



## THE DILEMMA OF THE OTTOMAN STATE: ESTABLISHING NEW *GEDIKS* OR ABOLISHING THEM\*

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### ABSTRACT

This study aims to analyse the Ottoman state's dilemma on establishing new *gediks* or abolishing them in late eighteenth and early nineteenth centuries. This study is limited to Ottoman capital city, Istanbul which presented many examples of *gediks*. Selim III was the first sultan being aware of inflationary effect of *gedik* in commodity prices. Even if he aimed to abolish the *gedik* as a monopolistic right of artisans which was gradually interfering into the right of proprietorship, in practise state created confusion itself sometimes by forbidding new *gediks* and sometimes by giving permission to establishment of *gediks*. He also tried to put a limit on the inheritance of this right but not the inheritance of tools and equipment. As a traditional reformist, Selim III tried to preserve existing order and put an end new establishments, in practise he gave discordant desicions. Mahmud II's all attempts on *gediks* seem to find financial support for his reforms. While he was trying to give "order" to institution of *gedik* by gathering all of them under the framework of *vakıfs* and admitting limitations in some crafts/trades, he also opened the way of unrestricted *gediks* on field of new fashions. In order to understand the state's manner and artisans' attitude to developments concerning the institution of *gedik* which has been regarded as a constituent element of the Ottoman guild system, the origin of the word *gedik*, its meaning in artisans' world, the artisans' approach to the development of *gedik* rights concerning the social and economic conditions in Ottoman capital city are discussed throughout the study. Besides, in this study it is argued that *gedik* was not only an innovation imposed by the Ottoman ruling men but it was also an instrument of the artisans for preserving their livelihood. As a conclusion, the paper discusses the problem of abolishment process of *gedik* institution after Tanzimat era.

**Key Words:** Ottoman State, Artisans, *Gedik*, Selim III, Mahmud II, Monopoly

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## OSMANLI DEVLETİNİN İKİLEMİ: GEDİK İHDASI YA DA İLGASI

### ÖZET

Bu çalışma, Osmanlı Devleti'nin on sekizinci yüzyıl sonu ondokuzuncu yüzyıl başlarında yeni gedikler ihdas etmek ya da gedikleri ilga etmek konusunda yaşadığı ikilemi analiz etmeyi amaçlamaktadır. Çalışma, gedik konusunda çok sayıda veri bulma imkanı sunan Osmanlı başkenti İstanbul ile sınırlıdır. III. Selim, gediklerin ürünler üzerindeki enflasyonist etkisinin farkına varan ilk padişah'tır. III. Selim, esnafın tekeli haklarını bünyesinde toplayan ve giderek mülk sahiplerinin haklarına nüfuz etmeye başlayan gedikleri ortadan kaldırmayı amaçlamış olsa da, pratikte onun döneminde devlet kimi zaman yeni gedik ihdasına izin vererek kimi zaman ise yasaklama yoluna giderek kendisi de bir karmaşa yaratmıştır. III. Selim, gediklerin mülkle mirasına sınırlama getirmiş ancak alet edevatın mirasında geçmişte izlenen tutumu devam ettirmiştir. Gelenekçi reformist olarak tanınan sultan, gedik konusunda da mevcut durumu muhafaza edip yeni gediklerin önünü kesmeyi amaçlamışsa da pratikte birbiriyle çelişen kararlar vermiştir. II. Mahmud'un gediklerle ilgili tüm çabası, reformlarına finansal destek olarak değerlendirilebilir. Tüm gedikleri vakıflar çatısı altında toplayarak gedik kurumuna bir *nizam* vermeye ve bazı alanlarda sınırlamaları devam ettirmeye çalışırken, bir yandan da yeni moda ürünlerin üretim ve satışında sınırsız gedik ihdasının yolunu açmıştır. Çalışma boyunca Osmanlı esnaf teşkilatının temel taşı kabul edilen gedik kurumuna dair devletin ve esnafın tutumunu anlamak için gedik kelimesinin kökeni, esnafın dünyasındaki anlamı, değişen sosyal ve iktisadi koşullarda esnafın gedik haklarına yaklaşımı incelenmeye çalışılmıştır. Ayrıca bu çalışmada gedik, Osmanlı idarecileri tarafından empoze edilen bir yenilik değil, esnafın yaşamını idame ettirmek için elinde bulundurma çabası içinde olduğu bir araç olarak değerlendirilmiştir. Tanzimat sonrası gedik kurumunun ilgası ile ilgili gelişmeler çalışmanın sonuç kısmı olarak sunulmuştur.

**Anahtar Kelimeler:** Osmanlı Devleti, Esnaf, *Gedik*, III. Selim, II. Mahmud, Tekel

### 1. Introduction

When a group of sweet makers demanded a state order for that would restrict anyone else from buying and selling their products in 1795, the Sultan Selim (1789-1801), refused to what he expressed to be a kind of monopolistic privilege with harmful effects for the public by referring inflationary effect of *gedik* on commodity prices. According to the Sultan, a monopolistic privilege could be justified only in the case of traders of basic necessities like bread, meat, candle... in an effort to ensure a steady supply to the public.<sup>1</sup> Three years later, in 1798, some of the producers and sellers of *şerbet*, owning *gedik*, appealed to the court by complaining the interference of *akide* sellers who attempted to produce and sell *şerbet*. The *şerbetcis* justified themselves by holding

<sup>1</sup> A decree dated by 2 N 1209/ 23 March 1795 quoted from O. Nuri Ergin, *Mecelle-i Umur-ı Belediye*, v.II, İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı yay., İstanbul, 1995, p. 648-9.

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/ 5 Spring 2013



*gedik* granted to them previously which fixed the number of workplaces while *akide* sellers reminded the decree prohibiting monopoly on commodities except basic necessities, mentioned above. Against his previous decree in 1795, the Sultan decided in favor of *şerbetcis* alleging their rights as holders of limited number of *şerbetci gediks* by an earlier decree and uttering probable quality problem by interference of others than *şerbetcis*.<sup>2</sup>

This study aims to analyse the Ottoman state's discordant decisions -as in the examples of two cases above- on *gedik* in late 18th and early 19th centuries. *Gedik* is one of the most important concepts for the Ottoman guild system, it has been considered as a keystone for the Ottoman guild system after the late 17th century by many scholars. *Gedik* refers to monopolistic rights and grants some level of privilege to the artisans. In the broadest sense, *gedik* is the system of production based on the rights of monopoly. As it will be argued in this study, *gedik* was not only an innovation imposed by the Ottoman ruling men but the artisans in an effort to preserve their livelihoods also contributed to the development of the legal and institutional aspects of *gedik* which was eventually approved by the Ottoman state. Therefore *gedik* can be seen as a model which born out of the consent of both the rulers and the ruled. The Ottoman state had densely confronted with problems stemming from *gedik* rights in the economic and social context of late 18th and early 19th centuries, it seems that the state found itself in a dilemma on abolishment or establishment of *gediks* on its own without taking consent of artisans. Both the state and the artisans as representatives of the populace had good reasons to accept and, in a way, to develop *gedik* and so, for both of them to abdicate rights and responsibilities of *gedik* became a conundrum.

If we look at the historiography of *gedik*, it is clear that many historians dealing with Ottoman artisans more or less touch upon the issue of *gedik*. However, the issue of *gedik* came into scene in a different perspective in the pioneer article of E. Akarlı in 1986.<sup>3</sup> Akarlı differs from previous scholars who generally evaluates establishment of *gediks* as transition from *ahi*-ism to *gedik*-ization.<sup>4</sup> Akarlı takes *gedik* in the context of social and economic changes of Ottoman capital city and in his study *gedik* is an indicator of capital city's changing economic and social life of 18th and 19th century context because *gedik* has gained new dimensions in different time periods. He claims that *gedik* was invented by Ottoman artisans in order to defend their rights to open a shop in a given slot, which were mostly properties of pious foundations at least in the capital city. One year later after Akarlı's work, the legal aspect of *gedik* has firstly been discussed with references to Ebussuud's booklet on *sükna*<sup>5</sup>, by a well known Ottoman legal historian, A. Akgündüz.<sup>6</sup> In his unpublished Phd dissertation A. İnan<sup>7</sup> focuses on legal aspects of *gedik* and compile several archival documents dealing with *gedik*. He repeats Akgündüz's approach but supports it with primary sources without any comment. A. Kal'a as one of the editors of *Istanbul Ahkâm Defterleri*<sup>8</sup>, pays attention to *gedik* in a separate article also. He follows the way of Akgündüz but furthers the

<sup>2</sup> İKS 76, no:30, 14 CA 1213/24 October 1798.

<sup>3</sup> E. D. Akarlı, "Gedik: implements, mastership, shop usufruct and monopoly among İstanbul artisans, 1750–1850", *Wissenschaftskolleg Berlin Jahrbuch*, 1986, s.225-231; E.Akarlı, "Gedik: A bundle of rights and obligations for İstanbul Artisans and Traders, 1750-1840", in *Law, Anthropology and the Constitution of the Social: Making Persons and Things*, ed. Alain Pottage and Martha Mundy, Cambridge University Press, Cambridge, pp.166-200.

<sup>4</sup> M. Kütükoğlu, M. Kütükoğlu, "Osmanlı Esnafında Oto- Kontrol Müessesesi", *Ahilik ve Esnaf Konferanslar ve Seminerler*, İstanbul Esnaf ve Sanatkarlar Birliği Yay., İstanbul, 1986; N. Çağatay, *Bir Türk Kurumu Olan Ahilik*, Türk Tarih Kurumu, Ankara, 1997.

<sup>5</sup> Ebussuud, *Sükna Risalesi*, Süleymaniye Library. İsmihan Sultan classification (223): 115, p.134a-b

<sup>6</sup> A. Akgündüz., "Osmanlı Hukukunda Gedik Hakkının Menşei ve Gedik Hakkıyla İlgili Ebussuud'un Bir Risalesi", *Türk Dünyası Araştırmaları*, no: 46, İstanbul, 1987, pp.149-165.

<sup>7</sup> A. İnan, *Gedik Hakkı*, unpublished Phd dissertation, İstanbul Üniversitesi, Sosyal Bilimler Enstitüsü, İstanbul, 1994.

