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## Ottoman Market Regulation and Inspection in the Early Modern Period

İKLİL SELÇUK\*

### Abstract

This article looks at Ottoman market regulation policies and practices, by highlighting some turning points in their evolution in the early modern period. The task of the Ottoman market inspector evolved to focus largely on the mundane or economic affairs of the market, diverging from previous practices in Islamicate societies. The study interprets particularities of Ottoman market regulation policies by accounting for nuanced interpretations of the implementation of rules regarding non-Muslim subjects, overlapping jurisdictions between policing and market inspection, and the increasing intricacies of tax farming.

**Keywords:** muhtesib, commanding good, tax farming, provisionism, public good, maximum price

### Öz

Bu makale, Osmanlı çarşı-pazar denetim politikalarını ve pratiklerini erken modern dönemde meydana gelen bazı değişimler ile dönüm noktalarını irdeleyerek incelemektedir. Bu dönemde Osmanlı çarşı ve pazarlarının denetiminden sorumlu olan görevlinin, daha önce İslam dünyasında görülen tablodan ayrılarak, ağırlıklı olarak dünyevi meselelere odaklandığı görülmektedir. Bu çalışma Osmanlı pazar kontrolü yöntem ve politikalarının hususiyetlerini, gayri Müslim tebaa, çarşı ve şehirde iç içe geçen hukuki denetim yetki alanları ve iltizam sisteminin giderek karmaşıklaşan yapısını göz önüne alarak, nüanslı bir şekilde ele almaktadır.

**Anahtar Kelimeler:** muhtesib, emr bi'l-ma'ruf, iltizam, iaşecilik, maslaha, narh

The Ottoman approach to market regulation and inspection is the main subject of this study. Questions on ideological and practical concerns that guided Ottoman market regulation, milestones, distinguishing features of these policies, and their implementation prompted my research.<sup>1</sup> This quest began with a look at ideals and moral imperatives on urban life, market production and exchange that are epitomized by the Islamic institution of *bisba* and *futuwwa* ethics, both of which predated the Ottoman period. Theoretical and comparative discussions on *moral economy* in the medieval context, such as the work of Narotzky and Manzano,

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<sup>1</sup> I am grateful to my colleague Feray Coşkun for reading and criticizing the final draft of this paper. I am indebted to all participants in my presentations of parts of relevant research at various conferences for their input: March 28, 2019, 29 Mayıs University History Department; April 11, 2019, Koç University AKMED; June 7, 2019, Austrian Academy of Sciences Urban Agencies Workshop; September 27, 2019, Ibn Haldun University 2. Uluslararası Süleymaniye Sempozyumu; October 4, 2019 Boğaziçi University Kadın Kadına Tarih Konferansı; December 17, 2019, Özyeğin University İTB Cass Seminar. I extend my gratitude to the anonymous referees for their comments.

further sparked my interest.<sup>2</sup> The morals of the medieval era reflect a balanced concern with religious obligations (observing rituals, public segregation of men and women, rules regarding non-Muslims, preventing public immorality such as alcohol consumption) and mundane affairs (prices, provisioning, hoarding, usury and the like). Ottoman market rules from the 15th century on, increasingly, if not solely, focused on economic affairs.<sup>3</sup> Their implementation, on the other hand, was contingent on a complex array of factors including groups and individuals who impacted urban market conditions while interacting with each other. While examining Ottoman market regulation and inspection, the present study draws attention to some turning points in their evolution from the formative years until the 1800s.<sup>4</sup> Some profound changes, which took place in the 19th century, will be mentioned at the end of the paper but will not be scrutinized in detail. Many facets of market regulation are already known. My aim, therefore, is to provide a nuanced interpretation, without appeal to the “pragmatism of policy makers,” a convenient path given discrepancies between “Ottoman” and “Islamic” versions of similar institutions that impacted market regulation.<sup>5</sup>

Ottoman market regulation, or *ibtisab*, was derived from the Islamic principle of *bisba* based on the Qur’anic injunction of “commanding good and forbidding wrong,” (henceforth *commanding good*).<sup>6</sup> This duty, which in its broad sense befell all believers, was entrusted in the medieval period with the market inspector (*muhtesib*; Ar. *muhtasib*) who was authorized to carry out the duty on behalf of the sovereign.<sup>7</sup> The origin of this office goes back to the lifetime of the Prophet, who is reported to have appointed inspectors named ‘*āmil al-sūq*’ to oversee the Medina market. The Umayyads continued the office under the name of *sabib al-sūq*, still using this terminology when a part of the dynasty moved to the Maghrib. Abbasid rulers are known to have preferred to use *muhtasib* for market inspectors, which has been interpreted as a rise in emphasis on *commanding good*, rather than a more limited understanding of checking market transactions.<sup>8</sup> Kristen Stilt’s *Islamic Law in Action* provides a comprehensive account of the Mamluk *muhtasib*. She suggests a translation of the title of the officer that reflects the intricacy of terminological matters, origins and various duties of the *muhtasib*:

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<sup>2</sup> Narotzky and Manzano 2014.

<sup>3</sup> For a revealing portrayal of the functions of the Ottoman market inspector, see Faroqhi 2009, 37.

<sup>4</sup> Beginning with an analysis of sources from the early medieval period, Narotzky and Manzano 2014, 44-45, underline the extensive influence of *bisba* by stating that: “...*ḥisba* creates a particular brand of moral economy that becomes hegemonic and stabilizes economic life until the eighteenth century in what Shechter has defined for the Ottoman polity as a “good-enough” economy, whose objective was not growth and accumulation, but a market-welfare system....”

<sup>5</sup> On “pragmatism”: Dağlı 2013, 194-202. The medieval Islamicate world is the basis of the present contextualization. A comparison with the larger Mediterranean context, specifically with Byzantine market regulation and the office of the *eparch*, is not delved into mainly because of the limitation of space.

<sup>6</sup> Kallek 1998; Cook 2000.

