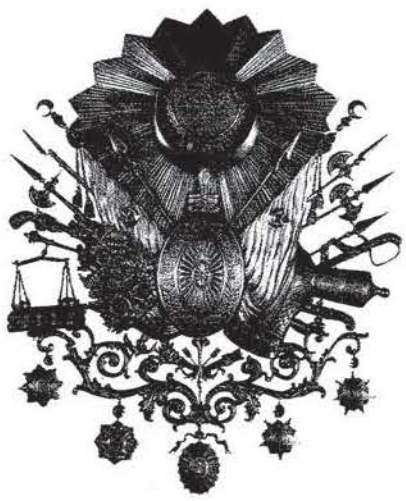


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Protection of Consumers in the Ottoman State

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"The God admires the ones who work well and in a true way."
Sacred Hadith
"Deceivers do not belong to us."
Hadith

The consumer rights and regulations for the purpose of protecting the consumers are not only features of modern societies. Just treatment by the Padishah and the order of justice ensured by him in the Middle Eastern State tradition based on justice are regarded as important cornerstones for increasing power of the state and the sultan. Islamic principles based the relation between the citizens and the rulers on responsibility. Therefore, Ottoman Sultans regarded the people under their rule as a trust of God. The consideration of trust and responsibility required the Ottoman Sultans to protect the people under their rule from any torture, evil and unjust actions and return them their rights.[1]

It can be said that the protection of consumers within the Ottoman Empire was an issue given extreme importance from the highest position to the lowest position. Because, the Ottoman Sultans, who were personally of the opinion to improve the people under their rule, paid attention to improving the *"terfih-i ahval"* (the level of welfare) of the people just because of this fact.

Various mechanisms were put into force, many institutions and associations were established and many actions were taken in order to protect the consumers in the Ottoman Empire. The Institution of Octroi, one of the traditional institutions to protect the rights of consumers, was duly in operation in Ottoman Empire. One of the most important tasks of the officer (officer of Octroi) at the head of this institution was to protect the rights of consumers. I shall discuss the measures taken for the purpose of protecting the rights of consumers within the scope of necessary consumables under four main headings.



Kanunname-i İhtisab of Bayezid II, Bursa (1502)

A. Quality Control

The concept of quality means the degree of a product aiming compatibility with the consumer needs or in brief, means the compatibility for use. Quality control means the assurance of the quality in compliance with the predetermined objectives within a production system and the operations for this purpose through assigning the authorities and responsibilities concerned with the related operations. The importance of the quality control system is set forth for the purpose of preventing the non-quality.[2]

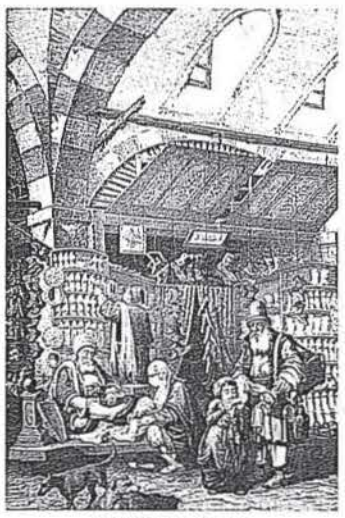
There are the sayings and actions of the Prophet (Bless Upon Him) in Islamic source records related with quality control. The Prophet (Bless Upon Him) and then the successor Caliphates took the market under control in the first period and tried to prevent the ways of unjust earning. When the Prophet (Bless Upon Him) prevented the action of the supplier trying to hide the wet wheat beneath and questioned him why he did not put the wet wheat on the foreground and said, "Deceivers do not belong to us". Again, He forbid selling decayed commodities and substituting the commodities of good quality with the commodities of poor quality by saying, "The one who sells damaged (rotten and decayed) fruit shall not receive anything from his brother in return. He shall sell after classifying the decayed and the rotten ones. Why will any of you take the commodity

of your brother in return for anything?" The Prophet (Bless Upon Him) wanted sellers to explain the qualifications (features) of a commodity before sale saying, "If there is a failure in one's commodity, it shall not be permissible for him to sell it without first notifying the failure".[3]

After giving such information about quality control, I am going to discuss some measures taken in order to enable the manufacturers to produce goods of good quality and thus to operate the quality control mechanism.

1. Raw Material Control

The first measure taken to protect the quality was the raw material control. The measures taken for the purpose of manufacturing with the raw material suitable for use and thus, protecting the quality of the manufactured goods go back to earlier periods. It was always stressed that the quality of raw materials used for manufacturing process ought to be paid attention to in the Ottoman financial decrees and order texts sent to the provincial *cadis* (Muslem judges). It is observed that the qualification of water to be used within the soaps during production process was extremely emphasized. The producers were required to use clean water for use in the production process and add at the proportion of scale.



Shoe-Makers Bazaar

In the *qanunnama* (decree) of Yavuz Selim, the following is mentioned: "... and soap and candle manufacturers shall be supervised, the production shall be of good quality, the candles shall not be decayed or made of rotten-smelling oil. They shall be hard, not soft"[4] and in the *qanunnama* (decree) of Kanuni, the following is mentioned: "... and soap and candle manufacturers shall be supervised, the production shall be of good quality, the candles shall not be made of decayed and rotten-smelling oil. They shall be as required and the soaps shall be well milled, but not cracked".[5] The soap producers are warned against using filthy internal oil during the production process according to the ruler order dated 13 Rebiulahir 1009 (21 October 1600) submitted to Aydın and Saruhan *cadis* (Muslim Judges).[6]

It was necessary not to use harmful raw materials so as to increase the reliability of a product. A misuse in this issue was immediately prevented and forbidden.[7] On the other hand, it was forbidden to use raw materials of poor quality to decrease costs.[8] The price of the product was determined according to the degree of quality. Some of the soap manufacturers in İstanbul decreased the costs of manufacturing by using the raw materials of poor quality and manufactured soaps imitating the Girit soaps in the early years of nineteenth century (4 Ramadan 1215/19 January 1801). This case caused the soap manufacturers to earn unjust money due their sales regarding the soaps of poor quality. The inspections revealed that an officially fixed prices was set forth for the purpose of selling the soaps at low prices for Kandiye, Resmo, Hanya and İzmir soaps along with the resolution covering the soap manufacturers in İstanbul to use their own stamps.[9]

The proportions of raw materials within a product to be stuck were assessed and the products failed to meet the requirements were forbidden. The raw materials of this product was attached importance. If the required raw material had increased above the level of required value, the product was considered "fraud".[10] The balance of the amount of raw material/produced material ought to be maintained in order to assure quality.

