

# Legitimizing Private Land Ownership in the Ottoman Empire: State Policy vs Economic Thought<sup>1</sup>

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## Abstract

In the second half of the nineteenth century, the ideas of both the liberals and the German Historical School (*laissez-faire* vs. protectionism) began to find an increasingly receptive audience in the Ottoman Empire. This was accompanied by a radical change in the approach to the concept of private land ownership. This article aims at discovering traces of this change in the economic literature produced by Ottoman political economists and social thinkers of the second half of the nineteenth century. The otherwise contrasting approaches of liberal writers, such as Serandi Arşizen (Sarantis Archigenes), Sakızlı Ohannes Efendi and Mehmet Cavid Bey, on the one hand, and of the protectionist writers, such as Ahmet Mithat Efendi and Musa Akyiğitzade, who were inspired more by the German Historical School (and by Friedrich List, in particular), on the other, are examined in order to display similar perceptions of

private land ownership in Ottoman economic thought. State-induced private propertization of land received strong support from Ottoman intellectuals from different schools of thought, and the inviolability of property rights in land is considered *sine qua non* for economic development.

**Keywords:** 19th century, the Ottoman Empire, land, property, economic development.

**JEL:** B19, N53, N55

## 1. Introduction

Employing the term ‘modernization’ in a Eurocentric context, and defining it as a transition from a traditional to a ‘modern’ society organized along capitalistic lines, furnished with capitalistic institutions aiming at industrialization, the 19th century was a century of such modernization attempts for the Ottoman Empire. Categorically the Empire began to be a part of the capitalist world economy and the process of integration was completed around the time of the Congress of Vienna (1815), which reshaped Europe after the Napoleonic Wars.<sup>2</sup> Modernization

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<sup>2</sup> Kasaba (1988) argues that ‘between ca. 1750 and ca. 1815 the Ottoman Empire as a whole was incorporated into the capitalist world economy’.

attempts, and thus reforms, can be observed in numerous areas, such as the military, administration and education, throughout the 19th century. The aim of this paper is not to present all of these attempts, or assess their success (or failure). Rather, the focus will be on the changing property-rights regimes in land in 'modern' economics literature, which developed throughout the Ottoman Empire in the aftermath of the completion of the integration to the world capitalist economy. Firstly, the change in the institution of private land ownership in the Empire, during the 19th century, and the role of the state in this change, will be presented briefly. The second part of the essay will discuss the views of several prominent 19th-century, Ottoman political economists and social thinkers, namely, Serandi Arşizen, Sakızlı Ohannes Efendi, Mehmed Cavid, Ahmed Midhat Efendi and Musa Akyiğitzade, on the issue of private land ownership. The influence of British and French political economists on these Ottoman intellectuals will be explored in order to help understand the origins of their views. Subsequently, the essay will discuss the support received by the central state from these intellectuals regarding the establishment of private land ownership. The main point made by this essay is that the combination of changes in property relations on land, and its reflection in the literature of economics during the second half of the 19th century in the Ottoman Empire, is an excellent example of government-induced private propertization supported by prominent intellectuals of the time. The central authority established private property rights to land for its own reasons, and during and after this process the intelligentsia, from both

liberal and protectionist camps, argued for the productivity enhancing characteristic of private property.

## 2. Changing Property Relations on Land: State Policy

Property-rights regimes, or property relations on land, are especially important for the Ottoman Empire since its economy had mainly been agrarian since its foundation, making the majority of its subjects peasant cultivators.<sup>3</sup> Quataert (2005) notes that, 'the bulk of the population, usually 80–90 percent, lived on and took sustenance from the land, almost always in family holdings rather than large estates.' These were mostly subsistence farmers living in self-sufficient units. In some parts of the Empire, such as the Balkans, Western Anatolia, Çukurova and the Hama region of Syria, large farms producing crops for the market developed. However, acute shortages of labor and a lack of capital prevented the formation of market-oriented large farms. Small landholdings dominated the agricultural system almost everywhere in the Empire. Although wage labor appeared in regions where agricultural commercial relations advanced, sharecropping was more common on large estates. In addition, 'forms of communal exploitation of land, where all worked and shared the produce, prevailed in some Ottoman areas' (Quataert, 2005).

The 18th century is portrayed as a century of decentralization, but from the very beginning of the 19th century the central authority tried to consolidate its power. Retaking control over large tracts of land seized by local notables (ayan) was a part of this consolidation process. The legal status of land control/ownership changed throughout

<sup>3</sup> For an account of the literature on the private property institutions in the Otoman Empire see Ağır (2021).