<sup>8</sup> *İstanbul Ahkâm Defterleri İstanbul Esnaf Tarihi 1*, İstanbul Külliyyatı VIII, ed. A. Tabakoğlu, A. Kal'a, İstanbul Büyükşehir Belediyesi yay., İstanbul, 1997. *İstanbul Ahkâm Defterleri İstanbul Esnaf Tarihi 2*, İstanbul Külliyyatı VIII, ed. A. Tabakoğlu, A. Kal'a, İstanbul Büyükşehir Belediyesi yay., İstanbul, 1997.

## Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



legal aspect of *gedik* with the concept of *icareteyn*.<sup>9</sup> He agrees the development of *gedik* in time by gaining new legal rights. He declares that *gedik* in time gained new legal aspects and went beyond right of *sükna* and *icareteyn* and in this context the most important one is the right of credibility against the debts of artisans<sup>10</sup>, which will be argued in this paper later. Kal'a covers a lot of archival documents to support his approach. In her MA thesis, M. Koyuncu<sup>11</sup> argues that *gedik* was not only an innovation imposed by the Ottoman ruling men but it was also an instrument of the artisans for preserving their livelihood. She regards *gedik* as a model born out of the consent of both the rulers and the ruled. Onur Yıldırım<sup>12</sup>, in his several articles, approaches the institution of *gedik* critically and he questions the impact of *gedik* to the structure of Ottoman guilds. He agrees that the *gedik* continued to exist as a major mechanism for designating the monopoly right of a master to a certain craft until the mid-nineteenth century.<sup>13</sup>

In order to understand the state's dilemma on abolition of *gediks* totally or establishing new kinds in late eighteenth and early decades of 19th century, it is necessary to mention about what the *gedik* regarded as a constituent element of the Ottoman guild system meant for both the Ottoman state and its artisans. For this reason, the definition and establishment of *gedik*, the reasons of artisans accepting and, in time, desiring to hold *gedik* will be taken into consideration in the context of concerned period. The attempts of two reformist Ottoman sultans, Selim III and Mahmud II will be taken into consideration in different parts. As a conclusion, the process of abolishment of *gedik* after Tanzimat period and the state's decisions in different cases will be evaluated. This study is limited to Ottoman capital city, Istanbul which presented many examples of *gediks*.

## 2. The Definition and Establishment of *Gedik*

The literal meaning of *gedik* in Turkish is "gap, slot, empty place, breach, notch, a ruined place, deficient".<sup>14</sup> In Ottoman parlance, *gedik* has different meaning in the military, administrative and economic realms.<sup>15</sup> The usage of the word *gedik* was probably derived from the word *gedikli*,

<sup>9</sup> *İcareteyn*, as an Arabic word that means the dual lease system in which the tenant of a *vakıf* property paid, first, an immediate substantial amount to dispose of the property and then a second annual rent. (H. İnalcık and D. Quataert (eds), *An Economic and Social History of the Ottoman Empire*, Cambridge, 1994, p.998. )In *icareteyn* contract, the tenant of a *vakıf* property paid a significant down payment-approximately equal to the value of that property- called *icare-i muaccele* and an insignificant prefixed annual rent called *icare-i müeccele*. (Ömer Hilmi Efendi, *İttihafü'l-Ahlaq fi Ahkâmı'l-Evkaf*, İstanbul, 1307/1890, pp.85-87. )

<sup>10</sup> A. Kal'a, "Gediklerin Doğuşu ve Gedikli Esnaf", *Türk Dünyası Araştırmaları*, 1990, no: 67, pp.181-187; A. Kal'a, *İstanbul Esnaf Birlikleri ve Nizamları, İstanbul Külliyyatı VII*, İstanbul, 1998.

<sup>11</sup> M. Koyuncu, *The Institution of Gedik in Ottoman Istanbul, 1750-1850*, Unpublished MA thesis, Institute of Social Sciences, Boğaziçi University, 2001.

<sup>12</sup> O. Yıldırım, Osmanlı Esnafında Uyum ve Dönüşüm 1650-1826, no: 2, *Toplum ve Bilim*, 2000, pp.146-176; O. Yıldırım, "Transformation of the Craft Guilds in Istanbul, 1650-1860", *Islamic Studies*, 40, (2001), pp.49-66. O. Yıldırım, Ottoman Guilds (1600-1826): A Survey, The Return of the Guilds, Utrecht University, 5-7 October 2006 <http://www.iisg.nl/hpw/papers/guilds-yildirim.pdf>; O. Yıldırım, "Onsekizinci Yüzyılda Kurumsal bir Yenilik Olarak Gedik: İstanbul'daki Kılâpdancı Esnafı Örneği," *Osmanlı'nın Peşinde Bir Yaşam: Suraiya Faroqhi'ye Armağan*, 2008, pp.373-399.

<sup>13</sup> Seven Ağır, in recent study on *gedik*, analyzes transactions concerning *gedik* in Istanbul court registers from early nineteenth century. As her work was preliminary when this article began to be written, we prefer not to comment on her detailed analytical study.

<sup>14</sup> Şemseddin Sami, *Kamus-ı Türki*, İstanbul, 1317/1899, p.1152

<sup>15</sup> As a military term, *gedik* had been used for the list of permanent staff positions of the military class like guardsmen of frontiers and fortresses, and cannoners who had an opportunity to become an officer by way of promotion even though they were not regarded as warrior class. The private soldiers in these ranks were capped at a certain number. In this sense, *gedikli çavuş* was a warrant officer.<sup>15</sup> For example, BOA, Ali Emiri, Kanuni 323; BOA, Ali Emiri, Mehmed IV, n.198. In administrative realm, *gedik* meant a certain duty and privilege in the Ottoman palace. Some of the chiefs of administrative officials were called "*gedikli*". *Gedik* in administrative realm was like a vested right at the disposal of its owner. When one of the owners of this kind of right died, his right generally was granted to one from the same group who had ability to practise that duty. For instance, a tanner of palace who was taking two *akçe ulufe* daily died, his vacant

## Turkish Studies

*International Periodical For the Languages, Literature and History of Turkish or Turkic*  
Volume 8/5 Spring 2013



which means "the one who had a "slot" which was an established place in a household or in the public service held by a kind of feudal tenure."<sup>16</sup> The slot was associated with the tools and equipment (*alat-ı lazime*), which in the case of the artisans referred to those who occupied specific places in the marketplace. The capital goods utilised by these artisans remained in these spots which were customarily reserved for their trade.<sup>17</sup> In order to open up a new shop, that is, to start his own business, an artisan who had the right of mastership needed a vacant shop from among the limited number of shops reserved for that specific trade or craft. In other words, to be the owner of one of these limited number of shops meant having the privilege to practise a particular trade or craft. For this reason, during earlier times when the word *gedik* was used in the context of craft and artisans, the shops were called *gedikli shops* meaning privileged shops.<sup>18</sup> It seems that the term *gedik-li* implies seniority and tenure or regularity of position and all of these definitions share a common point- privilege. It is probable that the modern dictionary meaning of *gedik* sounds, in a sense, deficiency, negativity whereas in the Ottoman parlance it implies seniority, tenure and privilege.

The original meaning of *gedik* as used with respect to artisans is difficult to establish. Among the artisans, *gedik* seems to have been generally used as the right of buying, producing and selling of a product and service, based on the definitions of Süleyman Sudi (*Defter-i Muktesid*) and Sıdkı (*Gedikler*). According to Süleyman Sudi, *gedik* has almost the same meaning as monopoly. He accepts that *gedik* is a Turkish word meaning deficiency. Another meaning of the word is a gap on a wall. He draws his conclusion related to monopoly based on Arabic version of *gedik* which is *ferce* means being rescued from severity. Sudi furthers his argument by claiming that the most privileged chiefs (*ağa*) at old viziers' offices were named *gedikli ağa*, so, *gedik* had the same meaning as monopoly is reasonable. Thus, *gedik* cover such privilege and monopoly that carrying out of regulations of document given by the state for a particular work could be processed only by its owner and a product could be sold only by its own seller.<sup>19</sup>

The definition used by Sıdkı in his unique book concerning the *gedik*, has been widely accepted among scholars.<sup>20</sup> Sıdkı takes the date of 1141/1727 both as the beginning of monopoly in trade and therefore, as a turning point for the definition of the *gedik* concept. He claims that the number of artisans had been limited under the name of mastership (*ustalık*), until 1727 but after this date this limit on number was named *gedik* and was used to indicate the tools and equipment used for a craft. So when a master craftsman who had the right of mastership died, the tools and equipment of his craft that could be bought, sold and transferred were called as *gedik* among artisans. Gradually, the word of *gedik* evolved to include both the right of mastership and the tools and equipment of a given craft. According to Sıdkı, although previously- he does not give an exact date- being master and tools and equipment of a craft were named as *gedik*, defining *gedik* as the right to practise a trade/craft is both appropriate and acceptable.<sup>21</sup>

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*gedik* was granted to another senior tanner. This kind of grants can be seen in the examples of the documents BOA, Ali Emiri, Mehmed IV, n.521, 589, 597.

<sup>16</sup> New Redhouse Turkish-English Dictionary, İstanbul, 1968.

<sup>17</sup> E.D. Akarlı, "Gedik: implements, mastership, shop usufruct and monopoly among İstanbul artisans, 1750-1850", *Wissenschaftskolleg Berlin Jahrbuch*, 1986, p.225.

<sup>18</sup> A.Kal'a, *Mahmud II döneminde sanayi iktisadi ve sosyal organizasyonu ve bu organizasyonda Tanzimata doğru yapı değişimleri*, unpublished Phd dissertation, İstanbul Üniversitesi Sosyal Bilimler Enstitüsü, İstanbul, 1988, p.105.

<sup>19</sup> Süleyman Sudi, *Defter-i Muktesid*, İstanbul, 1307/1890, vol I, p. 96.

<sup>20</sup> Osman Nuri Ergin takes the definition of Sıdkı completely on his enormous work, *ibid*, p.638; G. Baer, "Monopolies and restrictive practices of Turkish guilds", *Journal of the Economic and Social History of the Orient*, 1970, v. 13, p. 159; N. Çağatay, *ibid*; Sıdkı's work also has been printed in Latin alphabet by Kamil Ali Gıynaş, *Sıdkı-Gedikler*, Gazi Üniversitesi Ahilik Kültürünü Araştırma Merkezi yayını, Kırşehir, 2004.; K. Ali Gıynaş, "Sıdkı Bey'in Eserine Göre Gedikler ve Gedik Kurumu", *I. Ahi Evran-ı Velî ve Ahilik Araştırmaları Sempozyumu*, 12-13 Ekim 2004 Kırşehir.