The domestic and imported products that did not meet the predetermined values were seized and returned their originating location.[11] Whether the imported commodities were suitable for health or not, was determined through controls at customs.

According to the document dated 1 February 1900, it was resolved that only the commodities "that were suitable for health in terms compositions" would be permitted.[12] When it was determined that the manufacturers used more than the required ingredients in order to compete with the imported products, they were subjected to inspections irrespective of the fact that they were not harmful for the health.

2. Principles in Production Process

The guiding principles were determined during the manufacturing process of a product and the manufacturing of products of poor quality were prevented so as to protect the people from harmful factors. This was regarded as the task of the government and the product was required to be as in "product of good quality" model.[13] There is different information about the guiding principles in the production process in Edirne Financial Decree and İstanbul Financial Decree dated 1502. For instance, the texts about the bakers, cookers and soap manufacturers are as follows:

"Bakers shall cook the bread as required, it shall not be deficient and uncooked. If the bread is found to be burned or uncooked, a stamp shall be attached. If it is found to be deficient, they shall establish a wooden scale and be fined. All bakers shall have the reserve of flour for two months, or one month so that the Muslims shall not suffer from the lack of bread. If any conflict occurs, the procedures shall be followed.[14] The bread shall be of good quality and clean.[15] Cooks, chief-cooks and pie cooks, all suppliers of these kinds of products shall cook them well and free of dirt. They shall wash

their dishes cleanly and wipe with clean cloth. They shall not wash the dishes with the water they did previously wash. They shall not keep the cauldrons and even the braces without tin and tin them on time. The financial officer shall warn, but not fine the objections in compliance with the judgment of cadi.[16] They shall cook the soap hard, but not keep it uncooked. If they are found to mill the soap of poor quality, the financial officer shall follow the procedures required."[17]

Effective measures were taken and legal actions were imposed for the producers that apply misuse during the production process. The composition of a product was recorded, namely the production process of a product was inspected. and when tricky production was assessed, it was forbidden. The use of raw material of poor quality and the products of poor quality were not allowed.[18] No concessions were made on this issue for centuries. The content of the measures and recommendations in the rule order dated 13 Rebiulevvel 1009 (21 October 1600) submitted to İzmir and Saruhan cadis and the document dated 1234/1818.[19] The manufacturers who were found to misuse anything were severely punished.[20] Soap manufacturers in İzmir were ordered to pay attention the necessary measures during the production process and were required to especially pay attention to the following points:

"The soap manufacturers shall transmit the soaps from the boilers when they were slick as required by the standards set thereof and added to the templates without any failure in terms of location and composition, but more than five or six scales shall not be kept during the production process, and this procedure shall be maintained...".[21]



Traveller's camp (Library of Topkapı Palace)

3. Production in Presence of Experts and Supervisors

In order to maintain the quality, the supervisors were assigned to carry out the control of the production process. These officials were generally the experts and the supervisors.[22] According to the imperial edict sent to the cadi (judge) of Aydın and Saruhan, dated October 21, 1600, it was reported that some of the manufacturers used unqualified raw material and they applied other cheats in the production process. In response to this report experts and supervisors were assigned to check the respective manufacturers.[23] And also in according to the imperial edict sent to cadi of İzmir, the manufacturers would maintain the quality of their products and the experts were assigned to check the products on the production process.[24]

4. Sample Production

One of the regulations applied in terms of keeping the quality of the product is sample production. The experts of the product would produce a sample product and the other manufacturers would produce their products in according the sample product.[25]

5. Compliance with the Proficiency By-law

In the classical period, the manufacturers had to work in accordance with particular principles. In order to be able to produce goods the manufacturer had to have the mastery certificate for the goods. But as some of the manufacturers had this certificate with the "power of the money", some precautions were needed to protect the rights of the skilled and certified manufacturers.[26] The appearance of the unskilled and non-certified manufacturer in the market caused confusion in the market. In a document written to the sub-governor of İstanbul and to the cadi, it was said that some precautions needed in order to "maintain the confidence of the public for the manufacturers".[27] This would be possible by discarding the unskilled and non-certified manufacturers from the market.

6. Keeping the Standards

The compliance with the standards for the industrial goods was monitored in a careful way. The standards detected registered by the cadi and the manufacturers on peripherals were asked to maintain the respective standards.[28] For example the mould would have the equal weight in soap industry.

In accordance with the regulation for the soap manufacturers publicized on August 13, 1479, in the reign of Fatih each piece of soap would be 200 dirhem. If the soaps were lighter than the said weight, it would be sold to the *people with low-income* rate and if the soap would not be sold again they would be sent back, the respective soaps would not be sold within the boundaries of Ottoman Empire.[29] It is possible to say that the standards kept unchanged for a long period.

7. Preventing Use of Fake Seals

The manufacturers would not sell the lower quality products by sealing them with the seals of high quality products. It was forbidden. The name of the manufacturer and the manufacture place would be written on the package of the product.

