the war many of the hereditary Beys were absent with their armed followers, giving aid of a very dubious kind to the armies of Ghazi Moukhtar and Ismail Pashas. The province was thus freed for a time from many roughs of the worst description. The Government was comparatively strong, and the early successes of the Turkish arms gave it a prestige which unfortunately is now entirely departed. The Chiefs who were then absent have now returned, convinced of the impotence and weakness of the Turkish Government and are taking advantage of the same to oppress still more than before their rayahs, both Christian and Mussulman; and daily complaints of the most

### 3.5 Appropriation of the Peasants' Lands by the Locally Powerful Actors

There were many correspondences in the Ottoman archives on the appropriation of peasants' lands by the tribes, *beys*, *aghas*, and other groups by force. The complaints continuously arrived to the center during the second half of the 19<sup>th</sup> century.<sup>176</sup> Since the region was in complete confusion at this period, the peasants stayed in a really unprotected position. The government had huge problems, and therefore it is probable that the state could not pay enough attention to the fixation of such complaints when the empire was in a hard situation and have huge problems of sustaining itself. We understand from the documents, sent from the center in reply to the complaints coming from the region, the government indeed wanted to prevent such abuses but in many instances the continuation of the petitions seeking the help of the center for justice and redress shows that orders of the center could not be or were not applied by the local authorities. Some of these documents and their content will be given here to illustrate the experienced land problems of the region.

One of them is on the forcefully appropriation of a villager's land in Diyarbekir by the local tribes. The children of this villager, İbrahimyan Mifro, applied to the government to help them in regaining their father's lands. The local Kurdish tribes had killed their father and occupied his lands. His children ran away to another village for fear of these tribes. In this document, his children applied to the government for retaking the occupied lands and for redress. In reply, the government ordered to local authorities for redress of the situation.<sup>177</sup>

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distressing kind are constantly dinned into my ears by the representatives of the various Christian communities here, as well as, in two or three instances, by Moslems themselves. The Christians, of course, are the greatest sufferers, and the property of the men and persons of the females seem, in many instances, to be entirely at the mercy of their feudal Beys, who too often take the fullest advantage of their position."

<sup>176</sup> DH. MUİ, 70-1/5, 19 *Safer* 1328; DH. MKT, 1410/77, 12 *Receb* 1304; HR.SYS, 78/5, 25.09.1882; DH.MUİ, 68-1/56, 29 *Safer* 1328; DH.MUİ, 104-1/13, 06 *Cemazeyilevvel* 1328; DH.MUİ, 76-2/10, 26 *Receb* 1328.

<sup>177</sup> DH. MKT, 70-1/5, 19 *Safer* 1328 (March 2, 1910).

However, the government's orders for redress of the land appropriations were not always implemented. In another document on the land appropriation by force, these delays can easily be seen. It is about the unjust intervention of the villagers of Siverek to the lands of the Arvanlı village in Urfa. The injustice of the intervention to the lands was certain according to the former investigation reports. However, the local authorities had not put an end to this unfair intervention and the lands had not been given to the actual holders, even if the government had repeatedly written to the local authorities for giving back the lands to the *tapu* holders. Therefore, the government ordered to the *vilayet* of Diyarbekir for the correction of this improper appropriation of lands by giving the lands immediately to the *tapu* holders.<sup>178</sup>

The British reports from the region are very important sources for the illustration of the improper appropriation of the lands, even if the British consuls in the region generally focused on the condition of the Armenians. In one of these reports sent to the Ottoman Empire, the ill treatment of the Armenians by the Kurds and in many instances by the Turkish authorities was stated. In fact, the Ottoman government intended to improve the condition of the population in eastern provinces by establishing commissions to investigate the complaints of the population. A commission, which would introduce reforms and provide protection of lives and property in the vicinity of Gheghi (or recorded as Keghi in documents), was sent by the Porte. However, this commission had done nearly nothing about the corrupt of the *aghas*, who had plundered and oppressed the Christians of that district, according to this report. This inaction of the commission reduced the population to despair and disappointment while they had looked for justice and redress in the beginning. The report attributed the reason of the failure of the commission to their need of support from the state for initiating measures and to the opposition of the local authorities and local tribunals. Such kind of crimes and oppressions,

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<sup>178</sup> DH. MKT, 1410/77, 12 *Receb* 1304 (April 6, 1887). See Appendix 4.

committed with impunity, to the villagers were reported from other districts too.<sup>179</sup>

The land appropriation by influential Kurdish families was regarded as one of the most significant problems of the eastern provinces by the British Consuls in the region:

The people in the Armenian provinces suffer under the following provincial evils:

Firstly, robbery, exaction, and oppression at the hands of the Kurds. In some parts nomad Kurds make raids on villages, carrying off flocks and herds and other plunder, and sometimes burning what they cannot carry away. In other parts influential Kurdish families parcel out the villages (especially Christian) in their neighborhood among their various members, and regard them as their property. The inhabitants have to pay them black-mail, cultivate their lands, pasture their flocks, and give and do for them anything they may demand.<sup>180</sup>

As a result of these statements from the region, the Commander in Chief of the 4<sup>th</sup> Army Corps had taken the Kurds to obedience and secured the submission of their chiefs in accordance with the orders coming from İstanbul. However, the report from the Ottoman archives states that this submission and obedience was not achieved by force of arms or by taking the adequate measures to prevent the Kurds from ill treatment and oppression to the Christians in future. The British Ambassador believed that this pacification would continue only for a while and they would oppress the Christian peasants again since the notorious “robber” *agh*as were appointed by the Commander in Chief to official ranks. In his words:

It is not by bribing Kurdish Chiefs or by giving them official ranks and positions, that they arise to induced to become good and peaceful subjects of the Imperial Majesty and refrain from deeds of .....violence and cruelty toward Christians.<sup>181</sup>

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<sup>179</sup> HR.SYS, 78/5 (Document 80), 25.09.1882.

<sup>180</sup> “Inclosure 9 in No 326, Report by Captain Clayton”, *British Documents on Ottoman Armenians, Volume I (1856-1880)*, ed. by Bilal N. Şimşir, Ankara, Türk Tarih Kurumu, 1982, p. 651.

<sup>181</sup> HR.SYS, 78/5 (Document 80), 25.09.1882.

The attitudes of the local officials were not favorable to the peasants either. In many instances, the petitions of the oppressed peasants were not taken into account by the authorities, and they were reduced to despair in spite of the orders of the Ottoman government to fix the problems of this people.<sup>182</sup>

The oppression and assaults of the Kurdish *beys* to the peasants were reported from the eastern provinces throughout the 19<sup>th</sup> century. One of these reports will be used here as an example of the oppressed situation of the peasants in the region. This is about the crimes and appropriation of their properties violently by some Kurdish *beys*. Because of these actions of the *beys*, as many as 500 houses had dispersed. As a result of the petitions from the victims, the Ottoman government investigated the claims. After the investigation, the arrest of a *bey* in the vicinity of Hacı Behram was decided. However, the petitions of complaint did not end with this decision since the Council of *Eyalet-i Kurdistan* sent an official report on the plunders and other oppressions of the brothers of the mentioned *bey* after this decision. The arrest of the brothers and prevention of their damages were also ordered by the center. The number of the oppressive *beys* did not end with them that the petitions stated some other *beys* too as the oppressor. For the investigation of these claims, the petitioners were invited to the *Meclis-i Vala*. It was understood from their declarations that the main focuses of the complaints were the *müdür* of Şirvan, his sons and his other relatives and a *mir* in this *kaza*. The petitioners also brought a cahier on the injustices of them to the *Meclis-i Vala*. The claims in the cahier were at the last degree of injustices according to this document, therefore the government highly criticized the local officials since they did not prevent these abuses and improve the situation if the claims were true. Indeed, there had already been some other complaints about these individuals before these mentioned petitions. But these former complaints and applications for the improvement of the situation had not been concluded by the local authorities in that time. For these former applications, it had been

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<sup>182</sup> *Ibid.*

wanted from the petitioners to hand in a *sened* (deposit bill) and a *kefil* (guarantor), but they had not delivered them. So their issue had not been put to a conclusion. The government criticized the local officials for this negligence that even if they had not delivered the requested guarantees, it was the responsibility of the officials to investigate these important claims. For this purpose, the invitation of the related individuals to Diyarbekir and beginning of their trial were commanded by the center.<sup>183</sup>

The petition of both the Muslim and non-Muslim people of the district was also added to this document. They wrote that they did not have any stamina against the oppression of these people. They demanded prevention of their abuses and justice from the authorities. Apart from these demands, they stated that they even delivered the *sened* for the lawsuit. They wanted the permission of the authorities for their lawsuit against the *beys*. The want of the *sened* from the petitioners is a very important part of this document. The petitioners explain the reason of this *sened* as a deposit bill, which could be used to meet the expenses of the *beys* if the petitioners were found unfair in their lawsuit against the *beys*.<sup>184</sup>

### **3.6 Relations between the Ottoman Officials and *Aghas* and *Sheikhs* in the Registration of the Lands**

It is a fact that the landownership patterns differ greatly in eastern Anatolia with the rest of the country. The historical background of the region cannot be omitted in the emergence of this result that the state control had always been weak in eastern Anatolia since the incorporation of the region to the empire. The “weak state” in the region affected the relations among the Ottoman officials and influential actors of the region in a way that large landownership emerged as the dominant pattern in eastern Anatolia. Therefore, the relation between the Ottoman officials and the influential actors will be

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<sup>183</sup> İ.MVL, 433/19113 (Document 3), 22 *Zilkade* 1276 (June 11, 1860).

<sup>184</sup> İ.MVL, 433/19113 (Document 1), 22 *Zilkade* 1276 (June 11, 1860).

analyzed here briefly to show the impact of this relation in the occurrence of such a result.

The relations between the Ottoman officials and influential actors of the region were especially vital on the basis of local commissions and councils that these institutions acquired special positions in the application of the Land Code. For example, commissions of local representatives had an important role in the surveying process and in the collection of local evidence.<sup>185</sup> According to Roderic Davison, the government's policy of appointing tribal leaders to government office became influential in the failure of the Land Code of 1858 in eastern Anatolia.<sup>186</sup> The Councils also acquired important duties in the title deed granting and in land transactions. For example the sale of *miri* lands had to be realized under the consent of the Councils that the transferor and the transferee had to present themselves to the Council of the locality for this land transaction (*Tapu* Law, articles 3, 4). Others whose impact also increased with this process were the *imams* and *muhtars*. Their seal was compulsory for the people who wanted to prove the possession of the lands by themselves (*Tapu* Law, articles 3, 5).<sup>187</sup>

There were great problems in the registration practices before 1858 too. It was generally encountered that the *muhtars* and other local figures gave wrong information in this process; or the *muhassıls* who were responsible of the registration wrote either more tax for taking favor of the center or less because of their relation with the local individuals.<sup>188</sup> It is a fact that the abuses of *muhassıls* and their relations with local people and local councils triggered many uprisings throughout the Balkans and Anatolia. Their misbehavior in the registration of the size of the land and in the amount of agricultural produce was widespread. Either they collaborated with the local ruling groups or their

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<sup>185</sup> Huri İslamoğlu, "Politics of Administering Property", p. 280.

<sup>186</sup> Roderic Davison, *op.cit.*, p. 139.

<sup>187</sup> "*Tapu* Law", R. C. Tute, *op.cit.*, pp. 129-131.

<sup>188</sup> Huri İslamoğlu, "Politics of Administering Property", p. 301.



activities were blocked by them. In both cases, the surveying was not completed in a healthy way. Therefore in 1842 they were abolished by the state. However, the role of the local groups could not be eliminated with this abolition since they sustained to be the source of the local information, and they took the main positions in the provincial commissions after 1858. According to the Regulation for the Surveying of Property and Population (1860), commissions would be established in order to provide cooperation of the local people at the different levels of provincial administration. In 1866, these commissions extended from the level of province to the level of *sancaks* and *kazas*.<sup>189</sup> According to Huri İslamoğlu, the commissions of the 19<sup>th</sup> century began to perform the tasks of judges and courts in the land matters, especially in the registration of lands and in settling the land disputes with the authorization of the Regulation of 1860.<sup>190</sup>

In fact, the Ottoman authorities attempted to eliminate the notables as an intermediary force in the relations between individuals and the government. For this purpose, centrally appointed officials would implement this service instead of them, but the result became not the same as the expected. Indeed the centralization process and the influx of the center into periphery in the form of many administrative and juridical practices, such as registration procedures, military service, taxation, new juridical procedures etc., brought the individuals into closer contacts with the government. This meant that the individuals applied much more to notables who had experience and knowledge to carry out these new practices of the individuals. In addition to this fortified position, notables acquired vital posts in the locally elected councils. This meant that

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<sup>189</sup> *Ibid.*, pp. 304-306. "At the level of the province, grand commissions included 22 scribes (*muharrir*) who were members of the *ilmiye*, or scholarly class, and who were appointed by the central government, four estimate-makers (*muhammen*), who were chosen from among the respected persons in individual localities, and one chairman. The scribes were responsible for the issuing of certificates of property for tax purposes as well as birth certificates. Commissions formed at the different levels of the administrative hierarchy were expected to provide information to keep these certificates up-to-date, keeping track of births and deaths, of sales and acquisitions of property, and of taxes paid." *Ibid.*, p. 305.

<sup>190</sup> *Ibid.*, p. 308, "The politics of commissions in relation to registration and surveying of landed property was one such arena in which local was constituted and re-constituted. It was also the arena of the constitution of a new hegemony of the central bureaucracy.", p. 309.

they would be the link between the officials and the peasants. One aspect of this relation was the economic gains of the notables and for these gains, bribing was the main tool.<sup>191</sup>

Not only the individuals' but also the Ottoman governors' need to the notables increased in this reformation process. The governors were sent to the localities generally for a short term in order to carry out the new policies of the government. Since their knowledge on the local affairs was limited, they needed the notables for getting the required local knowledge. The absence of enough number of officials and police or armed forces was also directed the governors to collaboration with the notables. The notables had the required influence and credit for the application of the new reforms.<sup>192</sup>

Eastern Anatolia was not out of this process that important government positions were filled by either the notables of the city or by the Kurdish *aghas* in the region. While the notables of the city held the domination in the center of the *vilayet*, the *aghas* dominated lower administrative positions. They were crucial for the collection of taxes and for securing public order.<sup>193</sup> So, the influential families acquired basic positions in the administrative and judicial institutions. They either became government officials or members of the local tribunals and councils. However, they usually did not use their positions in

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<sup>191</sup> Şerif A. Mardin, "Center-Periphery Relations: A Key to Turkish Politics?", in *Political Participation in Turkey, Historical Background and Present Problems*, ed. by Engin D. Akarlı-Gabriel Ben-Dor, İstanbul, Boğaziçi Uni. Publications, 1975, p. 18; Albert Hourani, "Ottoman Reform and the Politics of Notables", in *Beginnings of Modernization in the Middle East*, ed. by William R. Polk-Richard L. Chambers, Chicago, The University of Chicago Press, 1968, p. 62.

<sup>192</sup> Albert Hourani, *op.cit.*, p. 62.

<sup>193</sup> "In the Midyat *kaza* of Mardin there had been five *kaimakams* in a period of two years, each of whom had extorted as much money as possible and cooperated with the Kurdish dominated *majliss* of the town. Several Kurdish *agas* managed completely to dominate political life in the *kaza*. These men had possessed considerable power before the war when the Ottoman presence in areas such as this had been much more substantial, but by 1879 with virtually no Ottoman force to restrain them, they were all powerful. The Kurds of the area were divided into two major clans, both of which were at odds with each other. The local *kaimakams* had to rely on one of these clans for support in collecting taxes, maintaining a minimum of public order, and of course, enriching themselves. Similar conditions prevailed in the other *kazas* and generally throughout the region.", Stephen Duguid, "The Politics of Unity: Hamidian Policy in Eastern Anatolia", *Middle Eastern Studies*, 9 (1973), pp. 142-43.

these key areas to provide justice and good administration. Because of their protection, many criminals escaped from the hands of justice.<sup>194</sup> The members of the local commissions did not hesitate to use the Land Code for obtaining title to the villages. Indeed, the source of the wealth and power of the notables was both the land and trade.<sup>195</sup>

...in many cases authority and office have been given to Kurdish Chiefs, sometimes of noted bad character, so that they obtain as it were a charter to prey upon and oppress the country people.<sup>196</sup>

According to the British documents, the contradictory results of the *Tanzimat* policies and corruption in the local councils were one of the basic reasons of the discontent in the region:

It seems that the Tanzumat and the local Councils have done more harm in this country, where life and property are of no value than any mal-administration of the local authorities. The Tanzumat is not of the least use to the peaceful inhabitants, but it has proved a great shelter to the wrong-doers under which they escape just punishment; and as for the local Councils they are totally useless, and both Mahommedans and Christians admit that the members of these tribunals sit either as a nonentity or to make use of their influence for mischief and to enrich themselves by bribery. I have been assured by both Mahommedans and Christians, and even by those who are connected with the public service, that a good deal of the Kurdish wickedness is encouraged by some members of these Councils, and whenever the authorities want to send a force to coerce a certain rebellious tribe some friendly member of the Medjlis sends a warning to them to run away or to prepare themselves for resistance. It is very extraordinary that this is the common opinion in every town, and it is not a little shared by the local authorities themselves.

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<sup>194</sup> "Inclosure in No.30, Captain Clayton to Major Trotter", *Correspondence Respecting the Condition of the Population in Asia Minor and Syria, Turkey, No. 4 (1880)*, London, Harrison & Sons, p. 54: "Another great evil is the existence of certain influential families, whose members are all either Government officials, or have seats in the Local Councils and Tribunals, and who are in league with the Kurdish tribes, and obtain their share in the spoil of all robberies, on condition of protecting the robbers if arrested, which from their official positions, they are able to do. They are, some of them, so powerful, that even the *Vali* Pasha seems unable to withstand their influence."

<sup>195</sup> Albert Hourani, *op.cit.*, pp. 53, 64.

<sup>196</sup> "Inclosure 9 in No 326", *British Documents on Ottoman Armenians, Volume I*, p. 651.

The general complaint of the high local authorities is that they have no power left to punish criminals summarily, and as it often happens that a murderer or robber when brought to trial gets acquitted by means of false evidence or through the treat of vengeance by his accomplice.<sup>197</sup>

Doreen Warriner states the criticisms toward the commissions. The commissions had wide power in the settlement of land problems, and it is generally accepted that this was obligatory since the evidence was “rare, conflicting and vague” in the land disputes. The existence of blood feuds, family conflicts and tribal quarrels made the subject of the settlement in these disputes more complicated. And, the commissioners could not use their wide power because of incompetence or because of inexperience. Indeed generally they did not stay for enough time to understand what the actual situation was. Corruption was widespread among them as well.<sup>198</sup>

The registration of lands was realized by face-to-face relations among the officials and the villagers. Therefore local power relations had a great impact in this process. The absence of cadastral survey as a source of information and standard land measurements on a map put the local relations forward. Both the registration and the determination of taxes were defined on the information provided by the villagers.<sup>199</sup> Especially in the beginning stages of the registration process, elected local actors were used as a source of local information. Therefore, the relation between these locally powerful actors and officials has to be considered as a vital component of the title deed certification process.<sup>200</sup> In fact, the Ottoman approach toward the notables was that “as long

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<sup>197</sup> “Inclosure in No 43”, *British Documents on Ottoman Armenians, Volume I*, p. 99.

<sup>198</sup> Doreen Warriner (1948), *op.cit.*, p. 112. There are many documents in the archives on the bribery among the members of the provincial commissions. For example the document of İ.MVL, 484/21943, 22 *Zilhicce* 1279 (June 10, 1863) is on one of the members of the Diyarbekir council’s taking bribe.

<sup>199</sup> Huri İslamoğlu, “Towards a Political Economy of Legal and Administrative”, pp. 21-22.

<sup>200</sup> *Ibid.*, p. 24. “I attribute the apparent absence of cadastral maps in the 19 century Ottoman Empire to the concessional politics of Ottoman administration, which did not allow for a standardization of the measurement of land and its division into individual parcels. One outcome was that taxes were assessed not on the basis of plots of land, measured and parceled, but on the basis of income from assets, including land.” *Ibid.*, p. 27.

as the notables did not presume to decide matters of national scope the state would work through them.”<sup>201</sup>

The lack of examination when giving title deeds to the claimants caused the loss of the lands of many actual tillers. The influential people obtained the title deeds because of these problems. The process in Muş will be quoted from the British documents:

Although the Turkish law says that land that has been cultivated, and the taxes paid on it, for seven years, is the property of the person who has thus cultivated it, yet in Mush, after peasants have so cultivated lands for scores of years, Beys and Aghas suddenly lay claim to the land, and obtain Government titles, and force the peasants to yield possession. Again, when the Government initiated the system of giving titles, the officials gave titles to claimants without any examination, so many Beys and Aghas have obtained titles to wide lands to which they had no just claim.... The peasants are actual slaves in the hands of the Beys and Aghas. A special Commission should be formed to decide these important questions. In title-deeds correct surveys and boundaries are very necessary.<sup>202</sup>

The relations between the *beys* and officers were crucial in the formation of large landownership in eastern Anatolia. They could not or did not prevent their formation. Even the bargains between them were stated in the official reports.<sup>203</sup> Article 88 of the Land Code states that a *Tapu* official in a *kaza* cannot use his position to acquire vacant lands in his service area. Neither he nor his relatives (his children, brother, sister, father, mother, wife, slave or dependents) acquire vacant lands subject to the right of *tapu*.<sup>204</sup> We understand

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<sup>201</sup> Şerif A. Mardin, *op.cit.*, p. 26.

<sup>202</sup> “No. 8, Captain Clayton to Major Trotter”, *British Documents on Ottoman Armenians, Volume II (1880-1890)*, ed. by Bilal N. Şimşir, Ankara, Türk Tarih Kurumu, 1983, p. 30.

<sup>203</sup> “Inclosure 3 in No.66, Memorandum”, *Correspondence (1879)*, p. 112: “Hadji Bey collected money from the villagers under pretence of having all property certificates or “kotchans” legalized. The amount he thus collected exceeded by 25 liras the actual sum necessary. Still he neglected to procure these legalized deeds for some of the people, while the officer who has charge of the business declares he will confiscate all property he finds without the legalized deeds. Probably this is what Hadji Bey wishes, so that he may make a good bargain with he officer. By such means he has already come into the possession of most of the villagers’ fields.”

<sup>204</sup> R. C. Tute, *op.cit.*, p. 85.

from various documents that the officials surpassed these restrictions of the Code by taking bribes.

The corruption and misuse of the Ottoman officials and administrators in the region were significant problems for the state. Both the inhabitants of the region and the foreign states' consuls constantly reported about such kinds of actions of the officials.<sup>205</sup>

This kind of corruption and bribery gave way to the oppression on the peasants. Since the tribunals were the main institution which would fix these misuses, their situation will be analyzed in the coming part. It will be seen in the below that their situation was not in favor for the fair treatment of the cases.

### 3.7 Tribunals

Both the Ottoman and British documents are full of complaints from the judicial system. The long extension of the trials and taking no result as a result of this process frightened many people to apply the judicial system. The harm of this long process to the plaintiff was very great especially if he did not live in the city center where the tribunals situated. Since he had to come to tribunal for plenty of times during the trials, these trips to city center and other trial expenditures cost him too much. The cut of judges' salaries also disaffected the trials in benefit of the locally rich people that bribery and corruption reached its peak as a result of these cuts.