<sup>7</sup> The ideals of economic justice in the broadest sense that guided the jurisdiction of the official were based on just price, fair commerce, circle of equity, quadripartite division of society, household economy (*tadbir al-manzil*), and *futuwwa*. These ideals underlined the necessity of maintaining proper weights and measures; the need to set maximum prices under extraordinary circumstances; provisioning; prevention of hoarding, speculation, usury, collusion, profiteering and enormous damage; and immoral behavior. On the parallel concerns with market weights and measures in antiquity, see Tekin 2016. Recurring themes of morality that guided market regulation from late antiquity to Ottoman times deserve further attention. I have dedicated a separate article to these topics, entitled “A Conceptual Account of Market Morals that Resonated in Medieval Anatolia under Christian and Muslim Rule,” which is forthcoming in *Medieval Worlds*.

<sup>8</sup> For details see Buckley 1992, 60-63. For a discussion of the origins and corresponding terminology used to designate the official, see Stilt 2011, 38-42.



The term *muh̄tasib* has often been translated in western literature as “market inspector,” a choice possibly influenced by the many descriptions of the jurisdiction that involve commerce and commercial transactions or by the related title *ṣūḥib al-sūq*, “guardian of the market.” Such a translation of the title is, however, too narrow. As will be seen, the jurisdiction of the *muh̄tasib* extended to any evident public action, whether in the fields of devotional practice, commerce, or crime. The position is better expressed as an inspector and regulator of the markets and public behavior generally.<sup>9</sup>

As in the early and later medieval periods, Ottoman “markets and public behavior” were regulated under market conditions, amidst negotiations of urban agents<sup>10</sup> including craftsmen, their experts (*ehl-i hibre*), wholesalers, merchants, notables, *mubtesib* and *abis*.<sup>11</sup> The order of the marketplace related to good governance and public good (*maslaba*) since the interactions of groups and individuals in public places, which provided basic necessities and quality standards of products, concurred in this realm.<sup>12</sup> Interregional and international dealers of large volumes of commodities, such as resident merchants who held permanent offices in the *bedestans* (central covered bazaars of major towns) or worked from their headquarters in association with brokers (*simsar*), were exempt from the mandate of the market inspector.<sup>13</sup> The likely reason for their exemption is that their commercial merchandise was checked, taxed or fined by customs officers.

The Ottoman *mubtesib*, like his predecessors, was aided in his duties by experts from among craftsmen or by various other officers such as the chief architect (*mi'marbaşı*), when pertinent, as well as by his own assistants. His booth was centrally located in the urban market to allow convenient access in all directions.<sup>14</sup> When market conditions (especially market prices) prevailed over rules imposed by the authorities, one of a few possibilities materialized. Under these circumstances, either the *mubtesib* threatened the wrongdoer with penalty or chastisement or applied fines and punishments including ignominious parading. Or he and his helpers accepted bribes to allow the progression of market conditions.<sup>15</sup> As simple as this observation sounds, market regulation practice and its evolution over time appears to be complex.

A variety of sources reflect the complexity of issues regarding market regulation. Besides the Qur'an,<sup>16</sup> major sources include prophetic traditions (*hadīth*), related chapters in works

<sup>9</sup> Stilt 2011, 42.

<sup>10</sup> Such negotiations, based on observations of later Ottoman periods, are described as “a space of struggle” by Huricihan İslamoğlu (2004, 6-7) and as “confrontations, resistance, negotiations or deliberations among groups of individuals when confronted with a social reality premised on market interests” (cited by Narotzky and Manzano 2014, 35).

<sup>11</sup> For a recent overview on *abis*, a medieval brotherhood of professional, chivalric and spiritual qualities, see Peacock 2019, 117-44. See also the seminal work of Gölpınarlı 1949.

<sup>12</sup> On *maslaba* see Akarlı 2010. On the blurred lines between public and private, see Mottahedeh and Stilt 2003; Klein 2006.

<sup>13</sup> On *bedestan* see İnalçık 1979-1980.

<sup>14</sup> Ergenç 1995, 103-9.

<sup>15</sup> On the Ottoman *mubtesib* and his punishments see Heyd 1973, 301; Lange 2008, 170, 225; Faroqhi 2009, 37-39. On ignominious parading see Lange 2007.

<sup>16</sup> “And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful” (The Qur'an, 3:104); “Hence, o my people, [always] give full measure and weight, with equity, and do not deprive people of what is rightfully theirs, and do not act wickedly on earth by spreading corruption” (The Qur'an, 11:85).

of Islamic Law and jurisprudence (such as al-Māwardī, 11th century; al-Ghazālī, 12th century; Ibn Taymiyyah, 14th century), and handbooks of prescriptions to market inspectors.<sup>17</sup> Islamic theoretical works from both pre-Ottoman and later periods portray the ideal *mubtesib* as a good and honest Muslim man who is “sufficiently trained” in Islamic Law.<sup>18</sup> Generally common to these sources is the purpose of maintaining market order, most significantly, checking the standards of market goods, preventing hoarding of basic necessities, and averting those who hinder fair trade, which requires close monitoring of craftsmen and manufacturers. A categorization of occupations by Maya Shatzmiller, who utilizes among other sources market inspector manuals from the early medieval period, puts forward the degree of specialization, division of labor, and a shift towards the manufacturing sector in the Islamic realm.<sup>19</sup> Pre-Ottoman sources also uphold proper religious conduct in towns, notably the segregation of sexes, observing Friday prayer with the congregation, fasting during Ramadan, and checking the public behavior of *dhimmis* (non-Muslim people of the book under Muslim rule). Positions on two issues - hoarding and price setting - are specifically noteworthy for the present study. Hoarding was clearly condemned by all legal authorities in the pre-Ottoman Islamicate world; however, price setting (Ar. *tasīr*) was only allowed by some schools under specific circumstances of famine or dearth to protect the public good (*maslaba*).<sup>20</sup>

Different schools of Sunni Islam diverge in their interpretation of whether the principle of *commanding good* may be applied by lay subjects with or without the permission of the ruler; with or without the use of violence.<sup>21</sup> The Ottoman position on these matters required the permission of the ruler to authorize his agents to *command good*. It focused on the economic and fiscal aspects of market inspection, and systematically set, codified and implemented maximum prices for the first time in the Islamicate world.<sup>22</sup> Existing studies reflect Ottoman market regulation policies based on sultanic law codes (*kānunnāme*), biographical dictionaries, pamphlets of weights and measures, *mubtesib* appointment deeds, fiscal records of market-tax farms, chronicles and maximum-price lists.<sup>23</sup> This article focuses on legal / prescriptive sources with an effort to understand and interpret them within their socio-economic and political contexts.

