

REFLECTIONS OF THE ÇİFT-HANE SYSTEM
IN MEDIEVAL BOSNIA AND SERBIA

A THESIS
PRESENTED BY YORK NORMAN
TO
THE INSTITUTE OF ECONOMICS AND SOCIAL SCIENCES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTER OF HISTORY

BILKENT UNIVERSITY

MARCH 1997

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York Norman.

as presented by York Norman

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I certify that I have read this thesis and in my opinion it is fully adequate, in scope and quality as a thesis for the degree of Master of History.

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In regards to the texts I have used, I want to take responsibility for all translations I have made and any of the errors which appear. I have chosen to translate all of the foreign language material into English in order to present a clearer picture to any potential readers. I also wish to apologize for problems in transliteration. Another motivation for translating into English was the fact that due to a lack of fonts I was unable to transliterate several of the Serbo-Croatian letters and all of the proper Ottoman Turkish notations. I ask for your understanding in this matter.

ABSTRACT

The main argument of this thesis is to examine the historical continuity of the çift-hane, the one family peasant farm unit that Professor Halil İnalcık has discovered to be the most basic unit of the rural Ottoman

Ottoman social and economic structure. After a review of İnalcık's definitions and theory, this thesis will then attempt to investigate the historical predecessors of this system in two Balkan nations within the empire, Serbia and Bosnia. As a starting point the influential work of Ćiro Truhelka will be considered, who writing early this century created several enduring myths about the agrarian economic structure in these two lands.

Later in the Serbian case, by utilizing several important recent studies performed by Georgije Ostrogorski and Dušanka Bojanić, we come to the conclusion that there was in fact a çift-hane like regime in place before the conquest, namely during the rule of the Serbian emperor Stefan Dušan. It came as the result of central rule and the colonizing influence of Byzantium.

However, in Bosnia no similar predecessor is found. Being outside of the empire of Stefan Dušan, Bosnia never was put under strong central rule, nor was it greatly influenced by Byzantium. Only under the Ottomans was a çift-hane like system imposed. The fact that it was accomplished does point to a functional continuity continued in this case however. The çift-hane remained a method of rural colonization.

ÖZET

Bu tezin temel tartışma konusu çift-hanenin tarihsel sürekliliğidir- kırsal Osmanlı sosyo-ekonomik yapısının en temel ünitesi olan aile köylü çiftliği Profesör Halil İnalçık tarafından keşfedilmiştir. İnalçık'ın teorisi ve tanımlamaları ile ilgili incelemeden sonra, tez, bu sistemin tarihsel öncülleri olan imparatorluk sınırları içerisindeki Balkanlı iki ulus Sırbistan ve Bosna'yı araştırmayı deneyecektir. Ćiro Truhelka etkili eseri başlangıç noktası olarak gözönünde bulundurulacaktır. Truhelka, içinde bulunduğumuz yüzyılın başlarında Sırbistan ve Bosna'da tarımsal ekonomik yapı hakkında devam eden pek çok mitler yarattı.

Daha sonra Sırbistan konusu içerisinde Georgije Ostrogorski ve Dušanka Bojanić'in yakın dönemdeki pek çok önemli çalışmalarını kullanarak şu sonuca ulaşmaktayız: Fetihden önce Sırbistan İmparatoru Stefan Dušan'ın hükümdarlığı zamanında Sırbistan'da çift-hane gibi bir rejim vardı. Çift-hane rejimi merkezi otoritenin ve Bizans'ın kolonizasyon etkisinin bir sonucu olarak belirdi.

Bununla birlikte Bosna'da benzer bir öncül bulunamadı. İmparator Stefan Dušan'ın dışında oluşan Bosna asla güçlü merkezi kontrolün altına girmediği gibi Bizans tarafından da büyük ölçüde etkilenmedi. Sadece Osmanlılar'ın hükümdarlığı altında çift-hane sistemi empoze edildi. Bununla beraber çift-hane Bosna'da devam eden fonksiyonel bir süreklilik gerçekleştirdi. Çift-hane kırsal bir kolonizasyon metodu olarak kaldı.

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1. INTRODUCTION

1.1. THE HISTORIOGRAPHICAL PROBLEM.

When considering the social structure in the medieval Balkans, an area where diverse ethnic groups, religions and cultures clash, one is always in search of a continuous, all-encompassing structure that would unite these groups or, at least, a scenario that would explain later disparities. Thus social and economic historians have paid a good deal of attention to what is perhaps the most basic unit of the social structure, the one-family peasant landholding, and its continuity from the Roman period through the Ottoman period up until the establishment of the modern Balkan states. The foremost advocate of the primacy of the landholding (especially during the Ottoman period) has been the Turkish historian Halil İnalcık, who has defined the one-family peasant landholding during the Ottoman period as the "çift-hane".

The following paper will seek to explore the Ottoman çift-hane peasant household as it relates to Serbia and Bosnia during Ottoman and pre-Ottoman times. To do this I will first present an explanation on İnalcık's theory regarding the çift-hane unit and its application to Serbia and Bosnia. Next I will provide an overview of Ćiro Truhelka's work on the subject, who, in spite of the eighty-five years that have elapsed since his publication, has remained the only historian to have made a comparison of agrarian relations in both of these two Ottoman Balkan provinces and has established several enduring preconceptions of the character of feudalism there. Given İnalcık's çift-hane theory, a critique can finally be made.

After completing this extended introduction, I will then analyze the character of the peasants' landholdings and the standard tax structure in both Serbia and Bosnia in particular in order to determine the extent to which a historical continuity of the çift-hane, or a peasant family unit similar to it, can be

made.¹ These two separate sections will take into account not only the findings of modern historians, but more importantly attempt to utilize some of the most important primary sources which exist on the subject, namely the Code of Stefan Dušan for the pre-Ottoman period and the Ottoman kanunnames, or regional land codes which were regularly put into legislation during the Ottoman period. The selection of the Ottoman kanunnames is obvious because of the emphasis which will be given to the çift-hane theory. However it should be stressed that the selection of Dušan's Code has been made because of first its date of promulgation (1349 and 1354) and which was valid until shortly before Ottoman rule. Secondly, the Code of Stefan Dušan has been chosen because of the Code's influence both directly on the extensive lands under its regulation and indirectly on the Balkan peninsula as a whole. The reason behind this influence is that the Code was a unique attempt in the south Slavic lands during the pre-Ottoman period to establish a centralized system of land and revenue control.²

For here several variables come into play. First, there will always be the question of how much was shared by these related south Slavic groups in terms

¹I want to again emphasize that I am indebted to Professor İnalçık, my thesis advisor, for the idea of making such a comparison of the kanunnames (especially the collection of Bosnian kanunnames published by Hazim Sabanović, et. al.) to Dušan's Code in relation to Bosnia in particular. I am, of course, responsible for the use I have made of it.

²John Fine, Jr. in his description of Dušan's Code cites the Code as one of the few reliable primary sources in Serbian, or even Byzantine history in which we can look at the situation of the peasantry vis a vis the local nobility directly. It is worthwhile to note that throughout his entire two volume survey of the early and late medieval Balkans, Fine, John, Jr. The Early Medieval Balkans. Ann Arbor: University of Michigan Press, 1983 and The Late Medieval Balkans. Ann Arbor: University of Michigan Press, 1987, Dušan's Code is one of only two such codes which are described at any length at all (the other being the so-called Farmer's Code" of the eighth century, a source about the alleged "free peasantry", Fine, John, Jr., The Early Medieval Balkans, pp. 82-93) and the only one dealing at all during the historical period of this thesis question. Fine, John, Jr. The Late Medieval Balkans, pp. 313-319.

of customs of land division, weights and measurement, types of nobility and peasants, and standard tax rates, and was reflected in Dušan's Code, as also the later Ottoman kanunnames. However, the second variable is the fact that Dušan's Law Code, which was originally being valid, of course, for the Serbian lands, as for Albanian, Greek, Macedonian, and western Bulgarian lands, was, at least until the Ottoman conquest in 1463, not valid for Bosnia itself.³ Thus, the immediate relevance of Dušan's Code to at least one of the areas in question before the Ottoman conquest is probably limited. However, such a contrast is still extremely useful, for parts of the code could have been successfully transferred into Bosnia during Ottoman times and later, during the course of the course of the sixteenth century, especially during the reign of Süleyman the Magnificent (1520-1566), developed in both provinces in a similar, standard Ottoman character.

1.2. THE ÇİFT-HANE THEORY OF HALİL İNALCIK.

To begin his theory, İnalcık has precisely defined the çift-hane as "the unit of land which can be operated by peasant family labour and a pair of oxen [which] is considered to be the most productive and essential form of exploitation, [and which also is] the most basic unit of agricultural economy and

³John Fine, Jr. makes absolutely no mention of Dušan's incorporation of either Bosnian or Hercegovinian lands into his empire. There is only evidence of a failed campaign into Bosnia in 1350, a year after the main part of the code's promulgation, but Fine concludes that there was no major social consequence to this attack, the Bosnian King and Nobles being left in place. Fine also points out in both his Early Medieval Balkans and his Late Medieval Balkans that throughout Bosnia's medieval history, the region was under Byzantine suzerainty for only thirteen years (1167-1180), this rule in his opinion being only nominal. Fine, John Jr., The Late Medieval Balkans, pp. 17.-18.

taxation for the state".⁴ There are three essential components to İnalcık's standard unit. The first is the pair of oxen, literally the "çift," which represented, along with the iron plow, the "tractor" of the unit, and İnalcık argues was the most efficient method of dry farming throughout the classical and medieval periods.⁵ The second is the peasant family, the "hane" or "family productive unit", which was "the standard for tax assessment".⁶ The third is the land: arable grain fields, which were controlled by the state to ensure stability of grain production.⁷

Most essential to the function of such standard units was the continual supervision of all the grain-producing lands, the state guarantee of "the uninterrupted farming of the fields". The primary task was to ensure the efficiency of these units, and maintaining the needs of the state and preventing famine and shortage of staple crops.⁸ For this reason the state prevented the çift-hane from being broken into smaller units and defended the peasant's freedom against the intrusion of grandees.⁹

To prevent abuse of the peasant by the nobility one first had to deprive the nobility of a hereditary right to the land. In the Mediterranean empires this traditionally¹⁰ was accomplished through the state's division of the land (as well as the peasantry), which it considered its own, from revenues and production. Varying degrees of income were granted to various income-holders. These

⁴İnalcık, Halil, "Village, Peasant and Empire", Essays on Economy and Society from the Middle East and the Balkans, Bloomington: Indiana University Press, 1994, pp. 142-143.

⁵İnalcık, Halil, "Village, Peasant, and Empire", p.141

⁶İnalcık, Halil, "Village, Peasant and Empire", p.146.

⁷İnalcık, Halil, "Village, Peasant, and Empire", p.142.

⁸İnalcık, Halil, "Village, Peasant and Empire", p. 142.

⁹İnalcık, Halil, "Village, Peasant, and Empire", p. 144.

¹⁰İnalcık notes that in the Byzantine empire, for example, such a "miri" regime existed prior to the Ottoman conquest, under the "pronoia" system. The question of the historical continuity of the "miri" concept will be discussed in more detail later in this paper.

income-holders, who ranged from the standard timar-holding sipahis to the zeamet-holding subaşı and sancakbeys, played an indispensable military and administrative role for the state, but were forced to work within an established state-controlled central structure. Thus they had to respect the state's strict determination of the tax structure and its right to replace both the noble and the peasant family if necessary, to meet its own needs.

There were several prerequisites for such control, some of them subtle. The *çift hane* unit has been defined, but how did the state maintain its control of the land? The state distributed the local management of this land to a dependent service nobility (who in the Ottoman period were most often under the standard sipahi or timariot), who lived off the tax income of the land granted by the state as a compensation for service. It also implemented a standard system of weights and measurements, from which the state could determine the principal landholdings and taxes. Thus it maintained control by precisely defining all the income generated within the empire, through an all-encompassing registration of every region's non-military productive population (called *reaya*), and all lands and incomes into registers (called *tahrir defter*s). The registers were also the primary instruments for dividing income among the service nobility and administrative class (the *askeri*) into separate income holdings as timars or zeamets, as well as for establishing other standard landholdings (such as the *çift-hane* unit of the rural *reaya*), and the taxes connected to them.¹¹

¹¹In his *Şure-i Defter "Giriş"*, pp. XIX-XXI İnalcık describes in detail the various steps the state accomplishes such a *tahrir defter* through its deputies (chiefly the *emin* and the *katip*). The *emin* and *katip*, especially in newly conquered foreign lands such as the Balkans, were given a high degree of financial responsibility. It should also be noted that the *tahrir defter*s were principally of two types which both complemented each other: either the *mufassal defter*, which determined all of the productive population's taxes and dues (primarily the various *aşar* and *resm-i çift*) of a given region, or the

In İnalçık "An Introduction to Ottoman Metrology", İnalçık argues that Ottoman land control rested upon a shared system of weights and measurements. A whole system of larger weights, such as the okka (400 dirhems) was based on the universal dirhem, which is assumed to have weighed 3.207 grams. throughout the Mediterranean area from the fourteenth century on.¹² The okka was used in turn as a standard unit, a fixed measure, by the Ottoman authorities. From it one could calculate the largest local measurement for grain, the kile.¹³ As the primary basis for the local taxation system, the knowledge, control, and possible manipulation of the kile was more than just a means of achieving a standardization. For the kile also often reflected in the duodecimal system of one gold dinar to twelve silver pieces, a standardized monetary and weight and measurement basis for a universal land and tax structure which could have existed in many areas much earlier than the Ottoman conquest.¹⁴

Rather than being an innovation, İnalçık believes this regime was deeply rooted in all the Middle Eastern and Mediterranean areas dependent on the

icmal defter, which registered the distribution of this same income among the timar, zeamet, and hass holders.

¹²İnalçık, Halil "Introduction to Ottoman Metrology", Studies in Ottoman Economic and Social History, London: Varorium Reprints, 1985, pp. 314-315;318-320. This notion has been challenged by Şahilioglu's argument that the official dirhem until the seventeenth century was based on the tabrizi dirhem, which weighed 3.072 grams, Tabriz remaining an extremely important center of trade during the Ottoman classical period.

¹³İnalçık, Halil, "Introduction to Ottoman Metrology", pp. 329-330. A larger unit, such as the Istanbul kile or Edirne kile, could also be used.

