

SYLLABUS FOR HIST 525 – Law, State, and Property in the 19th Century

Spring 2024

Wednesdays, 10:40-13:30

FASS G052

Instructor: Ayşe Ozil

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Office hours: by appointment

This course explores the historical development of the issues regarding land and property in the Ottoman Empire during the 19th century. It deals with a diverse set of economic, social, and political conditions affecting the relations over land and property. Our focus will be on both rural and urban landed property, and we will look at various historical moments and cases from different regions of the empire to form a rounded view of the Ottoman state in this regard. We will trace the interaction of state power with land and property, the formation of legal precepts, and the organization of various forms of proprietorship, ownership, expropriation, and taxation, as well as the interrelation of socio-economic classes and groups and urbanization with landed property. We will treat legality and power networks relating to land and property in their transformation throughout the 19th century.

Class set-up: Lecture and discussion

Weekly Assignments: Students are expected to complete the assigned readings in advance of the class meeting and they are required to reflect and comment on them on the Discussion Forum (on SuCourse+) by 09:00 p.m. on Tuesdays before the day of the class at the latest. In their written comments on SuCourse+, students will also ask questions about the readings and bring those questions to class, where we will discuss some of them. Students should not give a simple summary of the material but they must comment on the material critically. Responding to other students' comments and questions are also highly encouraged.

Evaluation:

- weekly assignments on which students are required to reflect on the discussion forum on SuCourse+ (20%)
- presentation on an assigned reading which will be specified a week before class and will include either new material or a reading from the syllabus depending on the subject and complexity of the topic (20%)
- title /abstract (app. 300 words) / preliminary bibliography (at least 10 entries) for the paper (10%) and an evaluation of a source (400 words) (10%)
(This will be in preparation for the final paper and will be based on a short primary source, a historical secondary source [such as Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat ve 1274 (1858) Tarihli Arazi Kanunnamesi" (1940)], or a secondary source which intensively deals with primary sources: the final paper will be built on a discussion of this source material)
- presentation of the final paper in class (10%)
- take-home examination (a final paper of 4000 words) (30%)

Key dates:

- Week 6: submission of the title/abstract/preliminary bibliography for the final paper
- June 8: submission of the final paper

Academic dishonesty: Plagiarism includes copying from books or journals, duplicating the work of fellow students, and copying or downloading materials from the internet. Plagiarism or academic dishonesty of any kind and extent (including self-plagiarism) will not be tolerated. Likewise, using any kind of AI tool, including linguistic corrections, in any part of this course will not be tolerated.

- Readings and extra materials will be available online or on SUCourse+: <http://sucourse.sabanciuniv.edu>. Students are to regularly check the SUCourse+ website to follow weekly pacing, additional materials, possible changes and other announcements.

Weekly schedule**1. Feb 21: Historical Background I: Feudal Land in Europe and the Ottoman Empire**

- Marc Bloch, *Feudal Society* (London: Routledge, 1989), vol. 1, Chs. 8, 14; vol. 2, Ch. 32.
- Ömer Lütfi Barkan, “Timar”, *İslam Ansiklopedisi* 12/I, pp. 286-333.
- John Haldon, “The Ottoman State and the Question of State Autonomy: Comparative Perspectives”, in *New Approaches to State and Peasant in Ottoman History*, eds. Halil Berktaş and Suraiya Faroqhi (London: F. Cass, 1992).

2. Feb 28: Historical Background II: Land and the Question of Privatization in the 18th c. Ottoman Empire

- Ariel Salzmann, “An Ancien Régime Revisited: ‘Privatization’ and Political Economy in the Eighteenth Century Ottoman Empire”, *Politics and Society*, 21/4 (1993), pp. 393-423.
- Malissa Taylor, *Land and Legal Texts in the Early Modern Ottoman Empire: Harmonization, Property Rights and Sovereignty* (London: Bloomsbury, 2023), “Introduction”.

3. Mar 6: Historical Background III: Land Tenure and Law in the 18th c. Ottoman Empire

- Michael Nizri, “Defining Village Boundaries at the Time of the Introduction of the Malikane System: The Struggle of the Ottoman State for Reaffirming Ownership of the Land”, *JOTSA* 2/1 (2015), pp. 37-57.
- Malissa Taylor, *Land and Legal Texts in the Early Modern Ottoman Empire: Harmonization, Property Rights and Sovereignty* (London: Bloomsbury, 2023), Ch. 1, “Lifelong Tasarruf, Land Tenure Practices and Law over the Long Durée”.

4. Mar 13: Legal Codification

- Avi Rubin, “Modernity as a Code: The Ottoman Empire and the Global Movement of Codification”, *JESHO* 59/5 (2016), pp. 828-856.
- Martha Mundy and Richard Suarez Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria* (London: I.B.Tauris, 2007), pp. 40-79.