<sup>21</sup> Sıdkı, *ibid*, p. 15-21.

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### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



Based on the definitions of both Süleyman Sudi and Sıdkı, we define *gedik* as the right leading to monopoly. In fact, it will not be incorrect to mention such monopolistic rights as the limitation on the number of artisans and shops even in the era of Mehmed II (1444-46, 1451-81).<sup>22</sup> Therefore, it is probably true that monopolistic rights constitute a base for *gedik*. In order to determine more or less the exact definition of *gedik*, it is necessary to take different periods into consideration. It is also a highly complex issue which makes giving an exact date for the first use of *gedik* among artisans difficult. The scholars for whom *gedik* has the same meaning as monopoly and thus the limitation on the number of artisans and shops have commonly accepted 1141/1727 as the year for the first use of the *gedik* concept among artisans. An exception is Osman Nuri who despite accepting *gedik* as monopoly in terms of limitation on the number of artisans and shops, he claims that *gedik* existed before 1141/1727 as it appears in a document dated 1040/1630<sup>23</sup> but word *gedik* became much more widely used starting from around the commonly accepted date.<sup>24</sup>

At the beginning, the word of *gedik* had been used among artisans to signify the implements of a craftsman, the contents of his workshop, tools and equipment needed to exercise a certain craft or trade (*alat-ı lazime*) as it is understood from the documents.<sup>25</sup> The densely usage of the *gedik* concept in documents related to the artisans and other shopkeepers can be seen from mid-eighteenth century. Since *gedik* became much more widespread in the course of eighteenth and nineteenth centuries, many scholars have regarded it as a constitutive element of the Ottoman guild system.<sup>26</sup> By the dawn of the nineteenth century, *gedik* had come to mean the right to practise a particular trade at a specific work premise equipped with the means and tools necessary to practise that trade. Throughout the nineteenth century, the word applied to a category of legal documents which entitled the holder to full usufruct over a work premise. The adventure of this curious concept reflects the developments that affected the business life in İstanbul.<sup>27</sup> It is no doubt that the scope of the concept of *gedik* was gradually widened according to the changing economic and social conditions of the Ottoman capital city. In the broadest sense, the concept of *gedik* implies the system of production based on the rights of monopoly. This broadest implication of *gedik* word does not state that *gedik* lost its meaning of tools and equipment needed to exercise a certain trade or craft.

There were two kinds of *gediks- müstekar and hevayi*. Fixed (*müstekar*) *gediks* were attached to a specific place so, the artisans could not practise their trade or craft in another place unless he took legal permission according to *nizam* of interested artisans. Unfixed, aerial (*hevayi*) *gediks* represented nothing more than a right to practise a certain trade independently and the proprietorship of the corresponding set of tools and equipment.<sup>28</sup> Without being owner of *gedik*, even a fully trained master craftsman was not permitted to start his own business. The right of

<sup>22</sup> This kind of examples can be seen in the laws (*kanunname*) concerning artisans in R. Anhegger and H. İnalçık (eds), *Kanunname-i Sultani Ber Muceb-i Örfi Osmani*, TTK, Ankara, 1956.

<sup>23</sup> Osman Nuri Ergin, *ibid.*

<sup>24</sup> The oldest document mentioning the registration of a *gedik* shop that uses the word in reference to the right of exercising a particular craft in a given place is dated 1070/1659. BOA, İstanbul Ahkam Defterleri, nr. 3, p.354, hüküm no 1282, quoted from A. Kal'a, "Gediklerin Doğuşu ve Gedikli Esnaf", *Türk Dünyası Araştırmaları*, 1990, vol.67, p.185; Evliya Çelebi mentions *gedik* of water carriers in a document dated 1040/1630. This *gedik* was used to only refer to the right to carry out a certain work and it was not connected with the tools and equipment a craft or trade. Evliya Çelebi, *Seyahatname*, İstanbul, 1938, p.345.

<sup>25</sup> I will give only a few examples using the *gedik* concept as *alat-ı lazime*. For instance, BOA, Cevdet Belediye, 4770; 6532; İrade Dahiliye 29030; İrade Meclis-i Vala, 9911; Hatt-ı Humayun 31052. I saw *gedik* concept at the meaning of shops "(...) *gedik tabir olunur dükkânlar* (...)" in a document dated 1247/1831 in BOA, CB 4770; CB 7598.

<sup>26</sup> S. Faroqhi, "The fieldglass and the Magnifying Lens: Ottoman studies of crafts and craftsmen", *The Journal of European Economic History*, vol.20, (1991), p.49.

<sup>27</sup> E.Akarlı, *ibid.*

<sup>28</sup> Sıdkı, *ibid.*, p.31.

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



mastership had been given by the consent of the guild, likewise, the right to practise a particular trade or craft named as *gedik* also could be transferred only with the consent of the guild members. In this way, *gedik* was regarded as a continuing part of the right of mastership. Gibb and Bowen claim that the term *gedik* replaced the term *ustalık* and it had been used to denote the custom by which trade implements were handed over without any payment to purchasers or inheritors of *ustalık* rights.<sup>29</sup> The rights coming from the ownership of *gedik* had been forming technical rules in accordance with production developed by the guilds; the rules for professional discipline; the regulations of social hierarchy among the members of guilds; the economic and legal rights and responsibilities given to the guilds by the state. The arrangements and applications on the right of *gedik* as a bundle of rights and obligations<sup>30</sup> had taken place in the regulations of artisans (*esnaf nizamları*)<sup>31</sup>, so, *gedik* also became one of the examples of reciprocal relations between guilds and the Ottoman state. Each guilds consisting of *gedik* shops was deciding whomever can be owner of *gedik* in wherever and under which conditions. The answers of these questions also constituted the regulations of artisans (*esnaf nizamları*). The role of the state was to approve these regulations.

### 3. The Importance of *Gedik* For The Artisans

Migration to İstanbul which had been encouraged by the Ottoman state during the period following its conquest, emerged as a problem late sixteenth century onwards. At the end of the century, the Celali rebellions caused by economic problems in rural areas led to an influx of peasants to cities, especially to İstanbul<sup>32</sup>. The flow of newcomers from countryside did not stop but increased in late seventeenth<sup>33</sup> and eighteenth<sup>34</sup> centuries. It is very clear in the oftenly repeated decrees of eighteenth century forbidding in-migration from countryside that İstanbul was the most favorite destination for fugitives and migrants in search of work. The most important anxiety of the Ottoman authorities was to sustain the growing population of the capital city in the face of an increasing number of great fires at times affecting two thirds of the city, scarcity of residence and unfavorable economic conditions.<sup>35</sup> The Ottoman administration of 18th century, hard pressed by wars and subsistence crises, attempted to achieve a balance between food supply and urban population.<sup>36</sup>

The challenges posed by newcomers especially to the capital city had also negative impact on the economic conditions of the artisans. Starting in 1760s, as M. Genç states the Ottoman economy began to show signs of economic troubles and financial crises. Production in almost all sectors decreased.<sup>37</sup> During this century, financial problems became particularly visible and severe at times of wars.<sup>38</sup> During wartime, the requisitions of the state became much more detrimental to

<sup>29</sup> H. Gibb and H. Bowen, *Islamic Society and the West: A Study of the Impact of Western Civilization Moslem Culture in the Near East*, v. I, London, 1950; p.282; R. Mantran, *Onyedinci yüzyıl ikinci yarısı İstanbul, Kurumsal, İktisadi ve Toplumsal Tarih İncelemesi*, M. Ali Kiliçbay and Enver Özcan (trans), Ankara,1990, p. 344.

<sup>30</sup> E. Akarlı, , "Gedik: A bundle of rights and obligations for İstanbul Artisans and Traders, 1750-1840", in *Law, Anthropology and the Constitution of the Social: Making Persons and Things*, ed. Alain Pottage and Martha Mundy, Cambridge University Press, Cambridge,2004, pp.166-200.

<sup>31</sup> A. Kal'a, *İstanbul Esnaf Birlikleri ve Nizamları, İstanbul Külliyyatı VII*, İstanbul, 1998.

<sup>32</sup> M. Akdağ, *Türk Halkının Dirlik ve Düzenlik Kavgası "Celali İsyancıları"*, 2. baskı, YKY, İstanbul, 2013.

<sup>33</sup> For the world of seventeenth century capital city artisans, Eujeong Yi, *Guilds Dynamics in Seventeenth-Century İstanbul: Fluidity and Leverage*, E.J.Brill, Leiden, 2004. Y. Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi*, İstanbul,1986, p.232

<sup>34</sup> M. Aktepe, "XVIII. Asrın İlk Yarısında İstanbul'un Nüfus Meselesine Dair Bazı Vesikalar", *Tarih Dergisi*, IX/13, 1958, pp.1-30; Y. Özkaya, *XVIII. Yüzyılda Osmanlı Kurumları ve Osmanlı Toplum Yaşantısı*, Ankara, 1985.

<sup>35</sup> M. Aktepe, *Patrona Halil İsyancı*, İstanbul, 1958, p.19.

<sup>36</sup> S. Faroqhi, "In Quest of Their Daily Bread: Artisans of İstanbul under Selim III", *Nizam-ı Kadimden Nizam-ı Cedid'e III. Selim Dönemi*, ed. S. Kenan, İSAM, İstanbul, 2010, pp. 167-182.