The samples of the seals of the manufacturer were registered in the official notebook of the cadi. The man-

ufacturers who did not comply with this order would be discharged from the market.[30] For example, the imperial edict dated 1826 demanded that the seals of the soaps produced in Girit Kandiye, Girit Hanya, Edremit, Midilli and İstanbul were to be registered to the notebook of the cadi each year. The samples of this manufacture places were registered to the notebook of the cadi.[31]

8. Medical Analysis

The products were analyzed both in terms of quality and in terms of sanitary and medical features. The results of the medical analysis would be published and the imported goods were checked in terms of its appropriateness to sanitary conditions.[32] In order to compete with the Western products, the production of the low quality goods were permitted but this would not be at a level that threatens human health.[33]

B. Control of Sale

1. Adjusting the Selling Price

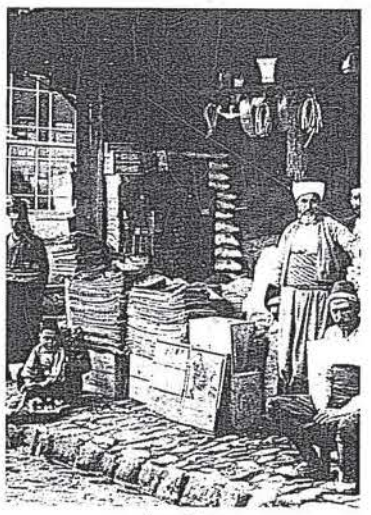
Ottoman state officials, tradesmen, and the traders attached great importance to adjusting the selling prices of the basic consumption goods. There was a strict control for the prices of these goods.[34] The administration of the country tried to fix the prices of the goods all over the country in order to protect the consumer rights and in order to prevent the arbitrary price making of the traders.[35] The price fixing method, one of the control mechanism, set a maxim price for a good and the trader could not sell his good more expensive than the maxim price. Though the prices would be adjusted in accordance with the supply and demand relation, the trader and tradesman could not exceed the maxim price. And again the demand and supply curve affected the fixation of the prices. The same kinds of products were priced in accordance their quality level and they were sold on this basis.[36] As the committee including the cadi, tradesmen, grocers and traders of the environment determined the prices they generally obeyed the fixed prices. It is important to state that the price fixing mechanism were the basic elements of protection of consumer rights. The price fixation system controlled both the quality of the goods and their prices. Violation of the fixed prices and quality levels were forbidden and the manufacturers and traders who violated the standards discharged from the market.[37]

The grocers and tradesmen could not sell the goods, especially imported goods from the different regions, apart from the fixed price. There were punishments for the ones who violated the rules on this issue. There were also sanctions for the consumers who bought the goods above the fixed prices.[38] Some of the provisions of price regulation were as follows:

" The cadi and experts shall control the quality and prices of the goods imported from the various regions. The traders and tradesman who do not offer a reasonable price shall be subjected to sanctions. And the traders shall obey the prices determined by the laws and cadi".[39]

"The grocers, spice sellers, green grocers, cloth sellers, and other tradesman shall sell their goods on a reasonable and fixed price. If they do not obey the rules they shall be subjected to the sanctions of the law".[40]

In accordance with the regulation applied in the first quarter of the nineteenth century, the tradesmen and traders who violated the rules would be warned first and if they persisted on acting in the same way, they would be punished. The punishments were caning, rowing punishment, and being discharged from the market. And if they still persisted in violating the rules they would be sentenced to bastinado punishment.[41]



An artisan

The resolution dated 1817, as the production rate of olive oil and the soap production rate increased in that year, the distribution rate of these products to the traders and tradesmen were reorganized in that year. But stocking of these goods by the hoarders and profiteers or selling the respective goods more expensive than their real values would be punished.[42]

2. Control of the Measuring Instruments

Controls of the measuring instruments were one of the most important measures in terms of protecting the consumer. The measure and calculation instruments were to be sealed and controlled.[43] The tradesmen who cheated the consumer via tricky calculation or measurement would be punished.

In 1769, two tradesmen who sold unqualified goods with high prices and by using false measurement instruments were exiled to Bozcaada in terms of constituting a lesson for the remaining tradesmen.[44] And again in 1767, four bakers who cheated the consumers with false measurement instruments were punished by sending as the watchers of Seddü'l-bahr Castle.[45] The issue handled with the order sent to cadi of İzmir. The subject was related to the soap manufacturers of Urla. The cadi warned against the cheats of the tradesmen of the environment. The cadi warned the manufacturers about the weight and quality of their soaps.[46] The regulation on the measurement and quality of the soap was as follows:

"The measuring instruments and other instruments used in the production process shall be controlled by the cadi. If the measures are false the required sanctions shall be applied against the said manufacturer".[47]

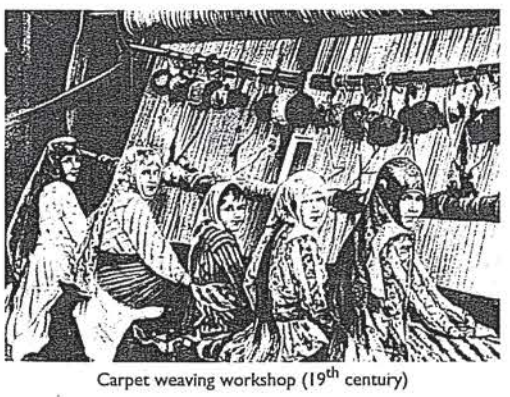
"The bakers and other manufacturers shall be controlled by the controller assigned by the cadi of the region. The manufacturers and sellers who cheat the consumer shall be punished".[48]

3. Method for the Sale of Distributed Goods

One of the measures taken in order to protect the consumer rights was the special condition applied in order to sell distributed goods. For example, the goods sent to İstanbul were distributed among the tradesmen and grocers of the region by the officials upon payment of the prices of the goods.[49]

In order to prevent the piling and stocking the goods by the grocers, traders and tradesmen, there was a period during which the said sellers had to sell their goods before they took their share from the new order. After they sold the goods with reasonable prices the new goods would be distributed by the Allotment Chief to the respective sellers.[50] If there were sellers who sold the goods on higher prices than the fixed prices, they would be sentenced to rowing for seven years and the consumers were to be warned.