According to Ubicini, judges were not taking salary from the state during their service; instead they were taking a tax (*Reçim*), which was “of one fortieth on the expenses of all suits submitted to their jurisdiction”. Only the *Şeyhülislam*, the Judge of İstanbul and the assistant judges of the *Arzodacı* were paid salaries by the state. The rest of the judges were subject to above-

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<sup>205</sup> For example this document records the misuses of corruption of the *mutasarrıf* of Mardin, HR.SYS, 78/5 (Document 107), 25.09.1882. The document of HR.TO, 238/22 (Document 6), 31.12.1862 is also very important source which indicates the amount of the bribes which was taken by the *vali* of Kurdistan in return for appointments or services in the favor of the bribers. See Appendix 5.

mentioned system and the judges were also responsible of paying to the officers of their tribunal from their gains.<sup>206</sup>

This system gave way to many abuses paralyzing the judicial system. These abuses were stated by Ubcini. The want of fixed salaries to judges was the first of them. This situation led to increase the number and duration of the lawsuits and because of this duration the suitors' conditions ruined. The period of service was also very limited for the judges that they were superseded at the termination of their year of office. Ubcini states that this situation compelled the judges to rapacity in order to secure their future maintenance in this short time of office. In addition to these problems, there was also the lack of legal and efficient control of the state over the legal functionaries. This gave way to corrupt and unjust magistrates. The subject of testimony was also problematic that there was the chance of the facility of obtaining false testimony. The concentration of the judicial authority in the hands of the *Ulema* was also considered as a preemptive factor for the reformation of the judicial system by Ubcini since the *Ulema* resisted to the reform of the system.<sup>207</sup>

In a document from the British archives, the problem of obtaining justice was recorded:

....the almost impossibility of obtaining justice or redress for wrongs, especially if the complainant be a Christian. The cause of this is not so much the badness of the system that nominally prevails as the character of the men who should carry it out. The local Medjlisses nearly if not quite always contain a majority of corrupt members who pervert justice for bribes, and a majority of voices carries the decision. Appeals are certainly always permitted to a higher Court, but the appeal is often as unjustly tried as the original case, the composition of the Courts being similar, and the bringing

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<sup>206</sup> M. A. Ubcini, *Letters on Turkey*, trans. by Lady Easthope, New York, Arno Press, 1973, pp. 182-83. For detailed information on the division of the justice system in the middle of the 19<sup>th</sup> century Ottoman Empire see Ubcini, pp. 47-49, 167-171. The judges of *kazas* stayed in the chief city of the province.

<sup>207</sup> *Ibid.*, p. 184. "The privilege which the plaintiff has of choosing his Judge, and which gives him an almost certain advantage over the defendant, his first care being of course to secure the Judge in his interest. Every Judge has his Naib or deputy, who is the real acting person, and generally influences and determines his superior; a bribe to the Naib, therefore, provided it be worth his acceptance, generally secures the gaining of the suit"

up of a case for trial and its trial are often so long delayed and spun out by corrupt influences, that the means of the petitioner are exhausted, and he can no longer prosecute his cause. There are many influential persons who profit by wrong, are powerful enough to influence even the Valis, and so prevent the purification of the Medjlisses. The hostility of the ruling race to the Christians, and the non-acceptance of Christian evidence against a Mussulman renders it especially difficult for a Christian to obtain justice.<sup>208</sup>

In addition to this kind of problems, there was also confusion about which law would be applied to the land questions. While the new orders stated that land questions should be tried by religious law, the old one, a *ferman*, defined civil courts as the area of these trials.<sup>209</sup> Before the arrival of these orders, the local commissioners, who tried to solve territorial cases, had asked to the Porte three times that which tribunal was the proper court for the trial of territorial cases: the religious tribunal or the local Court of Appeal. Until the arrival of the answer, we see from the document that it did not come in a short time, the cases “hang-fire”.<sup>210</sup> And after the arrival of the expected answer, emerged a confusing situation since there were two contradicting orders over the territorial cases.

As indicated above, the local tribunals’ members were not taking salary from the State in the 1850s. We understand from a document of 1879 that this practice had been quitted soon. But we also understand that the government began the old practice of cutting salaries again in this year. With this new decision, except the presidents of courts and procurators-general, the members of the tribunals would receive no salary; moreover the government reduced the salaries of the employees of the tribunals one-third with a new order.<sup>211</sup>

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<sup>208</sup> “Inclosure 9 in No 326, Report by Captain Clayton on Reforms in Van, December 26, 1879, F.O. 424/106”, *British Documents on Ottoman Armenians, Volume I*, p. 652.

<sup>209</sup> “No. 8, Captain Clayton to Major Trotter, Van, May 25, 1880”, *British Documents on Ottoman Armenians, Volume II*, p. 30.

<sup>210</sup> “No.24, Major Trotter to the Marquis of Salisbury, Erzeroum, August 16, 1879”, *Correspondence (1880)*, pp. 44-45.

<sup>211</sup> *Ibid.*, p. 45.



These decisions, which aimed to reduce government's expenditures, had vital impacts on the administrative and judicial areas that both in Ottoman and British documents the corrupt of the members of the local councils and tribunals was an important source of complaint.<sup>212</sup> Generally, these members used their positions to appropriate as much as they could "by selling justice to the highest bidder". The reduction or abolishment of their salaries only encouraged corruption and maladministration in the judicial system. While many competent judges quit their job because of this instability in the system, the way opened for the incompetent and unreliable judges. Diyarbekir was not out of this process that the appointed one to there "had been found guilty of taking bribes".<sup>213</sup>

The unreliability and corrupt of the judges were also included in the Ottoman archival documents. In one of these documents from 4 *Zilhicce* 1300 (October 6, 1883), the chief of the *Bidayet Mahkemesi* (Court of First Instance) of Diyarbekir was criticized because of not treating the people in an equal manner. The reason of this treatment rested in the fact that he was also a native of the province. Therefore, he had been removed from the office, and another one appointed instead of him.<sup>214</sup> We see in this document that how the judges were included in the local power politics and even the chief of them was

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<sup>212</sup> İ. DH, 937/74248 (Document 2), 21 *Receb* 1302 (May 6, 1885): according to this document, both the chief of the Diyarbekir Center Court of First Instance and assistant of public prosecutor (*müddei-i umumi muavini*) were removed from the office because of their corrupt behaviors. YA.HUS, 168/100 (Document 2 and 3), 29.11.1298 (October 23, 1881): this document was also on the complaints of the population of Bitlis from the commercial court and court of first instance. Since their members and chiefs were not changed for years, the population applied to the center for reselection of them.

<sup>213</sup> "Inclosure in No. 30, Captain Clayton to Major Trotter, Van, August 19, 1879", *Correspondence* (1880), p. 53; "Inclosure in No.65, October 15, 1879", *Correspondence* (1880), pp. 95-96: "Already one Procureur-Général, the one sent to Diarbekir, has been found guilty of taking bribes. The class of men sent has, instead of inspiring confidence, led to the conviction that it will be more difficult than ever to obtain justice, and to make any real reform in the Tribunals.... The removal of the Tribunals from all control on the part of the Valis, their so-called independence, though good in principle, has been decided upon too soon. When a class of learned, intelligent, and honest Judges has been formed, it will be quite right to make the Tribunals independent; such a class does not, unfortunately, at present exist. The present Judges are for the most part notoriously ignorant and corrupt. To place them beyond the control of the Valis, especially considering the character of the men who have been sent as Inspectors and Procureur-Généraux, is to give full play to corruption and injustice. The Valis, when appealed to for redress, reply that they are forbidden to interfere with the Tribunals, and neither redress nor justice is to be obtained."

<sup>214</sup> İ. DH, 894/1139 (Document 2), 4 *Zilhicce* 1300 (October 6, 1883).

appointed among the natives. This means that the chief could not stand out of his relations in the locality and, because of this, he treated unequally to the ones who applied the court.

Continual changes in the judicial department and the character of the newly appointed judges made nearly impossible obtaining justice. The government was making a change in the judicial system and turning to another system within few months. Neither the members of the tribunals nor the councils knew which rules could be applied for the cases, which tribunal was the arena of the territorial cases. The unstable shifts or cuts in the judges' salaries complicated the situation too (the document below, from October 3, 1879, states that the government began to appoint salaried judges again). The reports from the region describe the complete confusion in the local tribunals and the belief of individuals that justice will never be obtained. A trial of 1879 about the appropriation of villagers' lands by *aghas* with fraudulent means presents clearly the situation and problems of the judicial system. According to the document, the *aghas* obtained possession of the lands of the peasants on which they have no right with fraudulent means. According to the document, the situation of the tenure of these lands was referred to the local tribunals. However, the tribunals were in complete confusion because of the ill considered changes in the judicial system. Even, the court of the related trials was not decided in a short time. After long delay, the trials were directed to the *Mahkeme-i Bidayet*. However, the court could not meet for a long time owing to the absence of its newly appointed unsalaried members. When they arrived, a new telegram was received which stated that new salaried judges, to be elected by people, would be appointed instead of them. The election for the new judges were planned to take at least two but more probably six months. The old judges would continue to serve until this election. The telegram also stated that the salaries of the working members of the Courts were greatly reduced. Because of these problems and confusion, the document reached the conclusion that obtaining justice was really very hard in these circumstances:

It is not yet decided whether the evidence taken before the Commission will be admitted as valid by the Court of Justice. Should it not be admitted I do not think justice will ever be obtained, as the petitioners, after remaining here four months, during which time two of their number have died, are not likely to be able or willing to stay on here during the winter to press their claims, and, even if they were to do so, it is very doubtful whether the result would be in their favour. On the other hand, should this evidence be admitted, as I trust it may, it is possible that, within the next few weeks, a satisfactory decision may be arrived at.

With reference to the criminal charges brought against the Beks, the preliminary investigation of the Commission will, I hope, be completed to-day. Both Commissioners are convinced of the truth of charges, but state that, according to their instructions, the disorganized state of the said Tribunals is taken into consideration, it is impossible to say when the trial will come off and what the result of it may be.<sup>215</sup>

Because of these circumstances, justice became an area of the rich ones in the region since the fees of trials were too high for the poor to apply and also even if they could meet these fees, the long duration of the process hindered many of them from applying to obtain justice. This meant that the villagers who would apply to the tribunals for land appropriation had to stay for a long time in the chief town. Staying there was a huge burden for the villagers. For the ones who had applied for redress, the picture was much more complicated if the prevalence of bribery and corruption is also taken into account.<sup>216</sup> Because of the incapability of the judicial system, the number of the trials on the land matters reached an important part of all trials. The number of the trials regarding the problems of land usufruct in the *Mahkeme-i Bidayet* of Diyarbakir was 45 in 1316 (1898-1899). This means that approximately 22.5 % of the total trials were on the *tasarruf-ı emlak* (the number of all trials was 199).<sup>217</sup>

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<sup>215</sup> “No. 58, Major Trotter to the Marquis of Salisbury, Erzeroum, October 3, 1879”, *Correspondence (1880)*, pp. 87-88.

<sup>216</sup> “Inclosure in No.65, October 15, 1879”, *Correspondence (1880)*, p. 95.

<sup>217</sup> *Salname-i Diyarbakır 1319 (1901/1902)* in *Diyarbakır Salnameleri*, Vol. 5, 1286-1323 (1869-1905), ed. by Ahmet Zeki İzgöer, İstanbul, Diyarbakır Büyükşehir Belediyesi Yayınları, 1999, p. 197.

## **CHAPTER 4**

### **THE SOCIO-ECONOMIC TRANSFORMATION OF EASTERN ANATOLIA AFTER THE LAND CODE OF 1858**

This chapter will primarily focus on the consequences of the Land Code of 1858 in eastern Anatolia. It is a fact that large landownership is the dominant land pattern in eastern Anatolia. Therefore, to begin with the development of large landownership will be briefly evaluated. The impact of some factors such as the mountain-plain differentiation will be included in this evaluation. Even if there are very rare data on the land patterns of 19<sup>th</sup> century eastern Anatolia, the ones which had been prepared by the British consuls will be used to illustrate the existing land patterns throughout the region.

The tribal organizations which were the main social organizations of the region also experienced crucial changes in the last part of the 19<sup>th</sup> century. The state-tribe relations and the policies of the state toward them have to be examined in this sense. The government's policy of stimulating agriculture by settling the tribal population was a significant one that deeply affected the tribes. The support of agriculture was not only confined with the settlement of the tribes, settlement of the immigrants (*muhacirs*) to the waste lands of eastern Anatolia was also implemented by the authorities. This had also affected the relations among the actors of the region.

The impact of the Code on the actors of the region will also be examined for evaluating the consequences of the Code. The situation of the sheikhs, *aghas*, peasants and nomads will be examined in this sense. By using both the Ottoman and British documents, their experiences as a result of the registration process will be evaluated briefly.

#### **4.1 The Landownership Patterns in Eastern Anatolia**

The relationship between the formation of large landownership and the Land Code of 1858 in the Ottoman Empire's lands was claimed by many

scholars especially working on the Middle East. For example according to Haim Gerber, large landlordism was a new development in the Middle East. He finds the roots of it in the Land Code of 1858 for the Code gave permission to the acquisition of formerly unoccupied lands by a few people. According to him, large estates were founded on these wastelands.<sup>218</sup> On the other hand, small landholding continued to be the main ownership form in the old settled districts. Since these areas were not suitable for the establishment of large estates, the formation of the large landlordism was only possible by the “purchase of uncultivated and unclaimed land from the government”. The main drive of the government was to stimulate agriculture by permitting the formation of large landlordism in wastelands. Çukurova is the best example of this phenomenon.<sup>219</sup> In today’s Turkey, large estates are especially predominant in two areas: southeastern Anatolia and the Çukurova region.<sup>220</sup> However, Gerber excludes eastern Anatolia from this general description for the state control had been in minimum degree in the region since the earlier times and feudalistic formations defined the relations in the region.<sup>221</sup>

Doreen Warriner finds the reason of the formation of large estates as a result of the Code in the fact that the semi-collective village organization of the Middle East was not proper for the individual title. In parallel to the registration of the lands, a census was carried out by the authorities. However, this census and registrations gave very different results from the reality. According to Warriner, because of the fear of conscription and taxation, many of the villagers registered their lands as the property of the head of the tribe, or as the property of a family member who was not liable for the conscription.

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<sup>218</sup> Haim Gerber, *op.cit.*, p. 82.

<sup>219</sup> The plains were used by nomads in the winters. In the summer season, since plains were marshy, they were the source of malaria, and therefore not inhabited in this period. These marshy plains were efficient agricultural areas. For this reason, nomads were directed and forced to settle in these areas to cultivate them. The chiefs of the nomads undertook vital duties in the settlement projects, and became governors of these areas. *Ibid.*, pp. 86-89.

<sup>220</sup> Zülküf Aydın, “Household Production and Capitalism: A Case Study of South-Eastern Turkey”, in *The Rural Middle East, Peasant Lives and Modes of Production*, ed. by Kathy & Pandeli Glavanis, London, Zed Books, 1990, p. 176.

<sup>221</sup> Haim Gerber, *op.cit.*, p. 116.

But the title deeds did not affect the existing situation in the short term that the villagers continued to cultivate the lands in the old semi collective ways. This was a problematic and confusing situation since the one who customarily cultivated land and the one who officially held the title were not the same persons.<sup>222</sup>

Many scholars claim that the Code gave way to completely contrary results with its targets that in many parts of the Empire, instead of consolidating smallholders, a group of large landowners emerged. There are many reasons of this situation. First of all, the villagers could not understand the importance of the registration. They were afraid of the registration for they thought it could bring them under the burden of taxation and conscription. These fears became effective in the registration of the lands in the name of the locally powerful individuals. They declared wrong information because of their fears of being taxed or conscripted. The notables traditionally acted the role of intermediaries between the villagers and government officials. In the registration process this tradition demonstrated itself and the villagers were willing to register their lands as the property of the notables. The incapability and inexperience of the *tapu* officers also affected the registration. In tribal societies, the tribal lands were recorded as the property of the sheikhs because of the superior position of them over the tribesmen.<sup>223</sup>

In the areas, where state control was effective, small landholders registered the lands in their own names. In the areas, where it was not effective, sheikhs got the title of the lands.<sup>224</sup> Indeed, control and survey are very interrelated processes. For eastern Anatolia was a region where control was never totally formed, the registration process turned to a failure throughout the region. In the region, the state control was only active in the city centers; on the other hand, the state control disappeared in the periphery. This non-control made the survey and the title deed registration imperfect and problematic. The

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<sup>222</sup> Doreen Warriner (1948), *op.cit.*, pp. 15-18.

<sup>223</sup> Mustafa M. Kenanoğlu, *op.cit.*, p. 179, Haim Gerber, *op.cit.*, pp. 72-73.

<sup>224</sup> Doreen Warriner (1948), *op.cit.*, p. 112.

statistics and data on land tenure will be analyzed below to indicate the existing situation of the land tenure in the last part of the 19<sup>th</sup> century eastern Anatolia.

#### 4.1.1 The Land Statistics on Land Tenure in Eastern Anatolia

The report of Palgrave, the British Consul in Trabzon, is an important source for the analysis of the land tenure in the Ottoman Empire in the 1860s. This report had very important information and estimates on the land tenure and tenancy patterns in Asiatic Turkey that is Anatolia, Kurdistan, Iraq and Syria. However, the data cannot be evaluated as the exact rates of the existed situation; they have to be treated as a rough reflection of the actual relations. Palgrave estimated the proportion of the wastelands (*mevat*) as 50 per cent of the total lands. While two-thirds of the remaining (approximately 33 %) was the common lands (*metruk*), cultivated lands were one-sixth of the total (approximately 17 per cent). According to this report, 25 per cent of all cultivated lands were *vakıf* lands. The *miri* lands were 5 per cent of, and the *mülk* lands were 70 of the cultivated lands. One-seventh of the *mülk* lands were in the form of larger estates, cultivated by share-tenants or by hired labor. Small estates formed six-seventh of the *mülk* lands. These were cultivated by “*murabaas*” or by the peasant owners themselves.<sup>225</sup>

A prevalent form of tenancy in Asiatic Turkey was the *murabaalık*. This was indeed a relation of produce partnership that the holder of the land made a deal with the *murabaa* or *murabaas* to cultivate his lands. Generally the term of the deal was limited to a year. The base of the system was the equal division of the product. Seed and other materials of production were provided by the landholder, and he retook the equivalent of what he had spent for seed and other materials from the share of the *murabaa* at the end of the year. If these materials were provided by the *murabaa*, he took the equivalent of his expenses from the share of the landholder. In parallel to the equality principle

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<sup>225</sup> “Report on Land Tenure in Turkey”, *Accounts and Papers*, 67 (1870), p. 285. The rate of the lands, which were cultivated directly by small peasant owners within these smallholdings, was the one-third of the all. In the remaining two-thirds of the small *mülk* lands, share tenancy was used. Şevket Pamuk (1987), *op.cit.*, pp. 186-87.

of the system, government dues, tithes etc. were met by two sides in equal.<sup>226</sup> According to Palgrave, produce partnership became the dominant system in most of the fief lands that is four-fifth. Even if in some cases hired labor was used, the scale of it was very small that the landholders were not wealthy enough to hire labor. This was not a profitable contract compared to produce partnership; therefore *murabaacılık* was adopted on a large scale.<sup>227</sup>

The use of sharecroppers was most widespread in southeastern Anatolia that human labor was essential for the tillage because of the low level of the production equipments. There were several sharecropping types in the region such as *marabacılık*, *yarıcılık*, *icare* and *cariyek*. They are differed from each other on the basis of the amount of the supplied input and the shared product between the sharecropper and the landowner.<sup>228</sup> We see from the archival documents that it was a much more economic way of the production for the landholders.

However, this most widespread form of tenure was not regulated by the Land Code of 1858. This gap affected negatively the share tenants since there was no law to protect their rights that they would loose their customary rights. Their situation was regulated by custom and according to the circumstances of the districts. Since the period of tenancy agreements was for a year, the tenants had no security against eviction.<sup>229</sup> In the districts where wastelands were scarce or if the peasant did not have a pair of oxen, he had to work in the lands of the *aghas* as sharecroppers.<sup>230</sup>

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<sup>226</sup> “Report on Land Tenure in Turkey”, *Accounts and Papers*, 67 (1870), p. 279. The term of sharecropping is also used for telling this relation of production. Even if the sharecropping arrangements could vary from region to region, these were the general features of it.

<sup>227</sup> *Ibid.*, p. 284.

<sup>228</sup> Zülküf Aydın, *op.cit.*, pp. 165, 169, 171.

<sup>229</sup> Doreen Warriner (1948), *op.cit.*, pp. 16-17.

<sup>230</sup> Şevket Pamuk, *Osmanlı Ekonomisinde Bağımlılık ve Büyüme, 1820-1913*, Ankara, Yurt Yayınları, 1994, p. 101.



There are some important observations in the British Accounts and Papers (1865), which was used by Issawi, on the sharecropping system in eastern Anatolia:

In the Mardin region, under the *muraba'a* system, the 'landowner supplies everything, but neither feeds, clothes, or pays the Fellahs; but after deducting seed and all expenses, the net produce is divided into thirds, of which the Fellahs—there are generally in this instance four to one chift—would get one third, or £10. 12s. 7d. and the farmer or landlord two thirds, or £20. 5s. 2d. (sic.) after having deducted all expenses and tithe. Another practice is for Fellahs to provide everything but seed, which is given by a capitalist in the town, who is also obliged to make them a loan, to be repaid in money or kind at the harvest, without interest, of 50 piastres for every keyl of wheat or barley they sow; the net produce is then shared equally, giving a sum of £18. 13s. to the Fellah, and £14. 4s. to the capitalist.' For cotton cultivation in the Diyarbekir area the owner of the land and water received 14 percent of the net produce, the rest—after deduction of all expenses—being shared equally by the capitalist who supplied the seed, the laborer who prepared the ground, and the gardener who tended the plants.

....In 1864 near Mardin, the gross output of a *çift* on which four oxen worked was £54. 12s. and the net profits to the landlord, after deduction of all expenses and tithe, £28. 9s. 8d.; near Diyarbekir gross output was £58. 1s. and net profits £26. 5s.<sup>231</sup>

The improvements related to lands were also attracted the attention of Palgrave. He recorded the population increase, progresses in agriculture, land improvements and especially the attempts to convert pasturelands into agricultural ones.<sup>232</sup>

The British reports are also important for they include detailed information on the peasant-landowner relations, very important for this study. For example, Palgrave's report contains significant evaluations on the land tenure and on the peasant-landowner relations in addition to the rates on land tenure. He finds the relations among the peasants and landowners really

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<sup>231</sup> Charles Issawi, *The Economic History of Turkey 1800-1914*, Chicago, The University of Chicago Press, 1980, p. 208.

<sup>232</sup> "Report on Land Tenure in Turkey", *Accounts and Papers*, 67 (1870), p. 282.

friendly that neither forcible evictions of tenants nor assassinations of landlords were encountered in these lands:

No agrarian risings, no rick-burnings, no anti-landlord associations appear on the county annals of Eastern Turkey; where deeds of insubordination and violence are indeed only too frequently recorded, but none of which the origin can even remotely be traced to peasant discontent and systematic hatred of the landed classes.<sup>233</sup>

The condition of the agriculturalists of the region was also reported by another British Consul, J. G. Taylor. The data in his report were based on his researches and visits during his eight years residence in Diyarbekir and Erzurum. According to his report, the agriculturalists were the biggest group among the laboring population like the other districts in Turkey. While Muslims were the owner of more than half of the land, Christians formed 75 per cent of the agricultural laborers. In the peasant families, all members of the family worked in the field or helped in some way to the production. If a hired labor was used for tillage, he received “a suit of clothes, worth 60 piastres (*kuruş*), and 100 maunds of wheat, worth 500 piastres”. He records that produce partnership was also prevalent in the region. Animals, other implements and labor were supplied by the tenants; and the produce was equally shared between the landholder and tenant after deducting the seed corn. Besides this system, there was also another one, which was more general in the districts of Diyarbekir where the peasants were poorer. In this system, animals, seed and a small loan of cash were supplied by the landholder. The peasant provided the other implements and took one-third of the product after the deduction of seed by the landholder.<sup>234</sup> The miserable condition of the agriculturalists of eastern Anatolia was also indicated in this British report. Consul J. G. Taylor gives comprehensive data on their earnings. The average earning of a peasant in the first system was 922 piastres (*kuruş*), and it was 820

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<sup>233</sup> *Ibid.*, p. 282.

<sup>234</sup> “Condition of the Industrial Classes in Foreign Countries”, *Accounts and Papers*, 68 (1871), pp. 793, 808-810.

piastres for those on the other system. This was not enough for sustaining a family, therefore the other members of the family also contributed to the livelihood of the family in some ways. Despite these efforts, the peasant families were seldom out of debt. According to Taylor, as a custom, relatives lived together to reduce the expenditures. He estimated the average revenue as 922 piastres, even there were huge differences among different districts. This table shows the great differences among the earnings in these districts.<sup>235</sup>

Table 1: The average revenues of the peasants in different districts of eastern Anatolia.

	First Class	Second Class
	Piast.	Piast.
Erzerroom	1,200	1,090
Van	597	544
Moosh	1,392	1,249
Diarbekr	500	400
Average	922	820

Source: "Condition of the Industrial Classes in Foreign Countries", *Accounts and Papers*, 68 (1871), p. 811.