<sup>37</sup> M. Genç, "18. Yüzyılda Osmanlı Ekonomisi ve Savaş", *Yapıt, Toplumsal Araştırmalar Dergisi*, no: 49, 4 Nisan 1984, Ankara, p.52-61

<sup>38</sup> Y. Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim Dönemi*, İstanbul,1986, p.232

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



the artisans when they typically tried to supply their sudden need for strategic goods like iron, sail cloth, copper, and gun powder,... at below market prices. As a result, workshops that supplied the most amount of goods during wars lost the most and were financially weakened.<sup>39</sup> In addition, whenever the army left on a campaign, a certain number of the artisans' groups had to participate in the campaign so as to meet the army's need for goods and repair during the course of the campaign. All the expenses of the artisans in the army were paid by the guilds. Each guild had to pay a sum of money to the state under the name of *ordu akçesi*. This tax was increased as a result of the heavy financial pressures of the wars and the artisans had an increasingly hard time paying these taxes.<sup>40</sup>

During the 18th century, the documents related to the artisans in İstanbul indicates that in increasing numbers, the master artisans<sup>41</sup> were willing to register their stewards as *gedikli* and their tools and equipments as *gedik*.<sup>42</sup> Why was *gedik* as a kind of monopoly welcomed by the artisans of İstanbul and what was the meaning of *gedik* among them? While people from countryside under heavy pressure of taxes were flowing into the capital city in order to find a job, the most common complaint of the artisans of İstanbul to the courts was the migration to their city as a source of continuous pressure on their guilds. The courts continued to defend the views of artisans' organizations regarding limits to be set upon new shops.<sup>43</sup> It can be inferred from the documents that *gedik* as a monopolistic right meant so called precautions for them against the violations of outsiders-strangers coming from the countryside (*taşra*) and constantly increasing numbers of peddlers. The most important function of *gedik* was to limit and control the location of the craft or trade and to prevent its dispersion. The second important restriction controlled by *gedik* was the limitation of the number of guild members.<sup>44</sup> As Faroqhi points out that controlling membership of his guild through *gedik* might also be helpful from an artisan's viewpoint when raw materials were in short supply. *Gedik* should have been quite effective as a rationing device.<sup>45</sup>

The problems accompanied with the newcomers become a new issue for the capital in 18th century. Many of the newcomers to the capital city tended work in petty crafts or/ trades without *gediks* or work as peddlers. The population growth brought about higher levels of production and consumption, which was not driven by the increased productivity of the guilds given that no major change had taken place with respect to the techniques of crafts/trades and structure of the guilds.<sup>46</sup> Instead the driving factor behind higher levels of production was an increase in the number of artisans and peddlers working outside the guild system because they were unable to change the structure of the guilds. According to complaints of local artisans with *gediks*, artisans coming from outside of capital city did not pay adequate attention to their work and as a result, they damaged the

<sup>39</sup> M. Genç, "Osmanlı İmparatorluğunda Devlet ve Ekonomi", *V. Milletlerarası Türkiye Sosyal ve İktisat Tarihi Kongresi Tebliğler*, Ankara, 1990, pp.7,13

<sup>40</sup> A group of grocers were complaining from the activities of their *kethüda* who was demanding extra money for the other needs within *ordu akçesi*. It is clear that the artisans were in a difficulty to pay increased amount of taxes more than their financial capacity. A. Kal'a, (ed), *İAD I*, p. 110, doc. 3/373/1337- fi evası B 1168/23 April-2 May 1755.

<sup>41</sup> For the quarrels between masters and journeymen as a significant problem in 18th century, look at Y. Özkaya, "XVIII. Yüzyılda Osmanlı İmparatorluğunda Esnaf Sorunları", *IX. Türk Tarih Kongresi*, Ankara 21-25 Eylül 1981 kongreye sunulan Bildiriler, Türk Tarih Kurumu yay., v.2, Ankara, pp.1037-1048.

<sup>42</sup> Onur Yıldırım emphasizes the importance of preservation of guild members against the increased activity of free entrepreneur on the success of *gedik* in a short time in Ottoman capital city. For general debate son Ottoman artisans, O.Yıldırım, Transformation of the Craft Guilds in İstanbul, 1650-1860. *Islamic Studies*, 40, (2001), p.49-66.

<sup>43</sup> B. McGowen, "Merchants and Craftsmen", *An Economic and Social History of the Ottoman Empire*, H. İnalçık and D. Quatert (eds), Cambridge, 1994, p.697.

<sup>44</sup> G. Baer, Monopolies and Restrictive Practices of Turkish Guilds, *Journal of the Economic and Social History of the Orient*, vol.13, 1973, p.161.

<sup>45</sup> S. Faroqhi, *Artisans of Empire*, p.127.

<sup>46</sup> Mantran, *ibid*, p.363.

## Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013





quality of their products, as in the example of dyers of Galata.<sup>47</sup> The peddlers engaged in illegal competition with the guild members and hence, risked harm to the public. The registered artisans –owner of *gediks*- saw peddlers as rivals; peddlers restricted their livelihood and also caused an increase in prices and a decrease in the amount of taxes paid by the artisans to the state.<sup>48</sup>

As practice, freezing the number of tools and equipment, and members of a particular guild occurred also during the 16th century and provided a monopolistic privilege to the concerned guild members. For example, according to the *nizam* of glassmakers, their numbers were limited to 31 *gediks*- 27 in İstanbul, one in Tophane, one in Üsküdar and one in Eyüp-in 1070/1658. The number of *gedikli* shops did not change in 1106/1727, in 1168/1755 and even in 1282/1865.<sup>49</sup> The increase in population of İstanbul is a very well known fact but the reasons for lack of change in the limited number of shops as in the case of glassmakers are not mentioned or cannot be inferred from such documents. This does not mean that there were no exceptions to the persistent limitations on the number of *gediks* in spite of the population growth. For example, in 1171/1757 due to the increase in population of Eyüp (*evvelki haline nazaran sevad-ı a'zam menzilesinde*), new houses began to be built and so there was an increasing need for mortar made of brick dust and lime (*horasan*). In order to open a new shop, complainants claimed that the existing mortar shop but was inadequate and the public had to carry mortar from other quarters in winter with a great difficulty. The state permitted for the establishment of new mortar shop due to the great public need in Eyüp but on the condition that the total number of *gediks* of mortar shop was not exceeded, which was 40 according to the *nizam*. Therefore, only when one of these 40 *gediks* became vacant (*mahlül*, its rights would be transferred to Eyüp regardless of its current location. However, state did not permit the establishment of a new *gedik*.<sup>50</sup>

Even if there was an urgent need for the expansion of a given occupation for the sake of public, the Ottoman state seems strictly over against new *gediks* and it seems to be in favour of keeping the "*nizam*", existing order, in a sense unfashioned order. Interestingly, in almost all order related with the issues of guilds and artisans, the Ottoman state justifies its decisions by claiming welfare of public (*halkın terveh-i ahvali*). However, freezing the number of *gedik* as in the examples of glassmakers and mortar shops seems to be contradicted with the state's main concern on keeping welfare of its own public. As it is clear that when there was immense demand, the artisans should have found a way to do that, maybe without *gedik*, so, without the approval of state. This also can be argued that the state gave a way to do any needed jobs without *gedik*, at the expense of insistence on limited number of *gedik*. Consecutively the owners of *gedik* felt themselves much more privileged and embraced their rights provided by *gedik*.

Under the social and economic pressure mentioned above briefly on the artisans of Ottoman capital city, commercial credibility as the most important right of *gedik* seems to have encouraged monopolistic tendencies among artisans of İstanbul in 18th century. The artisans have to pledge their *gediks* as security for their loans either to state or traders.<sup>51</sup> Onur Yıldırım argues the establishment and usage of *gedik* as credit against loans to one of the reasons of dissolution of craft guilds since new *gedik* holders who were the highest bidders at an auction, were not from guild

<sup>47</sup> "(...) *giderek boyacı esnafı kesret bulup ol takrile esnafımız derununa ecanibden hamdest ve hilekâr ve kalpazan ve kul ve ibadullahın iktiza iden esvabların kalb ve redi boyadıklarından maada bazılarının esvablarını boyamak için alup ba'dehu inkâr birle ashabına gadr(...)*" A. Kal'a, (ed), *İAD I*, p.265, doc. 5/230/704, Fi evahir-i L 1173/6-14 June 1760.

<sup>48</sup> A. Tabakoğlu, *Türk İktisat Tarihi*, İstanbul, 1994, p.153.

<sup>49</sup> A. Kal'a, (ed), *İstanbul Ahkâm Defterleri I (İAD I)*, p.99, doc. 3/354/1282- fi evail CA 1168/13-22 February 1755.

<sup>50</sup> A. Kal'a, (ed), *İAD I*, p.160, document nr. 4/231/705/-fi evail Ra 1171/13-22 November 1757. İstanbul Kadı Sicilleri (İKS), 98/12 R 1220/1805 quoted from O. Nuri, *ibid*, p.657.

<sup>51</sup> "Habbazan fırınları gedikleri zahire bahasında canib-i miriye ve kapan tüccarına olan deynleri mukabili olup..." İstanbul Kadı Sicilleri, 62-33, 28 Z 1208/27 Temmuz 1794.

## Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



member of concerned craft but anyone who had financial power.<sup>52</sup> Yıldırım's argument can be supported by some archival documents but in some cases the state was an effort to give *gedik* of artisan in bankruptcy to one of the members of his guild. Apart from the fact that new *gedik* holder became the highest bidder, it is not so clear what kind of criteria has been taken into consideration on sale of *gediks* of artisan in bankruptcy by the state and how the other members of concerned guilds behaved. On these issues the documents in our hands are silent. The question of to what extent new *gedik* holders with unknown characteristics affected the Ottoman guild structure need to be further investigations and analysis.

#### 4. Sultan Selim III and The Dilemma of Ottoman State

The adverse effects of a monopoly in trade/craft was firstly expressed by Selim III (1789-1801). During the early years of his reign, he issued an official decree<sup>53</sup> to *Bab-ı Ali*, in which he mentioned his awareness about the inflationary effect of *gedik* on commodity prices. Selim III as the first sultan taking first step through the abolishment of *gedik* separated the right of holding *gedik* from the estate of deceased artisan. Selim III who considered *gedik* to be an obstacle for trade/craft, took the first steps for the abolishment of *gedik*. He particularly emphasized the interference into the rights of property owners by the *gedik* holders. The sultan upheld the proprietary rights against the encroachment of the *gedik* holder. The sultan was aware of the complexity and confusion of legality of *gedik* among the *kadis*. Some of the *kadis* were making a decision, for example on inheritance, that the claim of *gedik* was legal but some of them were claiming its unlawfulness according to the sharia. Not only owners of property but also *gedik* holders were sometimes in difficulty especially on sale contracts due to change in Ottoman currency. According to Selim III, owing to the fact that *gedik* was harmful both for the owner of property and owner of *gedik*, only registration of fixed *gediks* for basic necessities could be allowed if it was approved both by the sultan and grand vizier. (*iki sahhli*) Ex-registrations would be preserved and their procedures would continue as before. After the issuance of the decree the establishment of *hevayi* kinds of *gediks* (movable *gediks*) would not to be allowed. In order to prevent any loss of profit of the state, he declared that the *gedik* of a deceased artisan was not to be regarded from his estate, only material of his *gedik* could be given for his heirs. If deceased person had given money for *gedik* to the proprietor, this money would be demanded and property would be returned to its owner.<sup>54</sup> Within this decree, he declared that all monopolistic stipulations on existing *nizams* should be cancelled and new permission to the fixed *gediks* should be issued with utmost care and *hevayi* kinds of *gediks* were no longer recognized. What was the importance of Selim III's decree for the artisans?