¹⁴İnalçık, Halil, "Introduction to Ottoman Metrology", p.322. İnalçık remarks that this ratio of twelve silver pieces to one gold piece may have been the beginning of the standardization process, "Since gold and silver coinage required precision in weight to the highest degree, it was taken as the model by other serial arrangements." İnalçık further describes the longevity of this ratio in the history of Mediterranean empires when he states that: "Since divisibility into fractions was highest in a duodecimal system, this offered the most efficient and practical means in accounting and transactions. Thus a serial arrangement with twelve and its fractions was established. It was a system generalized in large areas by imperial bureaucrats- Roman, Perso-Arabic and Ottoman; and local metrologies followed this serial arrangement."

cultivation of wheat and barley, reflected in the colons of the Roman empire, the mansus in Gallia, and the zeugarion in the Byzantine empire.¹⁵ İnalçık points out that the çift-hane found a counterpart "in the late Roman Empire... jugum corresponding to çift, and caput to hane were taken together as jugum-caput, and the tax imposed on it encompassed both."¹⁶ As for the specific tax structure on this çift-hane unit, İnalçık argues that there were three standard categories, as shown in the first operating regional law codes¹⁷: "1. the resm-i çift and its dependents, 2. the aşar and salarlık (salarıye), [and 3.] the tapu resmi, resm-i arusane, the yava kaçkun and penalties (which fall under the badihava or niyabet taxes)."¹⁸ Discounting the badihava revenues (the group of incidental tolls and penalties)¹⁹, the two taxes connected to the standard çift-hane unit were the aşar and salarlık and the resm-i çift.

Outside of the aşar, the "tenth", and the salarlık, a supplementary tax, which when taken together usually came to one-eighth of the production of cereal grain²⁰ and was included in the Ottoman legal language under the

¹⁵İnalçık, Halil, "Village, Peasant, and Empire", pp. 147-148.

¹⁶İnalçık, Halil, "Village, Peasant, and Empire", p.146.

¹⁷İnalçık, Halil, "Osmanlılarda Raiyyet Rüsümü", Osmanlı İmparatorluğu: Toplum ve Ekonomi, İstanbul: Eren Yayıncılık, 1993, p.49. İnalçık takes the regional kanunname, or law code, of Hudavendigar(1487) as his example. As he notes in his article "Kanunname", Encyclopaedia of Islam, Second Edition (Leiden), vol. IV, 1975, p.564, this kanunname is not only "the oldest surviving sancak kanunname" but also "appears to be a model for later ones".

¹⁸İnalçık, Halil, "Raiyyet Rüsümü," p. 49.

¹⁹İnalçık, Halil, Adaletnameler, p. 79. As Dusanka Bojanić has written in her Turski Zakoni i Zakonski Propisi iz XV i XVI Veka za Smederevsku, Krusevačku, i Vidinsku Oblast, Beograd: Istorijski Institut, 1974, p.133, Badihava was a whole range of taxes, which during the time of the Byzantines and the Serbian medieval states were labeled literally as revenues which came "from the air" ("aerikon" or "air"). Outside of the various tolls and penalties which made up the Badihava, the "most common characteristic of all these local taxes was that Muslims and Christians, reaya as well as the members of the military class alike gave them."

²⁰İnalçık, Halil, "Islamization of Ottoman Laws on Land and Land Taxation" Festgabe an Josef Matuz: Osmanistik-Turkologie-Diplomatie, eds. Krista Fragner and Klaus Schwartz, Berlin: Klaus Schwarz Verlag, 1992, pp. 112-113. The aşar was actually a fixed amount of cash, calculated in the most recent registration

category "hukuk-i şeriyye"²¹ (laws prescribed under Islamic law), İnalcık puts the most emphasis on the resm-i çift and its dependents. This group of taxes, as İnalcık illustrates, conforms to the principle of örfi (state-sanctioned, non şariat tax or custom),²² and to him "epitomized...the whole Ottoman agrarian-fiscal system".²³ For, according to İnalcık, it is precisely because it is such a custom that we can view it as the chief evidence of the continuity of the çift-hane system. For İnalcık saw the resm-i çift tax of twenty two akças as the Ottoman equivalent of the perennial one-gold piece tax which throughout the "Mediterranean basin and in Western Europe, from ancient times and through subsequent periods [was] the personal tax assessed on the labor force of an adult married male". Earlier examples of the one-gold piece tax included the cizye or harac in the Islamic Caliphate, and the nomisma in the Byzantine Empire.²⁴

as the cash equivalent of a three-year average. Prices or weather could cause distortions could occur during registration. As these registrations regularly held from ten to thirty years apart, these problems could persist.

²¹See Sabanović's explanation in Kanuni i Kanunname za Bosanski, Hercegovacki, Zvornički, Kliski, Crnogorski i Skadarski Sandzak, Monumenta Turcica Historiam Slavorum Meridionalium Illustrantia vol. 1, Sarajevo: Orientalni Institut u Sarajevo, 1957, p.28, where he defines the term as including not only the aşar tax, but also the zekat ("a tax of those of Muslim faith"), the harac ("taxes on production"), and the cizje ("a poll tax which non-Muslims paid"), as well as the custom dues (see "bac").

²²Just as the şeri taxes were often labeled under the term "hukuk-i şeriye", İnalcık likewise notes that the general formulation for örfi taxes in the Ottoman law codes was "rüsüm-i örfiyye".

²³İnalcık, Halil, An Economic and Social History of the Ottoman Empire 1300-1914, Cambridge: Cambridge University Press, 1994, p. 149.

²⁴İnalcık, Halil, An Economic and Social History of the Ottoman Empire, p.153. İnalcık further argues that while the tax normally should have amounted to twenty-four akças, a number that would fully conform to the duodecimal system and thus would easily break down into the practical taxable proportions of 24, 12, 9, and 6. It should also be noted that the determined number of twenty-two akças corresponds to the measure of one mihkal of gold in 1330, i.e. during the early foundation period of the Ottoman Empire.

As for the specific break down of the resm-i çift tax, İnalçık traces it to the seven "kulluks"²⁵, or labor services, from the Reaya Kanunname of Mehmed the Conqueror. He translates the relevant passage:

"Reaya who own one çift have three services a year or three akças, which they may give as equivalent, and outside of this they are to give one ox cart of hay straw and wood, and also besides this they are to give a yoke tax of two akças; in money twenty-two akças are to be taken in place of these seven services. From benlaks three services or six or nine akças are to be taken as an equivalent."²⁶

Defining the actual monetary amount by "kulluk" or labor service,

İnalçık has come up with the following table:²⁷

three days personal labor	3 akças
one load (ox cart) of hay	7 akças
one half load of straw	7 akças
one load of wood	3 akças
yoke tax (transportation service)	
in the amount of	2 akças
total: 22 akças	

²⁵In his Suret-i Defter-i Sancak-i Arnavid (2. baskı), Ankara: Turk Tarih Kurumu, 1987 "Giriş", p.XXXII, in footnote 207, İnalçık has found the term "kulluk" in this regional register used synonymously with both the çift resmi and the ispence. This shows that even at this early date (1431, which preceded Mehmed the conqueror's kanunname by about 50 years), the transformation of these labor services had already been made.

²⁶İnalçık, Halil, "Raiyyet Rüsümü", p.34. I have made a further translation of this passage into English, and take responsibility for any errors in my translation.

²⁷İnalçık, "Raiyyet Rüsümü", pp. 35-36. İnalçık has used a series of primary sources, including not only the previously mentioned Reaya Kanunname of Mehmed the Conqueror but also a tahrir defter (h.859/ m.1455) for Paşa Sancağı, a kanun for the sancak of Rum (1519), a 1540 kanun for the sancak of Diyarbekir, and a general Kanunname composed during the early years of Süleyman the Lawgiver's rule (which contains within it the cited kanun (written before 1521) from Smederevo. İnalçık mentions (footnote 23) that while this calculation can be taken as a general rule, the amount could vary from province to province.

The proportion of the tax paid was dependent, as İnalçık sees it, on the amount and fertility of the arable fields held.²⁸ Besides the *nim-çift*, or half a *çiftlik* unit, which paid exactly half of the *resm-i çift*, or eleven *akças*, the other dependent taxes of smaller proportions,²⁹ all began to take marital status into account, whereas the *resm-i çift* or *nim çift* tax did not. The most interesting of these dependent taxes is perhaps the *mücerred* tax, the basic tax on the poorest (landless) peasants, which according to Mehmed the Conqueror's *Reaya Kanunname* was the equivalent of the "three services" or three *akças* (the other four "services" not being converted). Typically, however, the amount of the tax was actually six *akças*.³⁰

As for the Christian equivalent of the *resm-i çift*, the *ispence*, which the majority of the Christian *reaya* were subject (especially in the south Slavic lands of the Ottoman Empire)³¹, was fixed at twenty-five *akças*. İnalçık quotes

²⁸In "Raiyyet Rüsümü", p. 37, İnalçık illustrates the relative manner of the distribution of land, giving three different definitions in separate *Kanunnames* of the same time period (Konya (1528), Sirem(not dated), and Diyarbekir(1540)) of the size of a full *çiftlik*: from 100 to 150 *dönüms* of the poorest-quality land from 80 to 120 *dönüms* of medium quality, and from 60 to 80 *dönüms* of the highest quality. İnalçık also makes an interesting point when he states (footnote 27) that the measurement of the *çift-hane* unit was not made by the amount of the land but was instead dependent on how much seed needed to be sown. This also varied according to time and place, being two *mud* in Mehmed the Conqueror's *Reaya Kanunnamesi*(1488) and four *mud* in Bursa according to the Süleyman *Kanunname*(1530?).

²⁹These smaller proportional taxes included for example the *caba*, *kara*, and *bennak*. For their definitions of these taxes, as well as their variations please see İnalçık, Halil, "Raiyyet Rüsümü", pp. 41-46.

³⁰İnalçık, Halil, "Raiyyet Rüsümü", pp. 43-44. İnalçık, in footnote 72 does mention that in the *sancak* of Aydın, according to a h. 859/ 1455 *mufassal defter*, however, a *mücerred* tax of three *akças* was given by *yörüks* in that province.

³¹İnalçık, Halil, "Raiyyet Rüsümü.", p.60 The *ispence* is rarely found among the Christians of Trakya and Western Anatolia; the Christians there were subject to the *çift resmi* like the Muslim *reaya*. İnalçık shows that the reason is that the tax is encountered within the old borders of Stefan Dušan's empire, and during the fifteenth century the *ispence* was entered into the Ottoman tax system, where later it was extended into the provinces of Eastern Anatolia and Georgia.

As for the origins of the *ispence*, at the time of publishing "Raiyyet Rüsümü", İnalçık argues (footnote 131) that while he rejects Hammer's notion

the following description of the ispence and the dependent bive, or widow tax, in Mehmed the Conqueror's Kanunname : "For every non-Muslim he is to give to the sipahi twenty-five akças as ispence, and a son mature for the harac [is to give] the full ispence and the widow who has no farm [is to give] six akças a year, and the sipahi is not to use her in his house and have her weave without providing a wage."³² What is striking here is that with a few exceptions,³³ every non-Muslim male was to give the ispence tax. A later seventeenth century kanun states, "the ispence is imposed on the head of every non-Muslim by imperial order, from the married and from the single, from those with land and from those without land, [and] from everyone twenty-five akças are taken and for this reason it is recorded in the kanunname of the vilayet of Rum."³⁴ Working further with Mehmed the Conqueror's Reaya Kanunname İnalçık goes on to show that this tax was not limited to the rural population, but was also levied on Christian artisans, in contrast to their Muslim counterparts, who were subject only to a much lower tax.

As to whether the ispence was a real counterpart to the *resm-i çift*, which was in principle both a head and a land tax, İnalçık toes a very careful line. Although the ispence in the main had the character of a poll tax, İnalçık also notes that the ispence, like the *resm-i çift*, contained within it the "kulluk". Most interesting here is the statement in the Reaya Kanunname that while the urban

of "ispence" coming from the Persian "pencik", as it is impossible to deduce both from a grammatical and a substantive point of view, he cites Truhelka's account of ispence as coming from the Italian "spenza" or expenses. Later, İnalçık, accepting the arguments of Dusanka Bojanić's "De La Nature et l'Origine de Ispence", *W.Z.K.M.* 68 (1976), pp. 9-30, revises his view, although previous to the article's publication he began to modify his interpretation. See İnalçık, Halil, "Ispence", *Encyclopaedia of Islam*, Second Edition (Leiden), IV, 1975, pp. 63-64.

³²İnalçık, Halil, "Raiyyet Rüsümü", p. 56.

³³ İnalçık, Halil, "Giro", p. XXXIII, İnalçık points to the Dibra defter of h.871, where the unmarried Christians (*mücerred*), paid the tax of only 6 akças.

³⁴İnalçık, " Raiyyet Rüsümü", p.56

population was to give the full ispençe, no further taxes (that is, the three-day labor service) are to be taken.³⁵ Thus, the services fall within the tax. The fact that the bive tax amounts to six akças, the same general amount as mücerred, also accounts for the three-day "kulluk". However, İnalcık maintains that in an important sense the ispençe was also a land tax. When a Muslim was to take over a Christian's farm, the Muslim had to pay the ispençe as a compensation.³⁶

The continuity of this çift-hane model, according to İnalcık, is well established in a wide variety of Ottoman sources, but it is no coincidence that it is especially evident in the series of regional law codes (or kanunnames), which were regularly recorded on the first pages of the regional (sancak) tahrir defters.³⁷ These kanunnames "existed for provinces where the system of state (miri) lands and timars was in force, with the primary aim of preventing and settling disputes between the reaya and the timar-holders.³⁸" Following Mehmed the Conqueror's general kanunname relating to all of the reaya in the Ottoman empire, regional kanunnames followed, beginning with Hudavendigâr (1487), which İnalcık notes appears to be a model for future kanunnames.³⁹ İnalcık considers the Balkan kanunnames taken as a separate regional subgroup as particularly valuable primary sources that show the continuity of previous landholdings and social classes. "Here clauses from the typical kanun-i osmani co-exist with Byzantine and Slav customary law and institutions" and "a number of laws are based entirely on pre-Ottoman practice: the baştina as a

³⁵ İnalcık, Halil, "Raiyyet Rûsümü", p. 56.

³⁶ İnalcık, Halil, "Raiyyet Rûsümü", pp. 57-58."

³⁷ It is also necessary to note here that the Tahrir defters were carried out on a periodic basis, normally in approximate fifteen-year intervals, and also upon succession of a new sultan. This was necessary to account for alterations in both the local administrative structure (largely vacant or changed timars) and in the regional land law itself. See İnalcık, Halil, "Kanunname", pp. 562-566.

³⁸ İnalcık, Halil, "Kanunname", p. 563.