the 19th century, and the institution of private property along capitalistic lines gained support in administrative and intellectual circles.<sup>4</sup> The 1838 Treaty of Balta Liman is an important turning point in the economic history of the Ottoman Empire, not just because it signified a powerful shift in Ottoman economic policies, but because it also paved the way for the classical approach to penetrate the political economic thought in the Ottoman Empire (Özveren, 2005). The Treaty removed most of the restrictions on foreign trade, brought about a considerable expansion in the privileges of foreign merchants, abolished monopolies, rearranged custom duties and removed multiple interior taxes, all making the Ottoman economy a more open one (Kasaba, 1993; Özveren, 2005). The next big step on the way to modernization was the 1839 Imperial rescript, namely, Hatt-ı Sherif of Gülhane, which is generally considered to be 'the beginning of the Tanzimat era of reform in the Ottoman Empire. This 1839 royal statement of intention spoke of the need to eliminate inequality and create justice for all subjects, Muslim or non-Muslim, rich or poor. It promised specific measures to eliminate corruption, abolish tax farming,<sup>5</sup> and regularize the conscription of all males. In return for equal responsibilities, it promised equal rights' (Quataert, 2005). In short, İnalçık (1964) states, 'equality before the law and the securing of life, honor and property for all subjects were the revolutionary ideas in the rescript.' In 1856, another imperial decree (Hatt-ı Hümayun) restated 'the state's duty to

provide equality and stressed guarantees of equality for all subjects, including equal access to state schools and to state employment. And, it also reiterated the call for the equality of obligation of Ottoman males, i.e., universal male conscription into the military service' (Quataert, 2005).<sup>6</sup> Another noteworthy point about this decree is that it promised 'granting foreigners the right to own landed property in the Ottoman Empire, a right that they received with the Land Law of 1867' (Owen, 2009). This reform program called Tanzimat, which began with Hatt-ı Sherif of Gülhane, though received some support from provincial elites was 'designed and launched by the Ottoman central government' (Pamuk, 2018).

The Land Law (Code) of 1858 was another step towards modernization along capitalist lines, and it is (with its amendments over the following decade) particularly important for the purpose of this essay. Whereas the Ottoman state was the sole owner of all arable land until the Land Code was enacted in 1858, the Code extended the rights of possession. The practice of confiscation of family fortunes, though acquired during official service, after the death of the head of the family was not uncommon in the Empire, to prevent the emergence of alternative dynasties through capital accumulation (Kılınçoğlu, 2015). The Land Code deviated from the örfi state laws regulating land relations in the past. It liberalized the right of succession bringing it closer to the Islamic concept of absolute private property. The aim was to induce the heirs to improve the land with the expectation

<sup>4</sup> Kasaba (1993) states that beginning from the late 18th and early 19th centuries the Ottoman administration increasingly (though *de facto*) recognized 'both private property in land and the legitimacy of accumulated wealth'.

<sup>5</sup> As a result of the failure of the new tax collection system, tax farming was reinstated soon after the decree.

<sup>6</sup> The equalities aimed at through these reform attempts, were in the realm of social existence rather than economic welfare.

of keeping it within the family. Much of the *miri* land was converted into private property because of this feature and there was “no limit on the size of privately owned land”. Moreover, the law did not institute regulations to ensure the steady cultivation of the land (Karpat, 2002). According to İslamoğlu (2004), ‘The lynchpin of the modern state environment in the nineteenth century was the formation of individual ownership in land. The Ottoman government, through its legal practices as well as through practices of surveying and registering, was able to constitute individual ownership in land.’ Owen (2009) asserts that ‘in the Land Law of 1858 and its amendment in 1867 the Ottoman reformers returned to their twin task of trying to re-establish the state’s legal right of ownership and providing each cultivator with that secure title to his fields without which, so it was thought, he would neither invest in improving production nor pay his taxes on a regular basis.’ On the one hand, ‘according to the provisions of the 1858 code, the usurpation of the state’s rights was made more difficult in a number of ways, notably by reinforcing the existing prohibition against anyone putting up buildings on *miri* properties without official permission or planting them with a garden or vineyard, practices which were taken to extend ownership to the land underneath.’ On the other hand, ‘the code can also be seen as a step in the direction of the creation of personal property. In particular, every piece of *miri* land was to be registered in the name of anyone who could prove that he had worked it continuously for a number of years;

title deeds (known as *tapus*) acknowledging right of use were to be granted;<sup>7</sup> communal ownership was forbidden.’ Supporting the first statement, Shaw and Shaw (2005) argue that the Code’s intent ‘was to reassert state ownership over the imperial possessions, which over the centuries, had passed by one means or another out of government control.’ Supporting the second statement, Issawi (1982) states ‘the central provisions of the code were that all land was to be registered in individual and not collective ownership (thus facilitating direct taxation) and that usufructuary title would be granted to those who could provide continuous occupation.’ Similarly, Findley (2008) notes that the Code ‘codified and systematised the historical Ottoman principles of state ownership over agricultural lands,’ along with aims such as clarifying titles and identifying taxpayers. From a slightly different point of view, Karpat (2002) argues ‘the long-range effects of the Land Code of 1858 must be sought in its failure to reach its original goals. It began as a measure intended to reassert the state’s right to land through the establishment of a regime of state ownership and ended by enlarging the scope of private land ownership.’

As a result of the Code, five landownership categories were defined: private property (*mülk*), state property (*miri*), foundation lands (*vakıf*), communal or public land (*metruk*) and idle or barren land (*mevat*) (Shaw and Shaw, 2005). According to the Cadastral Regulation (*Tapu Nizamnamesi*) of 1859, idle or barren land would be transferred to individuals in return for a small title deed fee if improved

<sup>7</sup> However, as a result of the lack of willingness of peasants to register the land in their name, for reasons such as taxation or conscription, large tracts of land ended up in the hands of local notables or wealthy merchants. Therefore, as stated by Owen (2009), ‘where it was applied, far from assisting the emergence of a class of small cultivators with clear title to the land the Ottoman system of land registration often had exactly the opposite effect.’

by them. Moreover, they would be exempt from tithe for a year or two depending on the quality of the soil (Güran, 2006). The Cadastral Regulation aimed at enforcing the Land Code and it required:

... all the land and property of each province to be surveyed as it was transformed according to the Tanzimat, with each person or institution claiming ownership being required to prove it with legal documents before it could be given a new ownership deed (*tapu senedi*) and the fact entered into the new cadastral registers.