There were also measures that protected the sellers and traders. For example, in the resolution dated April 12, 1802, the soap traders of Kandiye complained that they could not get their prices from the grocers and tradesmen in İstanbul and they stated that they were on the verge of bankruptcy. They warned the officials about the grocers and tradesmen who cheated them about paying the prices of their goods.[51]



Carpet weaving workshop (19th century)

4. Being Guarantor of the Tradesman

In order to prevent the violations of the tradesmen, they would be guarantors of each other. This situation enabled the prevention of the bankruptcy events. This measure also maintained regular goods deliveries to İstanbul, as the exporter trusted the other party. The regular delivery of the goods directly related to the benefits of the consumers. Upon the complaints on 1831, several tradesmen went guarantor for each other. If the trader could not pay his dept to the exporter, the attachment judgement would be applied for his goods and his domains and assets would be sold by auction method or the said amount would be compensated by the guarantors of the said trader.[52]

Upon the complaints of traders dated September 10, 1807, the pannier sellers were subjected to a warranty system. The pannier sellers gave the commitment paying the debts of the other sellers in the event that the said seller would die, escape or go bankrupt. And the one of the most well known traders would give the guarantee for his colloquies.[53]

5. Subjecting the Tradesmen to Allotment System

The compensation of the needs of İstanbul was one of the most important issues the central administration handled. In order to prevent the delay in delivery of the goods to İstanbul, there were fining punishments applied for the exporters. For example an imperial edict dated 1223/1808 the exporters of İzmir were tied to the 5000 kurush fining punishment in order to prevent the delay on the delivery of the soaps to İstanbul. The exporters who did not deliver the goods on time would be fined and their right to do business would be forbidden.[54]

6. Abolishment of Hoarding, Profiteering and the Speculative Incomes

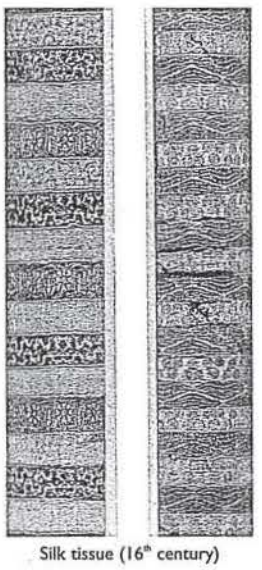
Hoarding means collecting the goods basic consumption goods such as sugar, oil, gas, tea, when they were in abundant in the market and selling the same goods with high prices when there is a scarcity of the goods in the market. Both activities aim to sell the goods that are in scarcity in the market on the high prices by creating a false scarcity in the market for the respective goods. Selling the goods over high prices by creating a false scarcity of the good is to burden the public and also cheat the consumer for this reason hoarding was forbidden all over the country.

In fact the hoarding and profiteering was not unique to the Ottoman Empire society. The ones who wanted to be rich in a short time may appear all the time and they try to facilitate in any possible occasion. This situation will continue forever. The profiteer group in Ottoman Empire played an important role in the market and they affected the situation of the market. Ozman Zade Taib (d. 1723), the Ottoman poet who complained due to the expenses of the daily life, says, "the evil of the profiteers". This line shows the dominance of the profiteers in the market of Ottoman Empire.[55]

It was possible to observe the hoarding and profiteering in any consumption goods. Bread, meat, wheat, barley and other goods were stocked due to the speculation of false scarcity in the market. The state opposed these kinds of activities all the time. A document dated January 13, 1732 says the prices of the bread, meat, wheat and barley was to be determined in accordance with the quality of the good and the laws and the traders were to sell the goods without hoarding and profiteer-

ing. And the ones who persisted on acting in opposition to the imperial edict were to be punished.[56] Once, the reason of the delay in the delivery of the cheese, onion, chickpea, lentil and the other cereals to İstanbul appeared as the hoarding and profiteering of the İzmir exporters. In return to this situation, the edict (order) dated October 1774 sent to the police of İzmir asked delivery of the respective goods immediately by taking the goods from the stocks of the hoarders and profiteers and to apply the lawful punishment to the actors of the event.[57] Another registry belonging to the same region and dated February 1781 exporters and traders who hoarded and profiteered in Odun Kapisi region were to be punished by closing their shops. The right to do business would be forbidden for the hoarders and profiteers in the same region. The stock in rural area caused the scarcity of the goods in İstanbul so the increase in the prices.[58]

In the last quarter of eighteenth century the tradesmen who had shops out of the castle hoarded the goods delivered illegally to İstanbul and they sold these goods illegally at the night times. They stocked their goods on the vessels and ships. This situation resulted with the scarcity of the goods in the market and following to this the increase in the prices. In order to prevent stocking of goods and in order to prevent the public being helpless for the situation, sometimes the shops of the tradesmen out of the castles were closed down and they had to open licensed shops within the castle. This action was not merely due to the increase in the prices of several goods but mostly due to the fear that this situation would expand the other sectors of the trade and reflection of this situation to the prices of the other goods.[59] The tradesmen who work on soap sector purchased the olive oil delivered from İzmir to İstanbul and this situation left the public and the other tradesmen helpless. In return to this situation, on the imperial edict dated September 19, 1796 the statement relating to this olive oil was as follows:


Silk tissue (16th century)

" Compensation of the respective olive oil from the tradesmen who purchased the respective oil in accordance with the price and amount of the load and abolishment of the hoarding and profiteering events in the region, delivery of the respective good immediately to İstanbul"