³⁹ İnalcık, Halil, "Kanunname", pp. 563-564.

unit of land and the ispence as a reaya tax; the taxes on wood and hay derived from Balkan feudalism and the grain levy of two measures of wheat and two measures of barley" ⁴⁰

The Ottomans regularly only aimed for a regional or sancak-based standardization of these peculiar weights and measurements which took into account how much these weights and measurements may have been ingrained in the area, "being established through centuries of existence."⁴¹ Yet trying to define crucial measurements for grain taxes by use of a different local measurement under an Ottoman name, such as the kile, was sometimes impossible even in one region, as often can be seen in the Balkans.⁴² Moreover, these Balkan kanunnames, together with the tahrir defters to which they are attached, contain a great amount of material showing exactly what the Ottoman policy toward the pre existing feudal relations were over time. In "Stefan Duşan'dan Osmanlı İmparatorluğuna" and "Ottoman Methods of Conquest," İncalcık has used these sources to argue that the Ottomans had (at least from the foundation of the empire until the sixteenth century), a very conservative policy of gradual assimilation, which directly incorporated whole social groups into its imperial structure and preserved them to a large extent.⁴³ Forcible conversion never had any part in the process, but occurred over time, as the result of indirect psychological and social pressures.⁴⁴

⁴⁰İncalcık, Halil, "Kanunname", p. 564.

⁴¹İncalcık, Halil, "Introduction to Ottoman Metrology ", p.312.

⁴²İncalcık, Halil, "Introduction to Ottoman Metrology ", pp. 331-333. İncalcık gives an excellent example of the various weights in Bosnia, an analysis of which will be given in this paper in a later section.

⁴³İncalcık, Halil, "Stefan Duşandan Osmanlı İmparatorluğuna", Osmanlı İmparatorluğu: toplum ve Ekonomi, Istanbul, Eren Yayıncılık, 1993, pp. 70;105-107. İncalcık, Halil, "Ottoman Methods of Conquest", The Ottoman Empire: Conquest, Organization and Economy, London: Varorium Reprints, 1978, pp. 103;107.

⁴⁴See, e.g., İncalcık, Halil, "Stefan Duşan", pp. 93-94.; İncalcık, Halil, "Methods of Conquest", p.116.

İnalcık begins by analyzing the earliest extant tahrir defters that correspond with the former regions of Stefan Dušan's empire. The earliest extant registers often show a significant proportion of Christian sipahis who were incorporated into the Ottoman ranks. For example, according to the defter for the sancak of Tirhala (Thessaly) in h. 859 (m. 1454-1455) out of the 182 timars distributed, thirty-six were given to Christian sipahis; in a mufassal defter also recorded in h. 859 (m. 1454-1455) for Vilk (Vulk or Vuk) (including Vulcitrin, Morava, Bitola and Lab) twenty-six out of 170 timars were given to Christian sipahis; and in Braničevo from a defter from h. 872 (m. 1467-1468), Christian timar-holders were in a majority, (fifty-nine timars to thirty-two Muslim timar-holders).⁴⁵ Many of these timar-holders were also registered in the earlier defters as "kadimi sipahi"(s) or "old sipahis,"⁴⁶ which in all likelihood identifies them with the local Christian noble families. According to İnalcık this shows that the conditions for joining the Ottoman military class, the askeri, included being of noble or military origin and obedience to the Sultan, but not the acceptance of Islam.⁴⁷

İnalcık also reveals an interesting case in a later h. 912 defter for the Avlonya region (in modern-day Albania), which shows how much toleration the Ottoman authorities must have had for the pre-existing local rulers. A certain Pavlo Kurtić is registered in the defter as having installed himself in the place of his large timar by his own "ikrar", or "confirmation". Thus even during a period of consolidation the Ottomans may have recognized the legitimacy of the earlier system.⁴⁸ İnalcık also argues this from the sancak of Hersek (Hercegovina),

⁴⁵ İnalcık, Halil, "Stefan Dušan", pp. 74-75 (Tirhala); p. 80 (Vulk), p. 82.. (Braničevo). On p. 91, İnalcık has provided a full chart of other various defters of the area of the old empire of Stefan Dusan, their dates, and statistics.

⁴⁶ İnalcık, Halil, "Stefan Dušan", pp. 95.

⁴⁷ İnalcık, Halil, "Stefan Dušan", pp. 92-93.

⁴⁸ İnalcık, Halil, "Stefan Dušan", pp. 86-87.

where according to the h. 882 (m. 1477-1478) defter many timar-holders were recognized as legitimately holding "baştina", or "private property" since pre-Ottoman times.⁴⁹

He admits, however, that while the proportion of Christian timar-holders tended to be lower over the course of the years, for example in a defter for the same region of Tirhala, eleven years after the first defter cited above in h. 871 (m. 1466-1467) the ratio dropped from 36/182 to only 20/343 timars, there were still areas where the number of Christian sipahis remained unusually high.⁵⁰ According to a defter for the sancak of Vulçitrin from h.882 (m. 1477-1478), twenty-three years after the registration of h. 859 (m. 1454- 1455), twenty-one Christian timar-holders remained. ⁵¹

Even more striking in İnalcık's findings about the Ottomans' conservative policy of gradual assimilation is evidence that the Ottomans maintained active Christian military groups as critical and numerous auxiliary forces in the empire. This is especially true for the "voynuk"(s), who İnalcık argues were originally members of a disgruntled small nobility in Dušan's empire. They opposed the class of magnates or vlastelin, who dominated the south Slavic lands before the Ottoman conquest and in the Ottoman times were elevated to a far more prominent status.⁵²

Thus we see that the Ottoman authorities tried to be reconciled as much as possible with the earlier larger nobles, who having the most to lose were a relatively small but visible portion of the new local Ottoman elite of timar-holders, without endangering the newly established links with the bulk of the

⁴⁹ İnalcık, Halil, "Stefan Dušan", pp. 81-82.. İnalcık These sipahis , according to İnalcık were either the old regular nobility or leaders of the vlach nomads in the area.

⁵⁰İnalcık, Halil, "Stefan Dušan", p.76.

⁵¹ İnalcık, Halil, "Stefan Dušan", pp. 80-81.

⁵²İnalcık, Halil, "Stefan Dušan", pp. 98-99.

Balkan population. This meant stricter direct control of the new timar class by installation of the miri regime in these areas, which translated into control of the incomes, and in general deprivation of the nobility's previous property rights.⁵³ In addition the Ottomans gradually homogenized these local Christian noble elements into the empire-wide sipahi class by other indirect means. These included first the practice of reassigning these Christian sipahis timars in distant areas,⁵⁴ second, the gulam system of accepting on a systematic basis the sons of the new Christian Ottoman office-holders into service for the Ottoman center as hostages,⁵⁵ and finally, the general isolation that class must have felt as whole.⁵⁶ In the end as a result of these various indirect factors Islamization undoubtedly did occur.⁵⁷

With regard to the earlier mentioned lower nobility and to the peasantry as a whole this process of gradual assimilation, according to İnalcık, seems to be even more conservative. The voynuks remained a fully operative military organization until well into the sixteenth century, and were gradually abandoned only when it became clear to the central authorities that they had outgrown their usefulness.⁵⁸ This was the case, for example, in the region of Semendere after the Battle of Mohács in 1526; the voynuks of that region were no longer located in a strategic area, the frontier having moved into the

⁵³İnalcık, Halil, "Methods of Conquest", p.116.

⁵⁴İnalcık, Halil, "Methods of Conquest", p.116.

⁵⁵İnalcık, Halil, "Methods of Conquest", pp. 119-122.

⁵⁶İnalcık, Halil, "Stefan Duşan", p.93.

⁵⁷İnalcık, Halil, "Methods of Conquest", p. 116. "Thus we find timar assignments to Christian soldiers even in the time of Bayezid II (1481-1512). But in the sixteenth century Christian Timariots were rarely found in the same areas; what is more in this century the existence of Christian timariots had shocked people and caused a special inquiry into their origin. The previous Christian timariots had gradually adopted Islam and disappeared by the sixteenth century". This is confirmed by İnalcık in his "Stefan Duşan" article where on page 108, footnote 192 where he cites a written complaint about Christians owning timars from h. 990 (1582).

⁵⁸İnalcık, Halil, "Stefan Duşan", pp. 100-101.

Hungarian region.⁵⁹ By contrast, other categories of Christian auxiliary military orders, such as the *derbendcis*, the *martolosi*,⁶⁰ and the *vlach knezes*,⁶¹ thrived during the Ottoman late classical period of Sultan Süleyman's reign, sometimes even surviving until the nineteenth century.

The Ottoman center's tie to the main body of the *reaya*, however, the grain-producing farmers, was never abandoned. As İnalcık argues in "Islamization of the Ottoman Land Code," that during the period of the Ottomans' full consolidation (during Sultan Süleyman's rule) the peasantry of the empire was in many ways even more reinforced by the existing *çift-hane* system, and underwent no major transformation. He cites several major writings of Ebussuud Efendi, the one-time *kadiasker* and *şeyhülislam* whose influence over the land codes for the next hundred and fifty years is undoubted.⁶² In his introduction to the regulations of Üsküp (Skopje) and Selanik (Thessaloniki), Ebussuud basically redefines the Ottoman *miri arazi* regime and many of the customs that went along with it into the context of Islamic law. After interpreting the land into three basic land types, *öşri*⁶³ or originally Muslim-owned private

⁵⁹This case can be seen thought out Bojanić's collection of laws in Turski Zakoni i Zakonski Propisi iz XV i XVI Veka.

⁶⁰İnalcık, Halil, "Stefan Dušan", pp. 103-105.

⁶¹See Đurđev, Branislav, "O Knezovima pod Turskom Upravom", Istorijski Časopis, Organ Istorijskog Instituta S.A.N. I, Beograd, 1948, 132-166 as also Đurđev's "Nešto o Vlaškim Starješinama pod Turskom Upravom", Glasnik Zemaljski Muzeja, Sarajevo, 1940, pp. 50-67.

⁶²İnalcık, Halil, "Islamization of Ottoman Laws", pp. 115-116.

⁶³ The *öşri* lands are those "which are granted to Muslims as their private property, to dispose of as they wish in the same manner as the rest of their properties. Because it is against the Islamic law to subject the Muslims to *harac* at the beginning [i.e., at the time of the conquest] , only the tithe is imposed [as a land tax]. They cultivate the land and pay tax out of the grain which they harvest, and nothing else; and the tithes are distributed to the poor and the disabled. The religion forbids that the tithe be taken by the military or others. Lands of the Hecaz and Basra are of this category." İnalcık, Halil, "Islamization of Ottoman Laws", p. 104.

land, and haraci⁶⁴ or originally non-Muslim-owned private land, Ebussuud creates a third category, arz-i memleket, which remained under the dominion of the state and was only leased to the peasants (by ariye).⁶⁵ What is critical in Ebussuud's elaboration on this definition is the terminology used for the structure of the arz-i memleket. First, Ebussuud interprets the peasant farmer as giving two taxes, the harac-i mukaseme and the harac-i muvaddaf, as compensation for the lease of the land.⁶⁶ These taxes are in his view the Islamic equivalent for the aşar and the resm-i çift respectively. The case of the harac-i muvaddaf is the most revealing because it had up until this time represented the most important örfi, or non-şeriat tax, as the harac or cizye poll tax was previously the chief şeriat-based tax for non-Muslims. Now this old customary law acquired the veneer of Islamic law.⁶⁷

⁶⁴Likewise, Ebussuud is quoted in the following passage in "Islamization of Ottoman Laws", pp. pp. 104-105. "The second category is the haraci lands, those which were left in the hands of the infidels at the time of the conquest. They are recognized as their freehold property (temlik). Tithe is imposed on these lands at the rate of 1/10, 1/8, 1/7 or 1/6, up to 1/2, depending on the fertility of the soil. This is called harac-i mukaseme. In addition, they are subject to pay annually a fixed amount of money which is called harac-i muvaddaf. This category of lands too is considered the legal freehold property(mülk) of their possessors, which they may sell and purchase, or dispose of in any kind of transaction. Likewise, those who purchase such lands may cultivate them and must pay the harac due in both of its forms of mukaseme and muvaddaf. If the purchasers are Muslims, the two kinds of harac do not lapse; the new owners too must render them in full. Although it is not legal according to the şeriat to impose harac at the beginning, it is lawful to exact it as transferred from an initial status of the land. These too are in possession of such land, whether dhimmi or Muslim, dispose of it as they wish without interference from outside as long as they keep it under cultivation. When the owner dies, the land is inherited by his heirs in the same manner as the rest of the property, whether movable or immovable. The land of the Sawad in Irak is of this category."

⁶⁵İnalcık, Halil, "Islamization of Ottoman Laws", p.103-106.

⁶⁶As seen from Ebussuud's introduction, these same two taxes were also accounted for in the second category, that of haraci land, but I have not emphasized this in the main text, since the arz-i memleket lands included the vast majority of the Ottoman lands, as they were captured from the non-Muslims recently. İnalcık, Halil, "Islamization of Ottoman Laws", 104-105.

⁶⁷İnalcık, Halil, "Islamization of Ottoman Laws", pp. 105-106; 111.

Another of Ebussuud's contributions to the çift-hane system comes in his emphasis on continuing the pre-existing the tapu regime, the state's mechanism for controlling the land during the vulnerable period of its transfer, but casting the legal language in islamic terms. This is seen when Ebussuud redefines the word tapu as "ücret-i muaccele," a more Islamic sounding term, but at the same time he formulates the fundamental conditions of the earlier idea of the tapu, such as not cultivating the landholding for three consecutive years or not having a capable son to take over the farm after the peasant's death. In a similar manner Ebussuud retains in the code the hakk-i kara, or the standard fee paid to the sipahi upon his consent for a peasant to transfer the land to another.⁶⁸

In summary to the above extended analysis of İnalcık's çift-hane theory we can see his explanation of the basic farm structure, the presumption of various centralized structures, the definition of the standard taxes connected with the çift-hane, the importance of the tahrir defters and the series of periodical kanunnames tied to them, the special characteristics of the Balkan kanunnames and the consequences of the Ottoman policy of gradual assimilation on the Balkan peasantry in general, and the evolution of certain key aspects of the standard çift-hane unit over time. Thus İnalcık has provided the initial evidence for the foundation of the çift-hane system during the Ottoman period as well as giving a direction for establishing, from the earlier primary sources, the existence of a system roughly equivalent to the çift-hane in the Balkan lands before Ottoman rule.

⁶⁸İnalcık, Halil, "Islamization of Ottoman Laws", 105-106.