Once ownership had been proved, however, the private owners were much freer than in the past to rent lands to others and leave them to heirs as long as they cultivated the land and paid their taxes. No practical limits were placed on the size of their holdings, nor in fact was any real state organization established to make sure that they lived up to their obligations in return for ownership. As time went on, the new rural notables were able to use the law to increase their power, using false documents to prove their claims, extending their rights to include the sale of such properties to others, leaving them to distant relatives, auctioning them off to the highest bidders, and maintaining these rights whether or not the lands in question were cultivated to the extent required by law ... there emerged larger and larger private estates controlled by wealthy individuals...

Far from resisting this tendency, the Men of the Tanzimat encouraged it to promote agricultural productivity. (Shaw and Shaw, 2005)

İslamoğlu (2007) notes that private land ownership was created by centralized states as a part of their attempts to control revenues from land. It was created through such practices as administrative rulings or law, the techniques of registration, and cadastral surveying and mapping. Subjecting agricultural wealth to state regulation was pivotal to the project of the modern state and the Ottoman case was no exception. For İslamoğlu (2007), 'private property was discursively constituted through the documents of the central government. The Land Code was one such document.' For Karpas (2002) on the other hand, 'state intervention occurs at an advanced stage of transformation and is basically an effort to give a new direction to the process of change according to the state's own concepts.' Aytekin (2009), in line with Karpas's statement, criticizes the 'state-centred' perspective arguing that it delineates the change in property relations on land through the goals and the needs of the state and asserting that the Land Code is not the cause but the result of change in Ottoman society; hence, supporting Özveren (2005) who highlights the fact that the Land Code of 1858 paved the way for the management of land compatible with the requirements of liberal economic policy. The Code reinforced the status of the independent peasantry on the one hand, yet at the same time it 'allowed market relations to invade the formerly inviolate sphere of cultivation rights. By substituting the concept of ownership of private property for the vague category of possession, land was made *de facto* alienable' (Keyder, 1983). Making a more general statement about the Tanzimat reforms, Toprak (1992) argues that 'the Tanzimat period should be seen as a phase which proved to be indispensable for the transition of the Ottoman economic

structure from its pre-capitalist stagnation to a dynamic growth.'

Despite the increasing role of private land ownership during the Tanzimat period, and the increasing momentum of the conversion of common land into çiftlik land after 1839 (İnalçık, 1983), and although one of the purposes of the Code was to abolish communal land ownership for some scholars (Solomonovich and Kark, 2015), the Land Code of 1858 recognized the ownership of common land such as forests or pastures. In fact, Mundy and Smith (2007) state that 'the Code effectively concerns only *miri* lands together with the lands allotted to village services', and they add 'the Land Code restricts village common interest to a list of types of land. Thus all villages are seen to have roads, places of worship, and areas where cattle or carts may stand, protected from encroachment or private use. Beyond these, villages can also have exclusive rights to woodland, threshing grounds and pasture land.' The Code stated that pasturelands reserved for the inhabitants of a village could not be used for agricultural purposes. They could not be bought or sold and constructions such as dairy farms or sheepfolds could not be built on common land (Barkan, 1980).

The 1858 Land Code did not make any reference to earlier laws or sultanic proclamations. It summarized all provisions within its bounds and 'every clause from the introductory section through the last is numbered'. Its form represents a break with the earlier law according to Mundy and Smith (2007). For Kılınçoğlu (2015) it affirmed increasing decentralization of economic power in the empire 'by legally recognizing the change from the state restrictions on the ownership and use of land to a system of private property and private entrepreneurship.'

In the same vein, Karpat (2002) argues that the changes in the land regime paved the way for 'the emergence of a new social order that followed its own laws of evolution.' The traditional social order in the empire and the political system which preserved this order were gradually but decidedly undermined and rendered inoperative by this new social order. He (2002) adds 'the old traditional system remained powerful to the extent that it controlled the land and through it the majority of the population. The new social order, born from the liberal, individualistic economic currents stemming from the very structure of Ottoman society and promoted by European Powers, had gradually established itself.'

### 3. Land Ownership in Ottoman Economic Thought

The tendency towards the rectitude of private property in general, and land ownership in particular, can be observed in the economic literature of the 19th-century Ottoman Empire, despite the fact that well-known economists/intellectuals who concerned themselves with economic issues were influenced by different schools of thought. In the second half of the century, both liberal and protectionist ideas, the former under the influence of French and British classical political economists, and the latter under the influence of the Historical School, started to find an increasingly receptive audience in the Ottoman Empire. The ideas of Serandi Arşizen (Sarantis Archigenes) (1809-1874), Sakızlı Ohannes Efendi (1830-1912) and his disciple Mehmed Cavid (1875-1926) represent the liberal current; whereas the views of Ahmed Midhat Efendi (1844-1912) and Musa Akyiğitzade (1865-1923) represent the protectionist position on private property, particularly private land ownership. These names have been chosen, not only



because they were relatively well-known or well-educated individuals, but because they all produced economic texts, making them influential figures in the dissemination of the ideas that they supported. Although various forms of communal land systems existed in different parts of the Ottoman Empire,<sup>8</sup> it is practically impossible to find any statement in favor of the commons and/or common agricultural practices in this literature. On the contrary, we will see that Ottoman liberal writers of the period were even more pro-private property than their classical liberal sources of inspiration, while protectionists did not even try to legitimize private land ownership. They just took it as given and productive, without questioning any possible negative aspects. For all these writers, the inviolability of property rights in land is considered *sine qua non* for economic development.