According to British Foreign Office reports (1863) on the landownership patters throughout the Ottoman Empire, small ownership was the dominant type in the Empire but there were some regions in contradiction

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<sup>235</sup> *Ibid.*, p. 811. The working habits of the agriculturalists of Kurdistan was also included in this report: "The land forming a mulk or property is divided into chifts, requiring, if light soil, two men and a boy, with a pair of oxen, to plough it in one day; stiffer lands require from six to ten pair to perform the same work, with three men and from two to four boys, who sit between the oxen to excite them to work by blows and cries. The hours of labour, on an average, are 8 a-day, but their periods of occupation are limited to seed time and harvest; during the rest of the year the labourers have nothing to do. Their vicinity to towns so far affects their condition, inasmuch as then they turn their hands to other employments that utilize their idle hours and add to their resources; but others not so situated have to depend entirely upon the gains they may have accumulated during a limited period of work. With no grain export of any consequence, and a limited home demand, it is scarcely necessary to state that every branch of agriculture is in a very backward state, and the agriculturalists themselves still more so. The most primitive means are used to labour the soil and excite its fertility." *Ibid.*, p. 810.

to the rest of the empire. These exceptions were Macedonia, Kurdistan and some of the Arab provinces in which large landownership was widespread. According to the report on Kurdistan, the percentage of the privately owned land was 40% of the arable area, while the remaining 60% was either *miri* or wastelands.<sup>236</sup> The sale of *miri* lands from nominal prices triggered the formation of large landlordism.

In the Diyarbekir region in 1864 government land was being sold, under the Tapu system, at 'perfectly nominal prices'—rates of '40 to 60 piastres for plots large enough to take a quarter of seed' (say 3-4 acres) being common....Few of the large estates were worked directly by the landlord, most being let on some share-cropping system or, less often, on payment of a fixed rent in kind or cash. In Erzurum in 1846, landlords furnished seed and took half of the produce. In Kurdistan in 1858, the rent equaled 15 to 20 percent of the annual produce.<sup>237</sup>

Apart from these documents, there is another British consular report of 1858 on the land tenure in Kurdistan which is a very crucial source of information for this study which aims to examine the effects of the Land Code of 1858 in eastern Anatolia. This report by showing the existing land tenure relations in Kurdistan before the implementation of the Land Code can provide us an evaluation and comparison base with the above-mentioned documents. The related parts of this report on the land tenure in Kurdistan are:

I. What are the different kinds of tenure of land and in what proportions are they, respectively, in use in your district?

About 20 years ago this part of Koordistan, which had previously been more nominally than really in the hands of the Turkish government, was wrested from the Koordish Beys, and the whole of the land, with the exception of some few parts the ownership of which was confirmed to its ancient proprietors, was confiscated to the Crown. Since then a portion has been sold and become private freehold property, a considerable portion is let as short leases of a year or two, a great deal has become Church property or 'Vakouf', but the greater part remains the property of the

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<sup>236</sup> Charles Issawi, *op.cit.*, pp. 202-203, cited from (c. f.), "Replies to Foreign Office Questionnaire, 1863, FO, 195/771".

<sup>237</sup> Charles Issawi, *op.cit.*, p. 207.

state and is waste and uncultivated. The owner of land either lets it to a farmer, or cultivates it himself by means of hired laborers, or cultivates it in partnership with a farmer or several small farmers to whom the proprietor advances a certain sum of money and the necessary seed. The farmer finds the animals and labor; and after the harvest, the net produce, all taxes having been paid, and the advance in money refunded, is equally divided. In this manner land is held and cultivated throughout the pashalic.<sup>238</sup>

The features of the *vakıf* lands are also talked in this report. While talking about the *vakıf* lands, the report especially highlights the importance of the private property:

III. What is the condition of vakouf and other public lands as compared with that of freehold property?

Every individual takes care of his own private property to the best of his ability but the vakouf or crown lands are entirely neglected. They are merely let to the best bidder at short leases and are never improved or in any way cared for. Consequently freehold property is usually in a much better condition than any public lands.<sup>239</sup>

After stating the different kinds of land tenure, the document gives information on the predominant type of landownership pattern in the region:

XI. Are large estates or small holdings predominant, and what are the causes which most affect the distribution of land?

Small holdings predominate. The cause chiefly affecting the distribution of land is the presence of water. The only property in this pashalic for which a purchaser can be found is that which contains a stream of water, or the right to a certain portion of one, available for irrigation. The country at present out of reach of irrigation may be cultivated by anyone who will take the trouble, the government only claiming ten per cent on the produce. This arises from there being vast tracts of land which no one will either rent or purchase, it being out of reach of irrigation. All this land could be made most valuable property by the cutting of canals for irrigation from the various rivers which intersect the Pashalic, by making cart roads and introducing carts, and by the introduction of a more just and efficient government

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<sup>238</sup> Charles Issawi, *op.cit.*, p. 220, c. f., "Reply by Holmes to Questionnaire, FO, 78/1419".

<sup>239</sup> *Ibid.*, p. 220.

capable and willing to afford security and protection to its subjects.<sup>240</sup>

Even though there is no statistics to prove the truth or error of this document, it is still a very important source for us. This document states that smallholdings predominated the region. This statement is very contradictory with the later ones, which highlighted the predominance of large estates in eastern Anatolia. We can use this document in the way that even if we cannot claim that the smallholdings predominated in the region before the Land Code of 1858, we can conclude that the large estates were not so powerful in this date as the later years.

#### **4.1.2 The Effect of Geography in the Registration of the Lands: Mountain-Plain Differentiation**

According to Bruinessen, the location of the villages had been an important factor in the determination of the land ownership type in the village. Generally the peasants in the mountain villages owned the lands, which they cultivated. In the plains, the small peasant ownership was rarely encountered; instead large landownership became the general rule. The peasants in the plains worked on these lands as sharecroppers. There were also a small number of agricultural workers.<sup>241</sup>

Zülküf Aydın's study on two villages of eastern Anatolia, Gisgis and Kalhana, can be explanatory in this respect as the different development of land patterns in the mountain and plain villages. Gisgis is a mountain village whose land is stony, hilly and infertile. There is no landlord in this village. Instead the villagers obtained to a great extent equal amount of land, even if there are some landless people. However, these landless people did not exist in the village before the 1920s. They emerged after this date as a result of some factors such as high rate of population growth, high taxation of the World War

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<sup>240</sup> *Ibid.*, p. 221.

<sup>241</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 16.

Two, and usury. The other village, Kalhana, experienced highly distinct things from Gisgis, even if these villages are in a very close distance. Kalhana is a plain village and irrigation is applied in most of its lands. The lands of the village are owned by landlords. Most of the villagers are landless and worked on these lands as sharecroppers.<sup>242</sup>

## **4.2 The State-Tribe Relations in Eastern Anatolia after the Land Code**

The relations between the Ottoman state and the tribes were especially shaped around the subject of the settlement of tribes. Indeed, the settlement of tribes had always become a target of the Ottoman authorities since the tribes were regarded as a source of problem. With attacks on the settled population, they created disturbance, resisted to taxation and committed plunders as they found such a chance. The financial expectations were the main factor behind the settlement of the nomads for the mobile status of them eased their escape from the tax collectors. The relations among them were also not peacefully; they were always in conflict with each other. By settling them, it was expected that agricultural production could rise and security within the empire could be enhanced.<sup>243</sup> The settlement of the tribes was mostly realized in the 19<sup>th</sup> century.

### **4.2.1 The Settlement of Tribes**

The unsettled tribes frequently caused disorder in eastern Anatolia; therefore, their settlement became a basic struggle for the administrators. The attempts were done in this purpose beginning before the 19<sup>th</sup> century, but the taken measures did not give the expected results.<sup>244</sup> In the 19<sup>th</sup> century, for the integration of periphery, the end of nomadism and the settlement of the nomads were regarded necessary. Eastern Anatolia was not immune from this policy of

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<sup>242</sup> Zülküf Aydın, *op.cit.*, pp. 173-175.

<sup>243</sup> Mustafa M. Kenanoğlu, *op.cit.*, p. 89.

<sup>244</sup> For the earlier attempts see İbrahim Yılmazçelik, *op.cit.*, p. 172.

settlement either. Especially in the reign of Abdulhamit II (1876-1909), the government took great steps in the settlement of tribes.<sup>245</sup>

The reform process in the province of Diyarbekir was highly related with the settlement of the tribes. In a document of 9 Şevval 1286 (January 10, 1870), the attempts of the government for reformation of the province were indicated. This document gives the vital position to the settlement of eastern Anatolian tribes in the reformation process, thus the wastelands could be tilled and developed. But the reform could not be achieved only through their settlement since the tribes of desert (*urban*) continued to their attacks on the sedentary areas. After the settlement of eastern Anatolian tribes, they had to be protected against the attacks of the *urban* that a number of military forces would be deployed there to protect the settled tribes.<sup>246</sup>

The settlement process and the measures taken were detailed in the document that the tribes of Mardin desert (*Cubur*, *Şerabi* and *Bekare* tribes) were planned to be settled to Kevkeb and Resülayn. Houses would be built for them and a proper amount of land would be allotted to them, thus they could engage in agriculture and farming. The protection of these lands were also not omitted that a military force was charged with this duty. Resülayn was also an area of the settled *muhacirs*. They were not except from the scope of this plan as well. It was mentioned in this document that it was expected from the immigrants to leave their existing position as guests and began to engage in agriculture and farming. The government also endeavored for the development of the town (*kasaba*). A mosque (*camî*), two small mosques (*mescit*) and many shops would be built in the *kasaba*. In addition to these, the old dams planned to be repaired and renewed, and also water canals and mills would be constructed for the irrigation of the fields. Thus agriculture could be developed and the people could earn their sustenance. This would also reduce the government's expenditures which had been allotted for the sustenance of the

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<sup>245</sup> Şerif A. Mardin, *op.cit.*, pp. 15-16.

<sup>246</sup> İ.MMS, 38/1579 (Document 1), 23 Şevval 1286 (January 26, 1870).



immigrants. The accessibility of the region was also considered and the road between Diyarbekir and Resûlayn was planned to be fixed.<sup>247</sup>

The attacks of the *urban* were regarded as a very serious problem by the authorities. Prevention of the invasion of the *aşayir-i urban* was also crucial for the efficient use of the wastelands. The lands between the Euphrates and Tigris (Cizre and Nusaybin) were very fertile and yielding, but these lands were not tilled because *aşayir-i urban* had used to wander around these lands. The government took measures to drive them out of these lands. As a result of these measures, the government control was established there. The authorities expected the development and tillage of these fertile lands in a short period.<sup>248</sup>

In another report from the Ottoman archives on the situation of Diyarbekir *vilayet*, the raids of desert tribes (*urban*), especially Şammar and Anze tribes, were stated as one of the important problems of the settled population near the desert. The document of 1868 focuses on the rise of the Şammar tribe and one of the sheikhs of the tribe, Abdülreha. This tribe had raided the villages in Nusaybin and appropriated 1500 sheep of the villagers. They also did great harm in the vicinities of Urfa and Aleppo. The rise of Şammar also attracted many tribesmen from other little tribes to Şammar that 8000 families from Anze tribe had joined to Şammar. The chief of the tribe had good relations with the Ottoman rulers therefore the report states that his authority was not wide as the sheikhs. According to the document, the main policy of the Ottoman Empire toward the tribes was sowing discord among the tribes, and playing off them against each other since the military forces of the state did not have any power on such mobile tribes on a land (desert) where water and food could not be found.<sup>249</sup> The important *aşayir-i urban* and *müstareban* (arabicized=*araplaşmış*) within the *vilayet* were recorded in the

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<sup>247</sup> İ.MMS, 38/1579 (Document 5), 23 Şevval 1286 (January 26, 1870).

<sup>248</sup> İ.MMS, 38/1579 (Document 5), 23 Şevval 1286 (January 26, 1870).

<sup>249</sup> HR.TO, 244/50 (Document 3), 20.04.1868. It was proposed in this document that the tribes could be used as *zabtiye* instead of being settled and accustomed to farming. These proposals should be effective in the formation of *Hamidiye* regiments.

*salnames* (yearbooks) of Diyarbekir. The *urbans* were Şemir, Tay, Şerabi, Bekari (Bekare), Karakeçi and Cubur; and the *müstarebans* were Milli, Kika, Dekori and Kırgıcı.<sup>250</sup>

As it is seen from these documents, the reorganization of tribes was a basic struggle of the government in eastern Anatolia. It was not an easy job when considered its huge content and importance. Officials with special mission (*memuriyet-i mahsusa*) were sent to the region in order to reorganize tribes, make a complete survey of them and prevent their aggressions.<sup>251</sup>

Because of the existence of the tribal structures, the population census became one of the main problems of the state in eastern provinces. In the period of this study, many documents on the failure of the population census were encountered for many tribes resisted to the population census by escaping from their areas. The local authorities were constantly warned to complete the census by taking the needed measures for this purpose. The relation between the military service and population census was the most determinant factor in the resistance of the tribesmen to the census.<sup>252</sup> For example, the tribes of Mardin and Zor *sancaks* resisted to the census with this fear. In order to carry out the census among these tribes, the local authorities wanted the permission of the *Seraskerlik* (the Chief Commandership) for the exemption of these tribesmen from the military service for a period. According to the authorities, the attempts had to be realized step by step, and thus the tribesmen could be

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<sup>250</sup> The *salnames* indicate important data on the tribes such as their number of population, economy, divisions and influential actors within the tribes, their migration route etc. For details on these subjects see for example, *Salname-i Diyarbakır 1288 (1871/1872)* in *Diyarbakır Salnameleri*, Vol. 1, 1286-1323 (1869-1905), ed. by Ahmet Zeki İzgöer, İstanbul, Diyarbakır Büyükşehir Belediyesi Yayınları, 1999, pp. 210-211; and *Salname-i Diyarbakır 1301 (1883/1884)* in *Diyarbakır Salnameleri*, Vol. 3, p. 246.

<sup>251</sup> The official sent to the region with this special mission complained about their conditions when compared to the enormity and significance of their duty. First of all the number of personnel was not enough to implement this duty and the resources of money was also not enough. His complaints and demands were met by the center which paid importance to the reformation of the tribal system. İMMS, 59/2763 (Document 1 and 2), 18 *Cemazeyilevvel* 1295 (May 20, 1878).

<sup>252</sup> DH.MKT, 1402/60, 06 *Cemazeyilevvel* 1304 (January 31, 1887); DH.MKT, 1378/60, 18 *Safer* 1304 (November 16, 1886); DH.MKT, 1380/25, 25 *Safer* 1304 (November 23, 1886); DH.MKT, 1433/86, 29 *Şevval* 1304 (July 21, 1887).

accustomed to these attempts more easily. Another demand was the distribution of the *nüfus tezkeresi* (population certificate) without charge. It was expected that these measures would facilitate the registration of the tribesmen.<sup>253</sup> The corruption and injustice of the registrars were also contributed to the failure of the registration of the population in eastern Anatolia. For example the official in Diyarbekir was accused of being corrupt. This kind of actions of him delayed the completion of the process. Because of these actions, he had been removed from his job. The deficiency of enough number of officers assigned to this office was also affected the failure of it in the region while in most of the other regions of the empire the census completed successfully.<sup>254</sup>

The *tahrir* of *nahiyes* (registration of all kind of properties) in the region was also problematic. These districts were described as “*ahalisi vahşetle meluf olan mahaller*” that the districts whose population were accustomed to brutality. The *tahrir* of them could not be achieved for a long time. The accompanying of a number of military forces to the *tahrirs* was regarded necessary for the completion of these surveys in many *nahiyes*.<sup>255</sup>

The government’s efforts for the settlement of the tribes continued in the 20<sup>th</sup> century. The government promulgated laws for their settlement in the region from time to time. One of these was on the date of 23 *Cemazeyilahir* 1329 (June 21, 1911) for the settlement of tribes in the Diyarbekir *vilayet*. According to this law, wastelands would be allotted for their settlement that a proper portion of these lands would be given to every house. If they were in need of seed, the government would give it too. The new settled people could not sell these lands for 10 years. They were exempted from some taxes for 5

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<sup>253</sup> “...aşayir ve sekeni-i vahşiye bit-tedric maamulata alıştırılmak üzere bunların kemafi’s-sabık bir müddet daha kuradan afv ve istisnaları için bir müsaade-i muvakkate ihsan buyurulduğu ve bir de nüfus tezkerelerinin meccanen verilmesine müsaade edildiği takdirde oralarca müşkül bir halde kalmış olan emr-i tahrir bir dereceye kadar kasb-i suhulet edeceği gösterildiğinden...”, DH.MKT, 1575/117, 14 *Rabiulevvel* 1306 (November 18, 1888).

<sup>254</sup> DH.MKT, 1536/54 (Document 1 and 2), 19 *Zilkade* 1305 (July 28, 1888).

<sup>255</sup> DH.MKT, 1442/34, 04 *Zilkade* 1304 (July 25, 1887).

years. After 5 years, they would pay the expenses spent by the authorities for the construction of the houses, tools and animals of cultivation in equal installments within 10 years. It was also ordered that for every newly formed village, *meras* would be allotted.<sup>256</sup>

With these attempts, the settlement of many tribesmen realized at the end of the 19<sup>th</sup>, and in the beginning of the 20<sup>th</sup> century:

In the period under study, a significant number of Kurds settled on the land, or were on the point of settling because of the decline of the nomadic animal husbandry, and the consequence was a marked deterioration of the living conditions of the common tribesmen, forcing them to leave the tribe and settle near the towns, as sedentary *rayah*.

The Kurds became ordinary ploughmen and shepherds, differing very little from Armenian, Turkish, Iranian, or Iraqi peasants. In the words of Linch, “a significant number of (Kurds) were transformed into hardworking farmers and live on the fruits of their labor.”<sup>257</sup>

#### **4.2.2 The Efforts of the Government to Stimulate Agricultural Production**

In the 19<sup>th</sup> century, the government believed that progress in agriculture and in industry would bring the progress of the country. This was indicated in the program of the Committee of Agriculture (*Meclis-i Ziraat*) in 1843. From then on, the efforts of the empire had continued for this purpose. In 1869, the government attempted to determine the regional problems of agriculture that the reports sent from the provinces were negotiated in the *Şura-yı Devlet*. In these reports, the required measures for the development of agriculture in various provinces were also stated. Some of these measures were like these: draining of marshy areas for efficient agriculture, construction of irrigation systems, the dissolution or decrease of some taxes, taking measures for meeting the need of agricultural labor, the prevention of nomads' damages to the agriculture etc.<sup>258</sup>

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<sup>256</sup> “Diyarbakir Vilayeti Dahilinde İskan Edilecek Aşayir Hakkında Kanun”, *Düstur*, Tertib-i Sani, Vol. 3, İstanbul, Matbaa-i Osmaniye, 1330 (199/1912), pp. 627-28.

<sup>257</sup> Charles Issawi, *op.cit.*, p. 67, c. f. M. S. Lazarev, *Kurdistan i Kurds kaya Problema*.

<sup>258</sup> Tefik Güran, “Tanzimat Döneminde Tarım Politikası (1839-1876)”, in *Türkiye'nin Sosyal ve Ekonomik Tarihi (1071-1920)*, Ankara, Hacettepe Üniversitesi Yayınları, 1980, pp. 272-

Stimulating agriculture and thus revenues became a basic struggle for the Ottoman authorities beginning from the second quarter of the 19<sup>th</sup> century. For this purpose, a Ministry of Agriculture was established in 1846. The lands left free of taxation in previous years such as *evkaf* or lands granted to dignitaries became subject to more controls. By eliminating tax privileges, it was aimed to make all agricultural areas subject to taxation. The fixation of the rate of *öşr* was also a significant attempt for the organization of agriculture. According to Karpas, the negative attitude of the authorities toward the communal ownership of the lands in the Land Code was also stemmed from the purpose of developing agriculture and raising tax revenues.<sup>259</sup> It is a fact that securing the usufruct rights of the peasants with the Land Code was related with the purpose of improving agriculture and thus agricultural revenue. For this purpose, it was also attempted by the state opening of the vacant land to cultivation. In Anatolia, not the density of population but the density of uncultivated agricultural lands was seen both before and during the 19<sup>th</sup> century. Even though there were many untilled lands, there were not enough tillers. In these conditions, nomads and *muhacirs* emerged as the needed agricultural work force. Campaigns for the settlement of nomads in the untilled agricultural lands especially in Çukurova began in the last part of the 19<sup>th</sup> century. *Fırka-i Islahiye*, a military troop, was established in 1865 for this purpose, that for the settlement and pacification of the tribes of Çukurova.<sup>260</sup> Cevdet Pasha, who personally took part in this process, wrote about the reasons

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274. For an evaluation of the factors which impeded the development of agriculture in the Ottoman Empire after the Tanzimat see *Türk Ziraat Tarihine Bir Bakış*, İstanbul, Devlet Basımevi, 1938, pp. 204-235. Some of these factors are like these; the dispossession of the lands by the peasants, the disorder in the Empire, the problems of the tribunals, the lack of roads, famines, the heavy burden of the taxes on the peasants, the corruption in the tax collection process, forced labor, the lack of loan for the peasants etc.

<sup>259</sup> The settlement of the nomads to Çukurova was also a part of this effort. Stimulating agriculture by providing the needed work force for cotton cultivation and making these nomads being taxable were inherent in the minds of the authorities. Kemal Karpas (1968), *op.cit.*, pp. 86-87.

<sup>260</sup> Tosun Arıcanlı, "Agrarian Relations in Turkey: A Historical Sketch", in *Food, States and Peasants, Analyses of the Agrarian Question in the Middle East*, ed. by. Alan Richards, Boulder, Westview Press, 1986, p. 30; Şevket Pamuk (1994), *op.cit.*, pp. 101-103.

and aims of the campaign. According to him, the official targets of the campaign were the provision of the needed work force for the military service, putting of tribes under the state control and thus prevention of their revolts.<sup>261</sup>

Whatever the reasons of the campaign, the result was the formation of large landownership in the Çukurova region. The chiefs of the settled tribes obtained government positions and took the control of their tribes' settled lands. As a result of this process, the tribesmen turned to peasants of the chief or to sharecroppers that one of the highest percentages of the large landownership in Turkey is in this region.<sup>262</sup>

According to Tosun Arıcanlı, as a result of the settlement of a tribe, the tribal leader could get the title of the settled land in the name of himself that some of the large landowners of today emerged in this settlement campaign. The relation between the new settlements and the formation of large landed property was especially crucial in the regions such as eastern Anatolia, which was highly independent of the direct control of the state.<sup>263</sup> Because of non-penetration of the state, the feudal relations adapted themselves to the new regulations in the region. Indeed, the formation of large landownership was only permitted by the Land Code in the unpopulated areas to stimulate the settlement of the tribes by getting the consent of the tribal leaders. The result of these settlements was that large landholdings became dominant in eastern Anatolia, which experienced the process of the settlement of tribes. Despite

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<sup>261</sup> Cevdet Paşa, *Tezâkir 21-39*, ed. by Cavid Baysun, Ankara, Türk Tarih Kurumu, 1991, p. 107.

<sup>262</sup> Tosun Arıcanlı (1986), *op.cit.*, pp. 30-31; Haim Gerber, *op.cit.*, p. 87. While at first it was planned to exile the chiefs in Çukurova to the Balkans, this did not realized. Instead, a general amnesty was granted and the chiefs were given official positions and generous salaries "as an inducement to surrender". Andrew G. Gould, "Lords or Bandits? The Derebeys of Cilicia", *International Journal of Middle East Studies*, Vol. 7, No. 4 (Oct., 1976), p. 497.

<sup>263</sup> "However, it should be noted that it was not a grant of an arbitrary area to prominent local powers. Area of land on which a title could be obtained was restricted by the size of non-agricultural population that could be transformed into an agricultural and therefore taxable work force.", Tosun Arıcanlı (1986), *op.cit.*, p. 31.

this, the dominant landownership form in the rest of Anatolia was small peasant property.<sup>264</sup>

As indicated above, the development of agriculture by settling the tribes was one of the basic aims of the authorities in eastern Anatolia. The documents regarding the settlement of tribes aimed to open the wastelands to cultivation by these settlements. Indeed, eastern Anatolia was full of wastelands throughout the 19<sup>th</sup> century. The lack of stability and the anarchical situation of the region prevented many people from engaging in agriculture or directed them only produce enough for sustaining their lives. Some travel accounts will be used to illustrate the position of the lands and agricultural produce of the region.