The same edict ordered delivery of any good that had the quality valid in İstanbul was to be sold neither in İzmir nor in the other regions. The respective goods were to be exported directly to İstanbul on such an instance.[60]

The tradesmen who hoarded the goods were sentenced to heavy penalties. In February 10, 1787, the brother of İzmir mufti, Osman Efendi was exiled due to the hoarding and profiteering in the market of İzmir. But as there was terrible storm on his delivery to Cyprus, he was settled to Istankoy.[61]

7. *Prevention of Monopoly*

We see that the monopoly in both manufacturing and selling was tried to be prevented in Ottoman Empire period. The monopolistic operations of the manufacturer and the seller tradesmen were supervised and these kinds of activities were tried to be abolished. It is possible to find lots of registry and documents in the archive of Ottoman Empire.[62]

The tradesman establishments in the trade of the cities had great importance and influence on the trade activities. They had monopolistic features that prevented dominance of the free trade concept in the region. Selim III observed this monopolistic feature of the tradesman and the Emperor stated that, the difficulty the public was in resulted from the monopolistic features of the tradesmen in the market as they could arrange the prices arbitrarily. And he ordered the settlement of the problem.[63]

For example, the soap manufacturers in İstanbul did not let the soap exporters of İzmir sell their goods in the market of İstanbul unless they gave a portion of the profit to the particular tradesmen of İstanbul that dominated the market at the time. And again these kinds of tradesmen distributed the exported olive oil and soap to the retailers on the arbitrary prices. When the exporters of the oil demanded the price of their goods they made up different stories and there were occasions that the manufacturers brought the exporters to the court on the ground that they carried out illegal business in İstanbul. This offensive attitude against the exporters of the oil resulted mostly the scarcity of the olive and other related goods in the market and this situation used to lead the increase in the prices of the respective goods and purchasing difficulty for the public. In accordance with the precautions against these kind of illegal operations, the soap manufacturers and the retailers in İstanbul market would let the exporters of İzmir do their business and the respective exporters would be able to sell their goods freely on the market.[64]

8. *Obedience to Import Sanctions*

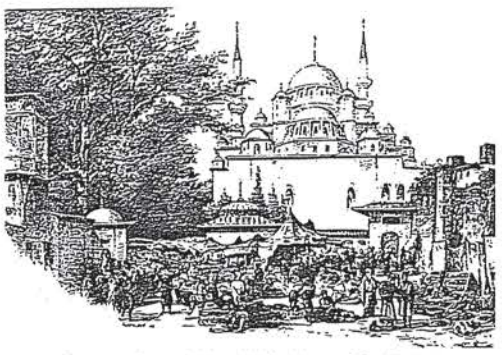
Another precaution taken to meet the needs of İstanbul was the import sanctions. The import sanctions used to be applied for a long time. The import sanctions were especially valid for the strategic goods and the goods called "forbidden goods". But these sanctions were left in several periods of the history due to different reasons. For example, in the First World War, as the export of olive oil was forbidden the profiteers manufactured soap from the olives they collected and in order to prevent the helpless situation of İstanbul society, the export of the soap was forbidden again.[65]

9. Prevention of Smuggling

Abolishing the export of goods resulted with the increase in smuggling events. Especially precious stones and the other goods such as wheat, barley, leather, silk and other similar goods were smuggled to the Western countries. The smuggling resulted in the scarcity of the goods in the domestic market and following with the increase in the price of the respective goods.[66]

The illegal export of the basic consumption goods to abroad was forbidden with the laws. The trader who attempted such an illegal action would be punished.[67] The administrators who underestimated smuggling were to be exiled.[68]

One of the reasons for the smuggling was, of course, the opportunity of selling the goods with high prices to the other countries. But as for the imperial edict dated 1814 informed that the trader who took part in smuggling operation would be discharged from the market.[69] The unjust taxation led to the smuggling events. The export of surplus goods from İstanbul would be carried out by paying the relevant duties and levies for the surplus goods. If these goods exported without paying the said duties and levies and if the officials and traders were arrested, they would be fined and the state would confiscate the exported goods.[70] But due to the unjust taxation, the goods were exported especially Anatolia, Arabia and the European countries instead of İstanbul. Such an export usually resulted with the scarcity of the goods in the market of İstanbul and the increase of the prices. The levies and duties lifted as a precautionary measure for preventing these sort of adverse effects of the smuggling.[71]



Bazaar in front of Yeni Valida Mosque (De Paris á Constantinople, Théodore Cahu)

C. Control of Allotment to Istanbul

One of the precautionary measures to protect the consumer was to meet the needs of the consumers in İstanbul in a healthy way. The imperial edict dated 1815 asked the administrators of the city to meet the necessities of the society without causing any fault.[72]

For this reason, the imperial edicts were sent to the different region that manufactured the goods and ordered them to be cautious about the issue. The edict ordered the officials and non-official society not to violate the orders. For example, the document dated 1818 detected that Sherif Aga, the custom officer of Ayvalik, sold the soaps delivered to İstanbul to the traders of Beratli. The punishment of this violation was the exile to Magosa Castle.[73]

In order to meet the necessities of people of İstanbul in the best way, the central administrators ordered the goods from the manufacturer regions. The complete delivery of the ordered goods was important for the administrators. The archives reveal abundant documentation relating to the issue. The reasons and solution methods were analyzed in the event that a deficiency occurred. There were provisions that bound the traders and manufacturers on this issue.

The investigation dated October 5, 1843 can be given as an example for this issue. Due to the delays and deficiencies in the years 1836, 1837 and 1838, the actors of the event and the official branches had negotiations to detect the reasons of the delay.[74] For example, the goods delivered were to be sold by the brokers and traders before the order reached to İstanbul in the middle of nineteenth century. This resulted with both the discomfort of İstanbul population and the loss of the levies and duties of the goods.[75] But, some of the traders went on selling the soaps and oil delivered to İstanbul to the other traders. In order to prevent this situation, the soap and oil manufacturers were called to meet with the officials to give the commitment that they would supply the needs of İstanbul and they would deliver the predetermined amount of goods to İstanbul without delay and deficiency.