Serandi Arşizen was an Ottoman-Greek medical doctor from İstanbul, who was interested in political economy while he was studying in Paris. Apparently, he followed Pellegrino Rossi's classes at the College de France, and these classes were influential enough to make him feel the urge to write a political economy book, *Tasarrufat-ı Mülkiye*,<sup>9</sup> when he returned to İstanbul. *Tasarrufat-ı Mülkiye* was in line with the premises of classical political economy (Özgür and Genç, 2014). Therefore, it is not surprising that Arşizen was a strong supporter of private property, as was his mentor Rossi, whose ideas were mainly shaped by British classical political economists. Arşizen believed that property rights constituted the

basic foundation of society and their security was of the utmost importance. Unjustified encroachments on private property were unacceptable and could bring about social crises. The produce of someone's own efforts is naturally his/her property, and society must respect the property rights that originate from people's own labor. Depriving someone of their means of subsistence through intervening with property rights is no different from theft. The government should not tax property heavily and one should be able to increase and distribute the income from one's property in whatever manner desired; after all, such behavior benefits the whole of society. He believed that poverty and ignorance result from the inadequate enforcement of property rights, yet the institution of private property was misjudged because of the abuse of property rights on land. For Arşizen, the fair distribution of riches and taxes of a society was essential and, therefore, the land had to be distributed fairly. 'He criticized the system of landownership in Europe. As a result of the unfair distribution of land, one group of people owned large tracts of land, while another group did not have any. The landless masses worked for the landowners, but their reaction against this unfair division brought about some improvements in their conditions.' (Özgür and Genç, 2011; Arşizen, 18??/2011).<sup>10</sup>

Arşizen legitimizes private property through a Lockean approach based on the idea of labor. In his *Second Treatise*, John Locke (1689/1823) says: 'Though the earth and all inferior creatures be common to all men, yet every man has a "property" in his own "person." This nobody has any right to

<sup>8</sup> Kark and Grossman (2003) state that 'in the 19th and the early 20th centuries the communal holdings were widespread in Syria, Palestine, and Trans-Jordan.'

<sup>9</sup> For a detailed account of *Tasarrufat-ı Mülkiye*, see Özaür and Genç (2011).

<sup>10</sup> The publication date of Serandi Arşizen's *Tasarrufat-ı Mülkiye* is unknown.

but himself. The “labour” of his body and the “work” of his hands, we may say, are properly his. Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property.’ Neither Rossi nor Arşizen confronted this statement; however, they emphasized income equality and the fair distribution of lands. In Rossi’s case, for example, this emphasis on the fair distribution of lands can be seen in his attitude towards inheritance. Refusing the liberty of the testator in dividing his/her land among his/her heirs, he supported equal distribution among them all. State, for Rossi, was an instrument of the regulation of property rights (Silvant, 2015).

Another Ottoman liberal, Sakızlı Ohannes Efendi’s views on private property and private land ownership are very straightforward. Private land ownership, for Ohannes Efendi, is a major precondition of civilization (1880/2015). According to him, there are some conditions without which the accumulation of capital or industrial revolution is not possible (1880/2015). The main condition is the existence of property rights. Right to property is one’s right to use freely the things that belong to an individual without intervention from any external source. It can be observable in every society, and the degree of its security increases along with the level of the development of civilization. European thinkers made property rights a part of civil law and accepted the exclusive right to property of the person who made an unowned property his own. Economists of previous ages founded the right to property on labor, making it stronger, and by attaching labor to the material and mental forces of humankind,

they founded the whole science of wealth on this factor. Since one’s natural traits are the basic properties of humankind, the products of these are naturally one’s own property. A person can consume or save in the form of capital the products of his/her own labor as he/she finds appropriate. The Lockean approach manifests itself very clearly here, beyond the need for any explanation.

According to Ohannes Efendi (1880/2015), in a similar manner to the rights of property being based on the products of one’s own labor, the rights of land ownership are just. Yet there are some objections regarding land ownership rights. It had been argued that because of property rights people are stripped of the rights of hunting and gathering the natural produce of the land, which makes it usurpation. However, usurpation is confiscating something which belongs to other people. The first owner of land possessed a piece of land which was owned by no one.<sup>11</sup> It did not have any value and it only became valuable as a result of capital and labor being used to improve that particular piece of land. In fact, these lands, such as forests and marshlands, were previously the home of harmful animals and sicknesses, and the people who made these lands their properties had to deal with all kinds of difficulties and dangers.