## Late Medieval Market Inspection Tendencies

A wider look at late medieval pre-Ottoman market regulation in central Eurasia signals a transformation toward increased intervention on the part of government authorities, and a corresponding change in the background of market inspectors from scholarly to military circles.

<sup>17</sup> Such as al-Shayzarī, 12th century; Ibn al-Ukhūwah, 14th century; Ibn Bassām, 15th century.

<sup>18</sup> The education level necessary for appointment to the office of *mubtasib* is not so clear; however, sources suggest that the *mubtasib* must have the proficiency to understand and interpret relevant legal sources. See al-Shayzarī 1946; 1999, 28-32; Ibn al-Ukhūwah 1938, 14-15.

<sup>19</sup> Shatzmiller 1994, 11-98.

<sup>20</sup> Sabra 2003. More specifically, the Hanafī and Mālikī schools were more lenient regarding *tasīr* as opposed to the Hanbalī and Shafīī interpretations. On the imposition of the rules in Mamluk Egypt, see Stilt 2011, 154-74.

<sup>21</sup> Cook 2000, 470-79. In tune with the Hanefi school of Islamic Law, Ottoman intellectuals followed established Islamic theoretical interpretations. Opposing perspectives on entitlement and authority over the urban market surfaced occasionally, such as the struggle between 17th-century Kadızādeli scholars and Sufi circles concerning the principle of *commanding good* underlined in Cook 2000, 316-34. As a reaction to the Kadızadeli position, Kātib Çelebi's 17th-century work *Mīzānū'l-ḥaḳḳ fī iḥtiyārī'leḥaḳḳ* features a chapter on *emr bi'l ma'rūf* (*commanding good*); see Kātib Chelebi 1957, 91.15.

<sup>22</sup> For a comprehensive analysis see Kafadar 1986, 97-137.

<sup>23</sup> Barkan 1942a, 331-36; Kavakçı 1975; Kütükoğlu 1983; Kafadar 1986; Kazıcı 1996; Kallek 1998, 2006; Taş 2007; Saraçoğlu 2016.

Christian Lange's work on late 12th-century Seljuk Baghdad reveals a transformation in the office of the *mubtasib*. Lange shows that during this period the Seljuks created their own market inspector by granting him previously unknown powers and functions.<sup>24</sup> These new *mubtasibs*, according to the author, were closer to higher echelons of government rather than being natural extensions of scholarly (*ulamā'*) circles who were designated authorities on *commanding good*. Based on Seljuk panegyrics, while the authority of the Sultan was extended to the *mubtasib*, unauthorized individuals were no longer allowed to exercise the public role of *commanding good*.<sup>25</sup> The punitive powers of Seljuk *mubtasibs* expanded, as they were now allowed to use ignominious parading (*tashbīr*) as well as "statutory" (*hadd/budūd*) and discretionary punishments (*ta'zīr*). Prostitutes, cheating merchants, thieves, grave robbers, tricksters, drunkards, perjurers, blasphemers and cannibals suffered ignominious parading.<sup>26</sup> *Commanding good* thus became an instrument in official hands, coinciding with Nizam al-Mulk's surveillance program of espionage agents (*jāsūsān*), which mainly targeted Isma'ilis. This purge, in turn, ignited a reaction from scholars who reminded officials that it was only appropriate to *command good* in case the duty was unmistakably overlooked and to *forbid wrong* in case it was obviously committed ("zāhir" as opposed to "maktūm" or "sirr").<sup>27</sup> By the end of the 12th century, *mubtasibs* became so intrusive (somewhat like inquisitors) that proscriptions against their abuses rather than prescription of their duties were required.<sup>28</sup>

Stilt suggests a similar transformation regarding the *mubtasibs* of Cairo and Fustat towards the end of the Mamluk Sultanate. Part of this change concerns the backgrounds of the *mubtasibs*. In the earlier periods, market inspectors with a legal education, such as jurists, were appointed to this post. In time, however, the preference shifted to influential individuals who were close to the Sultan or to *amirs*,<sup>29</sup> who had the potential of marshaling political support when necessary.<sup>30</sup> Another expression of change involved the practice of maximum price setting, which due to its controversial nature, was not liberally allowed in Mamluk towns, but was occasionally practiced under specific circumstances such as food scarcity or famine announced by the qadi. Stilt suggests that price setting gained frequency toward the looming Ottoman conquest. As the Mamluk sultanate mobilized all means to deal with the approaching danger, they increased taxation. Craftsmen and townspeople who struggled to pay these taxes tended to raise commodity prices, which in turn led to complaints from the urban population, and necessitated maximum price setting.<sup>31</sup>

Were there comparable leanings in market inspection in late medieval Anatolia prior to the Ottomans? What was the focus of duties of the *mubtesib*? Only meager information precedes that provided by sources from the 15th century. A council of market inspection appears under the Rum-Seljuks. A royal decree of appointment reveals that the market inspector's duties focused on commercial transactions, scales, and crafts, but also included keeping non-Muslims

<sup>24</sup> Lange 2011, 159.

<sup>25</sup> Lange 2011, 163.

<sup>26</sup> Lange 2007, 2008; 2011, 164-65.

<sup>27</sup> Lange 2011, 166.

<sup>28</sup> Lange 2011, 167, underlines a similar observation made on a Khwarazmshāh letter of appointment by Wittmann 2006.

<sup>29</sup> *Amir (amīr)*: commander; an officer of the sultan in several ranks commensurate with the size of his unit of soldiers; definition by Stilt 2011, 211.

<sup>30</sup> Stilt 2011, 63-71.

<sup>31</sup> Stilt 2011, 169-71.

in check.<sup>32</sup> A 14th century appointment decree refers to both economic and moral-religious facets of market inspection.<sup>33</sup> An early 15th-century manual of epistolography discloses that price setting was practiced and that the duties of the market inspector of Ladik included announcing official maximum prices as well as *commanding good* with respect to religious norms.<sup>34</sup> Sources that shed light on market inspection from this period indicate an overall trajectory towards the prevalence of mundane affairs.<sup>35</sup>

The market inspector of this period held his office as a tax farm (*mukāta'a*), consistent with the later Ottoman practice. In addition to the earliest-available appointment deeds, chronicles penned in the 15th century provide a window into early Ottoman market regulation and taxation policies, albeit retrospectively. Cemal Kafadar's work on late 16th century socio-economic changes and their perception by contemporary writers within the "decline paradigm" shows that 15th-century chroniclers already represented a relatively more centralized Ottoman state apparatus and its revenue-producing fiscalist measure. At the beginning these were categorically despised by a more primitive and radical redistributive order that did not prioritize a state treasury and its fiscalist operations.<sup>36</sup> Tax farming, auctioning out the right to collect the revenue from fees, taxes and fines on market activities to the highest bidder continued to be a determining factor in the choice of individuals who were appointed as market inspector.<sup>37</sup> Tax farming, therefore, deserves a closer look, particularly regarding its links to the organization of urban space, production, provisioning and price controls.