1.3. THE IDEAS OF ĆIRO TRUHELKA.

Still it is necessary to justify such a comparison in terms of modern historiography to agrarian relations in these specific regions. Justification can be found in the first and most influential scholarly work on the subject: Ćiro Truhelka's Die Geschichtliche Grundlage der Bosnische Agrarfrage. Published in Sarajevo in 1911, three years after the Austro-Hungarian annexation of the province, this work still forms the contours of the historical debate. Truhelka, a Croat who strongly supported this region's annexation by the Austrians and strongly opposed the "liberation" of the area by the Kingdom of Serbia may be legitimately attacked for writing in large part a politically motivated and historically unobjective work,⁶⁹ but his contribution cannot be doubted. For it is here that Truhelka for the first time makes a comparison of the pre-Ottoman and Ottoman "feudal system" of both Bosnia and Serbia using Latin and Ottoman Turkish primary sources. While Truhelka may have overemphasized the differences, and by conscious or unconscious misuse of the sources helped to create many historical myths in the process, his comparisons and conclusions have remained persuasive to this day.

Truhelka begins with a description of what the agrarian feudal relations were like in medieval Serbia. Interestingly enough, his central point is that there was an essential continuity in the Serbian peasant's landholding patterns and

⁶⁹Nedim Filipović, in "Ocaklık Timars in Bosnia and Hercegovina", Prolozi za Orientalni Filologiju (Sarajevo), 1989, pp. 150-152, severely criticizes Truhelka's work in many places as "illogical," and whose function was to add a more "scientific", intellectual veneer to the earlier explicit political justifications of the beys' interests (see Safet Bey Bašagić's series of articles in Ogledalo ("mirror") in 1907). Filipovic also notes that there are a whole series of German authors contemporary to Truhelka, who reached similar conclusions. See Eduard Eichler, "Das Justizwesen Bosniens und der Hercegovina", Vienna, 1889; Karlo Grunberg, "Agrarverfassung und das Grundentlassungsproblem in Bosnien und der Hercegovina".

racial background from Roman times onward. Outside of Truhelka's claims of the Serbian peasant's racial "degeneration", some weight can be given to his idea that the typical "mjerop" of Serbia was in large part a decedent of a system of dependent landholders that began with the late Roman colon and latifundia system.

To Truhelka the Serbian "mjerop" was under a separate regulation called the "mjerop law", the mjeropski zakon, traces of which can be found in the Law Code of Stefan Dusan, and the charters of Dečani, St. Stefan, and Milutin. According to this "law", the first major distinction for Truhelka was that the Serbian mjerop, tied from the time of the migrations onwards by a group of overlords called "vlastelas" ("rulers"), had absolutely no right of movement, and was "tied to the land" of these vlastelas. As evidence Truhelka cites the law that if the mjerop fled the farm, for example, the lord had the right to cut off the tip of his nose and to brand him and return him to his place.⁷⁰ A second piece of evidence was the fact that if a non-mjerop settles on a mjerop's land or marries a mjerop, he and his children automatically become subject to the mjerop law.⁷¹ Finally, the law dictated that the mjerop was no better than a slave, and was in effect an eternal possession of the lord to be sold or be given at his disposal, except as a dowry.⁷²

As for the specific tax obligations of the typical Serbian peasant mjerop, Truhelka is not sure whether he had a claim to the yield of a crop or he could

⁷⁰Truhelka, Ćiro, Die Agrarfrage, p. 7. Here it is obvious that Truhelka is using article 201 of Dušan's Code which states: "If a mjerop flees from his lord (gospodar) to another lord or into imperial [lands], wherever his lord finds him, let him singe him and slit his nose, and make sure that he is again his. But nothing more is to be taken." Radojčić, Nikola, Dušanov Zakonik, Naučna Izdanja Matice Srpske: Novi Sad, 1950, p. 69.

⁷¹Truhelka, Ćiro, Die Agrarfrage, p.7.

⁷²Truhelka, Ćiro, Die Agrarfrage, p.7.

only be contented with a piece of land.⁷³ The most that Truhelka offers is a list of the mjerop's obligations, which include the following: six mjeti ("measures") of wheat, two mjeti of spelt (?), two mjeti of millet, hoeing the lord's vineyard two days a week, bringing hay to the lord, weeding his fruit, performing transportation service, three days a year to prepare the malt for brewing (more if there were hops), and two days of driving service every year.

Truhelka also makes room in his description of the Serbian peasantry for the so-called "sokalniks" whose name came from the "sok" or "soć" tax which they paid. They appear at a latter date and were more narrowly tied to the lord through forced labor. He states, "They were recruited in part out of the townsmen who were relegated to be the proletariat of this class, as the Law Code of Stefan Dušan prescribes that if a master has more [than one] son, than one should be in the trade of the father, while the others must become sokalniks."⁷⁴ Beyond this Truhelka gives little other description of this "second" type of Serbian peasant.

As for any transformation in the feudal structure during the Ottoman period, Truhelka only mentions briefly that in Serbia, in contrast to Bosnia, the timar system, which was the overriding system of land and revenue relations between the "lords" and peasants, was firmly in place. In the Serbian lands, as in the other parts of the Ottoman Empire, the sipahi was not directly concerned with the soil, but rather with the revenues granted to him by berat (e.g. aşar, taxes on cattle, honey wax, tapu, etc.) from the central authority. These grants to timars were certainly not hereditary, and could even be reclaimed by the center

⁷³Truhelka, Ćiro, Die Agrarfrage, pp. 6-7.

⁷⁴Truhelka, Ćiro, Die Agrarfrage, p. 9. I have seen absolutely no mention of this in the Law Code of Stefan Dušan. Within modern Serbian historiography, the connection between the terms soc and sokalnik has been rejected. This may be due to Truhelka's neglect of the original form of the word soć, the socća.

within the provisional timar-holder's lifetime. Moreover, Truhelka claims that among these timar-holders the only way property became hereditary was by becoming a vakıf or charitable endowment, a form of landholding that still fell under the center's theoretical absolute authority. Thus Truhelka inherently acknowledges that in Serbia, as in the Ottoman empire in general, there was a link between the all-powerful central authorities, the center's local agents, and the peasantry.⁷⁵

As for feudal relations in Bosnia, Truhelka asserts that they were completely different, even before Ottoman times. Here (in contrast to the harsh conditions in medieval Serbia), in pre-Ottoman Bosnia socio-economic and racial harmony prevailed. The Bosnian medieval peasants, called "kmet(s)", were, Truhelka claims, relatively free of their lords, the "knez(es)". As proof, however, Truhelka cites a very questionable Ragusan document, which discusses the Ragusan government's granting of asylum to the Bosnian kmets who fled the lands of a certain Vojvoda, Radovan Pavlović. Truhelka states that the granting of asylum proves that there was full freedom of movement for all kmets in Bosnian as well as in Ragusan territory. It seems, however, that this piece of evidence alone is not enough, first because the Ragusan government as an independent city-state did not seem to be obliged in all instances to obey the customs of Bosnian feudal law, and second (and more important) because the document notes the Bosnian noble Pavlović's objections to the ruling. It also could be argued that since Pavlović was an important local political figure, there could have been extenuating circumstances explaining this (potentially) special case.⁷⁶

⁷⁵Truhelka, Ćiro, Die Agrarfrage, pp. 42-44. Interestingly enough, Truhelka points to examples of timars being revoked by the center through buyuruldus from the classical period until the time of the first Serbian revolts.

⁷⁶Truhelka, Ćiro, Die Agrarfrage, pp. 20-21.

Truhelka then goes on to describe the Bosnian peasant's standard landholding and the tax structure connected with it. The fundamental principle was a sort of share-cropping arrangement where the kmet would pay a certain fixed proportion of the annual produce to the local knez. This proportion usually amounted to one-half of all fruit, wine, and hay and one-third of all grain grown on the agricultural land. (Thus the Bosnian peasants were known not only by the title "kmet" but also by "trjetnik", meaning "the person who gives one third").⁷⁷

Although the proportion given to the lord might have been high, Truhelka argues that Bosnian feudal custom offset this by granting the Bosnian peasant a second, smaller piece of property within his farm where he could maintain his residence as well as growing quota-free products for domestic consumption. Called a "hortus" in the Ragusan documents, this land was normally in the amount of one "zlatina" ("gold piece"), an Italian soldo or four hundred quadratklafter.⁷⁸ While this grant was not fully hereditary at first, as the "hortus" as well as the agricultural lands were limited in the beginning to six generations of the mjerop's family, both this hortus and the agricultural lands did become hereditary in practice over time.⁷⁹ Besides this, the Bosnian peasant was granted several other privileges, including the right to take firewood, and the

⁷⁷Truhelka, Ćiro, Die Agrarfrage, pp. 11-12; 15. While this was the predominant quota, this proportion was determined on a local level, in some areas reaching one-half on all grain.

⁷⁸Truhelka, Ćiro, Die Agrarfrage, pp. 16-17. Truhelka does not specifically call this "hortus" a "baština", a term he reserves for the private residence of the Bosnian nobility, as will be discussed within the next few pages.

⁷⁹Truhelka, Ćiro, Die Agrarfrage, pp. 15-16. Truhelka obtains his information of a kmet's landholding's generational limit from a 1374 document from the bishop of Trebinje. Also, Truhelka adds that the later legal term for the kmet's holding's (kmetstina) status of being hereditary was "in patrimonium".

right to use pastureland and acorns. In return for such privileges, several small contributions were given to the knez.⁸⁰

Truhelka then considers the Bosnian nobility, where he makes the most important of his theses, at least as modern historians are concerned. Known as the knezes (also as vlastelin or vlastelić- a diminutive form of vlastelin),⁸¹ this nobility, according to Truhelka, always maintained a full hereditary right to its land, even until the present day. For it was the nobility who had full private property rights, even at the expense of the Bosnian Ban, or king, or later, under the Ottomans, the Sultan himself.⁸²

In the pre-Ottoman period, Truhelka argues that the Bosnian nobility were granted estates "in perpetuum" or "patrimonium" through charters promulgated by the Ban. This granted land was called "baština" or "plemenita baština". In the documents Truhelka has collected, it was recorded as "dati u plemenito" ("granted as noble's") and "dati u baštinu" ("granted as inheritance"). To Truhelka the fundamental meaning of "baština" as property is seen also in the Latin "proprius".⁸³ In this context, however, "baština" is that land which is "free from all labors and taxes."⁸⁴

Truhelka offers examples of such charters that grant "baština" from the Ragusan archives, which (outside of the Ottoman documents), is certainly his source. Here he argues that these charters, once granted, were virtually

⁸⁰Truhelka, Ćiro, Die Agrarfrage, p.17. These contributions went under the heading of a "poklon", or "gift" and typically included 1 pair of chickens, 10 eggs, 1 lamb or kid, and candle wax was given on certain church holidays (if the land was tied to the church).

⁸¹Truhelka, Ćiro, Die Agrarfrage, pp. 11-12.

⁸²Truhelka, Ćiro, Die Agrarfrage, pp. 39-41.

⁸³Truhelka also points out that the expression "plemenstina" (related to "plemenito") was so tied to the concept of property that it acquired a non-physical, judicial meaning for "property" among neighboring states. Truhelka, Ćiro, Die Agrarfrage, pp. 29-30.

⁸⁴Truhelka, Ćiro, Die Agrarfrage, pp. 27-28.

irrevocable, and the granted party's family for all intents and purposes was granted permanent noble status. Even in a case of outright treason, the guilty noble, could be executed after a trial by his peers, but the title and the lands remained within the family.⁸⁵

Such status was also reflected in the Bosnian kingdom's system of rule. Truhelka asserts that just as in Croatia, the kingdom of Bosnia, which was originally a part of the kingdom of Croatia, was ruled by a Ban. Far from being a powerful king, the Ban was the greatest among equals, an elected Bosnian noble whose family, in open competition with the other Bosnian noble families, was selected to rule.⁸⁶ Moreover, the interests of the nobility were guaranteed in the system of administration. Any legislative act, including the royal seizure or disposal of lands, had to be approved by the chiefs of the local nobility, the zupans. Their influence was seen when zupans appeared as witnesses in the documents. In the court of the Bosnian king itself the prominence of the Bosnian nobility was felt, for he always had several advisors who represented the interests of the local nobility, e.g., the dvorski pristav ("adjunct") and the dijak ("composer of the document").⁸⁷

Truhelka sees the Ottomans as respecting these feudal institutions. This was seen foremost in the Bosnian noble's preservation of their right to their *bastinas*. Truhelka argues that this case goes back to the first years after the

⁸⁵Truhelka, Ćiro, Die Agrarfrage, p.29.

⁸⁶Truhelka, Ćiro, Die Agrarfrage, pp. 22-24.

⁸⁷Truhelka, Ćiro, Die Agrarfrage, pp. 24-25. It should also be noted that Truhelka spends some time trying to paint a picture of social harmony between the knezes and kmets, and the king's limited role in protecting both of these classes' "private rights"... Here Truhelka portrays the knezes as the natural protectors of the kmets, as the most powerful collective group. He also argues that the kmets were not so distant from the nobles themselves, first as they were counted along the nobility as "dobri bosanci", the "good bosnians", and second as many of the kmets participated as judges "stanici" who arbitrated between the classes. Truhelka, Ćiro, Die Agrarfrage, pp. 21-22.

conquest and can be seen in two documents from Mehmed the Conqueror. The first of these documents is a ferman (1471) from the Sultan to Paşangi Bey (Paşa Yiğit Bey, the Sancakbey of Hercegovina) stating that although Ragusa would be returned some slaves this did not mean that timars or baştinas would be deprived. The second document, from 1474, or twelve years after the conquest declares that no one should interfere with the "timar-i eşkinci" and that they should be enrolled into the register. Again, this does not seem to be convincing proof as no full explanation or citation is given here.⁸⁸

Beyond this Truhelka makes several claims about the unique system of feudal relations in Ottoman Bosnia, which in the light of modern Ottoman historiography are very questionable, as some of these characteristics clearly true for the Ottoman empire as a whole. The first such claim is that the Bosnians developed their own special classification of land ownership. The two main categories relate to the would-be "knez" and "kmet": the arazi-yi öşriyye, which Truhelka defines as the hereditary land possession granted to the Muslims, who paid the tenth and the resm-i çift of twenty-two akças; and the arazi-yi haraciye, or the land left to the Christian vlastelas, which were allowed to remain as the pre-Turkish baştinas, and on which, the tenth and the ispence of twenty-five akças were paid, the holder also had to give the harac in lieu of their military service.⁸⁹

The second important claim that Truhelka makes about Bosnia's special place in the Ottoman history of land relations is that the classical Bosnian customs were either hidden among the new Ottoman terminology or were left out altogether, and yet remained in force. The main basis for his argument is a general kanunname from Sultan Süleyman's time (1530), which he states was

⁸⁸Truhelka, Čiro, Die Agrarfrage, pp. 45; 50.