‘According to Michelet the peasant sensed that the land he possessed was both nature and the product of human history; he loved this ‘human land’ like a living person ... But by entertaining this love relation, this marriage with the land, man was accomplishing something more than the transformation of matter by his labor. It could be said that the peasantry created the land by making it fertile’

<sup>11</sup> He does not discuss the fact that that piece of land was available to everyone.



(Crossley, 1993). Ohannes Efendi (1880/2015) refers to Michelet and argues that land becomes valuable thanks to human labor. He adds that Spaniards awarded people who turned the lands they discovered (conquered) into their own properties. If they cursed these people (the ones who turned the land into their private property) in the way J.J. Rousseau did, those lands would be no different from Eskimo lands, which produce nothing but shrub. However, what Rousseau criticized was the colonial practice itself, not private property *per se*. He states that 'in general, to establish the right of the first occupier over a plot of ground, the following conditions are necessary: first, the land must not yet be inhabited; secondly, a man must occupy only the amount he needs for his subsistence; and, in the third place, possession must be taken, not by an empty ceremony, but by labor and cultivation, the only sign of proprietorship that should be respected by others, in default of a legal title' (Rousseau, 1762). But then he asks the following questions:

In granting the right of first occupancy to necessity and labour, are we not really stretching it as far as it can go? Is it possible to leave such a right unlimited? Is it to be enough to set foot on a plot of common ground, in order to be able to call yourself at once the master of it? Is it to be enough that a man has the strength to expel others for a moment, in order to establish his right to prevent them from ever returning? How can a man or a people seize an immense territory and keep it from the rest of the world except by a punishable usurpation, since all others are being robbed, by such an act, of the place of habitation and the means of subsistence which nature gave them in common? (Rousseau, 1762).

The rule of property is not only right/just but also beneficial for society. If a farmer/peasant cannot be certain that the field he is ploughing can be confiscated, he will produce only enough to fulfil his own needs. As Jean-Baptiste Say (1803/1971), Sakızlı Ohannes' key outlet to classical political economy, states. 'But of all the means by which a government can stimulate production, there is none so powerful as the perfect security of person and property, especially from the aggressions of arbitrary power.' Similarly, if other producers think that they cannot benefit/profit from their own products, they will not try to improve their techniques. The person who ploughs the land and receives the produce must own the land (Ohannes, 1880/2015). To resort to Say (1803/1971) once again: '... who will attempt to deny, that the certainty of enjoying the fruits of one's land, capital and labour, is the most powerful inducement to render them productive? Or who is dull enough, that no one knows so well as the proprietor how to make the best use of his property?'. Still, we should note that though he was a fervent supporter of private land ownership, Ohannes admits that forests must be controlled by the central or local authorities for general public interest (1880/2015).

Communists, Ohannes (1880/2015) states, demand the fair distribution of land among all members of society. For some, the legitimate owner of the land is the state, and the income the land creates also belongs to the state. For others, God created the earth for all human beings, making private land ownership inappropriate. However, God's judgement may not be the fair distribution of land, but the land's most useful employment. A fair distribution means poverty for everybody, since everyone will own a small piece of land. If, on the other hand, property belongs to the state, peasants

will not have enough motivation to improve the land. Any kind of limitation on private property results in a decrease in production. Rental agreements are not efficient either, because of the indecisiveness or insecurity of the tenant. He refers to Arthur Young, who stated 'give a man secure possession of a bleak rock, and he will turn it into a garden,'<sup>12</sup> to explain how effective private property can be in agriculture. However, Ohannes omits the fact that though once Young was a fervent supporter of enclosures, in his later work he questioned and criticized them, especially on the basis of their consequences on the common people, more precisely, reducing farmers to laborers (Neeson, 1996). Moreover, facts and figures collected by Young do not support the assumption that enclosures were the reason for the growth of agricultural production in England (Allen and O'Grada, 1988).

Ohannes Efendi (1880/2015) emphasizes the right to sell, donate or bequeath the land. Without these rights, property rights would be incomplete. The right to bequeath is a strong motivation to increase wealth and savings, since without this drive people would just earn their daily bread and save less, resulting in a lack of capital accumulation. Another point he makes is the necessity for the simplification of the procedures regarding land transactions. Such measures would ease the transfer of land into the hands of those who would utilize it most efficiently. On the issue of inheritance, Ohannes' views are similar to those of French liberals, such as Baudrillart and Passy. Silvant (2015), by referring to Beraud and Etner (1993), states that 'the French liberal economists developed views on property rights and inheritance which were very different from

those of their British contemporaries, e.g. Mill.' Baudrillart and Passy defended the complete liberty of making bequests, unlike Mill, who proposed a limit to inheritance rights (Silvant, 2015; Mill, 1848/2004). In fact, Mill's attitude towards private land ownership is distinct from other classical political economists of his time, because he believed that landownership is unjust unless it is expedient, and he favored gradual land nationalization. Owning private property is fair if it is the product of someone's labor; however, land is not produced by people. Mill says 'the institution of property, when limited to its essential elements, consists in the recognition, in each person, of a right to the exclusive disposal of what he or she have produced by their own exertions, or received either by gift or by fair agreement, without force or fraud, from those who produced it' (1848/2004). However, he also says 'when the 'sacredness of property' is talked of, it should always be remembered, that any such sacredness does not belong in the same degree to landed property. No man made the land. It is the whole inheritance of the whole species. When private property in lands is not expedient, it is unjust' (1848/2004). The only factor which legitimizes landownership is improving it. And since the fruits of labor spent on improving land (clearing, fencing, etc.) cannot be reaped over a short period, the improver should have sufficient time to profit from their exertions. Mill (1848/2004) states that 'he is in no way so sure of having always a sufficient period as when his tenure is perpetual.' On the issue of inheritance also, Mill is quite strict:

I should prefer to restrict, not what anyone might bequeath, but what anyone should be permitted to acquire,

<sup>12</sup> Young (1792/1909).