#### The Focus on the Mundane among the Duties of the Ottoman Market Inspector

The concept of *sūk-ı sultānī*, found in Ottoman documents of the classical period, designated urban markets at large. This concept defined a hypothetical marketplace located in a site that was well known by the local population. There a specific spot was assigned to each commodity. Both the location and the commercial transactions of the market were expected to be in the best interest of ordinary subjects (*fukarāya evlā ve enfā'*).<sup>38</sup> The officials who collected corresponding taxes on transaction - *emin* (appointed official responsible for tax collection in return for a salary) or *mültezim* (tax farmer who acquired the right to collect taxes from a particular economic activity through bidding and placing a down payment in an auction) - assumed both fiscal and administrative functions. They carried these out from a stand or a booth in the marketplace. Market taxes from any given location at a certain period in time were collected either by an *emin* or a *mültezim*. Different authorities inspected the commodities of long-distance trade brought by merchants (*damga emīni*), and the goods brought from the immediate hinterland (*kapān emīni*).<sup>39</sup> This system of farming out the rights to collect taxes was applied from 1500s onwards and gained momentum later in the 16th century in the context of price movements, transformation of military technology, and fiscal measures necessary to meet

<sup>32</sup> Konevī 1958, 43-44 (13th cent.).

<sup>33</sup> al-Hū'ī 1963, 33-34.

<sup>34</sup> Kırımlı Hafız Hüsām 2008 (14th cent.).

<sup>35</sup> Wittmann 2006.

<sup>36</sup> Kafadar 1986, 22-40.

<sup>37</sup> On tax farming see Genç 2000b; 2003; Darling 1996, 1-21; Özvar 2003, 29-94. On *mubtesibs* holding office as tax farm see Faroqhi 2009, 191.

<sup>38</sup> Ergenç 2012, 171.

<sup>39</sup> Ergenç 2012, 173.

the requirements of financing increased numbers of soldiers in the standing army.<sup>40</sup> As tax farming provided the fisc with a down payment from the candidate for the post of *muhtesib*, its implementation proliferated due to inflationary pressures and war expenditure during the long 17th century. 1695 was the date of the introduction of the lifetime tax farms to prevent abuse in the field of production and to facilitate tax collection. Tax farming remained in use well into the 19th century.<sup>41</sup>

The *Muhtesib* was both a fiscal agent and a part of the inspection and organization of manufacturing by local producers. Fiscal and administrative duties of other functionaries like the police (*zaīm / subaşı*) or *asesbaşı* were similarly organized. Since the right to collect dues (*ibtisab rüsūmu*) on income sources that belonged to the sultan was “farmed out” to these functionaries, market taxes (*bāc-ı bāzār*) charged on grain, wheat, fruits, timber and provisions as such were included in the income of the market regulation tax farm (*ibtisab mukata’ası*). Records on tax farms reveal the connection of urban centers, where goods and services were produced, with their rural hinterland. The urban market is portrayed as the scene for the sale of commodities demanded by the people (*rağbet-i nās*), at prices that were supposed to be in their best interest.<sup>42</sup> Halil İnalçık portrays the “Ottoman economic mind” as an approach that involved control over artisan guilds, thus rendering trade and market prices significant aspects of the continuity of production. Ottoman authorities determined maximum prices ideally to prevent profiteering by merchants and craftsmen.<sup>43</sup> Correspondingly, the quantity of production was also limited in order to prevent market prices from becoming too low.<sup>44</sup>

Following the conquest of Constantinople, maximum price setting becomes a regular duty of the Ottoman *muhtesib*, as documented by 15th century appointment deeds as well as law codes issued beginning with Mehmed II’s rule (1451-1481).<sup>45</sup> A noteworthy term used in Mehmed II’s law addressed to the *muhtesib* is *berāber fāide*, which can be translated as *common good* or *collective benefit*. The document reveals that rules are promulgated to prevent craftsmen from selling at prices of their discretion (*ber nice isterler ise ol vech üzre*). The Sultan orders price setting on market commodities to preserve the *common good*.<sup>46</sup>

Codification of market rules by Mehmed II’s successor Bayezid II (1481-1512) in the early 16th century coincides with a number of developments that are underlined by Cemal Kafadar within the context of what he calls “the textual turn of the late-fifteenth century.”<sup>47</sup> Bayezid II’s codification follows his effectual European expedition (1484) and peace with Venice and Hungary. The Sultan’s reversal of confiscations of Sufi and waqf property by his father Mehmed II, his forced settlements of the “supporters of Ardabil,” and his patronage over the Bektaşî

<sup>40</sup> İnalçık 1980.

<sup>41</sup> Faroqhi 2009, 191; Ergenç 1995, 105.

<sup>42</sup> Ergenç 2012, 172.

<sup>43</sup> İnalçık 1970, 1979-1980.

<sup>44</sup> This echoes the Byzantine principle of *laesio enormis*, meaning enormous damage done to the seller who consciously charges a lower price than half the just price. Enormous damage was of concern with respect to land sales by poor peasants to power holders, as well as keeping wage levels from dropping below just wages. For a discussion of *laesio enormis*, see Laiou and Morrison 2007, 58-59, 62-63.

<sup>45</sup> Beldiceanu 1973, 161-62, 431-32; Akgündüz 1990, Vol. 1.

<sup>46</sup> “...bu bâbda anların hâllerine nazar edüb ehl-i hîrfezin alub satduğı nesnelereñ asıl semâyelerini ayru ve harcın ayru teftiş etdürüb ana göre kendüler için fâyide kodurub narhını ta’yin etdürdüm.” The document is published by Akgündüz 1990, 1:378-79.