One of these travel accounts from 1838 is the observations of two visitors (James Brant and A. G. Glascott) and includes some information about the plenty of uncultivated lands in the region:

The soil is not private property, and is never bought or sold. A person may build on any unoccupied ground, without a rent being demanded, he may cultivate any vacant land by paying a tenth of the produce to the Beg. Any one who neglects to cultivate his fields risks losing them, should there be an applicant for them; but that never happens, as there is more land than hands to till it.<sup>265</sup>

In another document of a tour to the region from the last quarter of the 19<sup>th</sup> century, the author finds the reason of the vast untitled lands in the insecurity of the region. According to him, the inhabitants of Diyarbekir were afraid of having being killed or plundered by the tribes constantly. Therefore, they avoided cultivation that they thought the agricultural produces would trigger tribes or soldiers to plunder them.<sup>266</sup> This relation between the

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<sup>264</sup> Tosun Arıcanlı, "Property, Land and Labor in Nineteenth Century Anatolia", in *Landholding and Commercial Agriculture in the Middle East*, ed. by Çağlar Keyder-Faruk Tabak, Albany, State University of New York, 1991, pp. 128-29.

<sup>265</sup> James Brant, A. G. Glascott, "Notes of a Journey Through a Part of Kurdistan, in the Summer of 1838", *Journal of the Royal Geographical Society of London*, 10 (1840), pp. 345-46.

<sup>266</sup> Henry C. Barkley, *op.cit.*, p. 164.

insecurity in the region and the large wastelands also entered to the British documents. In these documents, the continual raids of the Kurds (tribes) to the villagers were presented as the most basic reason of this condition of the lands:

At the village of Haskeui, on the road between Mush and Bitlis, the Headmen of the village made a report to me of the injury suffered by the villagers from the Kurds and other hardships endured by them...The Kurds make continual raids on the village, carrying of corn, money, and other goods. The result is that no one has the heart to cultivate more land than will just keep him alive, as he could not hope to enjoy the fruit of industry, and, in consequence, a large part of the rich land round lies waste, and the condition of the villagers is one of abject poverty.<sup>267</sup>

The existence of vast untilled lands meant that there was the chance of purchasing land from the state at low prices. It was especially the case in the areas which was not situated in the heartland of long-distance trade because of absence of means of transportation.<sup>268</sup>

The efforts of the government to improve agriculture of the country were accelerated after the promulgation of the Land Code. In 1859, with a new clause added to the *Tapu Nizamnamesi*, the government attempted to expand agricultural lands. According to this clause, waste (*boz ve kıraç*) lands would be obtained by individuals in the case that they transformed them to agricultural lands, only in exchange of a low *tapu* form cost. In addition to this, *öşr* would not be collected for a year from these lands (if the land was stony, this period would be extended to two years). In 1862, for prompting cotton cultivation some other privileges were granted.<sup>269</sup> With these privileges, if they cultivated cotton to these lands, they would be exempt from taxation for 5

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<sup>267</sup> "Inclosure in No.30, Captain Clayton to Major Trotter", *Correspondence (1880)*, p. 52.

<sup>268</sup> Şevket Pamuk (1987), *op.cit.*, p. 184.

<sup>269</sup> Tevfik Güran, *op.cit.*, p. 274. *Tapu* Law in December 14, 1858 (8 *Cemazeyilahir* 1275) [the date in the history converter of Turkish Historical Society is January 13, 1859], article 12: "The grant of khali (waste) and kirach (stony) land to persons intending to break it up in pursuance of Article 103 of the Land Code is made gratuitously and without fee. A new title-deed is issued to them on payment of three piastres for the price of paper, and they are exempted from payment of tithes for one year, or for two years if the land is stony." R. C. Tute, *op.cit.*, p. 130.



years and the state promised to build road to these new cotton cultivation areas. Free cottonseed and information would also be provided by the state. In addition to these privileges, concessions were done in the exportation and importation for developing cotton cultivation. First of all, it was accepted that there would be no difference in taxes between the best quality and worst quality of cotton. All machineries for cotton cultivation were also exempt from the import duties.<sup>270</sup>

An official report of 1908 indicates that there had been very less progress in the agricultural development:

In general it may be said that the country is much under-cultivated and should produce vastly more than it does at present. The reasons for this deficiency, briefly stated, are, the general insecurity, the want of export facilities, and the sparseness of the agricultural population. Many of the most fertile regions which fringe the northern extremity of the great Mesopotamian plain are left entirely untilled owing to the lawlessness of the roaming tribes of Kurds and Arabs, whilst many other districts, owing to Government maladministration, are being gradually deserted by their inhabitants. Agriculture, then, cannot be regarded as very flourishing in Kurdistan, though much of the country is potentially productive. Innumerable streams, which starting in the central highlands, flow down to meet the Tigris and Euphrates, cross the plains in every direction, and supply abundance of water.

The soil too, is generally rich and productive whilst the climate leavens little to be desired from the farmer's point of view. Little, however, is done to profit by these natural advantages. Agricultural methods are extremely primitive, the people are ignorant, unenterprising, and for the most part lazy, and such soil as is tilled does not yield anything like the return which it might be made to give if properly cultivated.<sup>271</sup>

The lack of transportation facilities was one of the most important factors which impeded the development of agriculture and commerce.

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<sup>270</sup> Tefvik Güran, *op.cit.*, pp. 274-75; Mustafa M. Kenanoğlu, *op.cit.*, pp. 71-72; Tosun Arıcanlı (1986), *op.cit.*, pp. 31-32. The influence of Britain was especially important in these supports to cotton cultivators.

<sup>271</sup> Charles Issawi, *op.cit.*, pp. 218-19, c. f., "Memorandum by W. B. Heard on Agriculture in Kurdistan, 1908, FO, 368/229".

According to the *salnames*, commerce within the *vilayet* was in a very bad situation because of this lack.<sup>272</sup>

....Owing to the defective communications of Kurdistan, animal transport is at present almost the only means used for the conveyance of merchandize. Excluding the Erzeroum district, which lies outside the scope of this Report, wheeled transport is only used on the Alexandretta-Aleppo-Diarbekir-Kharput-Samsun route, and that but to a limited extent. Rough ox-carts are employed in most districts for purely local needs, but do not affect the question of foreign commerce. Horses and mules, and, in certain non-mountainous regions, camels carry practically the whole of the import and export trade of Kurdistan.<sup>273</sup>

#### 4.2.3 The Settlement of the *Muhacirs*

19<sup>th</sup> century witnessed a great influx of immigrants who came from the lost parts of the empire. These immigrants were especially settled to areas in which work force was needed for agricultural production. They were encouraged to engage in agriculture.

Indeed, the influx of the immigrants to the empire was desirable for the Ottoman government since they were regarded as the source of the needed work force. In order to incite the migration, the government had issued a decree in 1857 which promised land to the people who would come to the Ottoman Empire and become farmer.<sup>274</sup> Parallel to this decree, agricultural lands were distributed to the immigrants. The ones who settled and began agricultural production in Rumelia were exempted from taxation for 6 years; while for the ones who settled in Anatolia, the period of exemption was defined as 12 years.<sup>275</sup>

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<sup>272</sup> *Salname-i Diyarbakır 1302 (1884/1885)* in *Diyarbakır Salnameleri*, Vol. 3, p. 361.

<sup>273</sup> Charles Issawi, *op.cit.*, p. 66, c. f. "Reports by W. B. Heard on Roads and Communications, 1908, FO, 368/229".

<sup>274</sup> Kemal H. Karpat, "The Stages of Ottoman History", in *The Ottoman State and Its Place in the World History*, ed. by Kemal H. Karpat, Leiden, E. J. Brill, 1974, p. 95.

<sup>275</sup> In a rough estimate, the number of the immigrants exceeded one million and approached to nearly one and half a million. Şevket Pamuk (1994), *op.cit.*, pp. 102-103; Mustafa M. Kenanoğlu, *op.cit.*, pp. 72, 92-93.

Eastern Anatolia was one of the regions for the settlement of the *muhacirs*. There are many documents in the Ottoman archives about their settlement in the region.<sup>276</sup> Urfa, Diyarbekir and Süleymaniye were important centers of this population movement. There were wide and fertile wastelands in the province. The settlement and farming on these lands were encouraged and wanted by the Ottoman authorities.<sup>277</sup> For the settlement of the nomads was much more difficult than the settlement of immigrants, the latter was also implemented by the Ottoman Empire.

However, in the existing instability and anarchy of the region, the *muhacirs* were regarded as a new source of problem. For preventing the settlement of the *muhacirs* there, the people of the region, especially Armenians, applied to the British consuls repeatedly.<sup>278</sup> The settlement of immigrants to east and southeast Anatolia caused discontent among the inhabitants of the region. There were many complaints of them, especially the

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<sup>276</sup> A.MKT.UM, 527/99, 23 *Cemazeyilevvel* 1278 (November 26, 1861); A.MKT.UM, 532/87, 14 *Receb* 1278 (January 15, 1862); A.MKT.UM, 540/6, 11 *Şaban* 1278 (February 11, 1862); A.MKT.UM, 540/63, 13 *Şaban* 1278 (February 13, 1862); A.MKT.UM, 542/32, 20 *Şaban* 1278 (February 20, 1862); A.MKT.UM, 542/66, 21 *Şaban* 1278 (February 21, 1862); A.MKT.UM, 552/57, 8 *Şevval* 1278 (April 8, 1862); A.MKT.UM, 562/66, 8 *Zilhicce* 1278 (June 6, 1862).

<sup>277</sup> A.MKT.UM, 527/99, 23 *Cemazeyilevvel* 1278 (November 26, 1861): “*Kürdistan valisi Ali Rıza Paşa Hazretleri’ne Süleymaniye sancağının ziraatten hali vasi ve mahsuldar bazı mahallerinde muhacirin iskanı muhassehat-ı müstelzim ifadesine dair varid olan şukkanız mali-i malumumuz olarak olacağı liva-ı mezkur kaymakamı tarafından işar olunarak keyfiyet Muhacir Komisyonu Riyaset-i Celilesiyle bil-muhabere Diyarbekir’e sevk olunan muhacirinin oradan nehren keleklerle irkaben Süleymaniye’ye karib bir iskeleye ırsalleriyle oradan dahi Süleymaniye’ye ızamları ve mümkün olamadığı halde Diyarbekir taraflarında iskanları lazım geleceği cevaben ifade olunmuş olmağla ber-minval muharrer icabının icrası hususuna himmet buyurmaları siyakında şukka*”

<sup>278</sup> “No. 144, Major Trotter, R. E., to the Marquis of Salisbury, Diarbekir, January 17, 1879, F.O. 424/80”, *British Documents on Ottoman Armenians, Volume I*, p. 304: “It has been arranged to locate 4,000 Circassian families in this province: most of the heads of the Christian communities have requested my assistance to prevent this arrangement, which is most undesirable in the existing unsettled state of the country.... A few days since it became known here that the Government contemplated settling in the Vilayet of Diarbekir 4,000 or 5,000 families of Circassian emigrants. The news created great excitement, as the memories of the former Circassian immigration came to mind, when 40,000 people passed through Diarbekir from the north on their way to the settlement of Ras-el-Ain, causing great suffering to the population of the country passed through, who had first to support them, and then to suffer from their robberies and other depredations. The once vast colony of Ras-el-Ain is said to be now reduced, through war, pestilence, and other causes, to some 500 families.”

Armenians, because of the improper settlement of the immigrants and their damage to them.<sup>279</sup> In addition to the British consular reports, the Ottoman documents also indicate that the settlement of the immigrants in eastern Anatolia caused some problems. Primarily, there was the possibility of the new settled people's becoming bandits. Since the *eşkiyas* (bandits) in the region had already a great strength, the participation of the new comers to them became an important concern of the authorities in the region.<sup>280</sup>

### 4.3 The Impact of the Ottoman Land Code of 1858 on Social Actors

#### 4.3.1 The Sheikhs

The sheikhs increased their power especially in the second half of the 19<sup>th</sup> century by benefiting from the power vacuum in the region after the elimination of the *mirs*. From then on, they acted as intermediaries between the state and the population. Their new position was adopted and respected by the Ottoman government and the people of the region that both of them applied to the sheikhs as intermediaries. The position of the sheikhs was re-strengthened in the reign of Abdülhamit II in accordance with his policy of Pan-Islamism in eastern Anatolia. Therefore, it will be proper to begin this part with the documents from the Ottoman archives, which show the new position of the sheikhs as the intermediaries.

The Ottoman authorities thought that there was a distance (*burudet*) and conflict (*ihtilaf*) between the government and the population of eastern Anatolia. For the solution of this conflict and elimination of this distance, the local officials proposed some measures that the most effective way of eliminating this distance of the population was seen in the hands of the sheikhs.

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<sup>279</sup> These complaints were delivered to the Sublime Porte through the British Vice Consuls at the region. For example in a note verbale of the British Vice Consul at Kayseri, Armenians of Agenli (Eğinli ?- today Kemaliye) complained on the settlement of Circassian refugees on their lands and wanted revision of this situation by settling them another place and giving their lands back, HR. SYS, 78/5 (Document 27, 28 and 29), 25.09.1882.

<sup>280</sup> HR.TO, 244/1, 08.05.1867: “*eşkıya-i mezkure şimdi bile külliyetli ve her istedikleri şekaveti icraya muktedir olub peyderpey gelen muhacirler dahi bunlara müzahim (?) olduğu takdirde ileride üzerlerine asker sevk olsa bile haklarından gelinmesi müşkil olacaktır*”

This is very important evidence of the superior and also mediator position of the sheikhs in the region. The government and local officials relied on the sheikhs to provide the consent and support of the population to the actions of government and to dissolve the negative picture of the government from the minds of the people.<sup>281</sup> These documents show the new position of the sheikhs as the mediator between the government and the Kurdish society and the power of sheikhs as the sole network in the region. In other words, the new authority, which could control society, was the sheikhs in the region, and the documents are the sign of the fact that the government understood and adopted this new authority as its drawee.

According to Bruinessen, this intermediary position of the sheikhs also affected the title-deed distribution process that they were one of the groups (in addition to *aghas*, some officials and rich merchants) who benefited from it by obtaining large parcels of land. In fact, it was an expected result since we consider the negative attitude of the population towards the government officials. The *tapu* officials encountered with the locally influential people, *muhtar*, *agha*, sheikh etc. and these people were the intermediaries, and the source of information. Therefore they easily registered the lands as their own. Possessing large lands consolidated the power of the sheikhs in addition to their spiritual powers. In practice, this spiritual power was another source of land appropriation for the sheikhs. The donation of land to the religious institutions was an old custom in the Ottoman Empire. This custom continued after the Land Code and in essence the sheikhs began to consider these lands as their personal property. In the process, these sheikhs turned to large landowners and became the most powerful men of the region that the material power increased their impact in the political arena.<sup>282</sup>

The general condition of the region had a great impact on the strengthening of the sheikhs and the extension of their powers. As a result of

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<sup>281</sup> DH.MKT, 1428/43, 9 *Şevval* 1304 (July 1, 1887); DH.MKT, 1432/109, 25 *Şevval* 1304 (July 17, 1887); DH.MKT, 1453/73, 20 *Muharrem* 1305 (October 8, 1887). See Appendix 6.

<sup>282</sup> Martin van Bruinessen, *Agha, Shaikh and State*, p. 233.

the activities of the sheikhs, especially Mevlana Halid<sup>283</sup>, the most important person in the consolidation of the *Nakşibendis* in the region, the number of sheikhs increased in eastern Anatolia. But the great factor in their empowerment became the activities of the missionaries there and the fear of the Muslims from the fact that the Christians could acquire the governorship with the help of the Europeans in eastern Anatolia. The constant rivalry with Russia and their invasions deepened this fear. These all effected the increasing devotion of the Muslims to the *tarikats* and thus to the sheikhs. When the anarchical situation of the region added to this picture, it was the proper choice for many of the common people entering under the protection of a sheikh who could provide the needed protection to them. It was already stated that the elimination of the *mirs* exploded the conflicts and even fighting among the tribes, which had already been kept under control by the *mirs*. The government officials could not perform the former effect and control of the *mirs* since their impact area did not transcend the city centers. Beyond them, there was a certain disorder and lawlessness. Thus the sheikhs emerged as the sole power, which could cease these conflicts and anarchy in the region. For they were not members of the tribes, they could stay out of the conflicts among the tribes and act the role of mediator. This mediation brought the rise of their power and properties.<sup>284</sup> The rise of the sheikhs corresponded to such a chaotic environment. According to Jwaideh, this dedication to the sheikhs is not only related with the esteem of them because of their religious position but also it is the sign of people's need for the filling of the power vacuum in the region.<sup>285</sup>

The people who did not have any trust to the government, and could not see the help of it in many instances wanted to enter under the protection of the privileged and untouchable *tekkes*. For protection of their property and themselves, the people donated their lands to the *tekke*. This would mean that

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<sup>283</sup> For details on the life of Mevlana Halid see, Martin van Bruinessen, *Agha, Shaikh and State*, pp. 222-24; Wadie Jwaideh, *op.cit.*, p. 101.

<sup>284</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 233-34; Wadie Jwaideh, *op.cit.*, p. 143.

<sup>285</sup> Wadie Jwaideh, *op.cit.*, pp. 144-5.

they could benefit from the privileged position of the *tekke* to protect themselves from both the officials and the *eşkiyas*.<sup>286</sup>

The journey accounts show that the sheikh villages or *vakıf* villages was in a favorable position compared to other villages. The tax exemptions of the sheikh villages, not being liable to the conscription etc. meant a privileged position for many of the villagers. This privileged position of the sheikh villages became influential in the donation of the lands of the villagers to the sheikhs. In other words the need of protection triggered the land transfers to the sheikhs:

The village (Gumgum) is a Vakuf, or endowment belonging to a mosque. The chief has the title of Sheikh, and is of a sect of Dervishes. The inhabitants enjoy an immunity from Saliyaneh and from a contribution of men to the regular troops and militia. The place contains thirty Kurd and about 15 Armenian families. Since we left the plain of Pasin I had not seen much tilled land, and the fields I met were carelessly cultivated: in most places the grain was just appearing above the ground. In this valley more land than usual was to be seen under the plough; and I was informed that the soil is rich...<sup>287</sup>

The government's policy towards the sheikhs was also highly effective in the empowerment of them. The mediator role of the sheikhs between the tribesmen and the state defined the attitude of the state toward them. Winning the support of the sheikhs became vital for the government to secure the obedience of the tribesmen to the state. The means of providing this support was the allotment of the *vakıf* lands and some amount of revenue to the pious foundations of the sheikhs. This policy reached its climax in the Hamidian era.<sup>288</sup> Indeed, the growing power of the sheikhs was not a problem for the Ottoman government since they stayed obedient to the Ottoman authority. Therefore, land grants and revenue allotments were used by the government to

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<sup>286</sup> İsmail Beşikçi, *Doğu Anadolu'nun Düzeni, Sosyo-Ekonomik ve Etnik Temeller*, İstanbul, E Yayınları, 1970, p. 245.

<sup>287</sup> James Brant, A. G. Glascott, *op.cit.*, p. 347.

<sup>288</sup> Mehmet Mert Sunar, *op.cit.*, p. 30.

secure the loyalty of the sheikhs and to utilize their position in the Kurdish society. As a result of this process, the sheikh families strengthened in eastern Anatolia and northern Iraq as rich landowners.<sup>289</sup>

The empowerment of the sheikhs made the oppression of the sheikhs very effective. Since they acquired influential positions in the state offices, the oppression of them on the villagers became really heavy. Especially, if these offices related with the status of the properties and estates, their oppression and impact to the land matters were quite serious.<sup>290</sup>

The Pan-Islamism of Abdülhamit II also has to be considered in the rise of the sheikhs and tribal chiefs as a main factor that they were supported and grew stronger with the policies of Abdülhamit II. The establishment of the *Hamidiye* forces from the Sunni Kurdish tribes was the most important step in this direction. The continual support to the sheikhs, either by land grants or revenue allotments, was also a crucial part of the Pan-Islamist policy of the Sultan. Abdülhamit wanted to use the sheikhs as intermediaries who could provide the allegiance of the Kurdish society to the Ottomans. In other words, the rise of the sheikhs was a conscious policy of the center. The rise of sheikh Ubeydullah who had revolted against the Persian and Turkish governments by calling for an autonomous Kurdistan (in 1880-81) will be used as a significant example of this policy.

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<sup>289</sup> This process of the rise of the sheikh families began in the 1840s. The rise of two sheikhly families, Süleymaniye sheikhs and Şemdinli sheikhs, can be used as illustration of this process. The Süleymaniye sheikhs became great landowners by obtaining considerable lands and villages (basically by purchase) around Süleymaniye in the period of Abdulaziz (1861-76). Their mutual relationships with the officials in the city and with the government affected the emergence of this result. The sheikhs of Şemdinli (or Şemdinan) experienced a similar process in the reign of Abdulhamit II. They acquired considerable amount of land at this period and turned to the real power of the region by eliminating the *mir* of Şemdinli. The head of the family, Sheikh Ubeydullah, even came to a position of having great number of armed men in the 1870s that he attended to the Ottoman-Russian war of 1877 with his forces. Mehmet Mert Sunar, *op.cit.*, pp. 40-41, 44.

<sup>290</sup> "Inclosure 3 in No.66, Memorandum", *Correspondence (1879)*, p. 113: "The third type of oppressors of Geghi is represented by the two sons of Sheikh Yousoof, of the village of Jernag. One, Mohammed, is the treasurer of Geghi, and the other, Hafus, is the registering officer of real estate. These two men are equal to each other in deeds of oppression, but allusion will be made only to Mohammed."



Sheikh Ubeydullah was coming from one of the leading sheikh families of Şemdinli (*Sadate Nehri* family), called as the Şemdinan sheikhs. He was the son of Sheikh Taha from the *Nakşibendi* order. The Ottomans also accepted the influential position of him and his family that he was appointed as the leader of the Kurdish forces in the 1877-1878 Ottoman-Russian War.<sup>291</sup> A document of 1881 from the Ottoman archives on the relations between the sheikh and the Ottoman state is very important in this respect that it reveals the Ottoman attitude toward Ubeydullah. According to this document, a *miralay* of the Ottoman army was assigned by the Sultan to carry out the conversations with Ubeydullah. This *miralay* had already some negotiations with the sheikh. The *miralay* indicates that Ubeydullah had given him a memorandum regarding his requests from the government in these negotiations and the *miralay* had promised trying to take permission of the Sultan for the implementation of these requests. For obtaining the Sultan's targets from the coming negotiation, the *miralay* asked the Sultan for sending his reply to the requests of Ubeydullah. In addition to the reply of the Sultan, the *miralay* stated that some grants of the Sultan would also help the *miralay* for a satisfactory result in the negotiation. Otherwise, the *miralay* thought that the sheikh would not esteem to him or even would not accept talking with him. The reply of the Sultan and grant of some gifts would facilitate obtaining the wanted result from the negotiation. Indeed, the document indicates that Ubeydullah had stated clearly in the former negotiations that he did not care the commands of the *vali*, government officials or *Bab-ı Ali*, and not trust them. He accepted the *miralay* only because the Sultan had sent him. If he had been sent by the *vali*, the

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<sup>291</sup> Wadie Jwaideh, *op.cit.*, p. 146. In the coming years Ubeydullah became a big problem for the Persian and Ottoman governments. The British consuls in the region wrote about his disaffection's reasons, that he had wanted the promised rewards and decorations for his services during the war. "Inclosure in No. 56, Captain Clayton to Major Trotter, Van, September 19, 1879", *Correspondence (1880)*, p. 87: "The Persian Consul told me two days ago that the cause of Sheikh Ubeydullah's disaffection was this: he was originally a Persian subject in receipt of a subsidy from the Persian Government. When the Russian war broke out the Kurds, wishing to fight for their co-religionists, induced him to offer his services to the Turkish Government, which promised him a money payment. Upon this, the Persian Government wishing to preserve strict neutrality, withdrew their subsidy, and the Turks not having paid what they promised the Sheikh has lost his Persian income without gaining anything in lieu, and is consequently much irritated."

sheikh would not have accepted him.<sup>292</sup> As it is seen from this document, the attitude of the Ottoman government toward Ubeydullah was not punitive or negative. The Ottoman government overlooked to the activities of the Sheikh probably in order to use him as a weapon against Persia.<sup>293</sup> This document is also very clear on the power of the sheikh that he did not accept even a *vali* of the Ottoman Empire as his drawee, that he only accepted the *miralay* for he represented directly the Sultan.

W. Jwaideh quotes from the British documents that Sheikh Ubeydullah bought many villages in the Iranian-Ottoman border before his invasion of Persia.<sup>294</sup> His family had acquired a great amount of land around Hakkari.<sup>295</sup> Even if we do not know the exact amount of the land obtained by him, it had to be large enough to take the attention of the British consul. It is also an important subject how the family acquired the required income to purchase these villages. As one of the most important *Nakşibendi* families of Kurdistan, a part of their income had to be accumulated from the donations of their followers. Another crucial source of income was coming from the tobacco trade. Indeed, tobacco was the most significant product in the region's trade and even had an important share in the Empire's world trade.<sup>296</sup> His land appropriation continued during his revolt against the Ottoman Empire:

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<sup>292</sup> Y.PRK.MYD, 2/18, 29 *Zilkade* 1298 (October 23, 1881).