The attempts of Selim III, regarded as traditionalist reformer believing that "empire was in difficulty because the traditional institutions were not being operated properly. Abuses and inefficiency had to be ended and discipline and service restored"<sup>55</sup>, should be taken into consideration as necessity due to economic and social climate of Istanbul. When the tremendous expense of the Sultan's military reforms were combined with the activities of Balkan notables who not only cut off the Treasury's provincial revenues but also forced the Porte to spend large sums for annual expeditions against them aggravated the financial difficulties of the state. In order to find sufficient money to response the difficulties of government, the sultan chose the traditional way of his predecessors by increasing taxes, debasing the coins, seizing private properties and melting down gold and silver utensils. As Shaw asserted that the most concrete and successful of Selim's

<sup>52</sup> Onur Yıldırım, Ottoman Guilds (1600-1826): A survey, The Return of the Guilds, Utrecht University, 5-7 October 2006 <http://www.iisg.nl/hpw/papers/guilds-yildirim.pdf>, 13 March 2013.

<sup>53</sup> A decree dated by 2 N 1209/1795 quoted from O. Nuri, *ibid*, pp.648-649.

<sup>54</sup> İstanbul Kadı Sicilleri, 98/12 R 1220/1805 quoted from O. Nuri, *ibid*, p.657.

<sup>55</sup> S. Shaw, *History of the Ottoman Empire and Modern Turkey*, Cambridge University Press, Cambridge, 1976, p.260

#### Turkish Studies

*International Periodical For the Languages, Literature and History of Turkish or Turkic*  
Volume 8/5 Spring 2013



economic programs were those introduced to organize the provision of grain and coffee for the great cities of the empire.<sup>56</sup> The sultan's attempts aimed to securing especially the provisioning of the capital<sup>57</sup> as much as possible and to prevent any tension among its residents. These efforts were appropriate to the idea of ensuring the public's welfare as recurrently taken place in official documents implicitly indicating the state's crucial responsibility for the public.

From the point view of artisans the economic conditions of those days narrowed their livelihood and their counter attack was to embrace their privileged, in a sense, monopolistic rights, and to attempt the interference of any potential 'profit sharer' of their earnings. Alongside economic difficulties the artisans faced with, the artisans also felt themselves to have to struggle with newcomers of the capital city who were generally tried to gain their livelihood by the way of working as peddlers or subordinate artisans. The newcomers were not welcomed by not only the artisans of Istanbul but also by the Sultan himself.<sup>58</sup> He proclaimed that the capital was overcrowded and full of undesirable elements. Moreover, he ordered stringent control to document the inhabitants of different regions of Istanbul.<sup>59</sup> In era of Selim III, beginning with 1792, all shops, gardens, boatsmen, peddlers like portars were registered for the reason of that people who had no guarantor would be investigated and had to be send their homelands.<sup>60</sup>

Some of the newcomers -Muslim or non Muslim- skilled in a certain craft had the opportunity to find a job with the established artisans, which would not be as a master but only as a journeyman. It will not be incorrect to presume that newcomers were not able to become the owners of *gedik* due to both their limited financial capacities and also to the strictly set and maintained number of *gediks*. The establishment of a new *gedik* was such a difficult and complicated process that the documents available to us do not provide any clear information about the conditions under which a new *gedik* could be established. It can be assumed that the number of *gediks* was determined according to the public need and the capacity of a particular craft/trade. In documents, the only information mentioned since ancient times (*ez kadimden beri*) our number has been ....(*bizim sayımız ....dır*); and the number of *gedik* cannot be more or less than the previously determined number.<sup>61</sup> The few documents available to us do not mention any information about the factors that determined the "ancient times". The population might have been one of the important factors in the determination of the number of the tools and equipment and people of a certain craft or/trade but this claim cannot be supported by archival evidence.

Interestingly, the registration of *gedik* of artisans buying and selling state goods like tobaccoconists was not unlawful. In order to prevent any decrease on state's own revenue, the state itself made confusion on establishment or abolishment of *gediks* by creating monopolistic rights on

<sup>56</sup> S. Shaw, *Between Old and New: The Ottoman Empire under Selim III 1780-1807*, Harvard University Press, Cambridge, 1971, p.175.

<sup>57</sup> For the problem of provisioning of Ottoman capital city, look at L. Güçer, "XVIII. Yüzyıl Ortalarında İstanbul'un İaşesi İçin Lüzumlu Hububatın temini meselesi", *İstanbul Üniversitesi İktisat fakültesi Mecmuası*, XI/14, (1949-50), pp.397-416; M. Genç, *ibid*; S.Aynural, *İstanbul Değirmenleri ve Fırınları*, Zahire Ticareti, Tarih Vakfı Yurt yay., İstanbul, 2001;

<sup>58</sup> For the issue of population in the era of Selim III, look at Betül Başaran, *Remaking the Gate of Felicity: Policing, Social Control and Migration in Istanbul at the end of the Eighteenth Century 1789-1793*, Phd dissertation, The University of Chicago, 2006.

<sup>59</sup> S. Faroqhi, *Artisans of Empire, Crafts and Craftspeople Under the Ottomans*, I.B. Taurus, London, Newyork, 2009, p.19.

<sup>60</sup> For "Esnaf Kefalet Defterleri", look at C. Kırılı, "Devlet ve İstatistik: Esnaf Kefalet Defterleri Işığında III. Selim İktidarı, Nizam-ı Kadimden Nizam-ı Cedid'e III. Selim Dönemi, ed. S. Kenan, İSAM, İstanbul, 2010, pp.183-212; H. N. Ertuğ, *Osmanlı Kefalet sistemi ve 1792 Tarihli Bir Kefalet defterine Göre Boğaziçi*, unpublished MA thesis, Sakarya üniversitesi, Sosyal Bilimler Enstitüsü, Sakarya, 1997.

<sup>61</sup> For instance, BOA, CB 6532-16 L 1247/19 March 1832; A. Kal'a, (ed), *İAD I*, p.352, document nr. 6/278/8029-fi evail S 1177/11-20 August 1763.

## Turkish Studies

*International Periodical For the Languages, Literature and History of Turkish or Turkic*  
Volume 8/5 Spring 2013



its behalf . Their registration were taken inevitably an example by a number of artisans like barbers, sellers of cloth materials and even owner of *han* rooms which could not be registered as *gedik* according to the law. Moreover, the establishment of *gedik* became so widespread that fresh coffee house *gediks* and *hevayi* kinds of *gediks* began to be established even if they were prohibited.<sup>62</sup>

The artisans appealed to the Chief Account by demanding the registration of their *gediks* in order to strenghten the validity of their *gediks* alongside their *kethüda temessüks* or *hüccets*.<sup>63</sup> During the registration of *gediks* in the Chief Account since there were attempts at registering some of the *gediksiz* shops as *gedikli*, the government requested the submission of certain kinds of documents of these *gediks* and posed questions about limitation on their numbers. In this context the registration of names in *Pazarbaşı* notebook was rejected to be registered in Chief Account.<sup>64</sup> Besides, the cases were tried to be restricted to İstanbul courts.<sup>65</sup> The state demanded *gedik* registration in Chief Account may be for the reason of taking the *gediks* highlighting monopolistic privilege under its own control but it should be strenghtened its legal aspects especially dealing with properties. This caused much more conflict between *gedik* holders and property owners.

### 5. Mahmud II and His Dilemma on Establishing New System for Gedik

The conflicts did not come to an end with the abolishment of monopolies on commodities except for basic necessities; not only inflation stemming from the monopoly in basic supplies continued but also there were recurrent conflicts, such as a conflict between grocers and green grocers for selling a kind of cheese required the abolishment of the monopoly of grocers by Mahmud II(1808-39) in 1824.<sup>66</sup> However, for new businesses fresh fixed *gediks* were created by the state and for this reason state declared that anyone could be the owner of their preferred *gedik* if they paid its *muaccele*- a large sum. In this context, the state ruled the establishment of 55 punch<sup>67</sup> *gediks* in Galata and appointed an *ustabaşı* for supervising all the activities of the punch.<sup>68</sup> The state stressed that these punch *gediks* could not be sold to foreign people and new owners would be only non Muslim Ottoman subjects. In order not to interfere with the rights of public houses, the sale of alcohol and especially the sale of rum –which might be especially expressed due to its newness for the Ottoman public- in punch shops were prohibited.

If we keep in mind Mahmud II (1808-1839)'s most highlighted effort on providing "*nizam*" mostly in military, it is understandable his conciliatory attitudes towards the artisans of capital city.<sup>69</sup> Mahmud II's abolishment of janissary corps was also much more intereseted the artisans of Ottoman capital city. The close relation between janissaries and artisans was well known fact by

<sup>62</sup> O. Nuri Ergin, *ibid*, pp.648-9 For instance, BOA, CB 6532-16 L 1247/19 March 1832; A. Kal'a, (ed), *İAD I*, p.352, document nr. 6/278/8029-fi evail S 1177/11-20 August 1763.

<sup>63</sup> BOA, CB 7598-24 Z 1217/17 April 1803 *Kameri hanında kain odaların nizamları*; These kind of demands continued also in later periods.BOA, CB 7437-21 L 1247/24 March 1832. BOA, CB 7598-14 S 1217/16 June 1802 *Sabuncu esnafının nizamları*.

<sup>64</sup> BOA, CB 1105-13 B 1205/18 March 1791.

<sup>65</sup> BOA, CB 7598-14 S 1217/16 June 1802 *Sabuncu esnafının nizamları*.

<sup>66</sup> "(...)vakıa bu makule şeylerde inhisarın mazarratı der-kar ve def'i ibadullah hakkında hayırlu olacağı zahir ve bahir olmağla peynir hakkındaki inhisarın ref'iyle gerek manav ve gerek bakkal esnafı al's-seviyye bey' ve şıra itmelerine ruhsat i'tasıyle tanzim ve icrasına ibtidar olunsun (...)" BOA, HH 32426-1240/1824. BOA; CB 4675-11 N 1246/23 February 1830.

<sup>67</sup> Punch was a kind of cocktail consisting of five kinds of alcohol prepared by British in India which was called punch stemming from the Indian word-pantsh meaning five. This cocktail can be regarded the oldest one in İstanbul. The entrance of this cocktail to İstanbul was recorded as 1850 but this document indicates early dates-1820s unlike "İçki", *İstanbul Ansiklopedisi*, Tarih Vakfı Yurt Yayınları, v.5, p.133.