D. Protection of Manufacturers and Distributors

1. Increasing the Selling Price

Besides preventing most of the violations, sometimes the prices of the goods were raised in order to protect the rights of the manufacturer and consumer. The document dated 1836 informed that the traders who sold their goods at the commercial price of the empire did not gain profit in the market. So, they had to sell goods to abroad even though it was forbidden. The grocers and tradesmen sold the goods with higher prices to the people. This situation meant the harm of the society. In order to prevent to this situation, several offers were made but as a result the prices of the goods increased.[76] The selling prices of the goods were kept low though the prices of the raw materials and the production expenses increased. This situation generally resulted with the bankruptcy of the manufacturer. The manufacturers were advised to increase the prices of the goods in order to prevent the bankruptcy events and the authorities tried to carry out the necessary regulations to adjust the prices of the goods and to enable the manufacturer to keep his business by providing him the sound environment for the business.[77] On such an occasion, the prices of the goods would be regulated considering the expenses of the manufacturers. For example, as the production expenses of soap increased in Girit, the selling prices of the good was regulated again.[78]

On the other hand, there were occasions that the offers of increasing the selling price were rejected on the ground that the claims for increase in prices did not back to the sound reasons. The demands of the manufacturers who produced horseshoe nails were rejected in 1767. The manufacturer claimed that the prices of the raw materials such as iron and coal increased, and the investigation relating to the issue displayed that the manufacturer had 27% profit rate 1000 nails and this rate found necessary for the manufacturer.[79]

2. Punctuality in Payment

As for the early period document, the operations of the chief steward liable for paying the price of the soap caused complaints. The soap manufacturers of Balikesir complained that the prices of the soaps were not paid in due time and the steward took opposition against the manufacturer. With the imperial edict dated July 1546, the Muslim judge (cadi was appointed for investigating the issue) and the administration ordered the respective officials to make the payments in due time.[80]

3. Prevention of Application of Single Authority

Though the monopolistic authorities were lifted, the demands of those that wanted to carry out the commercial transactions in accordance with this method were tried to be prevented. For example, a document dated 1833 reported that a trader called Laz oglu Andon collected the olive oils of the manufacturers of Kemer by using force on the ground that the single authority was valid.

The cadi (judge) of Edremit wrote a notice to the officials of the region asking to carry out the legal provisions for the respective person.[81] In another document dated 1834, the complaint of the region population was repeated. They reported that the traders bought their oils cheaper than its normal value on the ground that the single authority purchasing system kept its validity.[82]

A similar event is reported on the document dated April 10, 1834. As for the document the oils of the manufacturers were bought for 12 kurush per amphora by the officials regardless of the order informing the abolishment of the single authority application. This situation went on till the appointment of new officials to the region. The new officials calculated the unjust profit of the last two months and informed the central administration about the situation.[83]

4. Prevention of Illegal Taxes

There were some illegal taxes and duties collected by the landowners of the region. In accordance with the regulation dated 1683 "the unjust taxes, duties and levies collected by the land owners of the region from the man ufacturers and the things they collected would be returned to the manufacturers.[84] And another document dated 1734 reports that the owners of resting places demanded tax and duty on the olive oil order that was being delivered from Agriboz, Athena, Kefse and Salya ports in order to sell in the villages and counties. The taxes and duties of the orders were paid beforehand. The complainers asked the officials to correct the situation. It was reported that the respective tax demands were abolished with the regulations in the laws and also the owners of the resting places and other facilitators would act in accordance with the new regulations.[85]

5. Lifting the Taxes for Raw Materials Used in Production for the Needs of Istanbul

The manufacturers of İstanbul did not pay the tax for the raw materials they purchased as they produced the products for the use of İstanbul. But sometimes the officials collected the taxes from soap manufacturers by violating the regulations relating to the issue. A document dated 1766 reports a violation of this regulation. The soap tradesmen in İzmir complained that the officials collected taxes from a manufacturer who produced soaps for the need of İstanbul though they were aware the fact that there were subsidies for the manufacturers that produced the goods for İstanbul. This situation resulted with the decrease in the amount of olive oil and soap delivered from Odemis and Bayindiri, two important soap manufacturing cities of the time. They complained that this situation would lead to the increase in the prices of the goods and also it was stated that this situation might cause the decrease the soap production rate. Upon the abundance of these complaints a new regulation passed informing again that the taxes for the manufactures that produced for the needs of İstanbul were lifted. The former regulation relating to the issue dates June 11, 1765.[86]



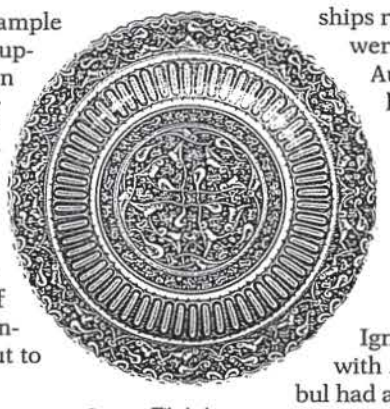
West Anatolian carpet with mihrab

6. Prevention of Illegal Attitudes of Officials

The unjust punishment of tradesman by the officials was forbidden. The violation of this rule resulted generally with a decrease in the production rate of the manufacturers or bankruptcy of the manufacturer. And the needs of İstanbul could not meet due to the production scarcity. A judgement relating to this issue says as follows:

"when the Muslim and non-Muslim manufacturers are brought before the court due to unreasonable reasons by the officials of the region this sort of trials shall

be interrupted immediately".[87] For example in 1833 the official responsible for the supply of the soap of İstanbul population gave the permission to the traders for selling the soaps in İstanbul in order to meet the needs of the population. But this situation was contrary to the regulations and the tradesmen of the city lost profit due to these traders. The investigation carried out in later period showed that the complaints of the tradesmen depended on the reasonable grounds. The former regulation put to the force again.[88]



Tiled plate, Iznik (1490) (Çinili Pavilion Museum Topkapı Place)

The monopolistic attitudes of El-Hac Mustafa Pasha, the governor of Trablusham, caused complaints of the population. The reaction of spice sellers and grocers resulted from the fact that Mustafa Pasha produced soap and did not allow import of the soap to the county in order to sell his own soap more expensively on the market.[89]

7. Maintaining Transportation Security

Maintenance of transportation security was very important in terms of supplying goods with reasonable prices. The state tried to keep the security of the traders that met the needs of İstanbul.