<sup>293</sup> Kendal, "The Kurds Under the Ottoman Empire", in *A People Without a Country, The Kurds and Kurdistan*, ed. by Gerard Chaliand, trans. Michael Pallis, London, Zed Books, 1993, p. 24.

<sup>294</sup> Wadie Jwaideh, *op.cit.*, p. 96.

<sup>295</sup> The family of Sadate Nehri accumulated many lands. Most of the lands in Şemdinli, some villages in Yüksekova, the half of the Mergever region of Iran, a quarter of the Tergever region, four villages in the Bradost region of Iraq, the region of Piresinya in Revanduz, some other villages and some lands in Medine were owned by this family. The families in these purchased lands were given the chance of going wherever they wanted to go or staying on these lands as sharecroppers. Muzaffer İlhan Erdost, *Şemdinli Rôportajı*, İstanbul, Onur Yayınları, 1987, pp. 230-1.

<sup>296</sup> Hakan Özoğlu, *op.cit.*, pp. 72-73; Şevket Pamuk, "The Ottoman Empire in the 'Great Depression' of 1873-1896", *The Journal of Economic History*, Vol. 44, No. 1 (Mar., 1984), p. 111. For detailed information on the history of the Sadate Nehri family see Martin van Bruinessen, *Agha, Shaikh and State*, pp. 321, 329-335, Hakan Özoğlu, pp. 72-73, and Muzaffer İlhan Erdost (1987), *op.cit.*, p. 25.

The rebels (the rebellion raised by Sheikh Obeidoollah in Kurdistan against the Turkish Government) have done great havoc in the Plain of Gawar, taking possession of all the Nestorian villages at the north end of the plain, and the inhabitants have fled from their homes, much of their property falling into the hands of the Kurds. Large numbers of their cattle are now at Tergewer, within the Persian border, whither the Sheikh recently sent a person to endeavor to collect sheep and oxen thus driven across the frontier, declaring that he would not permit this wholesale plundering of the Sultan's unoffending Rayahs, and that his hostility was directed solely against the Turkish Government.<sup>297</sup>

#### 4.3.2 The *Aghas*

The reform of the land system resulted very differently from its targets that some groups benefited from this process in opposition to the government's aim of consolidating the state ownership on land. Permanent leasing of the state lands and the *tapu* system transformed the usufruct right to real proprietorship in the process. The *aghas* by obtaining the leasing of most of these lands highly profitably closed this process. This was a two-sided process, on the one hand the *aghas* strengthened and on the other hand the position of the peasants worsened.<sup>298</sup>

The appropriation of the peasants' lands forcefully by the locally influential *beys* was frequently stated in the Ottoman documents. We understand from these documents that the center wanted to prevent such abuses and commissioned the *tapu* officers with this job. But the perpetual complaints reveal that the intention of the center for the prevention of these actions generally did not result positively. The use of official positions, held by these *beys* for the suppression of the villagers, can also be seen in these documents. One of these documents will be explained here to show the realization of the process and notables' appropriation of the lands. According to the document of 02 *Rabiulahir* 1276 (October 29, 1859), two *beys* called Yusuf Necib and

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<sup>297</sup> "Inclosure in No. 71, Consul Abbott to Mr. R. Thomson, Tabreez, September 25, 1879", *Correspondence (1880)*, p. 101.

<sup>298</sup> Halil İnalçık (2002), *op.cit.*, pp. 122-23.

Mehmed Said claimed the usufruct of arable fields which encompassed 500 *keyl* (scale) seed. But according to the deed which they had, the usufruct right of them did not exceed 200 *keyl*. Therefore, it was ordered from the center to leave the fields as far as 200 *keyl* to their use but taking the rest of the fields from them. Then these taken fields had to be put to public auction and would be given to the desirous individuals. The document also states that the son-in-law of the Yusuf Necib *Efendi* assaulted the villagers, who were forcefully held by the *Bey*. The official rank of the son-in-law was also important that he was the *miralay* of Avine (a *kaza*). The prevention of these assaults on the villagers was also ordered by the center to the *tapu* official.<sup>299</sup> In addition to these lands, these *beys* forcefully obtained the lands of a *Nakşibendi* sheikh, Hacı Hasan Efendi. This shows that the mistreated ones could even emerge among the *tarikât* members. This sheikh could not prove his usufruct right of the lands, which were tilled by him for a long time, for he did not have the title of them. But the local investigations showed that his claim on these lands was true. Therefore, the allotment of these lands in the name of the sheikh and delivery of the title deed to him was decided.<sup>300</sup>

Indeed, the Ottoman Empire generally respected to the old customary land rights of the influential figures in the region. There are some important documents in the Ottoman archives with respect to our subject. One of them is on the livelihood of the family of Bedirhan. After the defeat of Bedirhan, his lands (9 villages in the *Eyalet-i Kurdistan*) were confiscated and he was exiled to Damascus. In return for the confiscation of his lands, a salary was allotted to him. However, the documents show that after the death of Bedirhan, his salary was cut. Therefore, his family applied to the government for the re-allotment of the salary. The answer of the center to this request of the family shows the approach of the state towards these important figures that the re-allotment of the salary was ordered. The reason for this decision was explained in the

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<sup>299</sup> İ. MVL, 422/18529 (Document 1 and 2), 02 *Rabiulahir* 1276 (October 29, 1859). See Appendix 1.

<sup>300</sup> *Ibid.*

document, as the salary had been allotted to Bedirhan as the substitute of his properties confiscated. Therefore, it had to be passed to his heirs.<sup>301</sup> This document shows that the Ottoman Empire gave importance to the locally influential people and did not want to alienate them. For this purpose even the land claims of an old *mir*, who had revolted against the Empire, were protected.

Lazarev gives some information on the enrichment of the Kurdish *beys* by using the Russian consular reports on the region by the beginning of the 20<sup>th</sup> century:

Along with the extra-economic methods practiced by the Kurdish Beys to enslave the Armenian peasants, economic mechanisms were also used. The Beys bought land from the Armenian inhabitants; all the livestock was in their hands, and they let the peasants use it for payment in kind. Kurdish Beys who had enriched themselves often farmed the *ashar* and then, wrote Termen, who occupied the post of Russian vice-consul in Van, 'The whole village was in their hands.' They advanced to the peasants cash and grain, on advantageous terms, repayable in kind at harvest time. Such loans were known as *selem* or *selef*: the *selefdars* [lenders] soon became rich, by taking over the land of defaulting borrowers. The dispossession of peasants in the eastern *vilayets* of Turkey was promoted by the mortgage credit advanced by the banks.<sup>302</sup>

Lazarev also writes about the change occurred between the communities in eastern Anatolia. For him, the strengthening of the *aghas* was due to the government's policy, and this has changed the position of the Kurdish villages and the status of *aghas* at the expense of the Armenian community:

The Turkish authorities encouraged the enrichment of the Kurdish feudalists, since they received valuable presents from them. 'Thanks to this', remarked Termen, 'the whole village passes into the hands of the Kurds; the Armenians starting as *miribe*—i.e., they receive from the Kurd seed and livestock for working the fields, giving in return half the crop—end up by losing their land and become simple laborers, i.e., serfs of the Kurds.' The *selef* was a source of huge income for the Kurdish Beys. For example, the

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<sup>301</sup> Nazmi Sevgen, "Kürtler XII", *Belgelerle Türk Tarihi Dergisi*, 17 (Feb. 1969), pp. 52, 57.

<sup>302</sup> Charles Issawi, *op.cit.*, p. 66, c. f. M. S. Lazarev, *Kurdistan i Kurds kaya Problema*.

Armenian village of Haskei, in the valley of Muş, lost through *selef* 208 fields, 24 houses, and 6 mills, all of which passed into the hands of the Kurdish *selefdars*. In the formerly prosperous village of Arench, in the *kaza* of Adilcevaz, out of 115 houses only 70 remained in the hands of the local inhabitants; of these, however, only 55 were held in ownership, the others being *miribe*. In the village of Marmuss (vilayet of Van) the Kurdish Bey seized all the land belonging to the Armenian community and reduced the Armenian peasants to sharecroppers.<sup>303</sup>

Many scholars studied on eastern Anatolia believed that the continuation of the *iltizam* system was deeply affected the record of the lands in the name of the *aghas*. It is a fact that even though the statesmen aimed to alter the *iltizam* system, it continued to be applied in many parts of the empire such as eastern Anatolia. For example Beşikçi approaches the *iltizam* system as one of the most important reasons of the accumulation of lands in the hands of the tribal chiefs.<sup>304</sup> Ziya Gökalp also evaluates the *iltizam* system as one of the most significant factors in the development of *agha* villages in eastern Anatolia that the *mültezim* could do whatever he wanted when he acquired the *iltizam* right. This misuse contributed greatly to the transfer of villagers' lands to the *aghas*. The villagers gave their lands to the *aghas* and entered under his protection according to Gökalp.<sup>305</sup> Indeed, the need of protection which arose from the anarchy in the region seems to have shaped the land transfers in the region on behalf of the people who could provide this needed protection: either *aghas* or sheikhs.

The fluctuations in the land prices also can be evaluated as a factor in the development of land patterns in the region. Except the Great Depression of 1873-1896, land prices rose to a great extent with the triggering of the increasing demand from the world market and exports.<sup>306</sup> According to Saleh

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<sup>303</sup> *Ibid.*, p. 66.

<sup>304</sup> İsmail Beşikçi, *op.cit.*, p. 106.

<sup>305</sup> Ziya Gökalp, *Kürt Aşiretleri Hakkında Sosyolojik Tetkikler*, İstanbul, Sosyal Yayınlar, 1992, p. 48.

<sup>306</sup> Şevket Pamuk, "Commodity Production for World-Markets", p. 184.

Haider, who analyzed the land patterns in Iraq, this rise of the land value stimulated the desire of the tribal chiefs to appropriate them for themselves in Iraq.<sup>307</sup> The documents of the Foreign Office of Britain (1848) also records that the value of land doubled in price within a short time.<sup>308</sup>

The value of land is estimated to have risen by 75 percent between 1840-44 and 1859 and probably went on rising until the Great Depression of the 1870s, when it fell sharply, but in the two decades before the First World War it shot up again, particularly in the cotton areas of Adana and Izmir.<sup>309</sup>

The formation of the *Hamidiye* regiments also had an impact in the shape of the land patterns throughout the region on behalf of the *aghas*. The regiments and their impact to the land matters will be briefly evaluated.

#### **4.3.2.1 The *Hamidiye* Regiments**

It was a widespread view that the government generally overlooked to the excesses of the Kurdish *aghas* since the tribes were regarded as a crucial military element of the state in eastern Anatolia.<sup>310</sup> In fact, the establishment of the *Hamidiye* Cavalry Regiments in 1891 was an extension of this approach of the state toward the Kurdish tribes. Even though a small portion of the *Hamidiye* regiments was formed from the Turkish tribes, Karapapaks and Turcomans, the main body of the regiments was derived from the Sunni Kurdish tribes. Abdülhamit II's policy of Muslim unity was effective in the formation of these forces on the basis of integrating the Muslim Kurds to the

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<sup>307</sup> Saleh Haider, *op.cit.*, p. 163.

<sup>308</sup> Charles Issawi, *op.cit.*, p. 65, c. f., "Report on Trade of Erzerum, 1848, FO, 78/796".

<sup>309</sup> Charles Issawi, *op.cit.*, p. 202.

<sup>310</sup> "Inclosure 3 in No.66, Memorandum", *Correspondence (1879)*, p. 111: "The Imperial Government still labours under the fatal mistake that these wild hordes of Kurds form an indispensable military element of the State, and, therefore, the Beys, who are in league with the hordes, and by whom it is thought they were manageable, are allowed to have their own way, even though it is known they are sorely oppressing and ruining loyal subjects of the Sultan, thus perpetuating a state of things detrimental to the best interests of the Empire."

Ottoman system.<sup>311</sup> Indeed, military conscription in the region was always a problem for the state. The accomplishment of the conscription in the province was a congratulation subject for the provincial administrators.<sup>312</sup> The *Hamidiye* regiments can also be evaluated as a solution of the state to this problem.

From the side of the tribes, joining the *Hamidiye* regiments was a profitable choice for most of the tribes since their participation brought many privileges to the members of the regiments such as exemptions from many taxes and being immune to conscription. The tribal chiefs also strengthened by joining to the regiment since they became the commanding officers of the regiments. Because of this privileged position of the regiments, the Kurdish tribes were highly willing to join the *Hamidiye* forces. The Alevi and Yezidi tribes also saw the advantages of being a part of these regiments but their applications for joining were not accepted by the Ottoman administration. This rejection put them in a disadvantaged situation against the Hamidian tribes.<sup>313</sup>

The privileges of the *Hamidiye* regiment were especially very wide in the juridical area. These forces were regarded as the military units of the Ottoman state, and therefore they could not be tried by the ordinary law and provincial tribunals. Instead they were in the scope of the military courts. This freedom of action from the jurisdiction of the provincial administration gave way to complete alienation of the forces from any kind of civil control. The *Hamidiye* regiments were under the control of the commander of the Fourth Army, Zeki Pasha, and the studies on the regiments show that the commander always protected the regiments against the provincial administration. Of course

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<sup>311</sup> Bayram Kodaman, "Hamidiye Hafif Süvari Alayları, II. Abdülhamit ve Doğu-Anadolu Aşiretleri", *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi*, 32 (1979), pp. 445-48. For an evaluation of the Abdülhamit's pan-Islamic policy's application in eastern Anatolia see Stephen Duguid, *op.cit.*, pp. 139-155.

<sup>312</sup> A.MKT.MHM, 242/86, 13 *Rabiulevvel* 1279 (September 8, 1862). This document states the congratulation of the Ottoman government to the *vali* of Kurdistan for his success in the completion of the conscription in the *sancak* of Diyarbekir.

<sup>313</sup> Mehmet M. Sunar, *op.cit.*, pp. 48-50. According to Duguid and Bayram Kodaman, one of the purposes of the establishment of the *Hamidiye* regiments was to weaken the power of the notables by making the tribes as a balancing power against them. Stephen Duguid, *op.cit.*, p. 151, Bayram Kodaman, *op.cit.*, pp. 439-40.



this protection realized with the consent of the Sultan. Abdülhamit did not attempt to take any measure, which would cause the alienation of the Kurdish tribes. In addition to their military purposes, the *Hamidiye* regiments were also functioned as the police force of the region.<sup>314</sup>

This wide power of the *Hamidiye* regiments was really important in the evens of the period. Indeed, there are many reports and memoirs on the corruption and misuse of their status by the member tribes. They used the regiments and their authority to provide benefit for themselves by damaging other tribes and population who were not members of the *Hamidiye* regiments.<sup>315</sup> Their power was especially consolidated with the acquisition of the policing of the region. When considered their authority both in the military and internal area (police force), the peasants and non-member tribes became helpless against the Hamidian forces.

Even if the analysis of the impact of *Hamidiye* regiments to the land matters of eastern Anatolia exceeds the scope of this study, it is a fact that this Hamidian period had greatly influenced the region in many respects. The strengthening of one of the tribal chiefs of the *Hamidiye* regiments, İbrahim Pasha of Milli tribe, will be used to illustrate the unchecked power of the regiments and their impact to the land patterns in the region. İbrahim Pasha joined the *Hamidiye* forces with two regiments in 1891. As he saw the advantages of this membership, the number of the regiments under his command reached to 20 regiments in a short time. Not only the number of the regiments but also his control area widened in the process to include nearly all Diyarbakir, Mardin and Urfa. His ascendancy prevailed in this large area until 1908. During these years, on the one side the Pasha forced the peasants to

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<sup>314</sup> Stephen Duguid, *op.cit.*, p. 152; Mehmet M. Sunar, *op.cit.*, pp. 50-52; Bayram Kodaman, *op.cit.*, p. 451; M. Şerif Fırat, *Doğu İlleri ve Varto Tarihi*, Ankara, Türk Kültürünü Araştırma Enstitüsü, 1983, p. 127. Fırat writes about the assaults and damages of the *Hamidiye* regiments, free of being subject to law, to especially Alevi tribes of Varto. pp. 67-81, 125.

<sup>315</sup> The quarrels among the tribes had always been a general feature of the region. HR.SYS, 78/5 (Document 107), 25.09.1882.

evacuate the lands with plunders; and on the other side he distributed these lands among his followers.<sup>316</sup>

According to İsmail Beşikçi, the *Hamidiye* regiments mainly served to the consolidation of feudal order in eastern Anatolia that Abdülhamit II invited the chiefs of the Hamidian tribes to İstanbul and gave them *fermans* granting to the chiefs the lands used by them.<sup>317</sup>

The damage committed by the irregular Kurdish cavalry was a main source of complaint in the preceding years too. One of them on the events in Beyazıd and Eleşgird was as follows:

In 1877 five times during the short space of seven months did an army traverse these districts, taking from the inhabitants supplies of all kinds without payment, and in many cases without giving receipts. Once in the same year, and again in 1878, whole villages, both Christian and Turkish, were compelled to emigrate on account of the fearful ravages committed by the Kurdish irregular cavalry, and in these flights, which were made in company with the armies, great losses were sustained.<sup>318</sup>

#### 4.3.3 The Peasants

After the promulgation of the Land Code, the tribal lords began to purchase *miri* lands from the state to generally low prices. Many of these lands were not cultivated because of the lack of enough tillers. For the Kurdish tribal lords of eastern Anatolia, reducing small peasants to sharecropper status became the basic way of providing the required tenants. Both their economic and non-economic power enabled them to transform the peasants to sharecroppers. In the other parts of the empire, the state generally prevented the occurrence of such relations, however the interference of the state on behalf of

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<sup>316</sup> Rıfki Arslan, *op.cit.*, p. 49. Even if we do not know the exact number of shifts in the land distribution with the impact of the *Hamidiye* forces, the studies show that they had an impact at a remarkable degree (while it cannot be overestimated). For example, Rıfki Arslan had learnt in his area research in Ergani (Diyarbakır) that İbrahim Pasha gave the village of Kalhane to “Lobut Agha” who was a maiyet subayı of İbrahim Pasha.

<sup>317</sup> İsmail Beşikçi, *op.cit.*, p. 80.

<sup>318</sup> “Inclosure 1 in No. 74, Captain Everett to Major Trotter, Erzeroum, October 11, 1879”, *Correspondence (1880)*, p. 105.

the small peasants could not realize in this region. The Kurdish *beys* achieved to preserve their autonomy to a certain extent in this respect.<sup>319</sup>

Some kinds of feudal pressures were applied by the *beys* in this remote part of the Empire even in the 1870s. These included forced labour of peasants in the lands of the *beys* and exaction of dues in exchange of this duty:

Ismail Bey, of Temran, compelled them (the villagers) to work in his fields and house without compensation, obliging them to abandon their own work during the week and their religious duties on Sunday, and beating those who dared to complain. Only lately he drove as many as eighty of the villagers to forced labor in his fields on Sunday, and exacted fines from those who refused to go on that day.<sup>320</sup>

The tax burden on the peasants did not diminish with the administrative reforms of the 19<sup>th</sup> century, but indeed it increased. The center was strong enough to collect taxes by its officials not through the intermediaries but not strong enough to prevent the recollection of some other dues by the *aghas*, *beys* or other locally influential groups. This meant that the peasants were forced to pay taxes twice.<sup>321</sup> The collection of taxes by tribal chiefs continued even in the Republican period. Ziya Gökalp wrote about the rights of the chiefs in 1922 in his research on the Kurdish tribes. According to him, the chief had been taking a share from the sale of the agricultural produce as a custom. The chief's share was not only respected in the agricultural area, but he had the same right on all kinds of incomes of the tribesmen.<sup>322</sup>

This double taxation and the improper tax demands from the peasants brought the worsening of the peasants' condition after these reforms.<sup>323</sup> The burden of this double taxation can be evaluated easily if it is considered that the

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<sup>319</sup> Şevket Pamuk (1987), *op.cit.*, p. 194.

<sup>320</sup> "Inclosure 3 in No.66, Memorandum", *Correspondence (1879)*, p. 110.

<sup>321</sup> Martin van Bruinessen, *Agha, Shaikh and State*, pp. 174-75.

<sup>322</sup> Ziya Gökalp, *op.cit.*, p. 35.

<sup>323</sup> HR.SYS, 78/5 (Document 80), 25.09.1882.

taxation of the small peasants was already very high in the Ottoman Empire. With the *Tanzimat* Decree of 1839, the *aşar* tithe was fixed to the 10 percent of the total agricultural produce. However, when the fiscal crisis emerged in the empire, the rate of the tithe reached to as much as 15 percent. But *aşar* was not the only tax on the peasants. When taken into account other tithes such as *ağnam* (animal tax), the rate of tithes reached to at least a quarter of the agricultural output.<sup>324</sup>

The chaotic environment of the region and being a war arena in the Ottoman-Russian wars made taxation much more burdensome on the peasants. According to the report of Clayton, since the Ottoman government was in need of money, it heavily pressed on the rural population by demanding arrears which had accumulated in consequence of the inability of the peasants to pay them for the last two years (1878-79) owing to the Ottoman-Russian War and the depredations of the Kurds. When the scantiness of the harvest and the plunders by the Kurds added to the demands of the government, the peasants fell in a very miserable position. Clayton also mentions to the rapacity of the officials as a cause of iniquity in the collection of taxes. In addition to these facts, the report considers it as a prerequisite for the improvement of the system that the tax-farming had to be given up and the collection had to be made by adequately-paid government officials.<sup>325</sup>

Either by their ignorance, or by the fact that the peasants did not apply for the title deed of the lands tilled by them, the taxes, which had to be paid for the title deeds, also became a preventive element. The aim of providing income

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<sup>324</sup> Şevket Pamuk (1987), *op.cit.*, p. 185. The kind of taxation had a deep impact on the tillers' becoming indebted to the notables or moneylenders. If taxation based on a fixed percentage of crops, this would enhance the position of the small titleholders. However, if it depended on a fixed amount of money, in case of fall of the agricultural prices or crops, the tiller would have been in need of money for paying taxes. This opens the way for the loss of title deeds to the creditor since the tillers could not repay the debts unless the interest rate was moderate. They could only pay their debts in exchange of their lands. Peter Sluglett, M. Farouk-Sluglett, "The Application of the 1858 Land Code in Greater Syria: Some Preliminary Observations", in *Land Tenure and Social Transformation in the Middle East*, ed. by. Tarif Khalidi, Beirut, American University of Beirut, 1984, pp. 414-15.

<sup>325</sup> "Inclosure 9 in No 326, Report by Captain Clayton", *British Documents on Ottoman Armenians, Volume I*, pp. 651, 654.

from the application of the Code was clear since every procedure related with the registration and the transfer of the lands were subject to taxation according to the new regulations. In the registration of the *tapu*, the state took the tax equal to the %5 of the value of the land in addition to the cost of the paper (three *guruş*) and the clerk (one *guruş*) from the heirs.<sup>326</sup> In this respect, the report of Palgrave is also important that he wrote about the causes of depreciation of the land in the Ottoman Empire. He especially emphasizes the overweight of the excessive taxation on land and various dues on land transactions as a main reason of the land depreciation:

1-The very facts just mentioned under the heading “subdivision”; the shock given to public confidence by the arbitrary annulment of grants and privileges long believed to be inviolable.

2-The conditions of purchase, sale and transfer of land, under the existing Legislation. In private as in public sale no legal title deed is recognized; the receipt for the last 5 percent, or 10 percent, and the registry-book of which no copy or extract is given to either buyer or seller, are the only valid documents. On the purchase of land from Government a premium of 10 percent, *ad valorem*, over and above the cost price of the land, is paid by him on the spot.

3-The overweight of excessive taxation on land and its produce. Suffice here to say, that rural taxation in Eastern Turkey amounts to about 26 percent, of the land-proceeds.

4-Fourth cause of depreciation of land is official spoliation, direct or indirect.