<sup>68</sup> BOA, CB 4675-11 N 1246/23 February 1830.

<sup>69</sup> For a detailed work on daily life of this period look at N. Turna, *The Everyday Life of Istanbul and its Artisans, 1808-1839*, unpublished Phd thesis, Binghampton University/SUNY, 2006.

### Turkish Studies

*International Periodical For the Languages, Literature and History of Turkish or Turkic*  
Volume 8/5 Spring 2013



the Ottoman authorities.<sup>70</sup> Even in earlier periods it is too difficult to separate janissaries from artisans in the market. When janissaries joined in the guilds, assimilation and discent transformed into integration.<sup>71</sup> For this reason, there were many artisans inevitably condemned to exile due to their affiliation with janissaries, moreover they were janissaries also.<sup>72</sup> Besides, financial considerations and the political tensions in the capital played a role in Mahmud II's more favorable treatment of the artisans; in return for his favourable policies, he increased the taxes and dues paid by artisans. In describing the higher taxes and dues during Mahmud II's reign Ahmed Cevdet Paşa<sup>73</sup> compares the financial burdens imposed by these taxes and dues with the pressures exerted by the janissaries to extort money from the artisans before 1826. Yet he still seems to be in favor of the reign of Mahmud II, unlike O. Nuri discusses the decree on the rebellion in Damascus that was brought about by the new tax-*ihtisap rusumu*.<sup>74</sup> The state used the same analogy to justify the increase in taxation and claimed that instead of the money taken by janissaries unlawfully, ordinary *ihtisap* tax would be put in place as a source of revenue for the expenditures of *ihtisap* ministry.<sup>75</sup>

In terms of establishment of *gedik* the reign of Mahmud II should be also considered with his efforts and reforms dealing with *vakıf* properties.<sup>76</sup> From the second half of the 18th century all the sultans acted to centralize *vakıf* administration since they were aware of their revenue.<sup>77</sup> Mahmud II's intention was that the majority of landed and roofed property revenue which had been diverted by means of *icareteynli* semi familial *evkaf* into private hands should return to its original condition as property belonging to the state. Thus it can be said that the right of control of *evkaf* of the empire reverted to the state. Property which originally belonged to the state remained with the state and in this respect all *evkaf* was *evkaf-ı hümayun*.<sup>78</sup>

<sup>70</sup> Some of the works on relation of janissaries and artisans are Mustafa Akdağ, "Yeniçeri Ocak Nizamının Bozuluşu", *A.Ü. DTCF Dergisi*, c. V/3, 1947, pp.291-313; R. W. Olson, "The Esnaf and The Patrona Halil Rebellion of 1730: A Realignment in Ottoman Politics?", *Journal of Economic and Social History of Orient*, v. XVII., 3. part, Leiden: E. J. Brill, 1974; Cemal Kafadar, *Yeniçeri-Esnaf Relations: Solidarity and Conflict*, Yayınlanmamış Yüksek Lisans Tezi, Institute of Islamic Studies, McGill University, 1981; Donald Quataert, "Janissaries, Artisans and the Question of Ottoman Decline 1730-1826", *Workers, Peasants and Economic Change in the Ottoman Empire 1730-1914*, İstanbul: ISIS Press:1993; Kadir Üstün, *Rethinking Vaka-i Hayriye (The Auspicious Event): Elimination of The Janissaries On The Path To Modernization*, unpublished MA thesis, Bilkent University, The Institute of Economics and Social Sciences, Ankara, 2002; M. Mert Sunar, *Cauldron of Dissent: A Study of the Janissary Corps, 1807-1826*, Unpublished Phd thesis, Graduate School of Binghamton University State University of New York, 2006; M. Mert Sunar, "When grocers, porter and other riff-raff become soldiers: Janissary Artisans and Laborers in the Nineteenth Century İstanbul and Edirne", *Kocaeli Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 17 (2009/1), pp.175-194;

<sup>71</sup> Eunjeong Yi, *Guild Dynamics in Seventeenth Century İstanbul: Fluidity and Leverage*, (Leiden, 2004), pp.137-9.

<sup>72</sup> Nearly half of the exiled janissaries in İstanbul and Edirne after the abolishment of janissary corps in 1826 had a title of such artisans as carpenters, bakers, greengrocers, owner of coffee houses, tinsmiths, pastry shop owners, locksmiths, shoemakers, tanners and masons. M. Mert Sunar, "When grocers, porter and other riff-raff become soldiers: Janissary Artisans and Laborers in the Nineteenth Century İstanbul and Edirne", *Kocaeli Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, 17 (2009/1), p.186.

<sup>73</sup> "(...) *tekâlif-i cedide badi-i emirde nasa hoş görünmez ise de yeniçeriler zamanında halkın duçar olduğu su-i istimalata nazaran pek hafif idi(...)*" A. Cevdet Paşa, *Tarih-i Cevdet*, v.12, Dersaadet, 1309/1892, p.206.

<sup>74</sup> O. Nuri, *ibid*, p.357.

<sup>75</sup> "(...) *el haletü hazîhi İstanbul ihtisabı otuz sekiz bin kuruş bedel ile iltizam olunur bir mukataa olup bu defa kadimine tatbikan cesametlenmiş olduğundan masarîfının derkar olacak tekesürüne mebni canib-i miriye hasarı mucib olmamak ve mülga yeniçeri güruhunun şuradan buradan aldıkları akçanın ve ihtisab tarafından alınması mutad olan mal-ı ihtisabın birer suret-i haseneye ifrağıyla ihtisap mukataası hissedarlarına ait olmayarak fakat ihtisap ağalığının masarîf-i zaruriyesine medar olmak üzere bir mikdar irad tedariki lazım gelmekle(...)*" Divan-ı Hümayun Kanunname-i Askeri Defteri – evahir-i M 1242/1826 quoted from O. Nuri, *ibid*, p.352.

<sup>76</sup> For detail, M. İpşirli, "II. Mahmud Döneminde Vakıfların İdaresi", *Tarih Enstitüsü Dergisi*, n.12, 1982, pp.56-66.

<sup>77</sup> Bahaeddin Yediyıldız estimates the revenue of *vakıf*s in the 18th century as 1,168,167, 272 akçe and after 1774 the revenue of *vakıf*s exceed 1/4 of the state's budget. B. Yediyıldız, "Vakıf", *İslam Ansiklopedisi*, vol. 13, İstanbul, 1986, p.160, which roughly consisted of half of state revenue.

<sup>78</sup> J. R. Barnes, *An Introduction to Religious Foundations in the Ottoman Empire*, Leide, E.J. Brill, 1987, p. 86.

## Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



Although at early dates of his reign, Mahmud II was cautioned against legal complications generated by *gedik* and its inflationary effects on commodity prices<sup>79</sup>, he was aware of the importance of the artisans' action for the security of the capital city. During the first ten years of Evkaf Ministry, the widespread application of *gedik* had been born of financial crises in *evkaf* under its administration. Moreover, the original sum stipulated in *vakfiyye* deed no longer sufficed as a living wage for the servants<sup>80</sup> or their repair due to fluctuation in Ottoman currency.<sup>81</sup> The solution of the sultan to make up deficit of *vakıfs* was to gather all *gediks* under the framework of *evkaf*. For this reason, Mustafa Nuri Paşa gives the establishment date of *Evkaf-ı Humayun*, 1826 as the date of the creation of *gedik* system.<sup>82</sup> When all *gediks* gathered under the administration of *vakıfs*, the concept of *gedik* became definitely the leasing of the state's trade monopoly over a certain commodity or the authorisation of the artisans to practice their trade/craft in a certain place. What did the sultan's effort to gain financial support to *vakıfs* by creating "nizam" on *gedik* mean for the artisans?

There were two ministries, in the name of Haremeyn and Evkaf Ministries until 1834<sup>83</sup>. The owner and tenant of *evkaf* holdings under the supervision of evkaf Ministry, who had *gediks* with *muhakim hüccets*, *aklam surets* or *kethüda temessüks* were given *vakıf senedat* by *vakıf* of Mahmud II and the ones belonging to Haremeyn Ministry were transformed under the name of Haremeyn Vakfı. By this attempt, a number of *mülk gediks*<sup>84</sup> were transformed into *vakıfs* and called *nizamlı*. The transformed and/or newly establishment of *gediks* under the administration and control of *vakıfs* became so widespread in 1831 that this date was evaluated by Sıdkı as the date of great change in the procedure for the registration of *gediks*.<sup>85</sup>

*Nizamlı gediks* consisted of two kinds- *müstekar* and *hevayi* which were also divided in two parts as restricted and unrestricted. The first group was generally were composed of *gediks* for daily necessities. For instance, the *gediks* of the artisans who tinned copper vessels in Istanbul was restricted to one hundred and eighty. Alongside these restricted *gediks*, there were also unrestricted ones like *kunduracıs* who made shoes in European style. The unrestricted ones could be given to whoever requested and no one could perform the trade of *kunduracıs* without *gedik* as permission to work in that craft/trade.<sup>86</sup> The decree of 1831 proves the S. Faroqhi's argument that practitioners of crafts/trades suffering contraction in eighteenth century attempted to limit the number of people entering their field because they had fewer customers than they would like<sup>87</sup>. Moreover, the state's decision was implicitly compatible with artisans' demand. The concern of state both not to cause furor of artisans and to secure financial gain by giving permission for new jobs but under the condition of paying large sum to obtain unlimited number of *gediks*. With unrestricted *gediks*, *gedik* lost its characteristics of limitation in number of artisans and shops, so in a sense, monopoly.

It is critical to know whether the transformed *gediks* or newly established *gediks* were demanded by the artisans or not but we do not have exact information on tendencies of artisans. At first, *mülk gediks* were being transformed only at the time of their sale, transfer or pledge, that is,

<sup>79</sup> E. Akarlı, *ibid.*

<sup>80</sup> Sıdkı, *ibid.*, p.25

<sup>81</sup> The reign of Mahmud II witnessed the most rapid debasement in currency and this period can be regarded as the most inflationary period in Ottoman history. C. Issawi, *The Economic History of Turkey, 1800-1914*, Chicago, 1980, p. 321-337.

<sup>82</sup> Mustafa Nuri Paşa, *Netayicü'l Vukuat*, İstanbul, 1328/1909, vol. IV, p. 100.