⁸⁹Truhelka, Čiro, Die Agrarfrage, pp. 46-47.

written by Ebussuud, who Truhelka claims was a Bosnian and incorporated large parts of Croatian urbarial, or agricultural law, into the Ottoman codes. The tapu, or the fee worth approximately one year's income of the peasant farm concerned, to Truhelka's mind was a cover for Bosnia's hereditary principles, on the basis of Bašagić's idea that "the tapu means a hereditary property document through which immovable property passes from one person's hands to another".⁹⁰ He hypothesizes further that the tapu was nothing more than the medieval "poklon" transmitted into a one-time cash payment. That the farm was hereditary was "proved" by the fact that once acquired, it could pass on to the kmet's children.⁹¹ Finally, Truhelka argues that the proportional grain tax was left in place as a adet, or custom, and as it was in a different proportion in each region, these customs were purposely left out of the Süleyman code.⁹²

Truhelka's categorizations about the "separate" land regimes in medieval and Ottoman Serbia and Bosnia are poorly supported and much of this paper will be devoted to debunking his misconceptions about the peasant family farm unit in the light of both primary research and the relevant secondary sources, namely İnalcık's theory of the çift-hane and recent Yugoslav historiography.

⁹⁰Truhelka, Ćiro, Die Agrarfrage, p.53.

⁹¹Truhelka, Ćiro, Die Agrarfrage, pp. 53-57. Truhelka continues in these pages a lengthy description of the typical "Bosnian character" of the Süleyman kanunname's passages concerning the tapu, and the rules for the peasant's upkeep of the farm and the rights of the sipahi, or local lord, covering, for instance, under what conditions the peasant's land could be confiscated, when he had to pay the tapu, etc. I have not gone into any detail about this, because it is clear that such arguments have no bearing to reality, and that these passages reflected instead that the miri arazi system was in place.

⁹²Truhelka, Ćiro, Die Agrarfrage, pp. 56-57.

2. THE ČIFT-HANE REFLECTED IN MEDIEVAL SERBIA

2.1. PROBLEMS IN INTERPRETING DUSAN'S LAW CODE.

A good start can be made in the Serbian half of the equation by reexamining the passages in Dušan's Code that relate to the medieval Serbian *mjerop* and *vlastela*. To begin with, Truhelka confuses social categories in his description of the Serbian "*mjerop*." When describing these *mjerops* as slaves and possessions of their lords, Truhelka obviously had two articles in the Code in mind. Article 44 "About possessed slaves" declares, "And slaves which are possessed are to be part of his estate (*baština*) and [also] are in the eternal estate of his heirs, but the slaves are not to be given as a dowry." Article 46, "About slaves", proclaims, "And slaves which are possessed are owned as property (*baština*). They can only be freed upon the pardon of their lord (*vlastelin*), the lord's wife or son, and none other." The word used for slave, however, is not "*mjerop*" but "*ostrok*". The *ostrok* was a member of the lowest group on the Serbian social scale, being a virtual chattel of the owner, and usually was either a prisoner of war or a "bought person"⁹³; The *Mjerop* has a free-holding.

The second of Truhelka's errors is that he fails to explain the types of landholdings in medieval Serbia. Although Truhelka has reserved the *baština*, in its pre-Ottoman origin, for the Bosnian nobility alone, the *baština* does indeed appear in Dušan's Code in two articles, although in two seemingly different forms. The first, article 42, "About free *baština*", declares " And all *baština* are free from all labor services (*rabota*) and taxes of the empire, except that they are

⁹³ Radojčić, Nikola, *Dusanov Zakonik*, p.45.; Burr, Malcolm, "The Code of Stefan Dusan", *Slavonic and Eastern European Review* 28 (1948-1950), pp. 207, 211. Burr cites this from Novaković.

to give the soć and go on campaign according to the law".⁹⁴ The second, article 174 "About baštinas" states:

"People of the land (ljudie zemljane) who have their own baština- land, vineyards and purchased property- are free to dispose of their own vineyards and land as a dowry, to donate it to a church or sell [it], but there must always be a worker on that place for who is the lord (gospodar) of that village. If there is no worker on that place, this lord is free to take back the vineyards and the fields".⁹⁵

There may have been varying forms of baštinas in Serbia at the time of the promulgation of the Code. The title of article 42 is not just "baština" but "free baština". The owner of the free baština was forgiven off all service and tribute, save the soc, or corn due, and the provision of soldiers. One might guess that this passage applies to the baština of a member of the lower nobility or some type of free peasant. The second passage may point to a separate category of baština that related to the mjerop Truhelka was discussing. One sign of this are the words ljudie zemljane, which aside from meaning "people of the land" could also mean "agricultural workers".⁹⁶ This laborer could sell his land only if there was a replacement for his work for the lord of the village. This hardly seems free, and instead implies that this type of baština-owner may owe some sort of service or due.

For an explanation of these differing types of baština, one need not go further than İnalcık's conclusion about the institution in the former empire of Stefan Dušan during the time of the Ottoman conquest.

"In the Ottoman time under the name baština two separate principal land types were distinguished: 1. the raiyyet baština, 2. the baština assigned to owners performing military service (a voynuk baština, a doğancı baština, akıncı baština, etc.). The only difference was that these were in Christian hands and were bound to give the harac. For this reason they were called haraclı baština. If this kind of baština later passed into the hands of a Muslim he was required to pay harac. The askeri baština, for instance at this moment the voynuk baština,

⁹⁴Radojcic, Nikola, Dusanov Zakonik, p. 45..

⁹⁵Radojcic, Nikola, Dusanov Zakonik, p. 65.

⁹⁶Burr, Malcolm, "The Code of Stefan Dušan", p. 533.

was different than the reaya çiftliks. Ali Çavuş describes the voynuk baştina in this way: 'And one more type are those fields which are assigned to the ranks of the voynuks as baştina, which are called çiftliks, and from them are excused and liberated from aşar-i şeriye and rüsüm-i örfiye and harac and ispence and avarız-i divaniye and the cemi tekalif-i örfiyye and whatever village is within their borders here after is for the owner of the land, and has no connection to another, and the aşar and rüsümler are reserved for them' ".⁹⁷

Finally, Truhelka also neglects to report a third category of landholding in medieval Serbia, that of the feudal lord. Article 59, "of pronioia("fiefs")" states that "no man is free to sell or buy a pronioia, who has not a baştina. And no man may subject pronioia lands to the church: and if they do so, it is not valid." Here we come to yet another major division, a division of lands or incomes given to a military class in lieu of some type of service to the center. This requires much elaboration by the Yugoslav historians who have written on land categorization, not to mention the need for a determination of the standard tax structure levied on the peasant household, an analysis that must draw on far more than the Code of Stefan Dušan. Yet one thing from this limited analysis is clear: Truhelka provides no accurate picture of agrarian relations in medieval Serbia.

2.2. THE PRONIOIA SYSTEM.

For Serbian agricultural relations the first scholar to be considered is Georgije Ostrogorski. A famous Byzantinist, Ostrogorski gave a full description in the 1950s of the widespread nature of the pronioia system in both the Byzantine and south Slavic lands. As revealed in *Pronija: Prilog Istoriji Feudalizma u Byzantiji i u Jugoslovenskom Zemljama, Posebna Izdanja* (Srpski Akademija Nauka: Beograd, 1951), the establishment of this system in the

⁹⁷İnalcık, Halil, "Stefan Dušan'dan Osmanlı İmparatorluğuna", pp 99-100. İnalcık cites a passage from a valuable Ottoman document (a h.892 (1487) defter for Alaca Hisar (Kruševac)) and estimates the standard size of a voynuk's çiftlik or baştina to be approximately six arable fields, one pasture and one garden, although it might also include a mill and/or fruit trees.

Balkans provided the crucial system and the tradition of state control of lands and incomes, on which in Ottoman times the timar system would be based.

Ostrogorski argues that the pronioia system was born in a period of strife, the mid-eleventh century. For it was during the later years of the Macedonian dynasty (867-1057) that the previous administrative system of military regions (themes) and the free peasant militia (stratiots) who were connected with them was decisively defeated. To consolidate their rule the new magnates tried to get official sanction for dominating the peasantry, in the form of new charters from the center for their recently acquired possessions.⁹⁸ The result was the pronioia system.

In its initial stage the pronioia system was not strictly tied to a military purpose, as Ostrogorski freely admits.⁹⁹ This appeared in the various terms for the new and yet undefined distribution of possessions in the empire. Although in official circles the new possessors were called "stratius" or "soldier", in the abbreviated, widespread, unofficial form they were called "pronoiar", a Greek word that means "care", "stewardship" or providence".¹⁰⁰ What is more, the first of the new pronioia charters seem to be favors granted by the emperor to preferred ministers or powerful officials. The first example is from the middle of the eleventh century, when Constantine IX Monomachos (1042-1055) gave the first known pronioia to the minister/ statesman Constantine Leichudes. Massive

⁹⁸Ostrogorski, Georgije, Pronija, Prilog Istoriji Feudalizma u Byzantiji i u Juznoslovenskim Zemljama, posebna Izdanja vol. 176. Beograd: Srpski Akademija Nauka, 1951, p.189.

⁹⁹ Ostrogorski qualifies himself here to a charge made earlier in 1923 by the Bulgarian historian P. Mutačiev. In his article "Vojiski zemi i vojnici v Vizantija prez XIII-XIV v." Spisanie na Bulg. Akad. 27, 1923, pp. 37-61, Mutačiev argues that the pronioias were distributed generally but not just to members of the military class. Ostrogorski criticizes this point of view, pointing towards Mutačiev's lack of documentary proof, especially from the twelfth century onwards. Ostrogorski, Georgije, Pronija, pp. 187-188.

¹⁰⁰Ostrogorski, Georgije, Pronija, pp. 188-189.

numbers of pronoias distributed in a similar manner to court officials and bureaucrats followed during the 1070s.¹⁰¹ Ostrogorski explanation is that the civil aristocracy was dominant and the military orders in the Byzantine Empire were in conflict with each other.¹⁰²

However, according to Ostrogorski the pronoia system took its definitive shape as a military order during the time of the Comemnus dynasty (especially Michael VII) during the twelfth century. The social situation had changed, the old military order of the themes had fallen, and Manuel I and others who followed Michael's reign tried to re-establish the empire on a new basis: the strength of the new military aristocracy.¹⁰³ It was now that the enduring qualities of the pronoia system arose. Every pronoiar was a member of high feudal society with large and small possessions, who owned a "pronoia" in return for military service. The "pronoia" was defined as "the assignment of a certain income", which did not necessarily come from the products of the land; it could also come, e.g., from catches of fish- the "pronoias of the sea".¹⁰⁴ The new pronoiar was given a document by the emperor and confirmed in the takeover of income by the responsible official, who issued to him a "praktikon", a precise description of what his income was and how much he could levy in taxes. This feudal rent, in terms of Byzantine gold pieces or nomismata, represented the size of his pronoia, and not the amount of land.¹⁰⁵

The main difference between the pronoiar and other feudal lords was not in the exploitation of the peasants on his land which occurred in nearly every

¹⁰¹Ostrogorski, Georgije, Pronija, pp. 189-190.

¹⁰²Ostrogorski, Georgije, Pronija, p.191.

¹⁰³Ostrogorski, Georgije, Pronija, p.191.

¹⁰⁴Ostrogorski, Georgije, Pronija, p. 192. Ostrogorski cites Anna Comemnus' statement about pronoias being given on the land and in the sea.

¹⁰⁵Ostrogorski, Georgije, Pronija, p.192. Ostrogorski also notes that this manner of distribution was the result of the development of the gold economy in Byzantium.

medieval society, but in the fact that the pronoiar's possession was allodial: It was not the property of the pronoiar but was granted to him for a limited use. The pronoiar could not sell or otherwise dispose of his "possession"; originally he could not pass it on to his successors. After him the property passed again to the state to bestow on another pronoiar or in the manner of its choice. If the pronoiar did not appear for military service the land could also be seized. Thus, the state had both "the right of ownership" and "the full right of disposal".¹⁰⁶ During the Byzantine decline, however, particularly with the Paleologue dynasty, the central power weakened, and in time the pronoiars acquired the right of inheritability. According to Pachymeres, a contemporary historian, this began to happen under Michael VIII.¹⁰⁷ In a great number of fourteenth-century pronoiar charters there was a change of formulas to include such a right,¹⁰⁸ to the point that the principle of the pronoiar's passage to the eldest son began to emerge.¹⁰⁹

Inheritability did not mean a full decline of the pronoiar system. Under the Byzantines, even in the last days of the empire, the pronoiars never received the right to dispose or sell their property freely, nor were they excused from the obligation to perform military service. In fact, the Byzantine authorities, especially at the time of the early Ottoman expansion, began to confiscate church properties to widen and strengthen the pronoiar class. In 1371, for example, after the battle of Marica, the state dispossessed the Athos monasteries of half of their lands.¹¹⁰

¹⁰⁶Ostrogorski, Georgije, Pronija, pp. 192-193.

¹⁰⁷Ostrogorski, Georgije, Pronija, p. 193.

¹⁰⁸Ostrogorski, Georgije, Pronija, p.193.

¹⁰⁹Ostrogorski, Georgije, Pronija, pp. 194-195.

¹¹⁰Ostrogorski, Georgije, Pronija, p.194. Ostrogorski gives other examples of the transfer of tax incomes from the churches to the pronoiars.

Outside the Byzantine state the pronoia system established strong roots in the south central Balkans, and especially in the lands of the Serbian empire of Stefan Dušan. The first mention of a pronoia in the south Slavic lands comes from the time of Dušan's Nemanjić predecessors, his grandfather King Milutin. It appears in a document from 1300 relating to a certain Dragota's "imperial pronoia", which King Milutin states is no "baština" or family property, so he disposes of Dragota's son-in-law as a "dowry" but under the guidance of a monastery near Skopje; the son-in-law was thus bound to perform military service on behalf of the church. That the pronoia in question is encountered in Macedonia is revealing, because the Serbian conquest of the area from the Byzantines at the time was probably the Serbian rulers' first encounter with the institution. From there, Ostrogorski argues, it spread throughout the Serbian dominated lands.¹¹¹

Yet this case, although it came from the earliest extant document, was in all likelihood not the first. The document shows that the pronoia was probably well established in the area by that time. First, Milutin distinguishes the Byzantine pronoia, of which the state had the right to dispose from the baština, whose owner would have had such a right. Second, Milutin expresses the principle of hereditary right (Manota's dowry") and his intention that the pronoia was to remain that way. Third, the document emphasizes the condition of military service. The only twist to this "Serbian type" of pronoia was the fact that in this document, the pronoiar was tied to the church, as (according to Ostrogorski) often continued to be the case in Serbian lands.¹¹²

The pronoia system became much more widespread at the time of Stefan Dusan, who tried to base his empire on the Byzantine model. The best evidence

¹¹¹Ostrogorski, Georgije, Pronija, p.195.