5-The forfeit of 10 percent, *ad valorem*, exacted by the State from any proprietor who may have allowed his land, to remain fallow above 3 years. This enactment forms part of the Landed-Estate Code (1858). I may summarily remark that the entire Legislation of the said Code, actually in force, tends to lower the value of land, both by the imposition of heavy Government dues on every transaction connected with it....In a word the Code hampers occupation and invalidates proprietorship throughout.<sup>327</sup>

The improper taxation on the farmers also attracted the interest of the Commissioners whose duty was the reformation of the problems in eastern

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<sup>326</sup> Anton Minkov, *op.cit.*, pp. 73-74 ; Ebubekir Ceylan, *op.cit.*, p. 832. These are indicated in the article 6 of *Tapu* Law of 1858, and article 3 of Regulations as to Title Deeds, R. C. Tute, *op.cit.*, pp. 129,134.

<sup>327</sup> “Report on Land Tenure in Turkey”, *Accounts and Papers*, 67 (1870), p. 283.

Anatolia. Their reports indicate that the fixation of the agricultural tithes could not be implemented in this part of the empire even until the 1870s.<sup>328</sup> These reports from the region prove that the peasants of eastern Anatolia suffered greatly in the last half of the 19<sup>th</sup> century from the improper demands of the local magnates. One of these reports from 1879 says that the poorer part of the population was both Christian and Muslim, and both suffered greatly from the Kurds, local magnates, and the upper class of the Turks generally. The report states that the Kurds in many parts levied regular taxes, and made periodical raids, robbing the peasants of their property and inflicting personal injury and loss of life. In addition to these problems, according to the report, the local magnates demanded from the peasants forced gratuitous labour, and exacted contributions in money and kind, and had no scruple in appropriating to their own use landed property, whether belonging to individuals or communities. The report states that the upper classes, as a general rule, seemed to have no sympathy with the poor, “but consider them as inferior creatures, from whom any one is justified in obtaining anything that he can, and therefore connive at and screen all crimes committed by those well-to-do against the poor”.<sup>329</sup>

In fact the condition of the peasants in the region was not good either in the beginning of the 19<sup>th</sup> century. The attitude of scorn toward the peasants could be seen from the accounts of earlier times. Claudius James Rich, who made a tour in Kurdistan in 1820s, describes the condition of the peasantry as follows:

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<sup>328</sup> “Incosure in No. 23, Vice-Consul Boyajian to Major Trotter, Diarbekir, July 31, 1879”, *Correspondence (1880)*, p. 43.

<sup>329</sup> “Incosure in No. 30, Captain Clayton to Major Trotter, Van, August 19, 1879”, *Correspondence (1880)*, p. 53. Some of the *aghas* were exiled because of their oppressions to the peasants, but the reports indicate that even if they had been exiled, their turn was waited in a short time because of the favor of İstanbul. “No.48. Major Trotter to the Marquis of Salisbury”, *Correspondence (1880)*, pp. 74-75.

“No.55, Major Trotter to the Marquis of Salisbury”, *Correspondence (1880)*, p. 85: “I learn from another source that the expatriated Kurdish Chiefs have been for the present located at Aleppo, and that there is at present no intention of sending them to Albania; further that they are intriguing with the Constantinople authorities to obtain permission to return to their homes.”

I had to-day confirmed by several of the best authorities, what I had long suspected, that the peasantry in Koordistan are totally a distinct race from the tribesmen, who seldom, if ever, cultivate the soil; while, on the other hand, the peasants were never soldiers. The clannish Koords call themselves Sipah, or the military Koords, in contradistinction to the peasant Kurds; but the peasants have no other distinguishing name than Rayahs or Keuylees, in this part of Koordistan. A tribesman once confessed to me that the clans conceived the peasants to be merely created for their use; and wretched indeed is the condition of these Koordish cultivators. It much resembles that of a negro slave in the West Indies; and the worst of all is, I have never found it possible to make these Koordish masters ashamed of their cruelty to their poor dependants.

Every one agrees that the peasant is in a moment to be distinguished, both in countenance and speech, from the true tribesman; nor would it be possible for him to pass himself for his countryman of nobler race.

Mahommed Aga said to me, 'The Turks call us all Koords, and have no conception of the distinction between us; but we are quite a distinct people from the peasants, and they have the stupidity which the Turks are pleased to attribute us.' The treatment which the peasantry receive is well calculated to brutify them: and yet tyranny equally degrades and brutifies the master and the slave; and it were not wonderful had the tribe and the peasant Koord been equally stupid and unfeeling.<sup>330</sup>

This attitude toward the peasants which regarded them as serfs could be seen also in the 1860s. J. G. Taylor, who had served as the British consul in *Eyalet-i Kurdistan*, wrote his travel notes on the region in 1865. These notes indicate important information on the relationship between the Kurdish *beys* and the Armenian cultivators. According to these travel notes, the Armenians were regarded as the properties of the feudal Kurdish *beys* that they were sold and bought with the land on which they lived and even their life was not respected by the *aghas*:

All the working and industrious portion of the population of the mountainous districts here, and generally throughout Kurdistan, are Armenian and Nestorian Christians, living in a state of serfage, they being the property of the local Kurdish chiefs, who call them their "Zeer Khurlees", a term signifying bought with the yellow-meaning gold; as in fact, they are bought and sold in the same manner as sheep and cattle. This custom originated of course in the absence of

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<sup>330</sup> Claudius James Rich, *Narrative of a Residence in Koordistan and on the Site of Ancient Nineveh*, Farnborough, Gregg International Pub. Lim., 1972, pp. 88-89.

any recognized government, and in the consequent independence and power of the Begs and Aghas upon whom the Christians were dependent. To ensure their protection, they first paid them yearly sums in cash, on the same principle as the Arab Khooa, but subsequently their increasing poverty and the avarice of the chiefs made it impossible for them to make the usual payments; and to avoid expulsion, therefore, from their old lands and country, they voluntarily submitted to the pernicious system under which they now live. Like the serfs in Russia, they are disposed of with the lands they cultivate, but cannot be sold individually, though the chief can appropriate as much as he wishes from their yearly earnings, capital or goods. As an instance of the light in which they are regarded by their Moslem owners, I will cite a fact that was brought to my notice in these parts, and corroborated by the Turkish authorities. The “Zeer Khurlee” of one of the chiefs was shot by another Kurdish Agha; his owner did not attempt to retaliate upon the murderer, but quietly shot two of his “Zeer Khurlees”, although they had no part in the assassination of their co-religionist.<sup>331</sup>

Such kinds of events also mentioned in the Ottoman documents. The assaults and corruption towards the Christians especially erupted during the 1877-78 Ottoman-Russian war. However, their complaints were generally not taken into account by the authorities. Therefore, many of them left their homes and migrated to other places. For the investigation of these claims, a government official wandered throughout the *eyalet* and examined the situation. He found out that arbitrary actions and dealings were very widespread in these lands. For example in Garzan, an *agha* acquired the *iltizam* of a *nahiye*. But he acted in the collection of *aşar* very oppressive that the agriculturalists fell in a very hard situation. This document also states that he even treated the Christians as his property that he bought and sold them and applied oppression and assault on them. This was not a unique event that same events were reported from other *nahiyes* too according to the document. While the poor people gave petitions against such events, the *aghas*, who committed them, acquired huge benefits from these people. The ones who could not bear any more to such oppressions of the *aghas* found the solution in the departing from their lands. In many parts of the *eyalet*, the Christians dispersed. This

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<sup>331</sup> J. G. Taylor, “Travels in Kurdistan, with Notices of the Sources of the Eastern and Western Tigris, and Ancient Ruins in Their Neighbourhood”, *Journal of the Royal Geographical Society of London*, 35 (1865), pp. 50-51.



dispersion had great damage on the income of the treasury, but it was also important for it gave way to the rise of the name of the country in a very bad way. Therefore, the inspector asked the directions and orders of the state for the prevention of the *mültezims* and other people's oppression on the peasants.<sup>332</sup>

Taylor writes about the subjection of the Armenians to the Kurds and the scope of the power of the latter:

The inhabitants of Sassoon are, Moosee, Sarmee, Sassoon, and Baliki Kurds and Armenians, the latter being under subjection to the former. But the industry and trade of that part is entirely in the hands of the Armenians, who stand, with respect to the Kurds, in the position of serfs. Individual members of families, or a whole family, purchases the exclusive right of trading with particular towns from the chief, in return for a stipulated share of the profits, for which his family and goods are answerable. Thus, one man only can trade with Baghdad and in its produce; another with Constantinople and in its goods, and so on with every town throughout the Turkish empire; the same rule applying to a articles of export as well as import.<sup>333</sup>

Even though the *Tanzimat* reforms promised the equality of all subjects of the empire, the application of this principle was not easy, especially in the remote parts of the empire such as eastern Anatolia. It is clear from these archival documents and journey notes on the region that the peasants, either Muslim or Christian, were oppressed by the tribal chiefs.

Indeed, "serfdom" and the despising of the peasant class prevailed in the region for a long time. They were regarded as the component of villages and even were sold and bought with the villages:

From all inquiries I have made I find that the state of serfdom in the Kurdistan mountains has never been quite abolished, but, on the contrary, in some of the inaccessible mountain fastnesses Christian villages with their inhabitants have even lately been bartered for and sold by their Beys and Aghas, as if they had been their own slaves,

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<sup>332</sup> A.MKT.UM, 544/53 (Document 1 and 2), 28 Şaban 1278 (February 28, 1862): "Hristiyanları esir deyü alıp ve fûruht etmiş vesaire zulm ve taaddiyatından başka"

<sup>333</sup> J. G. Taylor, *op.cit.*, p. 30.

and any man who dares to change his habitation to another village during this tenure would be sure to meet with his death. I was told by some Kurdish Chiefs that this old feudal law is practiced even on Moslem villages whose inhabitants happen to be of the peasant class.<sup>334</sup>

With the registration of lands in the name of the *aghas*, sheikhs etc., the peasants entered under the absolute authority of these people. The influence and power of them reached to a scale that not only the peasants but also the government officials were at the mercy of the *aghas* and sheikhs.<sup>335</sup> According to Tosun Arıcanlı, controlling the peasantry not owning land was the prerequisite of extracting surplus from the agricultural lands in Anatolia since because of the low density of agricultural labor, the daily wages of labors were high. Therefore, the control of large landed property was meaningful only if the landowner also had the control of agricultural laborers and their products.<sup>336</sup> The prevalence of sharecropping in eastern Anatolia is meaningful in this respect that the *aghas* had control both on the lands and on the cultivators.

The government needed the locally influential people in the implementation of the reforms in many areas. Therefore, they acquired vital positions in the provincial administration and councils. For these locally influential people, having a “fixed and sedentary work force” in their areas was crucial. When considered the relative scarcity of labor in the Ottoman Empire, the significance of this workforce can be understood more clearly. The new positions of the locally influential people in government offices, councils, and provincial administration gave them the chance of affecting the workforce

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<sup>334</sup> “Inclosure in No 43, Mr. Rassam to Mr. Layard, Van, October 15, 1877, F.O. 424/62”, *British Documents on Ottoman Armenians, Volume I*, pp. 98-99.

<sup>335</sup> Othman Ali, *op.cit.* A travel account from the year of 1892 includes complaining of the vali of Diyarbakir from the Kurdish beys that he told a humiliating interview between a *zaptiye* and a Kurdish *bey*. The Kurdish *bey* was accused of oppression and abuses on the Christian population. Therefore a *zaptiye* was sent to him to deliver a summon to appear in the court. The behavior of the *bey* towards the *zaptiye* was so negative that he threw the celb and threatened the *zaptiye*. Kont Cholet, “Asya Türkiye’sine Yolculuk, Ermenistan, Kürdistan ve Mezopotamya”, in *Seyahatnamelerde Diyarbakir*, ed. by M. Şefik Korkusuz, İstanbul, Kent Yayınları, 2003, p. 168.

<sup>336</sup> Tosun Arıcanlı (1986), *op.cit.*, pp. 30, 33.

movements. Even if they could not prepare the policies of migration, employment and ownership in the matters of agriculture, they were part of the institutions, which implemented the policies of the center. So they had a word in the implementation of the policies.<sup>337</sup>

According to the studies of Reşad Kasaba, the Kurdish population of eastern Anatolia used to migrate within the country during the 19<sup>th</sup> century that there were many Kurdish workers in the big city centers:

Especially in the northern and eastern parts of Anatolia the geographical terrain was such that there always seems to have been an “excess” population ready to move without completely severing their ties to their peasant households. For example, during the 19<sup>th</sup> century most of the porters employed at the İstanbul docks were Kurds and Armenians from eastern provinces. Similarly, almost all the messengers and guards at the foreign consulates in İzmir were of Kurdish extraction.....

Among Muslims, the Kurds, who were the perennial migrants in Ottoman labor force, staged fierce resistance against the policies that required them to settle for purposes of taxation. In 1845 it took the Ottoman army close to a year to retake the city of Van from a Kurdish contingent that had occupied it in protest of Tanzimat reforms.<sup>338</sup>

In addition to the peasants, the nomads were also experienced great transformation in the 19<sup>th</sup> century. Their settlement became an important concern of the authorities. This settlement process had crucial impacts on the structure of the nomads.

#### **4.3.4 The Nomads**

The nomads of eastern Anatolia were organized under two confederations by the Ottoman Empire. The term, “*ulus*” was used for them: *Boz-Ulus* and *Kara-Ulus*. *Boz-Ulus* was formed by the Turcoman tribes, and

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<sup>337</sup> Reşad Kasaba, “A Time and a Place for the Nonstate: Social Change in the Ottoman Empire during the ‘Long Nineteenth Century’”, in *State Power and Social Forces, Domination and Transformation in the Third World*, ed. by Joel S. Migdal-A. Kohli-V. Shue, Cambridge, Cambridge University Press, 1994, p. 221.

<sup>338</sup> *Ibid.*, pp. 220-21, 224.

*Kara-Ulus* by the Kurdish tribes.<sup>339</sup> The *Boz-Ulus* confederacy disappeared gradually with the fragmentation of its groups. Many of them migrated to Western Anatolia. By the 17<sup>th</sup> century, the *Boz-Ulus* confederacy was not seen in the region any more.<sup>340</sup>

In a very important document from the Ottoman archives, the general situation of the Kurds of Anatolia was reported by one of the majors of the Ottoman army. In this report, first of all the provinces including Kurdish population was recorded: Van, Hakkari, Bitlis, Musul, Diyarbekir, Iraq, Mamuretülaziz and Erzurum provinces in the Ottoman Empire and Kirmanşah, Azerbaijan and Irak-ı Acem in Iran. The number of their population was estimated as about 4 millions. This document classifies the Kurds as sedentary and nomads. The first group settled in the villages and *karyes* (township). Because of the absence or bad situation of the roads and passageways, they did not have great tendency and interest in agriculture and farming, and even they cultivated lower than enough for their livelihood. The second group lived in tents and engaged in stockbreeding. By the coming of autumn, they went to the south, to the desert of Musul, Mardin and Cizre. After passing the winter there, they turned to the north by spring. They spend summers in the *yaylaks* (summer pastures). These were never engaged in cultivation.<sup>341</sup>

...the whole of them (*pastorals*), with few exceptions, are Moslems. During winter they live in small huts constructed of loose stone situated in low-lying valleys. In spring and summer they migrate to the hills in their or adjacent districts, where they live in spacious goat-hair or woollen tents. They certainly are distinguished by a rough hospitality, though at the same time in their migrations, they are the most notorious thieves possible.<sup>342</sup>

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<sup>339</sup> Mehmet Mert Sunar, *op.cit.*, p. 8; for the *Kanunname-i Boz Ulus* see Ömer L. Barkan, *XV ve XVI. Asırlarda Osmanlı İmparatorluğu'nda Zirai Ekonominin Hukuki ve Mali Esasları (1. Cilt, Kanunlar)*, İstanbul, Bürhaneddin Matbaası, 1943, pp. 140-145. This *Kanunname* had many protective articles for the nomads that it prohibited taking of excessive and unofficial taxes from them by the local authorities.

<sup>340</sup> Martin Van Bruinessen, "The Ottoman Conquest of Diyarbekir", pp. 27-28.

<sup>341</sup> Y.PRK. MYD, 7/138, 29 *Zilkade* 1305 (August 7, 1888). See Appendix 7.

<sup>342</sup> "Condition of the Industrial Classes in Foreign Countries", *Accounts and Papers*, 68 (1871), p. 816. For details on the economy of pastoral nomads see in this document, pp. 816-19.

The seasonal migration of the nomads was an important subject of complaint for the peasants since the nomads generally gave damage to the harvest and to the growing grain of the villagers.<sup>343</sup>

The nomads were in a more privileged situation compared to the sedentary people. Because of their movable position, they could run away from the tax responsibilities, and they were more prosperous than the peasants. Even if they engaged in agriculture, they only had the responsibility of paying taxes to the landholder. They were not bond to the land as *raiyyets* that they could leave the land what time they wanted to do.<sup>344</sup>

The Kourd and Arab nomads generally refuse of shirk payment, though owning a large proportion of the flocks in the empire. Thus in the vilayets of Erzeroum, Syria, Aleppo, Kourdistan, and Turkish Arabia, are vast tracts of pasture land in the occupation of nomad tribes, who own no direct allegiance except to their sheikhs, and whose wandering habits render the task of Government supervision for revenue purposes a practical nullity. In such a case as this, it is in the power of individuals to enter into compacts which the Government could not recognize without derogation of dignity. The forming of the tax may, therefore, under such circumstances be the best available mode of its collection.<sup>345</sup>

The Kurds in more controllable provinces like Diyarbekir and Mamuretülaziz were recorded to a certain extent and even taken under military service, but in the border provinces like Van, Hakkari, Bitlis and Iraq, their population was uncertain except some big cities, and they did not pay taxes in

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<sup>343</sup> DH.MKT, 1441/118, 04 *Zilkade* 1304 (July 25, 1887).

<sup>344</sup> Tosun Arıcanlı (1986), *op.cit.*, p. 30; Ömer L. Barkan, "Osmanlı İmparatorluğu'nda Çiftçi Sınıfların", p. 778. The British reports on the industrial classes in Kurdistan states the nomads as the only well-to-do laboring class: "Quality of work: agriculture, is carried on in a primitive and lazy manner, quite independent of mechanical or chemical resources, in a kind of partnership between landlord or capitalist and agriculturalist; therefore, no money wages or fixed earnings. Hired labourers are very rare. The only money-making and well-to-do labouring class, the Pastoral." "Condition of the Industrial Classes in Foreign Countries", *Accounts and Papers*, 68 (1871), p. 823.

<sup>345</sup> "Report by Mr. Barron, on the Taxation in Turkey", *Accounts and Papers*, 67 (1870), p. 229.

many districts. In this illegal situation, living in the Iranian border was the most determinant factor. This document focuses on this fact in detail that the tribes who committed some crimes, ran away to Iran for escaping from the application of the laws. Since the border was open and many districts in there were quarreling between Iran and the Ottoman Empire, the tribes could easily pass the other side and after staying there for a while, turn back when there was no threat of punishment anymore. These escapes and returns made controlling them nearly impossible.<sup>346</sup>

In this comprehensive document, the measures for the reform of the situation of the Kurds were also stated. The settlement of the nomadic groups and making them to be accustomed to agriculture and farming were the first steps. Making a census of them and collecting taxes from them would be realized after the settlement project. It was also planned that the roads and passageways would be improved. However, it was accepted that the implementation of these measures would arouse the complaint of the tribes since they were alien to such a life. The expected result of these measures was the escape of the tribes to the Iranian side of the border. Therefore, for the success of these measures, the initial attempt had to be done to close the Iranian border. After preventing the coming in and going out through the border, all attempts could be done much more easily. The implementation forces of the government for these reforms, the *zabita* and the judges, would also be improved and their deficiencies would be completed in the region. If they became impotent, the army forces would help them.<sup>347</sup>

Apart from the target of putting untilled lands under cultivation and improving lands, providing manpower for the conscription was also inherent in the settlement project of the Kurdish tribes. In this document, horsemanship and being musketeer were counted as the features of the tribesmen. Because of

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<sup>346</sup> Y.PRK. MYD, 7/138, 29 *Zilkade* 1305 (August 7, 1888). See Appendix 7.

<sup>347</sup> *Ibid.*

these features, the formation of cavalry regiments among them was suggested by the writer of the report who was a major of the Ottoman army.<sup>348</sup>

In the settlement of the nomads, they generally settled in their winter places. In the process, the tribal leaders obtained these settled lands and reduced the position of the tribesmen to tenants.<sup>349</sup> Even if the Land Code of 1858 hindered the privatization of the pastures, the *beys* in the registration process appropriated not only the fields but also many pastures. After obtaining the pastures, the *beys* prohibited the villagers' use of their pastures which they had used for long times even for centuries.

That Ismail Bey (of Temran) has taken possession of many of their fields on some pretence or other, and has seized one of their pasture lands called Aghdad, and another called Mervegis. He prevents their flocks going to pasture on the pasture lands, while he lets loose his own animals into the villagers' corn fields. The above-mentioned pasture lands the villagers had bought from Gibr villagers 131 years ago, for which they still hold the legal deeds. Near the river he has bought a piece of land for 400 piastres, and so deprives the villagers of the use of the river.<sup>350</sup>

For the nomads generally settled in their winter places and did not register the pastures, they lost their pasturelands in the process. It was indicated in the article of Hütteroth, who examined the settlement patterns in inner Anatolia, that the nomads' and mountain peasants' traditional pasture rights were generally omitted by the government, because they did not attend to the register. Thus the title of the pasturelands passed to the government. The

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<sup>348</sup> *Ibid.* Such kinds of reports would have been effective in the formation of the *Hamidiye* regiments.

<sup>349</sup> Mübeccel B. Kiray, "Social Change in Çukurova: A Comparison of Four Villages", in *Turkey, Geographic and Social Perspectives*, ed. by Peter Benedict-Erol Tümertekin-Fatma Mansur, Leiden, E. J. Brill, 1974, p. 179.

<sup>350</sup> "Inclosure 3 in No.66, Memorandum", *Correspondence (1879)*, p. 110. This was not a unique event, we understand from the British consular reports that the interference of the *beys* to the pastures was encountered in many instances: "Six years ago he (Hadji Bey) built a flour mill over running the fields of Hachadoor and Sarkis, and subsequently took possession of them. These new laws of the Empire being full of defects supply him with ample means to do so. He is now building another mill which shuts off the road of the village, thus rendering the pasture land useless. Thus the villagers see with dismay that soon many of their fields will pass into his hands, which it is his purpose to accomplish.", *Ibid.*, p. 112.

government distributed these pasture lands to the immigrants.<sup>351</sup> A brief analysis of the status of this kind of common lands in eastern Anatolia would be helpful to understand the effects of the Land Code on the position of the nomads.

The pastures (*mera*) had to be assigned to a village *ab antiquo*. Only the members of that village could use *meras* without any payment.<sup>352</sup> There were also *yaylaks* and *kışlaks* (summer and winter pastures). Their status is a little different from the pastures.<sup>353</sup> A due was taken from the inhabitants of *yaylaks* and *kışlaks*. Even if *yaylaks* and *kışlaks* were also assigned to the use of one or more defined villages, the outsiders could also use these pastures by paying the dues. Another important difference was the fact that *yaylaks* and *kışlaks* could be transformed to arable field with the consent of the inhabitants, while this transformation was forbidden for the *meras*. Moreover the construction of buildings was permitted for *yaylaks* and *kışlaks*, but it was not permitted for the

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<sup>351</sup> Wolf-Dieter Hütteroth, "The Influence of Social Structure on Land Division and Settlement in Inner Anatolia", in *Turkey, Geographic and Social Perspectives*, ed. by Peter Benedict-Erol Tümerterkin-Fatma Mansur, Leiden, Brill, 1974, p. 23.

<sup>352</sup> Article 97 of the Land Code of 1858 regulates pastures: "In a pasturing ground assigned *ab antiquo* to a village, the inhabitants of such village only can pasture their animals. Inhabitants of another village cannot bring their animals there. A pasturing ground assigned *ab antiquo* to a group of two, three or more villages in common shall be the common pasture of the animals of such villages, no matter within the boundaries of which of the villages the pasturing ground is situated, and the inhabitants of one of the villages cannot stop the inhabitants of another of the villages from using it. Such pasturing grounds assigned *ab antiquo* for the use of the inhabitants of one village exclusively, or of several villages collectively, can neither be bought nor sold, nor can sheepfolds, enclosures, nor any other buildings be erected upon them; nor can they be turned into vineyard or orchards by planting vines or trees on them. If anyone erects buildings or plants trees thereon, the inhabitants may at any time have them pulled down or uprooted. No one shall be allowed to plough up and cultivate such land like other cultivated land. If any one cultivates it he shall be ejected, and the land shall be kept as a pasturing ground for all time.", R. C. Tute, *op.cit.*, p. 92.