<sup>83</sup> İbnülemin Mahmud Kemal, H. Hüsamettin, *Evkaf-ı Hümayun Nezaretinin Tarihçe-i Teşkilatı ve Nuzzarın Teracim-i Ahvali*, İstanbul, 1335/1916, pp.23-26.

<sup>84</sup> Even if the property of fixed *gediks* were in *vakıfs*, they were called *mülk*.

<sup>85</sup> Sıdkı, *ibid.*, p.26

<sup>86</sup> Mustafa Nuri Paşa, *ibid*

<sup>87</sup> S. Faroqhi, *Artisans of Empire*, p.120.

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/ 5 Spring 2013



when they needed an official procedure. Obviously, the state was in an urgent need of cash and the sultan declared that any *gediks* could be transformed and *vakıf senedat* would be given whenever demanded. This meant literally a time of confusion. All *kethüdas* had to arrange their notebooks including the names of artisans, numbers and places of their shops and equipment belonging to their guilds and they demanded transformation of their *gedik* documents with *vakıf senedat* on behalf of member of their guilds. Any persons, regardless of his occupation, might have an opportunity to held *gedik* for his shops if he had a close contact with *kethüda*. At this time new *gediks* were also given for the shops which had no *gediks* previously. It should be noted that *ex-gedik* rights were acquired by the *vakıfs* themselves only in condition of being rented back to the masters on *icareteyn* contracts<sup>88</sup> because the limitations imposed by *icareteyn* on inheritance rights facilitated the reversion of leased property to the *vakıfs* to a new person if deceased person had no children. All *gediks* were submitted to the *vakıfs* in return for their *muaccele*s but their old yearly rents were doubled.<sup>89</sup>

The state tried to take some precautions while giving order to *gediks* even if they were not be carried on properly. Before the transform or newly establishment of *gedik* to the *vakıf*, such questions should be answered as what the first date of establishment of *gedik* in concerned place was, if there was any damage around the other artisans and public, if the building was appropriate for the orders of *ebniye -i hassa müdüriyeti* or not. Although the consent of owner of the property was necessary, but any confirmation was not realised, such mistakes were made that a second *gedik* was given to some of the *gedikli* shops, *nizamlı gedik senedat* were given to the shops under the *icare-i vahideli* contract. All of these increased tension between owners of property and holders of *gediks*. The *gediks* which were transformed from the property to *vakıf* under *icareteyn* contract could not ensure any debts. However, the *gediks* of such artisans as grocers, sellers of sugar, sellers of salt who had great transactions with tradesmen and most of their *gedik seneds* were equivalent of pledge for the products they sold. If new *seneds* were not equivalent of pledge, that is, could not ensure their debts, the debts of a deceased artisan without heirs would remain to the *vakıf* and so, both the revenue of the state and profit of tradesmen would be wasted and the concerned *gedik* would lose its value. For this reason, *seneds* of *nizamlı gediks* were decided to be equivalent of debts of the artisans on their transactions with tradesmen and also on their need of cash when they borrowed from the state or else. The estate of a deceased artisan would be sold by the supervision of his *kethüda* and his debts would be paid. If his state did not suffice for his debts, remnants would be paid from *muaccele* of his *gedik*. If he had no debt or his estate was sufficient for his debts or he had no children, his *gedik* would return to the *vakıf* it belonged and its *muaccele* would be completely given to the treasury.<sup>90</sup>

After the issuance of the decree, *gedik senedat* were begun to be given to places which engaged in every sort of trade, craft and commerce such as shops, rooms in inns, public bathhouses, large shops, underground storerooms such as granaries, cellars and cisterns. In addition to these, *gedik* documents were issued by the *Evkaf* Treasury for vegetable gardens, and were given to the masters of inns, to those in charge of the rooms of inns, to water carriers, to the sellers of pasteries and puddings at the entrance to the streets and passageways, as well as to other itinerant vendors of goods who stood in one place to sell their wares. They were also issued for fishing weirs, for large passenger boats serving the Bosphorus, for light rowboats, and for fish, mussel and oyster boats in the region of Istanbul.<sup>91</sup>

<sup>88</sup> A decree dated by 1831 quoted from Sıdkı, *ibid*, p.27.

<sup>89</sup> As an example of attachment of all *kemhacı gediks* to Nusretiye Vakfı; BOA, CB 6532- 16 L 1247/19 March 1832.

<sup>90</sup> A decree dated by 1831 quoted from Sıdkı, *ibid*, pp.28-9.

<sup>91</sup> Sıdkı, *ibid*, p.40.

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



Mahmud II's decree mentioned above in detail furthers the concept of *gedik* from artisans' realm to property ownership. The sultan seems in pursue of finding financial support to meet expenditures of his reforms in most inflationary period of Ottoman history. The sultan established a new certificate system for *gedik* having various caharacteristics. We have a chance to know which occupation had limited and which ones did not only whenever someone appeals to the court. From these cases, it can be inferred that sultan offered everybody to carry on new fashion crafts/trades if they had financial capacity to pay large sum downpayment for *gedik*. However, the same sultan decided in favor of artisans who demanded strict regulations on their occupation as they suffered serious contraction in their fields. In order to secure daily needs of capital city, sultan was much more accurate on *gediks* of sellers/makers of basic necessities. As Selim III, Mahmud II used monopoly by limiting number of *gediks* in basic necessities especially to secure provisioning of Istanbul. Their attention on provioning of capital was compatible with Ottoman economic mind.<sup>92</sup> Both sultans' attempts can be analysed in terms of their political manner rather than economic visions. Both of them were aware of danger or disadvantages of monopolistic tendencies created by *gedik* but in practise they were in a dilemma.

### 5. Conclusion

Selim III issued multiple decrees against the monopolistic privileges of the artisans but he was aware that the monopolistic rights given to the artisans through preceeding centuries could not be revoked. One of the most significant points in the documents concerning the monopolistic demands of artisans during his reign was that the sultan usually preferred to acknowledge the monopoly of groups in order not to spoil the existing order but only under under the condition that there was no orders against it<sup>93</sup>, that is, if there were no orders forbidding monopoly.<sup>94</sup> It seems that at this time, the meaning of *gedik* as the tools and equipment necessary for a craft/trade was gradually giving its place to the right of performing a trade/craft. It can be also claimed that since Selim III aimed to abolish the *gedik* as a monopolistic right of artisans which was gradually interfering into the right of proprietorship, he tried to put a limit on the inheritance of this right but not the inheritance of tools and equipment.<sup>95</sup> Mahmud II's efforts not to limit crafts/trades in new fashions should be considered as part of his reforms, his desire to change in society. Mahmud II tried to put some limitation on use of *gedik* as pledge in theory but in practice he enlarged the scope of *gedik*. Holding *gedik* certificate opened the gate of private property ownership. As Faroqhi pointed out before 1700s if not in service of the sultan the selection of items over which Ottoman subjects could command full ownership was limited to movables, cash, gardens and houses; therefore *gedik*, over which artisans had strong ownership rights, has been viewed as one of the 'paths' by which the notion of full property gained further ground within the Ottoman legal system.<sup>96</sup>

<sup>92</sup> M. Genç, Osmanlı İmparatorluğunda Devlet ve Ekonomi, Ötüken yay., İstanbul, 2000, p.46.

<sup>93</sup> “(...)hilafına emr yoğ ise vech-i meşruh üzere amel olunmak için emr-i şerif verildiğün(...)” A. Kal’a, (ed), *İAD 2*, p.388, 12/74/220-fi evail M 1208/9-18 August 1793. İKS 98-12 N 1220/1805, quoted from O. Nuri, *ibid*, p. 656.

<sup>94</sup> “(...)mağfurun leh Sultan Mustafa Han tabe serahu zamanında emr-i şerif virildiğün mukaddema inha ve ammüm merhum ve mağfired-nişan Sultan Abdülhamid han aleyhi'r-rahmetü ve'l-gufran zamanında bin yüz seksen sekiz senesi evasit-ı Şa'banında tecdiden sadır olan emr-i alişanı ibraz ve tecdidin reca itmeleriyle hilafına emr olmayup memnu'iyvet-i inhisar-ı bey' u şira nizamına mugayir değilse vech-i meşruh üzere amel olunmak babında(...)” A. Kal’a, (ed), *İAD 2*, p. 375, 11/311/969-fi evasit ZA 1206/1-10 July 1792; “(...)hudavendigar-ı sabık merhum ve mağfur leh ammüm Sultan Abdülhamid Han ala katranu'l-gufran zamanında virilen emr-i şerifi ibraz ve tecdidin reca ve niyaz itmeleriyle hilafına emr yoğise ve memnu'iyvet-i inhisar tüccaranı şamil sadır olan hatt-ı hümayun-ı şevket makrunuma mugayir değil ise vech-i meşruh üzre amel olunmak babında (...)” A. Kal’a, (ed), *İAD 2*, p. 378, 11/323/1007-fi evahir-i Z 1206/9-18 August 1792.

<sup>95</sup> İKS 98-12 N 1220/1805, quoted from O. Nuri, *ibid*, p. 656.