5. Mar 20: Land Law I (1858)

-“Arazi Kanunnamesi” (1858).

-Huri İslamoğlu, “Property as a Contested Domain: A Reevaluation of the Ottoman Land Code of 1858”, in *New Perspectives on Property and Land in the Middle East*, ed. Roger Owen (Cambridge: Harvard Middle Eastern Monographs, 2000), pp. 3-61.

6. Mar 27: Land Law II

- E. Attila Aytekin, “Agrarian Relations, Property and Law: An Analysis of the Land Code of 1858 in the Ottoman Empire”, *Middle Eastern Studies* 45/6 (2009), pp. 935-951.

- Malissa Taylor, *Land and Legal Texts in the Early Modern Ottoman Empire: Harmonization, Property Rights and Sovereignty* (London: Bloomsbury, 2023), Ch. 6: “From Harmony to Uniformity: Defensive Sovereignty and the Ottoman Nineteenth-Century Reforms”.

7. Apr 3: Local Practices in the Ottoman East and West

-Yücel Terzibaşoğlu, “Landlords, Refugees, and Nomads: Struggles for Land around Late-Nineteenth Century Ayvalık”, *NPT* 24 (2001), pp. 51-82.

-Nora Barakat, “Regulating Land Rights in Late Nineteenth-Century Salt: The Limits of Legal Pluralism in Ottoman Property Law”, *JOTSA* 2/1 (2015), pp. 101-119.

- Mariya Kiprovska, “Power and Society in Pleven on the Verge of Two Epochs: The Fate of the Mihaloğlu Family and its Pious Foundations (vakf) during the Transitional Period from Imperial to National Governance”, *Bulgarian Historical Review* 1/2 (2015), pp. 172-204.

8. Apr 10: Break

9. Apr 17: State, Land, and Registration

-Alp Yücel Kaya – Yücel Terzibaşoğlu, “Tahrir’den Kadastro’ya: 1874 İstanbul Emlak Tahriri ve Vergisi ‘Kadastro tabir olunur tahrir-i emlak’ ”, *Tarih ve Toplum* 9 (2009), pp. 9-58.

- Anton Minkov, “Ottoman Tapu Title Deeds in the Eighteenth and Nineteenth Centuries: Origin, Typology and Diplomats”, *Islamic Law and Society* 7/1 (2000), pp. 65-101.

10. Apr 24: Non-Muslim Communities, Land, and Property

-Eugenia Kermeli, “Ebussuud’s Definitions of Church vakfs: Theory and Practice in Ottoman Law”, in *Islamic Law: Theory and Practice*, eds. R. Gleave and E. Kermeli (London: I.B. Tauris, 1997).

-Tom Papademetriou, *Render unto the Sultan: Power, Authority, and the Greek Orthodox Church in the Early Ottoman Centuries* (Oxford: Oxford University Press, 2015), Ch. 3.

-Itamar Katz and Ruth Kark, “The Greek Orthodox Patriarchate of Jerusalem and its Congregation: Dissent over Real Estate”, *IJMES* 37/4 (2005).

11. May 1: Break

12. May 8: Vakfs

-Ramazan Pantık, “Merzifonlu Kara Mustafa Paşa Vakıfları: Yönetimi, Kentsel Gelişime Katkıları ve İktisadi Yapısı” (Hacettepe Üniversitesi, Unpublished PhD Thesis, 2021), Ch. 2.

-Gizem Zencirci, “From Property to Civil Society: The Historical Transformation of ‘Vakıf’ in Modern Turkey (1923-2013)”, *IJMES* 47/3 (2015), pp. 533-554.

13. May 15: Property and its Various Actors

-Alexis Rappas, “The Sultan’s Domain: British Cyprus’ Role in the Redefinition of Property Regimes in the Post-Ottoman Levant”, *The International History Review* 41/3 (2019), pp. 624-649.

-Roy S. Fischel and Ruth Kark, “Sultan Abdülhamid II and Palestine: Private Lands and Imperial Policy”, *NPT* 39 (2008), pp. 129-166.

-Yaşar Tolga Cora, “The Failed Housing Cooperative Project of the Oriental Savings Association: Housing and Urban Rent in Istanbul in the 1880s and 1890s”, *Yıllık* 5 (2023), 47-65.

14. May 22: Urban Land and Society

-Murat Güvenç: “Galata’nın İzleri: 1910-1922 Şark Yıllıkları üzerine Değerlendirmeler”

<https://www.youtube.com/watch?v=goZX-6S5Wpc>

-Ayşe Derin Öncel, *Apartman: Galata’da Yeni bir Konut Tipi* (İstanbul: Kitap Yayınevi, 2010), excerpts.

15. May 29: Paper Presentations