<sup>353</sup> Article 101: "The inhabitants of the places to which they were assigned have the sole and exclusive enjoyment of the herbage and water of summer and winter pastures registered at the Defterhane and assigned *ab antiquo* to the inhabitants of one village exclusively, or to those of several in common. The inhabitants of other villages who are strangers cannot enjoy any benefit from the herbage and water of such pasture. Dues called *yaylakie* and *kışlakie* are taken for the State from the inhabitants of who enjoy the benefit of the herbage and water of this kind of summer and winter pasturing grounds according to their ability to pay (*tehammul*). These summer and winter pastures cannot be bought and sold, nor can exclusive possession of them be given to anyone by title deed; and they cannot be cultivated without the consent of the inhabitants.", R. C. Tute, *op.cit.*, p. 95.



*meras*. The ownership right could not be formed on all of these pasturelands, and their boundaries could not be shifted. Prescription could not be applied this kind of lands. These were all subject to the rules of *metruk* lands.<sup>354</sup> There were also *meras*, *yaylaks* and *kışlaks*, assigned to the use of one or more individuals. These took part under the *miri* lands. These private *meras* increased in number especially in the last times of the Ottoman Empire. Today, these lands turned to private property.<sup>355</sup>

Besides these pastures, there are also some rural settlement types, peculiar or most common to eastern Anatolia: *mezraa* and *kom*. *Kom* is a settlement type peculiar to eastern Anatolia. Even if it has some similarities with *mezraas*, it has its own characteristics. This type is prevalent in the areas of livestock breeding. According to Necdet Tunçdilek, a *kom* is nothing more than a ranch which lying outside the village. The *koms* do not take place under the common lands, but instead they are owned by some rich individuals either living in villages or towns. The *mezraas* also are dense in eastern Anatolia. They are much larger areas than *koms*. Even they have similarities with *koms*, the main difference between them stems from the socio-economic structures of these settlement types. While livestock breeding is the main economic activity in the *koms*, field crop production also had a great part in the economic activities of the *mezraas* as well as livestock breeding. And if the land is fertile, agriculture precedes livestock breeding in these lands. The ownership system in *mezraas* resembles to *koms* that a few rich people own them.<sup>356</sup>

*Mezraas* has to be evaluated under the large landownership. In the districts where large landownership is widespread, there are also many

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<sup>354</sup> Halil Cin, *Türk Hukukunda Mera, Yaylak ve Kışlaklar*, Diyarbakır, Dicle Üni. Hukuk Fak. Yayınları, 1983, pp. 28, 33, 81-83. The lawmaker was afraid of the privatization of common lands that Article 13 of the *Tapu* Law commissioned the administrative and fiscal authorities for the prevention of such events. R. C. Tute, *op.cit.*, p. 130.

<sup>355</sup> Halil Cin, *op. cit.*, pp. 83-84; Ö. L. Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", p. 338.

<sup>356</sup> Necdet Tunçdilek, "Types of Rural Settlement and Their Characteristics", in *Turkey, Geographic and Social Perspectives*, ed. by Peter Benedict-Erol Tümertekin-Fatma Mansur, Leiden, E. J. Brill, 1974, pp. 60-61.

*mezraas*.<sup>357</sup> Pastures, *koms* or *mezraas* were very significant areas in respect to the main economic activity of the region: animal husbandry, mainly sheep breeding. Issawi writes about livestock raising that:

Livestock raising was carried on in a traditional way and practically no attempts were made to improve pastures or breeds or to combat the diseases that took such a heavy toll. Nevertheless in many parts of the country it was sufficiently profitable to attract capital from townsmen. A detailed account shows how this was done in Erzurum around 1870, under a sharing system known as *Kome*. The capitalists 'are supposed to have purchased a pasture affording ample grazing for 800 sheep in spring and summer, and yielding them a sufficiency of cut dried fodder for winter, together with the rude mud buildings for housing animals in rigorous weather, and a cabin for the shepherd...assisted by two boys paid by him, and four dogs.' The capitalists also paid the tax (2 piastres on full-grown sheep) and provided salt and medicines, while all the labor was supplied by the shepherd. The initial outlay consisted of £600, for 800 sheep (45 piastres, or 8s., each), a pasture ground (28,000 piastres or £255), and 16 rams. The calculation was based on the following assumptions: average animal mortality 10 percent; yield per sheep 1, 5 okes of cheese at 2 piastres; yield of wool half an oke rising 1,5 okes.

....Sheep farming in the Diyarbekir region 'is not so expensive as in this neighborhood, but the profits are less, owing to higher taxes, comparative distance from large markets, inferior quality of pasture, and greater heat of the climate, which lessens and deteriorates the produce.' In summer and autumn sheep were pastured in the mountains, subject to payment to the Kurdish tribes, and in summer in the Mesopotamian plains, where the Arab chiefs exacted a small fee.<sup>358</sup>

Lastly, the ideas of Ziya Gökalp on the emergence of nomads in the region will be indicated. Gökalp divides the tribes to five: nomads, semi-nomads, sedentary tribes, *agha* villages and community villages. The nomads did not engage in cultivation, instead tried to take bribe (*khugi*) from the weak villages. If they could not obtain taking it, they bought the required agricultural produces from the villagers. The semi-nomads engaged in both cultivation and stockbreeding. Some of them lived in villages and some who were called as

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<sup>357</sup> İsmail Beşikçi, *op.cit.*, pp. 44-45.

<sup>358</sup> Charles Issawi, *op.cit.*, pp. 270-71.

“köçer” in tents. According to Gökalp, the superior and glorious one was the köçers. The sedentary people (*ekinciler*) were regarded inferior because the guns were in the hands of the köçers. *Agha* villages came into being by the transfer of the lands of the villagers to *agha* without any charge. The chaotic and insecure periods forced the villagers entering under the protection of an *agha* by transferring their lands to him.<sup>359</sup>

Gökalp finds the reason of nomadism in eastern Anatolia in the contact of the tribes with the desert. In the desert, there were very powerful Arab tribes such as *Şammar*, *Aneze*, *Cubur* and *Baggara*. These were like mobilized armies. Because of their mobilized situation and attacks, the tribes in the edge of the desert felt themselves under threat. The existence of a mobilized and armed force against them directed the tribes in this district to be mobilized and armed like them.<sup>360</sup>

The Land Code of 1858, as it has been discussed above, had great effects on the status of the sheikhs, *aghas*, peasants and nomads as well as it greatly influenced the relations among them. The Code was only one aspect of the 19<sup>th</sup> century transformation in the Ottoman Empire, however its influence in the communal relations in eastern Anatolia had great impacts also in the social relations of production in the Ottoman Empire.

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<sup>359</sup> Ziya Gökalp, *op.cit.*, pp. 42-44.

<sup>360</sup> *Ibid.*, p. 45.

## CHAPTER 5

### CONCLUSION

This study attempted to answer the question whether or not the aims of the Land Code of 1858 were realized in eastern Anatolia. Indeed, the Land Code and title deeds, which were distributed in accordance with the law, became the base of the later land ownership claims.<sup>361</sup> Therefore, the Land Code of 1858 cannot be evaluated as a law only affected the matters of *miri* lands. Even if the government aimed to preserve the status of the *miri* lands intact with the Land Code of 1858, these lands turned to private property in the course of time.<sup>362</sup> The freedom to rent the land became a significant vehicle of the conversion of the *miri* lands to private holdings. Indeed, the right of the users continued to be expanded after the promulgation of the Code. At the last point, the mortgage of the state-owned lands and even selling of the lands in case of users' having debt adopted as the right of users. The succession line of the users' heirs came to a point to include even distant relatives. Eventually with the provisions of 1328-29 (1912-1913), which accepted that all procedures related with the usufruct would be conducted by the *Defter-i Hakani İdaresi*, the transfer of state lands became nearly same of the private possessions. According to Karpas with these enactments *de facto* private land regime was gradually born in the Ottoman Empire.<sup>363</sup>

When evaluating the impact of the Ottoman Land Code of 1858 in eastern Anatolia, it has to be remembered that the Code was not a regulation

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<sup>361</sup> Tosun Arıcanlı, "Agrarian Relations in Turkey", p. 62: "Another important aspect of the 1858 Land Code is that it has been used to check the validity of claims on land on the basis of usufructory rights. For example, since the 1950's, titles on what was proven to be wastelands and swamps- -i.e. uncultivable land- - at the date of issue of the titles were annulled on the basis of the Land Code (I owe the information of the practice of 1858 Land Code to Mr. Hakkı Yaşar of the Court of Appeals in Ankara.)."

<sup>362</sup> The lands were officially regarded as private property by the Civil Code of 1926.

<sup>363</sup> Kemal H. Karpat (1968), *op.cit.*, pp. 87-88, Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat", pp. 345-47.

prepared for eastern Anatolia or another region within the Empire. It was a general law aimed to be applied throughout the Empire without any special regulation for the regions. Therefore, it was an expected result that the Code gave different results in the different regions which had its own characteristic features.

The main claim of this thesis is that the dominant disorder and anarchy within eastern Anatolia affected the implementation of the Code in a negative way that at the last point large holdings became the widespread land pattern throughout the region. The emergence of the large estates in eastern Anatolia cannot be reduced only to the application of the Land Code but since it became the base of later ownership claims, it has to be evaluated as the most important factor in this process.

The application of the Land Code in these lands, which was considered as fragile lands (*mevaki-i nazike*) by the officials, became problem from the first stages of the application that the local authorities wanted the extension of time for the implementation of the new regulation in the region. The features of the region greatly defined the registration of the lands that in eastern Anatolia the state notion was always weak and the local forces had the first word in many instances. The appropriation of the lands by the locally influential figures instead of actual tillers was not a surprising result in such a region. The corruption and ignorance of the *tapu* officials, responsible for the title-deed registration, made the process much more complicated and nearly impossible for the peasants to acquire the *tapu* rights of the lands. Indeed, after the abolition of old feudal rights with legal regulations of the *Tanzimat*, the land became the only source of income for the *beys* of eastern Anatolia since trade was in a bad situation in the region. In addition to the registration of the lands, the sale of the unoccupied *miri* lands was also problematic, that great corruption emerged in the public auctions. The peasants also could not benefit from these sales. Instead of the highest bidder, the local *beys* acquired the usufruct of the lands. The documents show that as a result of these auctions, *miri* lands were obtained by the *beys* to very low prices.

The dominant disorder and anarchy in the region greatly disaffected the implementation of the Land Code in these lands. The 19<sup>th</sup> century was a period of decreasing security and increasing disorder for eastern Anatolia that the state power was not seen in many districts of the region. The impotence of the government in these lands directed the officials having good relations with the *aghas* and sheikhs in order to sustain their authority. The Ottoman-Russian war of 1877-78 was an important element that contributed to the prevailing disorder of the region. The war became a triggering factor for many *beys* and *aghas* to oppress the peasantry more than ever that the weakness and impotence of the Turkish government were seen clearly in this war. The Ottoman Empire had huge problems of sustaining itself. Therefore, even if the government was aware of the unprotected and oppressed position of the peasants, it did not have enough power to protect them from such abuses and oppressions. Against the Russian threat in eastern borders and the newly emerging Armenian problem, the state supported the Kurdish tribes at great extent. However, the other side of the support to the tribes was the oppression of the peasants much more since the oppressor Kurdish *aghas* were appointed to the official ranks from then on. Their new positions in the provincial and local administration, in the *vilayet* councils and commissions strengthened the *beys* in the judicial and administrative areas. The Ottoman officials and commissioners, which were sent to the region, were coming out of the region and not well informed about there. This situation led them to rely on notables, who were the members of the councils and courts, for both information and application of the regulations. On the other side of this development, obtaining redress became a highly hard thing for the commoners in case of the crimes and assaults of these notables since they held the key positions in the judicial and administrative areas. The prevalence of corruption and bribery among the officials also closed the ways for obtaining justice.

The judicial system of the period was not functioning in a proper way to obtain justice. Since the tribunals were the institutions of redress, its maladministration turned the trials to the gordian knot. The long extension of the trials harmed the plaintiff very much, and generally the result was not good

on behalf of him. The going to and returning from the city center, where the tribunals situated, and the trial expenditures cost him too much. These all prevented the oppressed peasants from applying the tribunals for retaking their lands in case of their lands' appropriation. There were some other problems too related with the tribunals, such as the cut of the judges' salaries. This was a triggering factor of the rise of corruption and bribery among the judges. There are many documents stating the impossibility of obtaining justice in such a system. There was even confusion about which law would be applied to the land matters. It seems that this judicial system also contributed to the land appropriation of the *beys* and *aghas*.

These circumstances that the land appropriation of the *aghas* in such a disorder and lawlessness, their relation with the officials, the administrative problems, the prevalence of corruption and bribery, the cut of salaries of the officials, the long extension and problems of the trials and taking no result from them all affected the application of the Ottoman Land Code of 1858 in these lands in a negative way. Indeed, in a period of such disorder and anarchy it was not a realist approach waiting the implementation of the Code or other laws in a proper manner.

The other side of the dominant disorder of the region was the peasants' registration of their lands in the name of the *agha* or sheikh who could provide security in such an anarchical environment. There were no oppression in these registrations but the need of security was the main factor. Moreover, the 1877-78 war and the decisions of the Berlin Treaty, which stated reforms on behalf of the Armenians in eastern Anatolia, triggered the fear of the establishment of an Armenian state in this territory. This had great impact on the deepening of devotion to the religion and religious figures in the region. The donation of the peasants' lands to the sheikhs became a part of this devotion.

Even though, the effects of the Armenian national movement and the policy of the state against it exceed the scope of this study, it has to be at least some effects on the land patterns of eastern Anatolia. The *Hamidiye* regiments and their activities can also be evaluated in this respect that Mübeccel Kiray, who examined the Çukurova region, reached the conclusion that in fact these

had great impact on the Çukurova's landownership status. In the last part of the 19<sup>th</sup> century, the Armenians began to buy land from this fertile region and settle there. This tendency of the Armenians to form large estates in Çukurova irritated the government that Abdülhamit began to encourage his governors and pashas to acquire land from this region. "He himself also acquired around 300,000 *dönüm* of land which today belongs to the government and is still called *Sultan Çiftliği*."<sup>364</sup> Since there is not any study on this subject, we can not exactly know the impact of such a policy in eastern Anatolia. However, what I can say regarding the effects of the Armenian-Kurdish relations that the fear of the Armenian national movement was not less and indeed much more acute in eastern Anatolia than the Çukurova region. So, such a policy could also be implemented there. We have briefly mentioned the *Hamidiye* regiments and their impact to land matters, but a deep analysis is needed to prove the actual impact of these regiments to the land matters of the region.

The settlement of tribes was also a significant part of the relations between the state and the communities in the region. Taking the tribes under control with the settlement and the financial expectations directed the state to endeavor for this purpose. By settling them, they would be subject to taxation. Since there were wide untitled lands throughout the region, these tribes would be settled to these lands and became the needed agricultural labor force. Thus, both the agricultural produce would rise and security would enhance in these lands. The settlement of many tribesmen realized at this period in accordance with the policies of the state in this direction. According to the laws for the settlement of the tribes in the province, wastelands would be allotted to the tribesmen who settled. But in reality, this settlement project also enhanced the formation of large estates as in the Çukurova region. Even if in theory, every tribesman would acquire usufruct of the settled land, this did not realize in practice, and the chief of the tribe got the title of the settled lands. The low level of state control in the region was the basic reason of this situation. It is

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<sup>364</sup> Mübeccel Kıray, *op.cit.*, p. 180. Hakan Özoğlu also mentions to the land disputes between the Kurds and the Armenians by the beginning of the 20<sup>th</sup> century. Hakan Özoğlu, *op.cit.*, pp. 79, 146.



claimed by many scholars that for getting the consent of the chief for the settlement of the tribe, the formation of large landownership was overlooked by the officials.

The other side of the existence of wide untitled lands in the region was the chance of purchasing these lands to very low prices from the state. The opening of these wastelands to cultivation was indeed supported by the government both by permissions to such attempts and by tax exemptions for these lands. The settlement of the *muhacirs* was also applied by the center to these wide uncultivated lands. All these attempts affected the land patterns throughout the region in some way.

The sheikhs and *aghas* were the winners of this period. The sheikhs strengthened by using their position as the intermediaries between the state and the Kurdish population. Many sheikhly dynasties, which obtained considerable lands, emerged in the second half of the 19<sup>th</sup> century. This development was not a problem for the Ottoman Empire since these families stayed obedient to the state. Even the rights of the old revolted *mirs* were respected by the government.

The rise of these powers meant the deterioration of the position of the peasants. Many accounts from the region in the last part of the 19<sup>th</sup> century illustrate that the peasants were reduced to sharecropper status in this period. Having large land parcels was only meaningful if the landholder had the enough number of labors to cultivate these lands. The state could not prevent occurrence of this production relation in this remote part of the country. Moreover, the burden on the peasants was doubled with the administrative reforms of the 19<sup>th</sup> century that the double taxation both by the *aghas* and by the state became the general application. The condition of the peasants was defined as “serfdom” in many reports.

The second loser of the period was the nomads. In accordance with the settlement projects many of the nomads lost their pasturelands in the second half of the 19<sup>th</sup> century. These pastures were in many instances registered as the property of the *beys* since the nomads generally settled to the winter places.

To sum up, I can conclude that the Ottoman Land Code of 1858, a general and standard regulation, gave distinct results when applied to different communities. For eastern Anatolia, the dominance of the tribal organizations has to be mainly considered in the emergence of this different result that while the authorities implemented the Code, the social organization of the tribes stayed intact of intervention in this respect. Neither the settlement of them nor other developments such as the formation of the *Hamidiye* regiments made an effect on the tribes to dissolve the tribal structure; instead the tribal structures adapted themselves to the new developments and even strengthened in this process. I understand from the studies done on the tribal population that in the perception of the tribesmen, the land was not an important issue. For the Land Code was not proper for the tribal organizations, it is not surprising that the tribal chiefs in many instances achieved to register the lands in their own names.

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527/99; A.MKT.UM, 532/87; A.MKT.UM, 540/6; A.MKT.UM, 540/63;  
A.MKT.UM, 542/32; A.MKT.UM, 542/66; A.MKT.UM, 544/53;  
A.MKT.UM, 552/57; A.MKT.UM, 562/66

DH.MKT, 1378/60; DH.MKT, 1380/25; DH.MKT, 1402/60; DH.MKT,  
1410/77; DH.MKT, 1428/43; DH.MKT, 1432/109; DH.MKT, 1433/86;  
DH.MKT, 1441/118; DH.MKT, 1442/34; DH.MKT, 1453/73; DH.MKT,  
1536/54; DH.MKT, 1575/117

DH.MUI, 104-1/13; DH.MUI, 68-1/56; DH.MUI, 70-1/5; DH.MUI, 76-2/10

HR.SYS, 78/5

HR.TO, 238/22; HR.TO, 244/1; HR.TO, 244/50; HR.TO, 255/57

İ. DH, 894/1139; İ. DH, 937/74248

İ.MMS, 38/1579; İ.MMS, 59/2763; İ.MMS, 60/2847

İ.MVL, 422/18529; İ.MVL, 433/19113; İ.MVL, 484/21943; İ.MVL,  
497/22480

MV, 10/15

Y.PRK. MYD, 7/138; Y.PRK.MYD, 2/18

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## APPENDICES

### APPENDIX 1

İ.MVL, 422/18529 02 Rabiulahir 1276

#### First Document

*Kürdistan eyaleti dâhilinde arazi-i miriyeden pek çok mahaller itibar ve ihticaca gayr-ı salih olarak sened ittihaz kılınan evrak ile ve ekserisi bila sened tegallüb suretiyle şunun bunun yed-i ketmine geçmiş olduğundan bunun taht-ı nizam ve zabıtaya idhali hakkında olunan tahkikat ve mülahazatı mutazammın meclis-i maliyeden üç bend bir kıta mazbata tanzim olunarak maliye nezaret-i celilesinin 26 Muharrem 276 tarihiyle bir kıta takririne merbuten Meclis-i Valaya havale buyurulmuş olmağla led-el mütalaa bend-i evveli eyalet-i merkume dahilinde kain arazi hakkında icra-ı tahkikat mukteziyye ile nizamen lazım gelen muamelatı icra etmek üzere defterhane-i amire ketebesinden memuriyet-i muvakkate ile ol havalide bulunan Şekib Efendiye memuriyet verilmesi ve bend-i sanisi Diyarbekir sancağında Beşiri kazasına tabi Elmedin ve Kirik karyelerinde beş yüz keyl tohum istiab eder tarlalara tasarruf iddiasında bulunan Yusuf Necib ve Mehmed Said efendilerin yedinde bulunan sened hükmünce samimen tasarruflarında bulunan yerler yalnız iki yüz keyl tohumluktan ibaret olduğundan bu miktar tarlaların uhdelerinde ibkasıyla fazlasının bil-müzayede taliblerine fûruhtu ve muma-ileyh Yusuf Necib Efendi vefat etmiş ise de yed-i tagallübünde bulunan kura ahalisine muma-ileyhin damadı Avine\* miralayı Timur Bey tarafından icra-ı taaddiyat olunmakta olduğu tahkikat-ı vakta iktizasından olmasıyla bu husus için dahi memur muma-ileyh talimat-ı mukteziyye verilmiş müzakeratını mutazammın olub mazbata-i merkumenin üçüncü bendinde dahi Beşiri Kazasına tabi Sekerke (?) karyesi sakinlerinden ve tarikat-ı aliye-i Nakşibendiye meşayihinden Hacı Hasan Efendinin iddia eylediği iki yüz kilelik miktarı tarlalara dair yedinde sened olmadığı gibi hazinece dahi kayd bulunamamış ise de bu tarlalar muma-ileyha Yusuf ve Said Efendilerin yed-i tagallüblerine geçirmiş oldukları arazi dahilinde olub kıymeti dahi dört beş bin guruşdan ibaret olmak ve şeyh muma-ileyhin haklı olduğu mahalli tahikatla muhakkak olarak kendüsü dahi bu iş için Dersaadete gelib istirham*

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\* It also can be read as “avniye”.