## Articles

by bequest or inheritance. Each person should have power to dispose by will of his or her whole property; but not to lavish it in enriching some one individual, beyond a certain maximum, which should be fixed sufficiently high to afford the means of comfortable independence. The inequalities of property which arise from unequal industry, frugality, perseverance, talents, and to a certain extent even opportunities, are inseparable from the principle of private property, and if we accept the principle, we must bear with these consequences of it: but I see nothing objectionable in fixing a limit to what any one may acquire by the mere favor of others, without any exercise of his faculties, and in requiring that if he desires any further accession of fortune, he shall work for it' (Mill, 1848/2004).

Ohannes Efendi discussed the implications of three types of land management, all based on private property. There is no account of communal ownership or common management practices in *Mebadi-i İlm-i Servet-i Mîlîl*. The first type of management is individual farming on one's own land, the second type is rental farming, and the third is share farming (sharecropping). The most efficient method of agricultural production is the first one, since a landowner will, to the best of his/her ability, increase his/her produce and so income. However, this type of management cannot be applied everywhere because for efficient management (even under the control of the owner), knowledge and capital are required. If this knowledge and capital do not exist, if agricultural undertakings are not safe, if there are problems in the distribution of the tax burden and tax collection, if there is a lack

of means of transportation, then landowners will simply produce their own daily needs. Moreover, each landowner cannot spare time to master the knowledge necessary for the progress of agriculture. The division of labor necessitates the performance of each technique by its expert. Hence, owner-managed farming cannot be the *sine qua non* of land management. Rental farming is the second most accepted type of land management. Tenants possess the knowledge necessary for agricultural production, and improvements made on leased land benefit them, since they increase their incomes without changes in the rent paid. However, for this system to succeed, the rents have to be long term,<sup>13</sup> otherwise, the tenant will overuse the land and avoid making improvements which would increase the yield in the long term (Ohannes, 1880/2015).

The third type of land management is sharecropping. In this arrangement, says Ohannes (1880/2015), instead of paying a rent to the landowner, the sharecropper hands over a certain portion of the yield. This portion may differ depending on the region. The cost of production is more important than the revenue for the sharecropper, since he/she shares the revenue with the landowner. Hence, he/she may avoid investing in improvements even if they lead to higher productivity levels. Sharecropping is common in Yannena and Salonica, Ohannes adds. He refers to Sismondi and Say for arguments for and against sharecropping. According to Say, sharecropping is an inefficient method of land management. Sismondi, on the other hand, was in favor of sharecropping, arguing that sharecroppers can benefit from the land even though they do not own it (Ohannes,

<sup>13</sup> Adam Smith (1776/1981) made the same point in *The Wealth of Nations*.

1880/2015). Sharecropping is an inefficient form of land tenure according to early classical political economists, such as Adam Smith and David Ricardo, who criticized the landowning class for being unproductive (Allen, 1985; Cypher and Dietz, 2005). Concerning large landowners, Adam Smith (1776/1981) notes, 'it seldom happens, however, that a great proprietor is a great improver.' Regarding sharecropping, he further adds that it cannot be in the interest of sharecroppers 'to lay out, in the further improvement of the land, any part of the little stock which they might save from their own share of the produce, because the lord, who laid out nothing, was to get one-half of whatever it produced' (1776/1981). John Stuart Mill (1848/2004) offers a thorough account of views for and against sharecropping in his *Principles of Political Economy*. For Mill, under certain conditions sharecropping can benefit both sharecroppers and landowners. Ohannes Efendi argues that share farming may be the result of the specific conditions of a country, but that it will disappear gradually and will be replaced by agricultural production on one's own lands, or rental farming (Ohannes, 1880/2015). In short, for Ohannes Efendi, private land ownership is an indispensable condition for economic development. One should also keep in mind that the method of development Ohannes proposed for the Ottoman Empire was based on agricultural production, not industrialization, since it was practically impossible for the Empire to catch up with the industrialized countries of the late 18th century.

Years later, Mehmed Cavit Bey, who was a student of Ohannes Efendi, repeated what his mentor claimed in 1880. Ohannes Efendi's and Mehmed Cavid's views on private property overlap perfectly with sincere praise

for its benefits. According to Mehmed Cavid (1913/2001), in order for the right to work, free production and free competition to reveal all their benefits they must be accompanied by another right, the right of property. Ensuring the right to property is considered the most important element of progress and civilization in a country. Ownership is a person's absolute right to property that he or she has a legitimate right to use. In order to have something legitimately, it is necessary to either produce it personally, to obtain it as a result of work, to be donated by someone, or to be bequeathed to a child from the father. It is one of the principles of the right to property that a person can use the goods that he has obtained in different ways as he wishes, and that he is protected from all kinds of interference, encroachment and attack from the outside. The most important reason for the emergence of property is social benefit and personal benefit. In other words, the right to property is in line with the interests of both individuals and societies. A person works with the feeling of personal gain, that is, with the idea that he will personally use the goods and property he produces, and that he will meet his own production and needs with these goods.