<sup>47</sup> On this conceptualization, see Kafadar 2019, 84.

order of dervishes concur with the rise of the Safavid threat and the consequent growth of confessional (Sunni) sensitivities.<sup>48</sup>

The products of this political environment - the law codes on the regulation of the markets of Edirne and Bursa (both dated 1501) and that of Istanbul (undated) - are marked within the corpus of sultanic laws owing to their comprehensiveness and endurance over time. The Bursa market code deserves a closer look since the old capital was a significant manufacturing center at the crossroads of commerce.<sup>49</sup> Bursa required a thorough market law on account of the vibrancy of its local market life, the volume of its interregional and international trade that specialized on different branches of silk textile manufacturing, and its function of provisioning the Topkapı Palace. The law code on the regulation of the Bursa market starts by explaining the initial market inspection, which led to the drafting of the code. According to the preliminary order, groups of artisans (*ehl-i biref*) and their experts (*ehl-i hıbre*) in the Bursa market were summoned and questioned on the price and quality of the goods sold at the market. Artisans were asked about the old maximum price in their trade, and whether it prevailed in the market. If it was different, they were questioned about the reason for the difference, and about when the breach first appeared. None of the groups of artisans had kept the old maximum price since six or seven years previously (since 1496-1497).<sup>50</sup> A loosening of market inspection in 15th-century Bursa led to higher prices than the original maximum prices. It is fair to imagine these were market prices determined by supply and demand, which were allowed by the *muhtesib* and his assistants, in return for systematic bribes. There is no explanation as to the cause of this discrepancy. Early Ottoman chronicles seem to present fewer details outside the legal document itself. Specifically for the early 16th century, it is rather difficult to document the context which might have caused inflationary pressures in local markets. Chroniclers of later periods, however, are informative on a comparatively much wider scope of topics included in their narratives.

A collection of imperial orders from 1501 (*Abkâm Defteri*), which predates the Law, refers to oppression exercised by the *muhtesib* of Bursa on the sherbet makers / sellers. Upon the petition of a sherbet maker, the imperial council sent an order cautioning the qadi of Bursa about such activity in the last days of July 1501.<sup>51</sup> Immediately following this record, another names four individuals as those who establish proximity to the *muhtesib*, inducing him to oppression. These men are to be removed from the vicinity of the *muhtesib* according to the order.<sup>52</sup> Such documents, however rare, display existing problems to do with *ibtisâb* administration prior to the market code.

In fact, the Law Code reveals contemporary market conditions since it is partly descriptive and partly prescriptive. Not only the testimony of the *muhtesib*, but also the testimonies of craftsmen and other market folk are recorded. These testimonies appear in a certain degree of abstraction, in other words, names of particular individuals are not mentioned next to their declarations. Rather than references to specific people, the market law includes general phrases

<sup>48</sup> For further on Bayezid II's tenure and policies, see Kafadar 2019, 88-89. For a contextualization of Bayezid II's reign within the early-modern Mediterranean setting, see Selçuk and Yüksel (forthcoming).

<sup>49</sup> Akgündüz 1990, 2:183-229; Barkan 1942a, 331-36. On Bursa guilds and commercial life, see Faroqhi 1995; Ergenç 2006, 178-238; Selçuk 2015.

<sup>50</sup> See Beldiceanu 1973, 208; Akgündüz 1990, 2:191; Barkan 1942a, 340; Barkan 1942b, 15.

<sup>51</sup> Şahin and Emecen 1994, no. 418, 115.

<sup>52</sup> Şahin and Emecen 1994, no. 418, 115. "Her kim *muhtesib* olur ise, anun yanına varub müslümanlara 'azîm zulm ü hayf iderler imiş..."



such as “trustworthy Muslims” or “the grocers, their experts, and the notables of the town” who were consulted and testified that the rules of the market had been abandoned for years. The Law narrates actual problems, suggesting remedies with specific references to the beginning of the problems concerning maximum prices. Unlike general manuals on *bisba*, which would include warnings to the market inspector about common ways of fraud, the Law associates social and market conditions with actions expected from the *muhtesib*. Neither theoretical legal sources nor *commanding good* are mentioned in the Law but it reveals several things: 1) the variety of trades and craftsmen found in Bursa, 2) the primary concerns of the government regarding market control, 3) the methods of price setting and the main actors involved in this process, 4) the problems that appeared in the implementation of these regulations, and 5) the suggested solutions and, in some cases, their success or failure. Intriguingly, the Law reports that craftsmen were consulted to find out about “*kānūn-ı kadīm*,” which may imply customary practice with respect to prices, manufacturing and service standards that were accepted as the norm. This shows the contractual feature of the Law and indicates the agency of the artisans since they, rather than the Sultan, were the source of authority of information.

In contrast to the Bursa market law, that of Istanbul includes two clauses that relate to religious duties: “Those who do not fast during the month of Ramadan must be punished and publicly displayed” and “(the names of) Those who do not perform the prayers must be searched and obtained from the prayer leader of the neighborhood and they must be punished.”<sup>53</sup> The Edirne law code, though mostly concerned with maximum price setting, also includes warnings about moral and religious duties.<sup>54</sup> Why the Bursa market code lacks such clauses is obscure. There is a certain level of difficulty with putting forward a contextual explanation, since the Istanbul code is undated.<sup>55</sup> If, as Barkan claims, the three codes of Edirne, Bursa and Istanbul are indeed contemporaneous (from 1501), perhaps the political milieu of the capital shaped the Istanbul code in tune with the aforementioned sensitivities regarding the rising Safavid challenge. If the Istanbul code was composed in later years or a later decade, which in my opinion is likely, then the warning against those who neglect attending Friday noon prayer with the congregation can be expounded based on the analysis put forward by Gülru Necipoğlu regarding the mid-16th century proliferation of Friday mosques in the age of chief architect Sinan, and the corresponding sensitivity toward public attendance to Friday noon prayer.<sup>56</sup>

Moreover, their exclusion from a particular law code did not necessarily mean that the authorities undermined moral / religious imperatives. The intricacy of the situation requires an examination of the *subaşı* (*za’ī mü’l-vakt*) who functioned as the urban police.<sup>57</sup> The legitimacy of the policing duty of the *subaşı* similarly rests on *commanding good*, which often put them in charge of substance prohibitions like tobacco ban. Along with the imminence of legitimacy and authority of the *subaşı* and *muhtesib*, various sources show that their areas of influence were reciprocally fluid. In some cases, the same individual assumed both responsibilities.