Once, while the two traders, Mustafa and Mehmet of Resmo, were carrying various goods from Girit, their ships ran aground near Eregli and their goods were seized. The imperial edicts dated August 26-September 3, 1758 ordered handing the goods back to the trader.[90] A similar event took part in the provision dated February 1765. The goods of the traders of İzmir were seized by the police force of Eregli when the ship had an accident. But the imperial edict corrected the situation.

A similar event happened near Ignelik of Marmaris. When the ship loaded with 500 boxes soap to be delivered to İstanbul had an accident in Igneli, the villagers seized the soap. The imperial edict ordered the police forces of the region to collect the said goods and hand them to the custom officer responsible for the export to İstanbul. And the ones who hid the goods were arrested.[91]

Conclusion

The protection of the consumer was a part of the regulations arranged for the peace and comfort of the population. The pricing system and supervision associations aimed at protecting consumers. The guild and the regulations of this institution played an important role in protection of consumers.

The abundance of the documents and regulations shows the importance attached to the issue. And each Ottoman Emperor was closely interested with the protection of consumers.

Notes

(*) Translated by Başar Batur

1 BA, Mühimme Defteri, No. 78, p. 897, Halil İnalcık, "Adaletnameler", Belgeler, v. II, No. 3-4, Ankara 1965, p. 49; The same author, "Şikayet Hakkı: Arz-ı Hal ve Arz-ı Mahzarlar", Osmanlı Araştırmaları, No: VII-VIII, İstanbul 1988, p. 33, 40.

2 Serdar Tan, Nurettin Peşkircioğlu, Kalitesizliğin Maliyeti, Ankara 1989, p. 7-15, Hüseyin Arslan, İslamda Tüketici Hakları, İstanbul 1994, pp. 92-95.

3 Hüseyin Arslan, ibid, p. 96.

4 Ahmed Akgündüz, Osmanlı Kanunnâmeleri ve Hukukî Tahlilleri (I-IX), İstanbul 1990-1996, (Then Kanunnâme), V. 3, p. 115.

5 Ahmed Akgündüz, Kanunnâme, v. 4, p. 328.

6 Çağatay Uluçay, 17. Yüzyılda Manisa'da Ziraat, Ticaret ve Esnaf Teşkilatı, İstanbul 1942, p. 127.

7 BA, İrade Hususi, 16 M 1316-37.

8 BA, Mühimme Defteri, No. 71, Edict No. 296.

9 BA, Maliyeden Müdevver, No. 9975, p. 148.

10 BA, Dahiliye Nezareti Hukuk Müşavirliği Kalemi, No. 10/49.

11 BA, Şûrâ-yı Devlet, No. 2708/2; Şûrâ-yı Devlet, No. 2759/5.

12 BA, İrade Rüsumat, 4 Şevval 1317.

13 BA, Ayniyat Defteri, No. 964/55.

14 Ahmed Akgündüz, Kanunnâme, v. 2, p. 292.

15 Ahmed Akgündüz, Kanunnâme, v. 2, p. 288.

16 Ahmed Akgündüz, Kanunnâme, v. 2, p. 289.

17 Ahmed Akgündüz, Kanunnâme, v. 2, p. 394.

18 BA, Kepeci, No. 70, p. 351; Ahmed Akgündüz, Kanunnâme, v. 3, p. 394.

19 BA, Cevdet İktisat, No. 1233; Çağatay Uluçay, ibid, p. 127.

20 BA, Kepeci, No. 70, p. 351.

21 BA, Cevdet İktisat, No. 934.

22 BA, Mühimme Defteri, No. 71, p. 148, Edict No. 296; BA, Mühimme Defteri, No. 79, p. 299, Edict No. 595.

23 Çağatay Uluçay, ibid, p. 82, 127.

24 BA, Mühimme Defteri, No. 71, p. 148, Edict No. 296. For a different ruler order on the same subject, see. BA, Mühimme Defteri, No. 79, p. 299, Edict No. 595.

25 BA, Cevdet İktisat, No. 1233.

26 BA, Mühimme Defteri, No. 15, Edict No. 2105.

27 BA, Şikayet Defteri, No. 25, p. 120, Edict No. 465.

28 Ahmet Tabakoğlu, Türk İktisat Tarihi, Second Edition, İstanbul 1994, p. 209.

29 Halil İnalcık, "Fatih Sultan Mehmed'in fermanları", Belleten, No 44, p. 700; Ahmed Akgündüz, Kanunnâme, v. 1, p. 590, 594.

30 BA, Maliyeden Müdevver, No. 9975, p. 148; İMŞ, İstanbul Kadılığı, No. 201, 78.

31 İMŞ, İstanbul Kadılığı, No. 201, p. 182-183.