<sup>96</sup> S. Faroqhi, *ibid*, p.121

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013





With the commercial treaties signed between 1838-41 and the decree of *Tanzimat* in 1839, all monopolies were to be abolished.<sup>97</sup> An era of extreme confusion both for the state and the guilds began. The state's order for the abolishment of all monopolies meant that raw materials could be exported without taking into consideration the raw material needs of local artisans. The free trade liberalism, in a way, was a threat for the main structure of the guilds, who were mostly dependent on monopolistic rights. Thus, foreign tradesmen could engage in retail sale in the Ottoman territory. In many cases, the foreign tradesmen followed the orders of the Ottoman guilds and managed to acquire certain number of *gediks* from the Ottoman state by gaining power in the guilds as in the example of the French traders<sup>98</sup> at least in 18th century. It is certain that the local artisans were unable to compete with foreign subjects who opened shops selling all kinds of goods and hence, undermined the economic base of the guilds.<sup>99</sup>

Even though most of the guilds gradually lost their unity and privileges against the liberal economic policies of *Tanzimat*, the fixed *gedik* ownership remained. The effect of new trends in the Ottoman economy was the liberation of the *gedik* holder from his obligations to his group with respect to his activities in his specific work area. The *gedik* holders lost the right to transfer of their rights. Thus, in other words, the individual master's usufruct of shop space turned into an exclusively personal right.<sup>100</sup> In fact, the artisans' fear of losing the *gedik senedat* usufruct right over their area of work was making the complete abolishment of the *gedik* difficult.<sup>101</sup> In addition, as Kazgan notes, the lack of a class opposing the *gedik* workmen in western countries is likely to have contributed to the lack of its abolishment.<sup>102</sup>

Government offices continued to acknowledge the transfer of fixed *gediks*, a profitable practise for government inasmuch as transfer fee was paid to the state. The re-establishment of fixed barber *gediks* should be also taken into consideration in this sense. Soon after the abolishment of janissary corps, the coffee houses in the capital were closed down and their fixed *gediks* were abolished.<sup>103</sup> The barbers working in coffee houses were deprived of their livelihood. Following an appeal by the barbers, fixed *gedik seneds* began to be given to coffee houses but under such conditions that they would be in determined measures (8-10 x 6-7 zira' at most) without bench and garden.<sup>104</sup> The government's justification for the re-establishment of fixed barber *gediks* was that coffee houses were abolished due to their being places of untruthful news; however, untruthful news did not arise from barber's premises and if anyone wanted to tell a lie, he/she can do it in anywhere.<sup>105</sup> The freedom in any trade or craft due to *Tanzimat* was also stressed and used as justification.<sup>106</sup>

<sup>97</sup> For example in Anglo Turkish Convention of 1838 it was recorded that “(...)İngiltere kraliçesi ve padişahının tebası ve bunların hizmetlerinde istihdam olunanlar min ba'd memalik-i mahrusemin her bir mahallinde bi'l-istisna memalik-i mahrusen mahsuli ve karı olarak her cins ve nev'i emti'a ve eşyayı mübayaya me'zun olalar ve saltanat-ı seniyye dahi gerek ziraat ve hırsat ile hâsıl olur ve gerek sair cem'i eşya hakkında yed-i vahid usulünü bi'l külliye terk ve iptaline resmen müteahhid olmuş olmağla(...)” *Muahadat Mecmuası*, Hakikat Matbaası, vol.I, İstanbul, 1294, p.273.

<sup>98</sup> E. Eldem, *French Trade in İstanbul in the Eighteenth century*, Brill (Leiden, Boston, Köln), 1999, p.262.

<sup>99</sup> C. Issawi, *The Economic History of Turkey, 1800-1914*, Chicago, 1980, p.304-5.

<sup>100</sup> E. Akarlı, *ibid*, p.230.

<sup>101</sup> O. Nuri, *ibid*, p.663.

<sup>102</sup> H. Kazgan, “Gedik”, *İstanbul Ansiklopedisi*, Tarih Vakfı Yurt yay, v.3, p.386-389.

<sup>103</sup> Sıdkı, *ibid*, ft p.79.

<sup>104</sup> like “(...)berber gediği nakl olunacak dükkânın tulen sekiz ve nihayet on zira' ve arzen altı ve nihayet yedi zira' kadar olması ve kat'an oda ve bağçesi müştemil olmamak (...)” BOA, CB 4476-22 ZA 1245/15 May 1830.

<sup>105</sup> “(...)berber dükkânı ve kahvehane mahall-i eracıf olarak anın önünü kesdirmek mütalaasından ibaret olduğuna ve eracıf maddesi ise mekandan tahaddüs ider bir şey olmayup anı söyleyecek adem her nereden olsa tefevvüh ideceğinden bu nizamın bekasında bir güne faide olmayarak (...)” BOA, İMV 126-10 R 1256/11 June 1840.

<sup>106</sup> “(...)herkes mülkün istediği gibi mutasarrıf olmak *Tanzimat-ı hayriye iktizasından olduğuna* ve nizam-ı mezkûrun bekasında bir güne faide olmayarak teba-i saltanat-ı seniyyenin iz'ar ve iz'acını mucib olacağına binaen nizam-ı

## Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



There was some overlap of activities performed by different groups of *gedik* holders; the state favored those groups it perceived as performing their jobs well. The fashion for headgear was changing and a new style of consumption and thus production was expanding. Two groups were in conflict on fez dyeing. One group was claiming their monopoly on fez dyeing since they were trained in *Feshane* and had *gediks* related to same. The state decided against the repairmen interfering in fez dyeing.<sup>107</sup> Although from time to time the state prohibited the establishment of new *gediks* from *evkaf* and the annulment of ex registrations<sup>108</sup>, the state itself permitted the establishment of new *gediks*. Based on documents, it is clear that the meaning *gedik* referring to tools and equipment continued to be relevant among artisans also in later periods in addition to shops and depositories being named as *gedik*. Various kinds of materials needed for a craft/trade continued to be called *gedik* as in the example of *tokmakçıs*. For an immediate need of *tokmakçı* in Galata, three *tokmaks* were regarded as one *gedik* by their attachment to the *vakıf* and began to be sold in return for 5000 *kuruş* as down payment and 360 *kuruş* as yearly payment.<sup>109</sup> It is uncertain whether the three *tokmaks* all belonged to one man or rather to three men. In this case, one *gedik* might be bought by a qualified man and he used *tokmaks* with his apprentices or this one *gedik* might be shared by three qualified persons.

The state was aware of the negative effects of *gedik* and even its role in restraining trade and thus lowering consumer welfare, but this did not diminish the difficulty of abolishing the *gedik*; this was expressed in 1860 decree. Within the attachment of *gediks* to *evkaf*, property and *gedik* were separated from each other and they were used by *seneds* of *vakıfs* to which they attached. There was confusion regarding ownership of property. Sometimes the owner of the *gedik* and of the property were two different people and sometimes one individual owned both the property and *gedik*. In time, although prices of commodities and property increased, *gedik* holders paid old (now very under-market) rents. Due to their monopoly, the value of *gediks* constantly increased; *gedik senedat* were sold at ever-higher prices, but the owners of property did not share in this profit, bound as they were by the old rents paid by *gedik* holders. The law also disadvantaged owners of property or *vakıfs*. The *gediks* decreased the value of properties since two thirds of *muaccele* belonged to *gedik* while only one third of it was determined to be given to the proprietor. Therefore, the conflicts between the holders of *gedik* and owners of property were widespread, with many cases brought to court regarding same. In addition, due to treaties on trade agreed with European countries, the state did not have right to continue to licence *gediks* and thus restrain trade.

In addition to financial gain to the state from the registration and transfer fee of *gediks*, the state continued to justify the preservation of *gedik* as to not harm both the *gedik* holders and owners of property due to the loss of *evkaf* revenues given that artisans usually pledged their *gediks* to *evkaf*. The state also worried if *gediks* were abolished totally; *gedik* holders would demand large *muaccele*s from the treasury. The application of a newly established system of patents in which anyone who paid all duties had the right to perform any trade/craft anywhere he wanted was regarded as too difficult for the state to administer. Since the consent of owners of property was not to be questioned, properties were often confiscated and this usurpation customarily was performed even in government offices. In order to find a solution that allowed for the preservation of value of *gediks*, it seemed to be appropriate to demand ½ or 1/3 tax from *gedikli* shops on patent system. In

*mezkurun feshiyle bu makule berber gediği vaz'ına dair istida vukuunda mehazir-i mevkiyyesi olmadığı halde ruhsat itası hususu(...)*" BOA, İD 2156-5 B 1257/22 August 1841.

<sup>107</sup> BOA, İMV 403-15 C 1257/3 August 1841.

<sup>108</sup> BOA, İMV ( Hususi İrade Tezkiresi (Dâhiliye))10749- 24 CA 1265/18 April 1849.

<sup>109</sup> "(...)Tophane-i amire ve Galata'ya gelen astar sabagat ve tokmak ile perdaht olunmak ve üç tokmak bir *gedik* itibar kılınmak üzere *evkaf-ı hümayun-ı şahaneye* ilhaken beş bin *kuruş* mu'accele ve senevi üç yüz altmış *kuruş* icare-i müeccele ile Galata'da gösterilen mahalde icarı istid'a olunmuş (...)" BOA HH 27278-1254/1838.

### Turkish Studies

International Periodical For the Languages, Literature and History of Turkish or Turkic  
Volume 8/5 Spring 2013



spite of all difficulties and worries of the state, at least establishment of new fixed *gediks* and the sale of equipment of *hevayi gediks* were prohibited.<sup>110</sup>

By the *nizamname*<sup>111</sup> of 1861, the practise of granting *gedik* was abolished and the issuance of *gedik* title deeds from *Evkaf* Treasury, other government offices and courts was forbidden. Only *gediks* issued or recorded before 1247/1831 were regarded valid. All records of *gediks* in any kinds of offices or courts were eliminated and claims concerning *gediks* would not to be heard by law courts. The İstanbul court was in charge of these kinds of issues. The *gediks* of tobacconists, flour dealers and bakers were exceptions and also the *gediks* issued between 1247/1831 and 1277/1861 were held as valid and their procedures could be carried out in local courts. However, the 14<sup>th</sup> item<sup>112</sup> of the *nizamname* justifies that the state formally recognised the precedence of *gedik* deed holder over the relevant property by giving the right of necessarily consent of *gedik* holder on any increase in existing rent payments. Through the end of the Ottoman state a temporary law<sup>113</sup> of 1913 abolished all *gediks* in İstanbul. The *gedik* title deed were regarded as title of fully property ownership because most of the usufruct rights were decided in favour of *gedik* holders if owners of property and *gedik* holder was not the same person. The law of 1935 dictated that *vakıf* had to give their rights to *gedik* title deed holders in return for monetary compensation, which totally resolved, confusion caused by *gediks*. The effect and results of institution of *gedik* on properties and its adventure on private property ownership should need further researches.

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<sup>110</sup> BOA, İrade Meclis-i Mahsus, 787-20 N 1276/12 April 1860.

<sup>111</sup> 8 Z 1277 tarihli *ber vech-i mülkiyyet tasarruf olunmakta bulunan gedikat hakkında nizamname* Düstur 1, vol. I, İstanbul 1289, p.258-262.

<sup>112</sup> *Gedikat ashabının rıza ve muvafakatlari munazzım olmadıkça kadim mülk kiralari tezyid olunamayacaktır.*

<sup>113</sup> 1331 tarihli *Gediklerin İlğası hakkında kanun-ı muvakkat*, Düstur ikinci tertib, vol. 5, İstanbul, 1332, p.118-120.

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Volume 8/5 Spring 2013



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Volume 8/5 Spring 2013



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Volume 8/5 Spring 2013



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Volume 8/5 Spring 2013



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**Turkish Studies**

*International Periodical For the Languages, Literature and History of Turkish or Turkic*  
Volume 8/5 Spring 2013