<sup>53</sup> “...ve ramazan ayında oruc dutmayanın gerekidir ki hakkından gelüb teşhîr ideler.”; “...ve namaz kılmayana kıl diye namaz kılmayanı mahalle imamından tefütş idüb hakkından geline.” Akgündüz 1990, 2:121-29.

<sup>54</sup> Beldiceanu 1973, 74.

<sup>55</sup> Barkan 1942a, 328, maintains that the Istanbul code is contemporaneous with the 1501 codes of Bursa and Edirne. However, this assertion requires further scrutiny.

<sup>56</sup> See Necipoğlu 2005, 47-59 for this assessment under the title of “Religio-legal contexts of mosque construction.”

<sup>57</sup> The fees collected by the *subaşı* fell under the category of taxes levied on occasional cases (*bād-i bavā* or *tayyārāt*), such as dues on certain crimes (*cürm ü cināyet*). On the jurisdiction and duties of the *subaşı*, see Ergenc 1995, 69-71. On “overlapping jurisdictions” between *saheb al-shurta* and *muhtesib*, see Lange 2006.

Regarding the proximate duties between the police and the market inspector, I argue that both moral / religious and mundane concerns of urban public places received attention from the Ottoman authorities. The *mubtasib* seems to have assumed the responsibility of overseeing economic issues; however, the interplay between these offices was complex and will be revisited later. For instance, both the jurisdiction and the relevant dues that provided revenue for their tax farms were subjects of dispute during the sovereignty claims of Selim I's brother Sultan Ahmed and his son, who declared dominion over Bursa. Consequently, Selim I sent an imperial order in 1512, reclaiming the market (*ibtisab*) and policing (*subaşılık*) taxes confiscated from the people of Bursa by the followers of Sultan Ahmed. The order addressed both the qadi and the *bassa barc emini* of Bursa, who was the administrator of the town entitled to the revenues of tax farms of market regulation and policing functions.<sup>58</sup>

Selim I (r. 1512-1520) did not add to Bayezid's market codes in a major way; however, Süleyman the Magnificent (r. 1520-1566) ordered their extension and revision to the scale of expansion in his realm. Revised market laws thereafter remain true to the spirit of earlier examples, as in the inclusion of references to *kanun-ı kadim*.<sup>59</sup> Necessary changes took place in the realm of regulations of urban markets, however, giving rise to new and / or middling professions, especially in textile manufacturing as a result of increased specialization and division of labor. Likewise, the general market-law code of Süleyman focused on economic issues. Past laws were revised due to a breach of maximum prices. The market code opened with punishments for those who neglected their prayers, witnesses who lied in court, and the fee on legal procedures fixed at 10%. The rest is similar to Bayezid II's code with a focus on maximum prices, quality of manufacturing goods, and issues with craft groups. It was a longer list, since Istanbul flourished as a center of palace consumption and was a point of attraction for migration that required a wider network of provisioning as well as increased specialization and division of tasks by crafts groups. In this context, separate market laws were issued for other cities as Bursa, Diyarbakir and Trabzon. While the Istanbul market code specified a profit margin of 20%,<sup>60</sup> Halil Sahillioğlu documents a broader range (5-33%) in circulation at the time.<sup>61</sup> Such high profit margins were usually allowed based on the talent of particular craftsmen.<sup>62</sup>

## Blurred Boundaries and Overlapping Jurisdictions

While the permitted or tolerated profit margins for commodities produced and sold by artisans under the jurisdiction of the *mubtesib* varied in different contexts, so did the backgrounds and identities of the official. The chief juristconsult for much of the reign of Sultan Süleyman was Ebu's-su'ud Efendi, who held this office between 1545-1574. He cautioned in a legal opinion (*fetva*) against farming the office held by the *mubtesib* to a non-Muslim subject (*dhimmī*).

<sup>58</sup> BCR A 20, 199. *Hassa Harc Emini*, to whom the imperial order was addressed with the qadi, was the administrator of the city of Bursa on behalf of the Sultan. This function was similar to that of the grand vezir in Istanbul. The *bassa barc emini* administered Bursa according to the system of free usufruct (*ber vecb-i serbestiyet*) which gave his area of influence relative autonomy. All principal tax collectors, like the *subaşı* in charge of policing the town, reported to him. The tax revenue gathered in return for the services of these officers was generally used towards the purchase of goods and services bought for the palace rather than being directly transferred to the treasury. On the office of *bassa barc emini*, see İnalçık 1960; Ergenç 2006; Bilgin 2006; Selçuk 2013.

<sup>59</sup> Akgündüz asserts that 90% of the sultanic law codes were complete by the end of the reign of Murad III (r. 1546-1595). Akgündüz 1990, 1:7-8.

<sup>60</sup> "...Ve ribahorlar onun onikiye ziyadeye virmeyeler..."; see Akgündüz 1990, 2:295.

<sup>61</sup> Sahillioğlu 1967.

<sup>62</sup> For a thorough discussion of the Ottoman policy on prices, see Kafadar 1986, 97-137.



According to this legal opinion, in case the said non-Muslim caused problems for the Muslim community, the jurist's verdict was to severely punish the *dhimmī* and to put an end to the tenure of the Muslim *mubtesib* who delegated power to the said *dhimmī*.<sup>63</sup> The likely reason for this legal opinion was that there were non-Muslim market inspectors. More significantly, they did not only hold their positions in the capacity of a delegated deputy, but were actually appointed officially. Local circumstances could call for appointing non-Muslims as tax farmers because of their specific skills, networks and access to local knowledge, for instance, in neighborhoods populated by non-Muslims. Especially in Greek neighborhoods, the appointment of such a contender for office was likely to be approved.<sup>64</sup>