¹¹²Ostrogorski, Georgije, Pronija, p. 196. In the documents "prnjavor" is the Serbian word used for a village which was tied to a church pronoia.

of this spread is in Dusan's Code, of which Ostrogorski views two articles as the most significant. First under article 59, "Pronoias which are not estate property (bastina) are not able to be sold or purchased; the pronoiar's land is also not able to be subject to the Church, and if it is subjected, it is not valid."¹¹³ Ostrogorski argues that the law code- following the Byzantine conception of the time- did not prohibit the inheritance right, but forbid the pronoia's alienation.¹¹⁴ Second article 68 "About mjerops" states: "For the mjerops it is the law of their land that they work two days a week for the pronoiar, and that they give annually the imperial perper (carev perper) and that with his household [the mjerop] is to cut hay [for his pronoiar] for one day, and the vineyard one day, and if they [the pronoiar] do not have a vineyard, they [the mjerops] are to perform other tasks one day. And nothing else against the law is to be taken [in addition] to what the mjerop performs".¹¹⁵ The importance of this law is that it names the labor duties here for mjerops. One can only infer that the pronoia system was a very widely spread system of possession in Dusan's lands at the time.¹¹⁶

It should also be added that the pronoia system continued to develop in the former parts of Dusan's empire after its dissolution, for example in Epirus under Dušan's half-brother Siniša-Symeon "Palaiogus" and in Macedonia under the despot John Uglješa. What is remarkable is that later in the late-fourteenth century even in the parts of Serbia that were paying tribute to the Ottomans, the pronoia system thrived. Ostrogorski points out a pronoia

¹¹³Radojčić, Nikola, Dušanov Zakonik, p.47.

¹¹⁴Ostrogorski, Georgije, Pronija, p.196.

¹¹⁵Radojčić, Nikola, Dušanov Zakonik, p. 49.

¹¹⁶Ostrogorski, Georgije, Pronija, p. 196. Ostrogorski points out, however, that unlike the Byzantine system, where the rent for the land was always in gold form, in Serbia the "czarevski perper" (imperial hyperpyrion) was a duty to the state, and the labor service (two days a week and certain additional days during the harvest) was a feudal rent to the lord.

distributed by the despot Lazar Branković on December 4, 1457, to his treasurer Radoslav "upon service and performing war service, like the other pronoiars".¹¹⁷ This meant, in effect, that the Ottomans were bound to come into contact with a system of central land control, which would largely be revitalized by their own. A continuity of the pronoiia system and the later Ottoman miri land regime of the timariots might therefore be established.

2.3. THE MEDIEVAL MJEROP BASTINA AND RELATED TAXES.

Besides Ostrogorski's powerful argument about the significance of the pronoiia system, Dusanka Bojanić's writings about the Serbian peasant's landholdings and the taxes connected to them are even more central to this study. For it is here that a direct link can be established between the Serbian peasant's landholdings and Inalcık's theory of the çift-hane system.

Bojanić's first consideration of the existence of a unit which would correspond to the çift-hane in the Serbian lands up until the Ottoman invasion rests on her analysis of the preexisting weights and measurements from Dusan's time, their evolution during later periods (such as the time of the Serbian despots of the fifteenth century) and their direct and smooth incorporation into the general Ottoman system. She begins this argument by looking at the soć, the tax most closely connected to the classical Serbian peasant's landholding on state-controlled land. (The standard peasant landholding was, interestingly enough, called the baština). The soć, Bojanic argues, was first defined in the primary sources by Dusan's Code. Articles 68 and 198 appear to define the soć as worth either one "perper" or "imperial perper"; they also set the tax as the equivalent of one "kabal", a large

¹¹⁷Ostrogorski, Georgije, Pronija, p. 197.

measurement of grain in use at the time.¹¹⁸ The key to understanding the exact structure of the baština, especially in this early period, lies in understanding these terms and how they related to each other.

Bojanić asserts that in fact the "perper" and the "imperial perper" were different monetary units. At the time of the promulgation of the code (the mid fourteenth century), the perper was worth twelve silver dinars,¹¹⁹ and the "imperial perper"- which Bojanić argues was used as a specific tax term, calculated as the monetary in-kind equivalent to the soć tax- twenty-four silver dinars. In Dušan's time this equaled exactly one Venetian ducat, or gold piece. Bojanić maintains that this value of one gold piece remained a constant, often going under the Slavic title of "zlatnik", and probably can be traced to the golden perpera of the early thirteenth century, the "byzanta".¹²⁰

Having defined both the soc and the kabal as the equivalents of one gold piece, Bojanić moves on to an explanation of what the kabal meant and how this unit and its dependent units may have survived into Ottoman times under the cover of different names. She looks first at the earliest Ottoman kanuns in the Serbian regions of Braničevo and Smederevo, specifically one from the district of Braničevo which states "the kile of the mentioned vilayet is the Edirne Kile. Four kiles in the nomenclature of this vilayet, is called the lukna."¹²¹ The

¹¹⁸ Article 68 of Dušan's Code is above, pp. 42-43. Article 198 is translated by Radojčić as follows: "The imperial income- the soć, taxes and harac that everyone pays- the kabal of grain (zito), half clean and half mixed (?) (preprosta), or in money the perper. And the date on which the grain is taken is Mitrovdan, and the other date at Christmas. If the lord (vlastelin) does not take the soć on these dates, this lord is to be bound in the Czar's court and kept until he pay double." Radojčić, Nikola, Dušanov Zakonik, p. 68.

¹¹⁹Bojanić, Dušanka, Fragmenti jednog Zbirnog i Jednog Opsirnog Popisa Braniskog Sandzaka iz druge Polovine XV veka, Beograd: Miscellanea, 1973, pp. 81-82. This should not be mistaken for the amount of the soc however as the "perper" was mentioned throughout the code as an amount given directly in cash.

¹²⁰Bojanić, Dušanka, Fragmenti, pp. 82-83.

¹²¹Bojanić, Dušanka, Fragmenti, pp. 84-85.

lukna of wheat was worth a total of twelve akças, or Ottoman silver pieces. Given that the Edirne kile was eighteen okkas (approximately twenty-three kilograms) and that four such kiles, or one Braničevo lukna, equaled seventy-two okkas, the argument can be made that this was indicative of a surviving medieval duodecimal system, and gives meat to the idea that the okka and the dirhem (four hundred dirhem equaling one okka) were constants in both the pre-Ottoman and the Ottoman periods.¹²²

The question still remains, however, what this lukna represented in the larger system of measurement and what the relationship was with the "kabal" of one ducat in Dušan's Code.

In the Arančelovskoj charter of 1348 a "lukna" is worth two silver dinars. If the Serbian dinars of the fourteenth century and the Ottoman akças of the mid fifteenth century were equivalent, the Braničevo lukna which was worth twelve dinars, was six times the amount of the Arančelovski lukna, this smaller lukna weighing a total of twelve okkas or 15.4 kilograms. According to Bojanić it is thus plausible to argue that the Braničevo lukna, which only weighed seventy-two okkas (about 92.36 kilograms) and was worth twelve dinars, was only half of the main unit of this duodecimal system, 144 okkas (about 184.72 kilograms) or twenty-four dinars, which corresponds exactly to the magical one-ducat total. This main unit was none other than the "kabal" of Dušan's Code itself.¹²³

Having made this connection, Bojanić completes her integration of the surviving lukna units with the pre-existing medieval Serbian ones. The "krin" and the "imperial kabal" both existed as grain measurements during Dusan's time. The "krin" equaled twenty-four "imperial kabals". As the "krin" was an

¹²²Bojanić, Dušanka, Fragmenti, pp. 84-85.

¹²³Bojanić, Dušanka, Fragmenti, pp. 86-87.

extremely large amount of grain,¹²⁴ it would be logical to assume that the "krin" was in fact the largest unit, making up two of Dušan's kabals, and that each of these kabals equaled twelve smaller "imperial kabals". Therefore, the smaller kabal and the earlier mentioned smaller lukna would equal each other, and the continuity between the systems could thus be fully established.¹²⁵

Having achieved this link, Bojanić embarks on an explanation of the large kabal's relation to the *soć* tax and what this implied for the structure of the standard Serbian peasant's "bastina" land unit. Totalling 180-185 kilograms of wheat, the kabal also was used as a land measurement, and was at the same time the amount considered necessary for the sowing of approximately one hectare. The question then would be then how much seed was necessary for the sowing of a peasant's *baština*, and did the kabal represent the whole or a part of that total.¹²⁶

Bojanić argues that there was absolutely no possibility that the large kabal could be the total amount of seed grain for the standard farm unit, as one hectare was nowhere near the amount of land necessary at the time to maintain a farmer's household. The kabal thus represented a proportion of the land needed for the peasant family farm. According to an article from the *kanunname* of the *sancak* of Smederevo that defines the amount of land a peasant's *baština* would have, "One *baština* [gives] subsistence to one *raiyyet* with his family. For Muslims this is considered one *çiftlik*. It is accordingly calculated out in *dönüms*, its' land being 70-80 *dönüms* of a very good land possession and 20-30 *dönüms* of a poor land possession."¹²⁷ Bojanić concludes,

¹²⁴Bojanić, Dušanka, *Fragmenti*, pp. 85-86.

¹²⁵Bojanić, Dušanka, *Fragmenti*, pp. 85-87.

¹²⁶Bojanić, Dušanka, *Fragmenti*, p. 87.

¹²⁷Bojanić, Dušanka, *Fragmenti*, p. 87.

"In times when land possessions were calculated out in dönüms, twenty okkas of seed was considered as necessary for sowing one dönüm. It meant that 140 okkas of seed (or about one kabal of wheat) sowed seven dönüms of land and 1,400 okkas (or ten kabals of wheat) sowed one baština of seventy dönüms of land. The conclusion that we obtain is that one kabal of wheat is exactly one tenth of the seed necessary for seeding one baština. As the srblji (?) gave one kabal of wheat (about 140 okkas) as soc to the Czar, or to those he ceded the right, his bastina had in average ten large kabals of land, or 120 smaller kabals."¹²⁸

The one kabal paid by the Serbian peasant as the soć tax, thus revealed a good deal about the structure of the bastina unit. The same kabal, taken as a land measurement, corresponds to the amount of land reserved for the Serbian peasant's residence. Also called a baština, this inner part of the larger farm "baština" was set aside also for growing the fruit or vegetables necessary for the individual peasant farmer's own subsistence. Since there was there was no mention of a tithe on these products Bojanić has traced the soc's origins to a land rent tax on this specific "residential" or horticultural baština.¹²⁹

The original nature of the land structure had its roots in the earlier Mediterranean empires. Bojanić claims that the horticultural part of the land was known in Roman times under the name of "hortus", and that this title eventually replaced the Roman name of the entire farm (the "heredium"). The reason why "hortus" became predominant as a name instead of the second, larger section of the land, the "fundus" or the arable or agricultural land set aside for raising grain, is probably its role throughout its history as a unit of settlement by the state. Used traditionally in areas with little labor power and seed but with an abundance of land, the establishment of peasant landholdings was risky venture for all concerned. For even the title of the Serbian peasant baština-holder, "mjerop", meant "settler". However what is telling is that the soć tax, like

¹²⁸Bojanić, Dušanka, Fragmenti, p. 88.

¹²⁹Bojanić, Dušanka, Fragmenti, p. 88.

earlier taxes that might have corresponded to it, represented to the state the guaranteed income of one gold piece per family. Thus, Bojanić might have touched on the reason why the "baština" as a name for a peasant-holding might have covered both a large and a small unit at the same time.¹³⁰

As for the other taxes of the Serbian mjerop, all were tied in some manner to the peasant's status as colonizer. Regulated by the "mjeropski zakon", or mjerop law, the Serbian peasant had a flexible arrangement of taxes, dues, and services, which depended to a great extent on the stage of the settlement process, but always were divided into three essential categories: land, labor and seed. To comprehend this division Bojanić has provided the following chart.

The (mjerop) baština had:

In larger kabals of land	In working days	kabals for sowing
9 for cultivation	6 for working days	9 for sowing
1 for residence	1 for rest	1 for the soc ¹³¹

We can see the special "colonizing" characteristic of the bastina during the first stage of settlement, the first three years of the farm's existence, when the mjerop did not have to let the land lie fallow. Bojanić has deduced a particular set of taxes for this period alone. It totaled a full one-third of the categories above, which translates into three kabals of cultivated agricultural land, 104 work days of labor service and three kabals of wheat for sowing.¹³² Once the initial period had passed the mjerop was bound to pay a different series of obligations, only the soc¹³¹ remaining constant. This new and more permanent

¹³⁰Bojanić, Dušanka, Fragmenti, pp. 89;93.

¹³¹Bojanić, Dušanka, Fragmenti, p. 90.

¹³²Bojanić, Dušanka, Fragmenti, p. 90.

series of obligations fell under the category of a "tenth" tax on all the kabals of the agricultural land used for grain production, and was taken as a tenth of the seed to be sown. Determined before the outcome of the year's crop was known, the amount of the tax was fixed to the exact amount of the land used, and as Bojanić argues was a literal "tenth" only during an ideal year; the total more often than not wound up being a fifth or a fourth of the total crop. Still, Bojanić argues that the mjerop's baština was in fact the most favorable type of landholding a peasant could have, and such bastinas were carefully preserved by the state under the title of tenth lands and were distributed by the state as pronoia. In those lands controlled exclusively by the nobility, the peasant often paid a fixed percentage of the crop, usually amounting to one-third or one-fourth.¹³³

It should be mentioned, however, that just like the initial series of "land rents" on this agricultural portion of the land, the tenth on the seed was tailored to the particular situation of the colonist in question. The mjerop paid the tax only on the land actually used for grain cultivation, in other words "a quantity equal to the seed invested".¹³⁴ Since the mjerop during a normal year could sow only between three and six kabals of grain, as one- to two-thirds of the land would have to lie fallow, the amount given depended in part on the decision of the individual mjerop.¹³⁵

Moreover, according to Bojanić, this "tenth" tax was flexible also in that it could be paid not only in kind but also in labor service, or even a mixture. As evidence Bojanić points to article 68 of Dušan's Code, and reinterprets its definition of two days per week of compulsory labor as an alternative to

¹³³Bojanić, Dušanka, Fragmenti, pp. 91-93.

¹³⁴Bojanić, Dušanka, Fragmenti, p.92.