32 BA, Meclis-i Vükelâ Mazbatası, No. 94, p. 18; BA, Şûrâ-yı Devlet, No. 2759/5.

33 BA, Meclis-i Vükelâ Mazbatası, No. 75, p. 17.

34 İbn-i Haldun interprets the tradesmen under control with a different point of view. See. İbn-i Haldun, Mukaddime, Translated by Zâkir Kadirî Ugan, İstanbul 1970, v. 2, p. 364-365; Ziya Kazıcı, "1093 (1682) yılında çeşitlerine göre İstanbul'daki dükkanlar", The Seminar on İstanbul Throughout the History (29 May-1 June1988), Reports, İstanbul 1989, p. 240.

35 Şevket Pamuk, Osmanlı-Türkiye İktisadî Tarihi 1500-1914, İstanbul 1988, p. 80.

36 BA, Maliyeden Müdevver, No. 9975, p. 148; İMŞ, İstanbul Kadılığı, No. 24, p. 25-b, İMŞ, İstanbul Kadılığı, No. 201, p. 78.

37 İMŞ, İstanbul Kadılığı, No. 201, p. 78.

38 BA, Hatt-ı Hümâyûn, No. 24003-D.

39 Ahmed Akgündüz, Kanunnâme, v. 2, p. 289.

40 Ahmed Akgündüz, Kanunnâme, v. 2, p. 292.

41 BA, Hatt-ı Hümâyûn, No. 24003-E.

42 İMŞ, İstanbul Kadılığı, No. 135, p. 51b. For other record dated 1138: İMŞ, İstanbul Kadılığı, No. 24, p. 25-b.

43 Ahmet Tabakoğlu, ibid, p. 209.

44 BA, Cevdet Belediye, No. 531.

45 BA, Cevdet Belediye, No. 64.

46 BA, Mühimme Defteri, No. 79, p. 160, Edict No. 397.

47 Ahmed Akgündüz, Kanunnâme, v. 2, p. 294.

48 Ahmed Akgündüz, Kanunnâme, v. 2, p. 289.

49 BA, Maliyeden Müdevver, No. 9975, p. 171.

50 BA, Tevziat Defteri, No. 32, p. 3.

51 BA, Maliyeden Müdevver, No. 9975, p. 171.

52 BA, Tevziat Defteri, No. 30, p. 19. For another record of the same law; BA, Cevdet Belediye, 23, 7598/19.

53 BA, Maliyeden Müdevver, No. 9975, p. 259.

54 İMŞ, İstanbul Kadılığı, No. 94, p. 76a.

55 Sabri F. Ülgener, "Tarihte Darlık Buhranları ve İktisadi Dengesizlik Meselesi", Darlık Buhranları ve İslam İktisat Siyaseti, Ankara 1984, p. 96; Mustafa Öztürk, "Osmanlı İktisadında Fiyatları Etkileyen Unsurlar", Prof. Dr. Şerafettin Turan Armağanı, Elazığ 1996, p. 233, 234.

56 BA, Cevdet Belediye, No. 1936.

57 BA, Cevdet Belediye, No. 7399.

58 BA, Cevdet Belediye, No. 7131. Also see BA, Cevdet Belediye, No. 2783, 6366.

59 BA, Hatt-ı Hümâyûn, No. 13306; BA, Maliyeden Müdevver, No. 9975, p. 53.

60 BA, Cevdet Belediye, No. 952.

61 BA, Cevdet Dahiliye, No. 8722.

62 BA, Maliyeden Müdevver, No. 9975, p. 171; BA, Cevdet İktisat, No. 1295; Çağatay Uluçay, ibid, p. 147.

63 Mustafa Öztürk, "Osmanlı İktisadında Fiyatları Etkileyen Unsurlar", p. 229 and others.

64 BA, Cevdet İktisat, No. 934.

65 BA, DH-İ-UM, E/43-55 (Lef 2).

66 Mustafa Öztürk, "Osmanlı İsktisadında Fiyatları Etkileyen Unsurlar", p. 231, 232.

67 BA, Cevdet Belediye, No. 422.

68 BA, Cevdet Maliye, No. Quoted from 20841 by Ziya Kazıcı, Osmanlılarda İhtisâb Müessesesi, İstanbul 1987, p. 136.

69 BA, Hatt-ı Hümâyûn, No. 17541.

70 BA, Cevdet Belediye, No. 7533.

71 BA, Cevdet İktisat, No. 138, 2164.

72 BA, Hatt-ı Hümâyûn, No. 17541.

73 BA, Cevdet Maliye, No. 20841.

74 BA, Maliyeden Müdevver, No. 12370, p. 160-161.

75 BA, Tevziat Defteri, No. 32, p. 16; BA, Hatt-ı Hümâyûn, No. 27844.

76 BA, Tevziat Defteri, No. 32, p. 2-3.

77 BA, Cevdet İktisat, No. 1144.

78 BA, Cevdet Belediye, No. 422.

79 BA, Cevdet Belediye, No. 471.

80 BA, A. DVN, No. 2/27.

81 BA, Cevdet Maliye, No. 28240.

82 BA, Cevdet Maliye, No. 6115.

83 BA, Hatt-ı Hümâyûn, No. 33724-B.

84 Ziya Kazıcı, İhtisab Müessesesi, p. 149-150.

85 BA, Cevdet Maliye, No. 8511.

86 BA, Cevdet İktisat, No. 138, 2164.

87 BA, Cevdet İktisat, No. 2036.

88 BA, Tevziat Defteri, No. 30, p. 21.

89 BA, Cevdet Maliye, No. 12556.

90 BA, İstanbul Ahkâm Defterleri, No. 5, p. 5, from Edict 11, Ahmet Tabakoğlu et al; İstanbul Ahkâm Defterleri-İstanbul Ticaret Tarihi 1 (1742-1779), İstanbul 1997, pp. 132-133.

91 BA, İstanbul Ahkâm Defterleri, No. 5, p. 5, from Edict 11, Quoted by Ahmet Tabakoğlu et al; İstanbul Ticaret Tarihi 1, p. 288.