Besides the identity of market inspectors, court records from the early 16th century on expose various facets of market regulation. Parallel to the concerns underlined in the sultan law codes, court cases reflect infringements of manufacturing standards and the official prices.<sup>65</sup> It was mainly the prices, quantities and scales used in marketing the most crucial necessities, such as wheat, flour, bread, rice and meat, that were kept under close check by the *mubtesib*.<sup>66</sup> Monitoring manufacturing standards, on the other hand, required the *mubtesib* to have local knowledge of production processes. As reported in a representative case from the early 16th century, a *mubtesib* of Bursa identified a silk weaver who disregarded production standards.<sup>67</sup> Along with the necessity of the bidder of the market tax farm to be a man of wealth, he was therefore obliged to recognize proper production standards. Edhem Eldem's scrutiny of the production of bricks and roof tiles in Thrace reveals that the bricks and tiles produced in Hora were shipped to Istanbul to be used in construction at the capital. Eldem highlights that the Hora tiles were a significant component of Istanbul's building projects, and the inspector of the Istanbul markets closely monitored their standards as per the building codes by keeping the standard mold used in production.<sup>68</sup>

Court records further support the aforementioned fluidity between the market inspector and the police (*subaşı / za'im*) regarding the paucity of religious concerns and lack of references to *commanding good* among the assigned duties of the *mubtesib* in sultan law codes. A certain emin Timurhan was born in the Selman Ağa neighborhood of Üsküdar as an ordinary member of the tax-paying (*re'aya*) class. However, he managed to put himself through one of the paths of upward mobility to join the rank of administrator (*beg*) and held both the offices of *mubtesib* and *subaşı* in Üsküdar in 1524. He is recorded to have spotted a drunk cook and taken him to court.<sup>69</sup>

<sup>63</sup> Akgündüz 1990, 4:44.

<sup>64</sup> In 1550 the market inspection duty of the village of Çengelköy was given to a Greek named Nikola b. Poli: ÜCR 17 55b / 3, 1550. Similarly, that of the village of İstavroz was granted to Nikola b. Amoroze in 1556: ÜCR 19 ÖK / 2, 1556. Another record from 1551 reveals the officer as Aleksi *mubtesib*: ÜCR 17 65a-1, 1551.

<sup>65</sup> ÜCR 51 a-1, 1524, lists the official prices of food items sold in the Samandıra market. ÜCR 5 69a-3, 1524, reports that cherries were sold at lower prices than the official price.

<sup>66</sup> On the deficiency of the weight of bread, see ÜCR 17 29 b-6, 1551. On infringement during rice sale, see ÜCR 17 63 a-4, 1551. On the bakeries of Istanbul, see Demirtaş 2008.

<sup>67</sup> BCR 34-2, 1520.

<sup>68</sup> Eldem 2017, 453.

<sup>69</sup> ÜCR 5 90 b-3, 1524. The story of Timurhan is noteworthy, since he started out as an assistant (*iş eri*) to the previous *emîn / subaşı* of Üsküdar, who was the top administrator of the district. Timurhan rose to the office later, and maintained it longer than previous holders of the same post. On the details of the career of Timurhan, see Taş 2019. Several years later in 1563, another *subaşı* appointed after Timurhan spotted sour sherbet production (presumably fermented or alcoholic) in Üsküdar, which suggests that the responsibilities of *subaşı* included moral religious duties; see ÜCR 26 41 b-1, 1563.

## Price Regime, Provisioning and the Public Good

I have so far underlined two priorities of Ottoman market inspection, namely, manufacturing standards and official prices. Both are pivotal components of economic mentality, relevant policy measures, and their implementation for the purpose of provisioning the population with the necessities of proper standards at affordable prices.<sup>70</sup> Numerous documents and studies on Ottoman provisioning and price regulation shed light on the subject.<sup>71</sup> Particularly, qadis and other officials who were part of the provisioning mechanism were explicitly warned about contraband trade.<sup>72</sup>

Cemal Kafadar's findings based on perceptions of market policies by Ottoman intellectuals demonstrate that wealth redistribution via price ceilings, despite *laissez-faire* premises associated with prevalent notions of Islamic Law, were viewed as the guarantee of the continuation of the good order of society (*nîzâm-ı 'âlem*).<sup>73</sup> The good order of society was closely related to rising fiscal demands as a result of the increasingly challenging military expeditions during the long 17th century to Poland, Crete and Vienna. Throughout this period, the major source of revenue from the tax farms of market inspection accrued from fines charged for infringements. Adaptation to fiscal challenges of the 17th century often resulted in mergers of market regulation tax farms with other functions, such as the public treasury (*beytülmal*), and revisions of maximum prices.<sup>74</sup>

Seven Ağır's recent comparative research on Ottoman and Castilian provisioning programs demonstrates that the institutional framework of Ottoman policy persisted until the political and military challenges of the 18th century.<sup>75</sup> Despite these challenges, price controls remained a symbol of good and just governance and legitimization, albeit in discourse, well into the second half of the 18th century. Provisioning and official price-setting policies were instrumental beyond the obvious purposes, since they could be used by the administration to limit the power and wealth of merchants and usurers. Following a noteworthy intervention in the Ottoman currency (*akçe*) between 1580-1586, the government, by appointing them to the function of *celepkeşan* (meat provider) in the 1590s, forced these subjects to purchase large numbers of sheep at market prices, which would then be sold at the official maximum price, causing them losses.<sup>76</sup> Ağır suggests that in the short run, price controls might have provided stability against fluctuations due to production cycles. Secondly, as long as hoarding and contraband trade did not exceed certain limits, price controls could have enabled urban

<sup>70</sup> On provisionist mentality, see Genç 2000a; also İnalçık 1970.

<sup>71</sup> To name a few, see Güçer 1964; Faroqhi 1979-80; Sayar 1986; Güran 1984-85; Kütükoğlu 1997; Murphey 1988; Aynural 2002; Yıldırım 2002; Özveren 2003.

<sup>72</sup> On March 19, 1592 the qadis of Mediterranean shores were ordered to check the vessels that carried grain from these shores to Istanbul by stressing the significance of their mission as "incomparable to any other business." "İstanbul zahîresi sâ'ir umûra kıyas olunmaz tedâriki begâyet mühimdir"; see MD 69, 235, 467. On October 13, 1592 another order was issued addressing the same qadis, reminding them that it was a time of grain shortage and that selling grain to European purchasers would be severely punished. "...küffar-ı hâkisâre virülmesi memnû'u hümâyûnumda ecdâdim rûhiyçün bir vechile haklarınıuzdan gelinür ki sâ'irlere mücib-i ibret olursuz dahî ana göre mukayyed olasız"; see MD 69, 359, 516.

<sup>73</sup> Kafadar 1986, 139.