¹³⁵Bojanić, Dušanka, Fragmenti, p.91.

payment of the "tenth" only in kind.¹³⁶ Furthermore, she believes that both this "tenth", in kind and/ or in labor, and the soć were no longer tied to the lord but could be surrendered to the pronioia-holder.¹³⁷ Thus the two-day compulsory service the mjerop provided on a regular basis during the period when a peasant bastina was first established should be interpreted with caution. Instead Bojanić argues examples of payment of the "tenth" on the agricultural land can be seen more clearly in the following chart which Bojanić has provided of the obligations of the mjerop, given the mjerop in question works the entire six kabals of land available for grain production.¹³⁸

Obligations of the mjerop in labor	Obligations of the mjerop in kind
The entire labor service to the czar or pronoiar of 104 days	
Half labor of 52 days or two months	Half of the tenth or 3 kabals of wheat
1/4 labor of 26 working days or one month	3/4 of the tenth or 4.5 kabals
1/8 labor of 13 working days or half a month	7/8 of the tenth or 5.25 kabals
1/16 labor of 6.5 working days or one week	15/16 of the tenth or 5.625 kabals
No labor of any kind to the czar or pronoiar	The full tenth or 6 kabals of wheat ¹³⁹

In connection to these main taxes, which can be tied to the mjerop bařtina unit at the time of Duřan, Bojanić emphasizes the cadastral character of both these central taxes, the effective "land rent" on both the horticultural and

¹³⁶Bojanić, Duřanka, Fragmenti, p.91.

¹³⁷Bojanić, Duřanka, Fragmenti, p. 95.

¹³⁸Bojanić, Duřanka, Fragmenti, p.94.

¹³⁹Bojanić, Duřanka, Fragmenti, p. 94.

the agricultural portions of each comprehensive *bastina* unit. The number of "ducats" or "imperial *perpera*" taken as the *soć*, for instance, could very well have been used by the central power to determine the number of *mjerop* peasant households. Likewise, the amount that was taken as the "tenth" could easily show the number of *kabals* of land used for cultivating wheat. These facts suggest that these *bastina* units were recorded into detailed registers which maintained in the center and were distributed as income to *pronoia*-holders.¹⁴⁰

Thus, Bojanić is implicitly arguing for the existence, at least in a sizable portion of Dušan's lands, of a pre-Ottoman system of state land control. It can be seen in the laws governing the inheritability and the possible break-up of such units. Bojanić asserts that while the *baština* may have been inherited, either partially or a whole, given, donated or exchanged there was no need to talk about free property because the *bastina* was always under the supervision of the *pronojar*, to whom the ruler ceded his rights.¹⁴¹ Given that the competent authority had to give permission, the residential area of the *baština* was far easier for the *mjerop* to dispose of.¹⁴² The *mjerop* could sell part or all of this unit, but unless he sold the entire residential area he had to pay the full *soć* tax. As for the agricultural land, according to Bojanić this part could also be disposed of, with the buyer/ seller (whichever it is) paying the "tenth" land rent.¹⁴³ These provisions for a stability for the *mjerop* *bastina* units are reflected in Dušan's Code article 174: "Agricultural workers who have their own *baština*-land, vineyards, and purchased property- are free to dispose of their own vineyards and land as a dowry, to donate it to a church or to sell [it], but there must always be a worker on that place for who is the lord (*gospodar*) of that

¹⁴⁰Bojanić, Dušanka, *Fragmenti*, pp. 94-95.

¹⁴¹Bojanić, Dušanka, *Fragmenti*, p.95.

¹⁴²Bojanić notes that many extant charters attest to this division.

¹⁴³Bojanić, Dušanka, *Fragmenti*, pp. 95-96.

village. If there is no worker in that place, this lord is free to take the vineyards and the fields".¹⁴⁴

Bojanić concludes her discussion of the baština system with an analysis of how it was gradually incorporated into the Ottoman scheme. Looking at the kanuns and kanunnames of the districts of Braničevo, Smederevo and (to a lesser extent) Vidin, Bojanić describes the discovery of the mjerop baština system by the Ottomans in these areas. The key to Bojanić's understanding of the continuity of the mjerop baština unit lay in detecting the two "land rents", the soc tax and the "tenth" within the kanuns and kanunnames. The soc in particular was not easy to discern in the Ottoman land codes, as it never did appear literally as "soc", but instead as, e.g., the Slavic "rpin",¹⁴⁵ the Ottoman Turkish "resm-i harman",¹⁴⁶ or often the "salarlık" tax.¹⁴⁷ The only way to find out whether the institution was transferred then is to compare the taxes on the reaya units and the kabal and lukna measurements.

Perhaps even more difficult to see was the "tenth". It was translatable to the "aşar" at all times, but since the Serbian tenth on grain did not have any fixed amount, it was harder to see if there was a change in the method used to levy the tax. While it is known that the Ottomans collected the tax in an equitable way, taking into consideration during each registration the average output of the farm of the previous three years,¹⁴⁸ without any more data than the Ottoman Turkish word for the "tenth" it is impossible to come to any conclusions about

¹⁴⁴Radojčić, Nikola, Dusanov Zakonik, p. 65.

¹⁴⁵Bojanić, Dušanka, Fragmenti, p. 98. This was the case in Smederevo.

¹⁴⁶Bojanić, Dušanka, Fragmenti, p. 105. This is possibly the case in the sancak of Vidin. Pr. İnalçık's Bulgar Meselesi makes a very compelling argument for the survival of the tax in the province when he shows that a tax similar to the soc survived as a custom into the nineteenth century in Vidin under the name of "gospodarlık".

¹⁴⁷Bojanić, Dušanka, Fragmenti, p. 101.

¹⁴⁸İnalçık, Halil, Suret-i Defter, pp. XXXIII-XXXIV.

whether the institution survived the Ottoman takeover or whether it was transformed in any way.

In the extant land laws and register for the district of Branicevo from the years 1467-1468, there is little mention of any existing mjerop bastina regime; the only hint that it might have existed was the statement that the measurement used for grain in the province was the lukna and that it weighed four Edirne kiles. Outside of this the legislator says only that "the aşar and the salarlık were registered according to known legal customs (adet)."¹⁴⁹ This may indicate that the two "land rents" were hidden under standard Ottoman tax terminology.

Much more revealing are later kanunnames. One of the articles from the kanunname for the sancak of Smederevo of 1516 states that "If a reaya occupies himself entirely with farming and is registered, he will give the aşar from his own wheat. As compensation for the salarlık one half a lukna of wheat and one half a lukna of barley will be given from every bastina at the time of threshing."¹⁵⁰ While this law code indicates that the aşar might have been the Ottoman version of the tax, "taken from his own wheat", the salarlık was clearly not the 2.5% or 1/40th of all grain raised. The indication of the one-lukna measurement of the salarlık points to a survival of the soć tax. An article from a kanunname for the same province only 12 or 13 years later further substantiates this view, with its definition of the "lukna" as seven Istanbul kiles". As the Istanbul kile weighed twenty okkas, the total was 140 okkas (180 kilograms), the approximate equivalent of the kabal measurement.¹⁵¹

¹⁴⁹Bojanić, Dušanka, Fragmenti, p.99.

¹⁵⁰Bojanić, Dušanka, Fragmenti, p.99.

¹⁵¹Bojanić, Dušanka, Fragmenti, pp. 99-101.

The most critical evidence about the fate of the medieval baština, as Bojanić shows, is taken from another kanunname of the same sancak of Smederevo, this time from 1536.

"If a reaya is occupied with agricultural work entirely and is registered, he will give the aşar from his own grains. As compensation for the salariya one half a lukna of wheat and one half a lukna of barley will be given from every baština at the time of threshing. And a lukna has seven kiles of Istanbul kiles, if the hrpin is given. But the lukna which is used for wheat and barley on the markets is eight Istanbul kiles. Now, when the mentioned sancak was again registered the following was reported: the Vlach infidels are not in a position to give the mentioned one half a lukna of wheat and one half a lukna of barley, which according to the Istanbul kile has seven kiles, which is determined as a compensation for the salariya, and timar-holders [try to] claim this and they govern the reaya regularly with enmity. The wheat is not taken on time and later more akças are taken than the daily market price. And the mentioned equivalent for the salariya is seven kiles of grain. When this defter's execution was reported to the throne, the hrpin was abolished, since it was a great cause of enemy-like relations, and it is ordered like the other reaya on the lands protected by God, they are to give the aşar in the amount of a seventh part or a eighth part, as it is recorded in the new defter."¹⁵²

This statement is extremely significant in establishing the links of transmission of the bastina into the Ottoman system. Here we learn that the soć tax was encountered in the province of Smederevo under the name of "hrpin" and that it was measured in the standard lukna of 140 okkas.¹⁵³ Moreover, it is clear, as this kanunname was promulgated in 1536, that at least parts of the institution of the mjerop bastina had survived in the area roughly 150 years after the Ottoman conquest of the area after the first battle of Kosovo in 1389.

Although the incident that provoked the custom from being mentioned in the first place, namely the dissatisfaction of the semi-nomadic Vlach population when it was being reduced to normal peasant status, is not central to this paper, the incident provides a snapshot of the bastina institution at that time. First, it is obvious, as Bojanić has shown, that the Ottoman authorities attempted to

¹⁵²Bojanić, Dušanka, Fragmenti, p. 100.

¹⁵³Bojanić, Dušanka, Fragmenti, p.101.

convert these one-time mjerop bastinas into the standard çift-hane unit by abolishing the soć and establishing instead the regular salarlık. It is also clear from the explicit mention of the aşar as making up, alongside the salariya, a seventh or an eighth portion that the old tenth on seed grain had by now been abolished. The integration process appeared final in the kanunname for the sancak of Smederevo of 1560: "If a reaya cultivates land full time and is registered [for it], he gives a seventh or an eighth part of wheat, barley, or rye.

"154

Now that we have summarized Bojanić's research on the mjerop bastina unit and the related taxes of the soć and tenth and seen their development over time, it will also be useful to document Bojanić's further research on the origins of the ispence tax, which (as İnalçık has noted above), was categorized in Mehmed II's Reaya Kanunnamesi as the equivalent to the resm-i çift tax, and was taken in the amount of twenty-five akças. Bojanić generally agrees with the results of İnalçık's research, differing only about the origins of the tax.¹⁵⁵ Bojanić also disputes İnalçık's claim that the tax was unique to the areas under the medieval empire of Stefan Dušan. While she applauds İnalçık's discovery of the tax's first mention in the icmal defter for Albania in 1431 and İnalçık's successful dating of the tax from the time of Bayezid I (1389-1403), Bojanić argues that İnalçık offers no direct proof that such a tax existed during Dušan's time, and that it is not named in Dušan's Code. This would leave open the possibility of other origins, be they Byzantine or even medieval Bulgarian.¹⁵⁶

¹⁵⁴Bojanić, Dušanika, *Fragmenti*, p.100.

¹⁵⁵Bojanić, Dušanika "De La Nature", p.10 footnote 5 argues that in his 1959 article "Raiyyet Rüsümü" İnalçık dismissed Hammer's explanation of the tax coming from the Persian "ez penc" or "one fifth" as impossible given both that language's grammar and the meaning of the words themselves. İnalçık does cite Truhelka's explanation that the name came from the Italian "spenza" but without any further criticism but in a 1973 article "ispence" in the *Encyclopaedia of Islam* İnalçık has rejected this argument as well.

¹⁵⁶Bojanić, Dušanika, "De La Nature", pp. 10-11.

Bojanić's first main contribution in this article was to define exactly what the nature of the ispence in its original form. Bojanić concluded that the ispence was as a poll tax levied on individual households or "hearths" and was a compound tax of a series of seven labors. These labors, although they differed in character were all the monetary equivalent of manual labor performed and had no connection whatsoever to a form of "land rent", which they would have later in the Ottoman system.¹⁵⁷ This connection, which İnalcık argues in the *resm-i çift* was represented by the full carts of wood and hay, half-cart of straw and the yoke tax, were not included as components in the main body of the tax and were added only when the peasant actually owned farm land.¹⁵⁸

The first "labor" of the twenty-five akça tax was the six akça *resm-i bive*, which both İnalcık and Bojanić have connected to the ispence by looking at Mehmed II Reaya Kanunnamesi, which mentions the taxes together and warns the sipahi not to use the widow's labor at the distaff without providing a wage for her. Bojanić explains that the Balkan peasant woman traditionally worked at the distaff for her husband or, if her husband had died, for her lord and that this practice dated from well before the Ottoman conquests and lasted even until the nineteenth century.¹⁵⁹ As for the presence of the distaff work in the primary sources, the tax was elusive, as seen in article 64 of Dušan's Code which declares, "The poor weaving woman is free like a priest."¹⁶⁰ But Bojanić does not believe this article proves that the custom was abolished; she views it as highly likely that the local custom was revived at the time of the Ottoman's initial

¹⁵⁷Bojanić, Dušanka, "De La Nature", pp. 11-12; 14-16.

¹⁵⁸Bojanić, Dušanka, "De La Nature", pp. 15-16.

¹⁵⁹Bojanić, Dušanka, "De La Nature", p.12-14. This is seen from the writings of Vuk Karadžić during the first period of the Serbian struggle for independence.

¹⁶⁰Radojčić, Nikola, Dušanov Zakonik, p. 48.

presence, as the central authority Dušan had earlier brought would by this time have been in a state of total decline.¹⁶¹

The second component of the ispence was three akças, which represented three days of labor with artisan's tools. This part of the labor dues, Bojanić maintains, was performable by every working adult male, with the simplest hand tools in tasks that every commoner could carry out whether they lived in the country or in the city. Bojanić's evidence that these "artisan labors" were included in the ispence tax is in the Reaya Kanunnamesi in a comparison of the dues from Muslim and Christian artisans.

"The [Muslim] artisans who live in the village; the weavers, coppersmiths, cobblers, blacksmiths, coal sellers, as well as others which are like them and others who are not mentioned, must do annually three works or pay three akças... The [Christian] coppersmiths, the weavers, the furriers, the cobblers, those who work with horses and other infidel artisans from whom one took twenty-five akças of ispence, one cannot take more under the pretext that they are artisans."¹⁶²

The third part of the labors consisted of those with masonry tools. This tax of six akças found its rough equivalent in the Ottoman *resm-i duhan*, the tax levied on each mature adult male. It represented the six day's labor to build and maintain the castle and residence of the local lord, which was the commoner's compensation for his right of refuge there. Calculated in terms of low-scale labor this, like the work with the artisan's tools probably reflected six days of labor.¹⁶³ Although Bojanić found a more exact equivalent of the masonry tax in the "podimscina" of medieval Croatia, in Dušan's Serbian empire this portion was in fact a combination of two taxes. The first tax, the regular donation or the "true" *resm-i duhan*, was given to the župan, or local ruler.¹⁶⁴ This is seen in article

¹⁶¹Bojanić, Dušan, "De La Nature", pp. 14-16.