Although the right to property is the first factor that encourages people to work, there are many who do not want to accept it and suggest that this right be nullified, claiming that it has emerged illegally. Those who are against the right of property claim that especially the right to possessing the land and real estate is the result of confiscation and plunder, and that in the past, property was shared by everyone. However, the claim about the validity of absolute common property in the past is completely wrong. Even in the earliest periods, there was no common

ownership of property in general. In the past, although the land was common, each individual had absolute private ownership of the crop he produced from the land that fell temporarily to his share and no one was allowed to interfere with this. The right of ownership, which first started with movable goods, gradually spread to the household, garden, and wall-limited places, and finally land ownership emerged. This transition has emerged as a result of the understanding that private property is superior to general and common property. Mehmed Cavid (1913/2001) argues that private property is superior to common property, and once human beings recognized this fact, land became private property. In the case of the common usage of land, individuals would receive a different plot each year, or every two to five years, discouraging them from making efficiency enhancing investments, because they would cover the costs of these investments and reconstructions themselves and others would benefit from the result. To put it differently, individuals with more exclusive rights have the incentive to improve the value of the asset through investment (Alston and Mueller, 2005). Common land usage could be seen in some parts of Russia, Switzerland and Java and the result was a total lack of advancement in agriculture. Cavid (1913/2001) mentions forests used as common ground by dwellers of certain villages for household consumption, without positive or negative comments. Similar to Sakızlı Ohannes he defines three types of land management:

“1. Owner’s own management of the land

2. Operation of the land owner’s land with the method of sharecropping and splitting

3. Operation of the land owner’s land by leasing it for later” then he asks:

“Which of these methods is more suitable?

Of course, the method of operating the land by the owner himself is superior to the others. Because in this case, the owner of the land takes care of the land as if it is something from his own body and personality, in addition to harvesting all the crops that his land is suitable for yielding. He tries not to tire the soil too much and not to ruin it. Isn’t it that one of the most important benefits of small property is that it binds its owner to the land and loves this land with the love of a child?” (Mehmed Cavid, 1913/2001).

Leasing is a superior method than sharecropping for Mehmed Cavid. He (1913/2001) says:

“Rental method expands and increases the social status, future and sense of responsibility of the villagers. It creates in them devotion and love to the land. It is socially more appropriate to manage land by sharecropping or renting rather than being a wage worker. However, it should be noted that the lease method is dependent on the capital. There is also an obligation to the lessor in this method, which is to not completely cut off his interest from the land, to always direct his attention to it by not seeing the rental price alone as sufficient, to help the tenant in time of need, not to let him stand on his own feet, and to lend money if necessary. In summary, it should be known that a union of interests is essential and present between the lessee and the lessor.”

In all these statements the appreciation of private property is clear, and its expedience is beyond dispute. Mehmed Cavid legitimizes private property arguing that government always benefits from private property on behalf of society. Land and property taxes, inheritance and gift taxes constitute the private participation of the government and the revenue from these taxes increases as natural assets increase.

We do not see any influential or widely acknowledged line of economic thought parallel with Marxist thinking in 19th-century Ottoman economic thought. The rival of liberal thinking was protectionism, ideas mainly represented by Musa Akyiğitzade, who was a student of Ohannes Efendi, and this line of thought did not discuss the expediency of property rights. Ottoman protectionist thinkers' approach to the origin of private property parallels that of Say who wrote:

'It is the province of speculative philosophy to trace the origin of the right of property; of legislation to regulate its transfer; and of political science to devise the surest means of protecting that right. Political economy recognises the right of property solely as the most powerful of all encouragements to the multiplication of wealth, and is satisfied with its actual stability, without inquiring about its origin or its safeguards' (Say, 1803/1971).

Friedrich List and Paul Cauwes are two sources of inspiration of Akyiğitzade, indicating his clear protectionist stance (Kılınçoğlu, 2015). Protectionist Ottoman thinkers took the existence of private rights as a given (and efficient, actually), and focused on development through protectionism and infant industry argument, mainly founding its claims on Friedrich List, who himself was a

landowner in the United States. List argues that national interests can be superior to individual interests and asks: 'How the wisdom of private economy is then the wisdom of public economy? Is it in the nature of an individual to be preoccupied with the business and the wants of the future, as it is in the nature of a nation and of a government?' (1841/1856). His answers are negative; he maintains that only individuals organized in a community can safeguard the interests of future generations. However, a positive attitude towards community is not accompanied by a negative attitude towards individual property. Cauwes, who had a profound influence on Akyiğitzade, similarly did not take any position against private land ownership. Instead, 'he recommended state intervention in certain activities (the development of railways, for ex) as well as protectionism, which he deemed preferable, in certain cases, to free trade' (Breton, 1998). Akyiğitzade (1899/2016) appreciates the efficiency of private land ownership, and argues that peasants of small holdings are prone to work harder than wage workers. He defines land as a factor of production and refers to Ricardo to explain rent. Between agriculture and industry as paths to economic development, industry must be chosen without neglecting agriculture and trade.