<sup>74</sup> On mergers of tax farms in 17th-century Ankara, see Taş 2006, 56-61. On 17th-century maximum price lists, see Kütükoğlu 1983.

<sup>75</sup> Ağır 2009, 113-89. The 18th century also coincides with a relative reduction in the authority of the *mubtesib*, reflected in the form of increased mutual reciprocal supervision of artisans; see Kütükoğlu 1986; Faroqhi 2006, 346.

<sup>76</sup> Greenwood 1988, 279; Çizakça 2013, 264.

consumers to purchase relatively plentiful and reasonably priced bread. Finally, price regulations might have carried their weight due to dominant views in the society as well as economic rhetoric, which highlighted public good versus individual interest and served the legitimization of the administration.<sup>77</sup>

## Nineteenth-Century Realities

Case studies by Özer Ergenç and Hülya Taş demonstrate the complexity of the late 18th and early 19th centuries based on an examination of the revenues of tax farms.<sup>78</sup> Taş documents significant turning points in the function and authority of the *muhtesib*.<sup>79</sup> This transformation relates to the rise of Izmir as a commercial port city linked to European trade. The lucrative and relatively protected angora wool (*sof*) manufacturing of Ankara was negatively affected by the unparalleled demand for angora wool thread instead of the woven fabric itself. Rather than traditional artisanal groups who produced woolen textiles, new divisions of craftsmen facilitated the transfer of raw wool to Izmir. At the same time, there were shifts in the areas of jurisdiction of *damga* tax farm officers and the *muhtesib* of Ankara. This was a complicated process that not only caused a struggle among various tax farmers, but also some overlap in their revenues. As European vessels brought their commodities to Izmir, taxing the imported merchandise as it entered the hinterland befell the *muhtesib* of Ankara. This change also created a space of struggle over whether the seller or buyer was to be taxed. Similarly, taxation of raw woolen thread turned into a disputed issue. By the end of this transformative period, revenues of the market tax farm in the first half of the 19th century increased to reach unprecedented sums.<sup>80</sup>

In this context, an imperial order concerning the market taxes of Ankara dated 1828 defines *commanding good* as the basis of authority of the ruler over the subjects, reflecting the redeployment of Islamic discourse.<sup>81</sup> The document underlines the need to appoint a new, adroit and resourceful *muhtesib* with a knowledge of religion.<sup>82</sup> It adds that the revenue of the market tax is reserved for the expenses of the reform army (Asâkir-i Mansûre-i Muhammediyye) of Mahmud II (r. 1808-1839) which was established following the abolishing of the Janissary corps in 1826. For this purpose, *ibtisab* tax-farm revenues were directed to the newly established “treasury of tax farms” (Mukâtaat Hazînesi) renamed Mansûre Hazînesi in 1834, which underlines the objective of financing the aforementioned reform army.<sup>83</sup> That this imperial order reserves room for listing the moral / religious as well as the mundane duties of the *muhtesib* may reflect an effort not only to legitimize the revenues reserved for the reform army by resorting to religious rhetoric provided by the medieval institution of *commanding good*, but also to take this opportunity to expand the scope of taxation based on the religious

<sup>77</sup> Ağır 2010.

<sup>78</sup> Ergenç 2000; Taş 2007.

<sup>79</sup> Taş 2007.

<sup>80</sup> Taş 2007, 418.

<sup>81</sup> “bâ-husûs salâh-ı hâl-i âlem ve âlemiyânın üss-i esâsı olan emr-i ma'rûf ve nehy ani'l-münker ahkâmının icrâsı zım-nında vaz' ve tahsîs kılınmış olan kânûn-ı ihtisâb dahi külliyyen metrûk ve münfî kalmış olduğundan”; see ACR 228 / 123, 1828.

<sup>82</sup> “diyânetkâr ve kârgüzâr birinin muhtesib nasb ve ta'yîniyle emr-i ma'rûf ve nehy ani'l-münker ahkâmı icrâ olunması”; see ACR 228 / 123, 1828.

<sup>83</sup> Orhonlu 1998.

surveillance of urban public space.<sup>84</sup> The end of this newly established treasury coincided with the Anglo-Ottoman Commercial Treaty of 1838, which led to the abolition of protective and monopolistic fiscal policies of the Ottoman regime.<sup>85</sup>

Within the course of the 19th century, a transformation took place from the vestiges of the ancien régime toward the particular circumstances described by Safa Saraçoğlu. This transformation in “the nature of Ottoman governance,” in Saraçoğlu’s words, entailed a shift from interventionism towards free-market policies along with legal institutions that developed accordingly. The institutional reflection of this transformation was the establishment of provincial councils (*eyalet meclisi*), which assumed market control functions as of 1849.<sup>86</sup> In this context, the *ibtisab* organization was finally abolished in 1854.

## Conclusion

This article examined market regulation policies and practices embodied in the jurisdictional, administrative and fiscal functions of the Ottoman market inspector - the *mubtesib*. Throughout the early modern period, the duties of the official focused on price ceilings and quality standards, in contrast to the relatively balanced appeal to economic and religious regulation of medieval urban markets. A trajectory converging on the mundane duties of the Islamic market inspector, which for various reasons (some identified by existing studies), might have already emerged prior to Ottoman rule. As fiscalist policies gained momentum into the 15th century, the Ottoman conquest of Constantinople constituted a significant watershed. Law codes promulgated by the sultans, beginning with Mehmed II, codified market inspection rules and further crystallized the price regime. While abstract, legal and moral views shaped Ottoman market regulation ideals, their implementation over non-Muslim subjects along with the farming of corresponding tax revenues and overlapping jurisdictions of the urban police and market inspector paint a complex picture. The continuity of systematic and codified price setting was closely related to provisionist concerns, upon which a plethora of dynamics acted. The perseverance of the price regime through centuries shows that it was an instrument of legitimacy that helped maintain the “order of the society,” not only by facilitating provisions of necessities but also by enabling checks on the accumulation of wealth in the hands of subjects. Ironically, the 19th century, amidst competition from European manufacturers, reform efforts and fiscal crises, created a “new” legitimacy tool out of the Islamic injunction of *commanding good* with regard to the market inspector.

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<sup>84</sup> Erefe 1997, 53-62; Taş 2007, 424-29.

<sup>85</sup> Kütükoğlu 1992.

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