*eylemekde bulunmak hasebiyle istidası veçhile mezkur tarlaların uhdesinde ibkasıyla iktiza eden senedinin itası istizan kılınmış ve eyalet-i merkumenin tahkik-i arazisi ve mektumatının zahire ihracı ve senedatının tashihi hakkında beyan olunan usul iktizası nizamından olarak bu maslahata muma-ileyh Şekib Efendinin memuriyeti dahi yolunda münasib olduğu gibi Şeyh muma-ileyh uhdesine ibka-ı tefviz kılınacak araziye öteden beri kendisi ziraat eylemekte olduğu halde aherin yed-i tagallübüne geçmiş ve şimdi hazineye raci olarak kıymeti dahi cüziyyattan bulunmuş olduğundan onun dahi şeyh-i muma-ileyhe bila bedel tefviziyle senedinin itası muvaffık-ı şan-ı ali görünmüş olmağın ol-veçhile icra-i icabatının nezaret-i müşariün-ileyhaya havalesi Meclis-i valada dahi tezekkür kılınmış ise de muvaffık-ı rey-i ali-i vekalet penahileri buyurulur ise emr ü ferman hazret-i men-lehü'l-emrindir.*

*Fi 26 Safer 276*

## Second Document

*Atufetlü efendim hazretleri*

*Meclis-i valadan kaleme alınıb melfufatıyla beraber meşmul-i nazar-ı âli buyurulmak üzere arz ve takdim kılınan mazbata mealinden müstefad olduğu veçhile Kürdistan eyaleti dâhilinde olan arazi-i miriye'nin taht-ı nizam ve zabıtaya idhali zımnında defterhane-i amire ketebesinden olub ol havalide bulunan Şekib Efendiye memuriyet verilmesi ve Diyarbekir sancağında Beşiri kazasına tabi Elmedin ve Kirik karyelerinde Yusuf Necib ve Mehmed Said Efendilerin taht-ı tasarruflarında olan tarlalar yedlerinden olan sened hükmünce iki yüz keyl tohum istiab edeceğinden bunun uhdelinde ibkasıyla fazlasının bil-müzayede talibine fûruhtu ve muma-ileyh Yusuf Necib Efendi vefat etmiş ise de yed-i tagallübünde bulunan kura ahalisine muma-ileyhin damadı Avine [or avniye] Miralayı Timur Bey tarafından icra kılınan taaddiyatın meni için memur-u muma-ileyh talimat-ı mukteziye itası ve tarikat-i âliye-i Nakşibendiye meşayihinden Hacı Hasan Efendinin zikr olunan Beşiri kazasında Sekerke (?) karyesinde iddia eylediği tarla muma-ileyha Yusuf ve Said Efendilerin yed-i tagallübüne geçirmiş oldukları arazi dâhilinde olmasıyla ve kıymeti dahi dört beş bin guruşdan ibaret olub şimdi hazineye raci bulunmasıyla bunun şeyh-i muma-ileyhe bila-bedel tefviziyle senedinin itası zımnında icra-i icabatının maliye nezaret-i celilesine havalesi tezekkür kılınmış ise de ol babda her ne veçhile emr ü ferman*

*hümayun-ı hazret-i padişahî müteallik ve şeref sudur buyurulur ise ona göre hareket olunacağı beyanıyla tezkire-i senaveri terkimine ibtidar olundu efendim.*

*Fi 2 Receb 1279.*

*Maruz-ı çaker-i kemineleridir ki*

*Reside-i dest-i ibcal olan iş bu tezkire-i samiyye-i asafaneleriyle mezkûr mazbata ve melfufat-ı manzur-u âli-i hazret-i mülukane buyurulmuş ve mevadd-ı merkumenin tezekkür ve istizan buyurulduğu üzere icra-ı icabatının nezaret-i müşariün-ileyhaya havalesi müteallik ve şeref-sudur buyurulan emr ü irade-i seniyye-i cenab-ı şehriyari mukteza-yı münifinden olarak mariü'z-zıkr mazbata ve melfufat yine savb-ı âli-i asafanelerine iade kılınmış olmağla ol babda emr ü ferman hazret-i veliyyü'l-emrindir.*

*Fi 3 Receb 76*

## APPENDIX 2

A.MKT.UM., 442/54, 03 Cemazeyilevvel 1277

*Makam-ı mualla-yı hazret-i vekalet-i mutlakaya*

*Maruz-ı çaker-i kemineleridir ki*

*Fi 7 Rebiyülahir 77 tarihiyle muvâşahhen hami-i izaz u tazim ve tekrim olan emirname-i sami-i vekalet penahileri meal-i aliyesinde arazi hakkında ittihaz olunan usul-i cedide icabınca canib-i defterhane-i amireden gönderilen koçanluların vürudu tarihinden itibaren altı mah zarfında senedsiz kimesne arazi tasarruf eder ise memurların mesuliyet tahtında bulunacağı beyan-ı aliyesiyle tapu katiplerine teşvikat-ı icabiyyenin icrasına mübaderet olunması emr u ferman buyurulmuş ve infaz-ı ferman huzur-u fehimhaneleri mütehattim-i zimmet-i refetim olduğu üzere tapu katiplerine kaziye-i irade-i seniyyeleri tefhim olunduktan başka bizzat bu hususa leyl ü nehar sarf-ı vüs ve iktidar olunmakta olup pişgah-ı aliye-i hazret-i vekalet-i mutlakalarında istiğnasar arz ü beyan olunduğu üzere bu havali Kürdistan ve nihayet hudud-ı hakaniyeden olması ve mevaki-i nazikeden bulunması cihetiyle bu havali ahalisi hakkında usul-ı mezkurun tedricen ber-vefk-i matlub u ali icrası için imtidat-ı müddedinden dolayı merhamet-i seniyye-i canib-i sadır-ı taazzumalarının erzani icab edeceği bedihi ve hüveyda ve saye-i lutf u aheyi hazret-i şahane ve hidiv-i uzmanelerinde beher kazaya müstakil katip tayiniyle istihsali ve sail husulüne itina olunmakta olmaktan naşı ber-vefk-i matlub-u hüsn-ü tesviyesi eltaf-ı ilahiyeden memul ve müsteda bulunmuş olmasıyla inşaallah-ü teala muhteallim-i alam ara-yı hazret-i vekalet-i mutlakaları buyuruldukta ol babda ve herhalde emr ü ferman hazret-i men-lehü'l-emr'ül-hazretindir.*

*Fi Cumadel-ula sene 77*



### APPENDIX 3

YA.RES, 13/55, 3 Zilkade 1298

*Atufetlü efendim hazretleri*

*Diyarbakir vilayeti valisi devletlü İzzet Paşa hazretlerinin bidayet-i memuriyetlerinden beru her nasılsa dahil-i vilayette asayiş-i tam ve idarece intizam görülemeyüb bu haller dahilen ve haricen ale't-tevali şikayete bais olmakta ve kendisi dahi daima itizar eylemekte bulunmasına ve Kürdistan'ın ehemmiyet-i malume-i azimesine binaen müşariün-ileyhin memuriyetinden affı ve yerine Van valisi devletlü Hasan Paşa ve Van vilayetine de Bitlis valisi saadetlü Arif Paşa hazretlerinin memuriyetleri tasvib-i aliye muallakan tezekkür kılındığına dair meclis-i mahsus-ı vükeladan kaleme alınan mazbata leffen arz ve takdim kılınmağla emr ü ferman-ı hümayun-ı cenab-ı cihanbani her ne veçhile müteallik ve şeref-sudur buyurulur ise infaz-ı mantuk-ı celiline mübaderet edileceği beyanıyla tezkire-i senaveri terkim olundu efendim.*

*Fi 3 Zilhicce 98 ve Fi 15 Teşrin-i evvel 97*

#### APPENDIX 4

DH.MKT, 1410/77, 12 Receb 1304

*Urfa sancağı dahilinde vaki Kabahaydar nahiyesinde ba-tapu mutasarrıf oldukları Arvanlı karyesi arazisine Siverek Kazası ahalisi tarafından vuku bulan müdahalenin haksızlığı izam kılınan heyet-i mahsusa marifetiyle icra olunan tahkikat ile sabit olduğu ve müdahale-i vakıanın meni virgü emanet-i celilesinden ve bid-defaat liva-i mezkur mutasarrıflığından vilayet-i celilesine işar kılındığı halde henüz icabı icra olunamadığından ve mağduriyetlerinden bahisle istida-yı muadeleti ve bazı ifadeyi havi Abdurrahman Hilmi ve biraderleri imzalarıyla ita olunan arzuhaller leffen savb-ı valalarına irsal olunmağın mealine ve oraca olan malumata nazaran iktiza-yı hakkaniyetin icra ve neticesinin inbasına himmet buyurulması babında.*

**APPENDIX 5****HR.TO, 238/22, 31.12.1862**

List of monies taken as bribes by Hadgi Kiamel Pasha, Vali of Kurdistan, from the under mentioned people in return for appointments or services in their favor.

Name of Donor	For what appointment or service	Piastres
Shere Bey of Shirwan	To be made mudir of Shirwan & medgliss member of Saert	50,000
Shere Bey of Shirwan	He also lent the Pasha the following sum if umam(?) unpaid	50,000
Felah bey of Gharzan	For his brother to be mudir & for him to leave Diarbekir	60,000
Molla Sadık	To be mudir of Der Gul in Bothlaw	14,000
Reshid Agha	To be mudir of Silvan	16,000
Süleyman Bey	To be mudir of Schabakchar & to get rid of a series of complaints brought against him, Plaintiff was dismissed	75,000
Sa'ad Uleh Bey	To be made mudir of Lijeh	25,000
Mustafa Bey	To be made mudir of Peychar	15,000
Mustapha Agha	To be made mudir of Kheyran	22,000
Ismail Bey	To be made mudir of Hini	11,000
Ahmed Bey	To be made mudir of Bisheyru	30,000
Jezireh Kochers	Thro! Haju Moosa to be left unmolested	12,000
Abderahman Effendi	Naib of Jezireh to dismiss a complaint brought against him	10,000
Ahmed Ismail Effendi	Of Diarbekir to be made a medglis member of Diarbekir	70,000
Yusuf Effendi	Mufti of Mardin. To get rid of a false complaint brought against him	10,000
Rustem (Kola)	To enjoy undisturbed possession of his late masters Hadgi Saim Bey's property being a slave of his & having married his late masters Widow	26,000
	Carried forward	636,000
	Amount brought forward	636,000
Samed Agha of Saert	Thro! Ooseb mandiube Seraf. To get out of prison	70,000
Saert Medjlis	Thro! Ooseb. To retain their positions in the Medgliss & to be allowed to return to Saert they having been called to Diarbekir to answer complaints against them.	25,000
Kaimakam & Medgliss of Mardin	In order to obtain the Pasha's favor & support Several complaints being lodged against them	110,000
	Total Piastres	731,000
	Signed W. Taylor Diarbekir, December 31 <sup>st</sup> , 1862	

## APPENDIX 6

DH.MKT, 1428/43, 9 Şevval 1304

*Huzur-ı Aliye-i Hazret-i Sadaret Penahiye*

*Kürdistanca ahali ve hükümet beyinde ber devam olan bürudet ve ihtilafın ref ve izalesi zımnında şimdiye kadar ittihaz ve icra edilen tedabir ve ıslahat netayicinden hakkıyla istihsal-i matlub edilememiş olduğundan bahisle bu babda en müessir bir çare olmak üzere nizamat-ı mevzuadan lazım gelenlerinin Kürdistanca da lisan-ı tedris olan Arapça'ya tercüme ettirilerek nüsh u kaffiyesinin şeyhlere tevzii ve medreselerinde okutturulub ezhan-ı ahaliye yerleştirilmesi hakkında bazı ifadat ve mütalaatı havi Musul Mektupçuluğu canibinden mebus şukka leffen pişgah-ı sami-i fehimhanelerine arz ve takdim kılınmış olmağla efendim.*

## APPENDIX 7

### Y.PRK. MYD, 7/138, 29 Zilkade 1305

Anadolu kıtasında bulunan taife-i ekrad kıta-i mezkurede vaki memalik-i mahruse-i şahanenin münteha-i şarkiyesinde kain Bayezid noktasından bed ile cenuba ve garba doğru mümtedd olarak Van ve Hakkari ve Bitlis ve Musul ve Diyarbekir ve Irak vilayetleriyle Mamuretülaziz ve Erzurum vilayetlerinin bazı cihetlerinde ve bir takımı dahi İran tabiyetinde olarak Azerbaycan ve Kirmanşah ve Irak-ı Acem eyaletlerinde sakindirler ve heyet-i mecmuaları dört milyon raddelerinde tahmin olunur. Taife-i mezkure iki kısım itibar olunub bir kısmı kasaba ve karyelerde iskan halinde iseler de turuk u maabirin fıkdanı hasebiyle ziraat ve harasete ol kadar meyil ve hevesleri olmayıb hatta taayyüşleri için lüzumu olacak dereceden daha dun bir halde ziraat ederler ve ikinci kısımdan olanlar daima çadır altında ve hayvanat-ı raiyeyle meşgul olub fasl-ı harifde cenuba doğru yani Musul ve Mardin ve Cizre çöllerine yayılıp vakt-i şıta'yı oralarda geçirdikten sonra evvel bahar hululinde şimale müteveccihen hareketle Hakkari ve Bohtan ve emsali mahallerde vaki yaylaklarda diğer hıyamla müddet-i sayfı dahi mezkur yaylaklarda imrar ederek güz vakti tekrar çöle azimet ederler ve bu kısımdan olanlar asla ziraat bilmedikleri gibi esna-i seyr ü hareketlerinde yekdiğeriyle münazaa ve müsademeden dahi hali kalmazlar taife-i mezkureden Diyarbekir ve Mamuretülaziz gibi memalik-i mahruse-i mülükenenin vasatında sakin olanların bir dereceye kadar nüfusları tahrir olunmuş ve kura-i şeriye dahi keşide olunmakta ise de Van ve Hakkari ve Bitlis ve Irak gibi hudud civarında vaki olanların büyücek şehir ve kasabaları istisna eylediği halde hiç birinin nüfusları muayyen olmadığı misüllü ekserisinin tekalif-i miriyeleri dahi muhalif-i kanun olarak maktuen istifa olunmakta ve çok mahallerde ona da dest-rest olunamamaktadır. Ez-an cümle Hakkari vilayeti dahilinde Tayyar ve Tihob nahiyeleri ki ahalisi Nasturi tabir olunur bir nevi Hristiyan olub sab-ül-mürur olan meskenlerine istinaden senevi iki yüz altmış bin guruh raddelerinde olan vergü-i mukataalarından otuz seneye karib hemen bir akça eda etmedikleri gibi her dürlü hususat-ı cismaniyyelerinde dahi hükümet-i seniyyeden tebaüdle reis-i ruhanileri olan Mar Şamun'a müracaat ederler. Salif-ül arz ekrad ve aşairin ekserisi Bayezid'dan Irak'a varıncaya kadar İran serhaddi civarında ve bir takımı da İran'da bulunmakta olub ve hudud-ı Hakani ise zaten açık ve ekser mahaller münazi-i fih surette bulunduğundan beher sene içlerinden bazı uygunsuz halde bulunanlar pençe-i kanuna giriftar olmamak için civarında olanları dahi bit-

teşvik ekseriya bir aşiret veya birkaç karye ahalisi birden İran cihetine firar ve orada bir müddet ikametden sonra İran hakimlerinin zulm ve ezalarına dayanamayıp tekrar memalik-i saltanat-ı seniyyeye ilticaya mecburiyetle alel-istihrar devleteyn beyninde amed ü şud etmeyi aded-i daima sırasına koyduklarına binaen şu hal kendilerinin dil-hah-ı ali vechile taht-ı inzibata alınmalarına ersen mani olunmakta bulunmuşdur.

Taife-i mezburenin ıslah-ı ahvalleri yolunda edilecek teşebbüsatin akdem-i göçer ve seyyar halde olanların mahal-i münasebeye iskanlarıyla ziraat ve harasete alıştırılmaları ve umumen nüfuslarının tahriri ve tekalif-i miriye'nin kavanin ve nizamat-ı mevzua dahilinde istifası ve turuk u maabirin oldukça istimale salih bir hale konulması ve sair levazım-ı Medinelerinin tedricen istihzarı icab-ı halden olub ancak aşair-i merkume şimdiye değin bu misülli halata alışmadıkları cihetle hin-i icrada defaten ürkerek adetleri veçhile İran tarafına savuşmak kaydına düşecekleri emsali delaletiyle müberhen idüğünden dahilen edilecek her nevi icraattan mukaddem İran yollarının kapatılması lazım ü labüt olub ve bu dahi saltanat-ı seniyye-i Osmaniye ile İran beyninde elli altmış seneden berü pek çok yerleri münazaalı bir halde kalmış olan hududun rıza-i mübahat irtiza-i şahin-şahiye muvafık suretle tahdidine İran devleti ihtilal-ı hazırda naşi her vakitden ziyade şimdi mecburdur. Çünkü İran devleti el-yeym memalikinde şerare pas-ı dehşet olmakta olan ihtilalin mevsim-i bahara kadar kamilen itfasına muvafık olamaz ise mevsim-i mezkurun hululüyle beraber şimdiki halde kışlaklarda ve yazlık mahallerde olan aşair ve ekradın kaffesi hudud civarındaki yaylaklara vürud edeceğinden ol-vakit İran devletinin dahi önüne geçemeyeceği surette ve fevk-el memul kesb-i iştidad etmesi maznundur bina-berin İran'ın şu hal-i mecburisinden bil-istifade ol veçhile münazaalı olan yerlerin tahdid ve tayiniyle münasib nokta ve geçidlerde kordonlar inşa ve onların gerisinde İfay (?) ve Başkale ve Gevar gibi nokat-i mühimmeye dahi icabına göre piyade ve süvari asakir-i şahane ikame olunarak iyab ü zıhabın tamamen önü alındıktan sonra artık dahilen edilecek her türlü teşebbüs ve ıslahatın saha-i vücuda isali her veçhile eshel ve asan olacağı bi-reyb ü gümandır ve bununla beraber her mahalde hükümetin kuvve-i icraiyesi makamında olan zabita ve adliyenin saye-i adalet-vaye-i cenab-ı cihanbanide zaten her tarafca ıslah-ı ahvalleriyle ikmal-i noksanlarına çalışılmakta bulunduğu Kürdistanca dahi bu cihetin nazar-ı dikkate alınacağı aşikar olub ancak icraatın ibtidalarında kuvve-i zabitanın adem-i kifayesi halinde birkaç tabur asakir-i şahaneninin istihdamı maksadın husulünü temin eder.

*Hususat-ı maruzanın ikmalinden sonra artık memurinin say ve guşışleri nisbetinde ve az bir zaman içinde vilayat-ı mezkurede vaki arazi-i haliye-i cesimenin kesb-i umran ve abadani edeceği ve bundan başka aşair-i merkumenin ekserisi binicilik ve silahşörlükle meluf oldukları cihetle kendilerinden ba-kura alınacak efradın o civarda ki kol ordu-i hümayun-u nizamiye süvari alaylarına tevziinde pek çok muhassehat görüleceği gibi iskan edildikleri sancak ve kazalarda dahi led-el icab toplanmak üzere kendilerinden ayrıca süvari bölükleri teşkil olunduğu surette la-akal on alay-ı muntazam ve gereğinde süvari meydana geleceği bedidardır.*

*Yaveran-ı hazret-i şehriyariden*

*Binbaşı*

*Mühür*

*Mehmet emin*

## COPIES OF THE ARCHIVAL DOCUMENTS

**COPY 1: İ.MVL, 422/18529 02 Rabiulahir 1276**

[illegible]





مقام عدوی حنفی و کلمہ مطلقہ

[illegible]

[illegible]

وزیر امور	مسودہ ایمر	نمبر ذیل	تاریخ	موضوع
۴۱۶	۸	۸	۱۳۰۴	ریاست مدینہ
<p>در ذیل مندرجہ ذیل قبا میں واقع زمین کے بارے میں متعلقہ اداروں سے          دریافت کی گئی ہے کہ زمین کے مالک کی شناخت ہو سکتی ہے۔          زمین کے مالک کی شناخت کے بعد زمین کے مالک کے نام پر زمین کے          حوالے کیے جائیں گے۔ زمین کے مالک کی شناخت کے بعد زمین کے          مالک کے نام پر زمین کے حوالے کیے جائیں گے۔ زمین کے مالک کی          شناخت کے بعد زمین کے مالک کے نام پر زمین کے حوالے کیے جائیں گے۔          زمین کے مالک کی شناخت کے بعد زمین کے مالک کے نام پر زمین کے          حوالے کیے جائیں گے۔ زمین کے مالک کی شناخت کے بعد زمین کے          مالک کے نام پر زمین کے حوالے کیے جائیں گے۔ زمین کے مالک کی          شناخت کے بعد زمین کے مالک کے نام پر زمین کے حوالے کیے جائیں گے۔</p>				

List of monies taken as Bribes by Sadgi Khansadas Pasha<sup>1</sup>  
 Vali of Kundlani from the undermentioned people in return for  
 appointments or services in their favor.

Name of Donor.	For what appointment or service.	Piastres
Shore Bey of Shirvan	To be made Mudir of Shirvan & Badkhan Member of Court.	80,000
" "	He also lent the Pasha the following sum of money	500-00
Mah Bey of Gharzan	For his Brother to be mudir & for him to leave Diarbekir	60,000
Mulla Saadeh	To be Mudir of Ber Gul in Basklaw.	14,000
Rechid Agha	" " of Silwan	16,000.
Saleyman Bey	" " of Schababichan & to get rid of a series of complaints brought against him, Plaintiff was dismissed	75,000.
Said Uleh Bey	To be made Mudir of Lijeh	25,000.
Mustafa Bey	" " " Peychar.	15,000.
Mustapha Agha	" " " Khayan	22,000
Samail Bey	" " " Kiri	11,000
Ahmed Bey	" " " Bishayree	30,000
Izzet Kischers	Shir Daja Morda To be left unmolested	12,000
Abdel Rahman Effendi	Had of Izmir to dismiss a complaint brought against him	10,000
Ahmed Samail Effendi	of Diarbekir To be made a Badkhan Member at Diarbekir	70,000.
Yusuf Effendi	Mudir of Mardin To get rid of a false complaint brought against him	10,000
Kustern (Kola)	To enjoy undisturbed possession of his late brother Sadgi Sam Bey's property being a slave of his & having married his late Master's Widow Carried forward	26,000 636,000

	Amount brought forward . . . . .	£ 636,000.
Named Agha of Saert	Phro' Osele Mandukis Seraf, to get out of prison . .	40,000.
Saert Medglis	Phro' Osele, to return their positions in the Medglis, & to be allowed to return to Saert they having been called to Diar bekir to answer complaints agt them }	25,000.
Kamnakham & Medglis of Mandin	In order to obtain the Pasha's favor & support } Several complaints being lodged against them }	110,000.
	Total Piarkes	<u>451,000.</u>
	(Signed) W. Taylor.	
Diarkhekir		
Dec ber 31st 1862.		

ارزانه نویدی	سودی هم	نسبتی قاجاری	ماه	نیمه قاجاری	هم نویدی
۹۹	۹۹	۹۹	۹۹	۹۹	۹۹
۱۷					
<p>             کردستان اهل و مکه بیق بردام اولو بردت و اصدان              رفیع داران مکه کینه قدر اخلاص ایستادند و اصدان نایب              صفیه استخوانی طبیب ایلمداره ایلمداره بیایدان ان مودید              اصدان دراز و فغانه مضمون نه فغانه مضمون نه فغانه مضمون              سیه نیرین اولو عجبیه ترجمه ایلمداره فغانه مضمون نه فغانه مضمون              ربه ایلمداره اصدان بیایدان اصدان ایلمداره ایلمداره ایلمداره              فغانه مضمون نه فغانه مضمون نه فغانه مضمون نه فغانه مضمون              فغانه مضمون نه فغانه مضمون نه فغانه مضمون نه فغانه مضمون              فغانه مضمون نه فغانه مضمون نه فغانه مضمون نه فغانه مضمون              فغانه مضمون نه فغانه مضمون نه فغانه مضمون نه فغانه مضمون           </p>					



[illegible][illegible]

تکلیف بر ما نازل و بر ما وارد شد و در آن روزهای که ما را  
 طافند و نیکو کرد و در میان ما و مردمی که ما را  
 و اند و حکایتی و پیشی و عزیزی که در میان ما و مردمی که ما را  
 و تکلیف بر ما نازل و بر ما وارد شد و در آن روزهای که ما را

نکاحه میر برای همی مخالف قانونه اولدرده معطوقا استیضاح و استدلال و در جواب  
آنچه علم حکامه مذکور داشت قیام و کون ناعیه ای که الهی است عیناً غیر اولدر برنوع خوشبختی اولدر مصیبت اولدر اولدر مسکنه استار اسوقه میگوید  
الحق بی غرض راه نرنده اولدر و برکوی مظهره نرنده اولدر سیر قریب همایه را میگوید که هر دو نوع موصات جسمانی نرنده و در حکایت  
مدرسه تا عادل دین و روحانیست اولدر در نمونه مراجع اید

[illegible][illegible][illegible]



۲ و تعیین مناسب نقطه و گنجینه خود و فراتر از آنکه کریمه ایضا و بین قلعه و کواکبه نقاط مهمه و محلی که کوره یاج و سواری عساکر شاهان نام  
 ۳ اوله رفته ایان و دهانک تماماً اوکی اند که در کوه را خله ایچ چله هر درون شست واصلاتک ساحه وجود ایضا و هر چه را سول و آسانه  
 ۴ اوله وضعی جی ریه و کماند  
 ۵ و بونقله برار هر محلی حکومت کوه ایچیه مقامه و لا ضابطه و علیه یک سائر علوانه چنانچه چله ساند زانای هر طرفه امطرح اوله و ایچیه  
 ۶ چله حقیق بولند و نه کرد سائر محلی بونقله نظر دفته الهی شکار اولوب خجه ایچانک ایچانک قوه ضابطه را عدم کفایت حاله بیاچ طابور  
 ۷ عساکر شاهانک آتشی مقصد حقیقی نامیده  
 ۸ خصوصیات معروفه یک امانت در صده آتیه مامورین سی و کوشش و سینه و از بر دماند و بونقله مذکوره در وضع ارضی حاله چله یک کسب عرايه  
 ۹ و آبار خا ایدیه چله و بونقله عساکر مرقوم را آتشی بیچیک و مشهور و نظم مانوف اوله و کوی چله کند و لاند نه با قریه ایچیه آواران او و لاند کی  
 ۱۰ قول اردو و کما یونده نق و سواری آتیه توزیع و بونقله کسان کور و جایی ایچا به ایدیه و کوی چله و فضالرد رضی لوی و کما یونده بونقله و لاند  
 ۱۱ کسیرند به ایدیه سواری بلوک کوی شکیل اوله و صورت و لاند او نه آتیه تنظیم و کربن سواری میدان کما یونده بونقله در

ماورانه حضرت پادشاه  
 سکاچه