Ahmed Midhat Efendi was another prominent protectionist Ottoman thinker. He (1879/2005) argues that one of the primary duties of a government in a country is the protection of agriculture, industry and commerce. Because the means of resilience and power of the state depends on the wealth of the people, which in turn depends on agriculture, commerce and industry. If these three sectors are not protected, the people



and so the states lose their power. Ahmed Midhat (1879/2005) clearly states:

‘We [Ottomans] must first impose taxes on foreign imports in order to properly protect our domestic industry and trade... It is necessary to classify imports and impose the least tax on which ones are needed the most... But there are other ways to bring European industry home. Students can be sent to Europe by establishing many societies for industry... In addition, we can give various concessions to those who come to our country from Europe to perform art, for a few specific years and to be registered with agreed terms.’

Kılınçoğlu (2015) argues that “objections to laissez faire universalism and protectionist arguments can be observed in Ottoman economic thought as early as in the 1850s”, but it was Ahmed Midhat Efendi who “turned protectionism into an influential line of thought in the late Ottoman intellectual sphere and in popular economic mentality.” Unlike Sakızlı Ohannes or Akyiğitzade Musa, Ahmed Midhat Efendi was neither an academic nor a bureaucrat. He was the most productive writer of his time, authoring more than two hundred works on a wide variety of subjects, among them the history of Sweden and Norway, parenting, praying, fruits and Schopenhauer (Bora, 2017). Central aspects of the classical approach such as the importance of private property, entrepreneurship or competition can be found in his works on political economy. Nevertheless, another central aspect of the classical approach, free trade, did not receive support from Ahmed Midhat Efendi as we saw in the previous paragraph.

Ahmed Mithat's approach to land ownership should be considered as a part of his developmentalism. Ahmed Midhat agrees with his liberal contemporaries that if people do not have the right to own property and freely use the products of their labour, they will not make any effort to increase their wealth. For Ahmed Midhat Efendi (1879/2005) land ownership and its productivity enhancing effects are subjects of past discussions, and except for issues related to wakf property, the science of political economy can have nothing against the practice of right to private property in the Empire. The problem that arises in wakf ownership is that in case of inheritance, if there are no heirs, the estate goes to the state, which may cause a prosperous business disappear completely.

Although he does not discuss the emergence or development of property relations on land in his works on political economy in any detail, it is possible to find the efficiency he saw in land ownership. In his literary work also we can trace this perception of expediency in private property on land. One good example is his novel *Bahtiyarlık*. One of the main characters, Şinasi, who represents frugal, hard-working entrepreneur that Ahmed Midhat praised as a key element of development,<sup>14</sup> wants to be a landowner. Moving from İstanbul to a village in Anatolia, Şinasi buys a piece of land and applies modern farming methods, turning himself into a model entrepreneur (Ahmed Midhat, 1885/2000). In addition to presenting the driver of development, Ahmed Mithat demonstrates the ideal way of land management. Interestingly enough, for Kılınçoğlu, Şinasi “was not unrealistic as a character for a novel. On the contrary, he

<sup>14</sup> A detailed analysis of the reflection Ahmed Midhat's ideas in his protagonists can be found in Kılınçoğlu (2015).

reflects a growing interest among Ottoman reformists in the possibilities for an agrarian-based socio-economic transformation.”

#### 4. Conclusion

Both liberal and protectionist thinkers in the Ottoman Empire appreciated the productivity enhancing and developmentalist character of private property, and hence private land ownership. While Ottoman liberals founded their understanding of private property basically on Locke's theory of private property, protectionists did not even try to legitimize it. Getzler (1996) states:

‘Theories of property in the western philosophical tradition divide roughly in two. There is a notion of property as presocial, a natural right expressing the rights of persons which are prior to the state and law, this being the view of Hugo Grotius, Samuel von Pufendorf, John Locke, Immanuel Kant, and Georg W. F. Hegel; and there is a notion of property as social, a positive right created instrumentally by community, state, or law to secure other goals – the theory of Thomas Hobbes, David Hume, Adam Smith, Jeremy Bentham, Emile Durkheim, and Max Weber.’

Considering the status of land in the Ottoman Empire and the lack of legally recognized private property on land until the second half of the 19th century, the justification of private property could have posed a new and serious challenge for Ottoman intelligentsia. Although land ownership was created by the state to achieve certain social, administrative and economic objectives, as Getzler's second notion above, Ottoman liberals embraced the natural right theory. Though this may seem confusing, one

way of looking at this preference may be the need to justify or legitimize the government's action.

Throughout the 18th and 19th centuries, the literature on property was dominated by private property rights, and property on land is no exception. According to Ostrom and Hess (2007), ‘the superiority of individual property holdings was so well accepted in the legal literature of the early nineteenth century that the possibility of other forms of property existing on the European continent threatened juridical views about the origins of social order.’ We believe it would be proper to end this work with the following quotation, since this is how modern economic thought has manifested in the Ottoman lands: ‘over the past four hundred years, the ideology of economics has fostered both the self-interested individual and the market system, and has undermined, and continues to undermine, the community’ (Marglin, 2008). The attempts to form, legitimize and legalize property rights in land, which began with the Tanzimat reforms, were supported by the economic ideas which had developed under the influence of classical political economists. This support for private property, particularly the emphasis that was put on the efficiency of agricultural production on one's own land, coincides with the support of central administration for the small peasantry.

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