¹⁶²Bojanić, Dušan, "De La Nature", pp. 16-17.

¹⁶³Bojanić, Dušan, "De La Nature", pp. 19-20.

¹⁶⁴Bojanić, Dušan, "De La Nature", pp. 19-20.

127: "For the construction of towns. Wherever a town or a castle is torn down, let the inhabitants of the town and also the surrounding community (župa) construct it".¹⁶⁵ Article 128, however, represents a second, more extraordinary tax, which shows a similar duty to the emperor himself: "Whenever the lord Czar has his son married or christened and needs to build a court and houses, let everyone help, both small and great".¹⁶⁶

The final ten akças of the tax, Bojanić argues, represented the approximately twelve days of labor with agricultural tools for which every commoner was obliged. Despite the lack of primary sources to back up her claim, Bojanić asserts that in all likelihood this represented four distinct labor services of three days' duration; digging and plowing, mowing and drying hay, harvest and planting, and the upkeep of vineyards. Agricultural labour was the obligation of every commoner, landowner or not, and if a mjerop bastina was owned, for example, an additional tax was levied, but this rule only applied in the time before Ottoman rule. This addition would total seven to ten akças more than the twenty-five standard, and represented the duties on wood, straw, hay and transportation, which were the labors with the ox-drawn cart.¹⁶⁷

After this elaboration on the key components of the ispence tax Bojanić launches her second main discussion: the placing of this tax into its historical context. She notes that there were similar cases of a labor-oriented poll taxes, such as the "rabote kraljeve" ("royal services ") and rabote careve ("imperial services") of thirteenth and fourteenth century Serbia, the fourteenth century Latin despotike in Morea and later gospocina service to the local magnates of Croatia and Slavonia. Bojanić looks into the linguistic aspects of the tax. Bojanić marks the renowned orientalist Paul Wittek's suggestion that the term might

¹⁶⁵Radojčić, Nikola, Dušanov Zakonik, p. 57.

¹⁶⁶Radojčić, Nikola, Dušanov Zakonik, p. 57.

¹⁶⁷Bojanić, Dusanka, "De La Nature", p.22.

have come from "županica", which was used in the central and eastern lands of Dusan's empire for "župan", or the local lord of an entire region.¹⁶⁸ Bojanić remarks that the tax is not mentioned in any pre-Ottoman or Ottoman source as "županica", and when the Turks first recorded the word they could have easily translated it directly into the local codes, having no major difficulties phonetically. Bojanić points out that the idea that the common folk could have pronounced the word in a way that the Turks would later translate as "ispence".¹⁶⁹

Bojanić believes, however, that the most fruitful way of proving the link between the župan and the ispence is "to concentrate on the connection between the 'župan' and the 'sipahi', and the relationship between the tax collected in kind by the župan and in kind by the sipahi."¹⁷⁰ The župan, a local lord, played a unique role as a colonizer of newly conquered or settled regions. He was a middleman between the particular region or župa he represented and defended by military force on the one hand, and the central authority to whom he owed allegiance to on the other. As for the župa subject to the župan,

"This community populated territory disposing of the natural geographic frontiers for defense and safekeeping [as also] for culture and exploitation. The rest of what the župa carried out for the župan and that of the župa was based on popular usages and customs of collective work. This work was carried out through services which in effect [were during an] emergency carried out faster with a larger number of workers."¹⁷¹

Thus the "županica" tax could have easily related to the community and its need to react collectively to the outside dangers that threatened them.

An important social division was also revealed by this tax. While the military part of the population would make a direct contribution to the regional

¹⁶⁸Bojanić, Dušanka, "De La Nature", pp. 23-25.

¹⁶⁹Bojanić, Dušanka, "De La Nature", pp. 25-26.

¹⁷⁰Bojanić, Dušanka, "De La Nature", p.25.

¹⁷¹Bojanić, Dušanka, "De La Nature", p. 26.

defense,¹⁷² the mass of the civilian population, as Bojanić sees it, could only pay some form of compensation in services it could perform upon request of the local militia leader, which showed the peasantry's sense of obligation for its right of refuge. Only later could this service be transformed into a regular monetary payment.¹⁷³

Bojanić next describes the most likely path that the "Županica" took after Dušan's Code. This began with the incorporation of the tax into the Byzantine system prior to the Ottoman conquest. At this time the Byzantine office of kefali, an "administrator of the cities and the counties of the state, who possessed a stronghold", replaced the earlier župan, who performed a similar role and also owned a fortification.¹⁷⁴ The "Županica" poll tax took on the new name of "rabote kefalijine" ("labor services of the kefali"), and with the more standard Greek name of "kefalitike" it had acquired a new aspect: The tax was transformed into a monetary equivalent and like the mjerop bastina taxes of the soć and the tenth on seed grain, it was distributed by the state as the income of the pronoiar.¹⁷⁵

As for the final evolution- the distribution of the kefalitike revenue to the local military and administrative official and not just the large income-holder - Bojanić argues that in general the income remained reserved only for the upper officials, a fact attested to by a passage from İnalcık's publication of the 1431 defter for the sancak of Arnavid, which notes "subaşıya kulluk", or "the labor service is for the subaşı". There was nevertheless a trend in the central Serbian lands during the first half of the fifteenth century to distribute the income on a

¹⁷²Bojanić, Dušanka, "De La Nature", p. 28. Bojanić comments further on the predecessors of the derbendcis at the time of Dušan's Code and the specific articles that related to them (articles 157 and 158). The most important point is the fact that even during the pre-Ottoman time, the reward of "muafiyet", liberation from taxes when performing extraordinary services, was fully recognized by Dušan's state.

¹⁷³Bojanić, Dušanka, "De La Nature", pp. 26-27.

¹⁷⁴Bojanić, Dušanka, "De La Nature", p. 28.

¹⁷⁵Bojanić, Dušanka, "De La Nature", p. 29.

mass scale to the smaller pronoiars as well.¹⁷⁶ Thus in Bojanić's view, when the Ottomans later registered the newly conquered provinces, they left these incomes in place, maintaining continuity in the agrarian tax structure.

¹⁷⁶Bojanić, Dušanka, "De La Nature", p.30.

2.4. CONCLUSIONS.

Bojanić's argument about the ispence tax, her discussions of the evolution of the mjerop baština unit, and Ostrogorski's description of the pronoia system's development within Dušan's empire together make a strong case for the pre-Ottoman existence of a çift-hane like system in the Serbian lands. As a comparison of these studies of the medieval Serbian lands with İnalcık's theory of the çift-hane system shows, all of the essential conditions for the system's development were in place before the Ottoman conquest.

This is seen first in the mjerop baština unit, which (as Bojanić has described) was tied to the peasantry living on "public" state-controlled lands, where the income of the units may be ceded, as was the case in article 187 of Dušan's Code, and where the soć and the tenth were transferred to the income-holder, but the state's right of ownership never was. Thus the state's ultimate sovereignty was not in question, and it must be assumed that the state always endeavored to keep these units intact as sources of production and income. Therefore we can conclude that while the pronunciation of the term "miri arazi" may have been foreign to medieval Serbians, the meaning was not.

Second, as Georgije Ostrogorski so well illustrated nearly forty-five years ago, the pronoia system in its key aspects was a predecessor to the timar system. With its mission of maintaining a force of cavalymen in the countryside both as administrators and as the tools of local security, it had few outstanding differences from the later Ottoman timar system. Both the pronoiar and the timariot were given the distributed income of taxes and customs as payment for their military service, and both could also be deprived of that office by the state. While it was true that the pronoiar acquired in time the right of inheritability that the timar-holder never had, it can be easily argued that this was in fact a

corruption of the system's original intention and reflected the decay of Byzantine control. In this sense the Ottomans can be perceived as restoring the system.

Third, of course, is the continuity of weights, measurements, and even monetary systems. Bojanic has demonstrated, at least in the central Serbian lands, that while there may have been changes in the names of the units- akças instead of dinars, and kiles instead of kabals and luknas- there was no major change in the duodecimal system. From this fact and from the Ottoman kanunnames for the regions concerned one can show striking similarity in the arrangement of the peasant's landholding, its division into two essential parts, and the "land rent" taxes connected to those parts. Moreover it is evident from Bojanic's equations that the very neatness of these figures, the soć tax on the individual unit exactly equivalent to one gold ducat, the precise proportion of land for the "tenth" on grain seed, and the simple twenty-five silver piece total of the ispençe tax per household, all point to a cadastral system of local registers in place in these Serbian lands before the Ottomans came. While there may have been no recent codes when the Ottomans came, still once again precedent was followed.

There are, however two more specific contributions these recent Yugoslav historians have made regarding medieval Serbia. The first is Bojanic's determination of what exactly was the predecessor of the resm-i çift tax as the chief tax on the peasant's landholding. Criticizing implicitly a sole reliance on Mehmed II's Reaya Kanunname and this document's interpretation of the ispençe tax as the equivalent of the resm-i çift, Bojanic argues instead that there is a direct line between the soć tax and the resm-i çift, demonstrated by the perennial one gold ducat total as a monetary equivalent of both taxes. Bojanic's study of the ispençe refutes the idea that the "labors" included had anything whatsoever to do with a "land rent". These services were clearly a combination

"poll tax" whose base reflected manual labor with hand tools alone. The components of the *resm-i çift* that constituted a sort of land rent, such as the donation of ox carts of wood and hay, half a cart of straw, and the transportation service, were not seen in the original ispence tax. These were labors that every head of household could provide, regardless of whether he owned a pair of oxen.

Thus any consideration of the *çift-hane* system's earlier presence in the lands of Stefan Dušan has to look at the connection from the earlier land rents of the *soc* and the tenth on seed to the *resm-i çift*. As seen from Bojanić's study, while the system at first seems to have been incorporated without major change into the Ottoman system, there was a point when the *bastina* converted fully into the *çift-hane* unit, which İnalcık defines. Looking at the *kanunname* for the *sancak* of Smederevo from 1536, for example, we can see that the standard peasant landholding was changing. And while the symbolic one gold piece figure lived on in the *resm-i çift*, there was no direct translation of the services included in the *resm-i çift* and the land rent of the residential "hortus" in the *bastina* unit. Thus we are forced to accept the fact that the *bastina* was not an exact duplicate of the *çift-hane*. And while the fundamental principles may have stayed the same, the taxes did not fully correspond to each other. Here at last we see the effects of change over time.

The second contribution by the Yugoslav authors on pre-Ottoman agrarian relations in medieval Serbia is a stronger emphasis on colonization within medieval Serbian agrarian institutions. It is clear in Ostrogorski's study, where we see that the *pronoia* as a military and administrative system of landholding was not limited to lands under Byzantine control but in fact had spread to the lands of its rivals, namely the empire of Stefan Dušan. Although one should not forget the continual cultural influence that Byzantium had upon

these states, such as the Orthodox Church, this system had the potential to move beyond cultural divides, as it showed its efficiency in maintaining central power in the provinces.

Bojanić's discussion about the social foundations of the Serbian state and its Slavic basis is also very compelling. It appears in her hypotheses about the regional župa and his role as a local agent of rural colonization, but what is most interesting is Bojanić's description of the mjerop baština peasant landholding itself. Dating from Roman times, this institution had also found firm roots in Dušan's state, and may in part testify to what extent the Byzantines had been successful in economically developing these lands beyond their primitive migrational beginnings. What should not be forgotten about such structures was that their development and survival depended completely on the protective role of the state. If the state faltered in its duty, as happened when Dušan's empire broke down, the peasants were bound to become discontented. The peasants could have seen the Ottomans as liberators from social oppression and as renovators of the classical Roman "heredium."

3. THE ÇİFT-HANE REFLECTED IN MEDIEVAL BOSNIA.

3.1. PROBLEMS IN APPLYING THE SERBIAN CASE.

A problem- at least historiographically speaking- comes into play when one wants to apply such neat social continuities to other surrounding regions. The application of the çift-hane system in Bosnia provides an excellent example. For unlike the provinces of Dušan's Empire there was no history of strong centralized rule before the Ottoman conquest and incorporation of the Bosnian state into its sancak administrative structure in 1463. As seen in Truhelka's work, the nobles collectively prevented the establishment of a power

that could regulate their nearly entire control of Bosnia's land and peasantry. Despite the likely flaws in Truhelka's argument about the land regime in Bosnia, especially concerning Bosnia's agrarian relations during the Ottoman period, no one to date has effectively contradicted it for the pre-conquest period.

One need not go further than John Fine, Jr.'s works to illustrate this point.

"Bosnia's location put it between East and West, and it is often referred to as a meeting place between the two worlds. But owing to the mountainous terrain and poor communications it was more a no-man's-land than a meeting ground between the two worlds, until the fifteenth century when increased trade opened it up to greater Western cultural influences. The mountainous terrain encouraged localism. Bosnia was divided into various large regions, e.g., the Po-Drina (the region of the Drina River), Bosnia (the central region), Sol (Tuzla), Usora, the Donji Kraj, and eventually, after its annexation in 1326, Hum (more or less corresponding to modern Hercegovina). Each region had its own local traditions and its own hereditary nobility. A region was divided into župas, each ruled by the most important local family, whose head often bore the name of zupan. The Bosnian tendency to form local units that resisted control from the center, which we shall see throughout Bosnia's subsequent history, was already in existence in Kulin's time (1180-1204)."¹⁷⁷

Fine points out that Bosnia remained outside of the borders and direct influences of the strong states to its south. Both the Byzantine state and Dušan's empire fell into this category. As for the Byzantines, it was only for thirteen years (1167-1180) that the region of Bosnia recognized Byzantium's sovereignty. To Fine this period was nominal and he concludes that "probably the various nobles simply continued to manage their own affairs." Likewise, Fine makes no mention of Dušan's eventual incorporation of either Bosnian or Hercegovinian lands into his empire. There is only evidence of a failed campaign into Bosnia in 1350, a year after the promulgation of the main part of the Code. However, there was no major social consequence to this attack, and both the Bosnian nobility and ban, or "governor", were left in place.¹⁷⁸

¹⁷⁷Fine, John, Jr., The Late Medieval Balkans, pp. 17-18.

¹⁷⁸Fine, John, Jr., The Late Medieval Balkans, pp. 322-323.

These conditions in Bosnia inevitably have consequences when a comparison to medieval Serbia is made. Unfortunately, a clear picture of the historical continuity of the *çift-hane* system cannot be drawn, as the basic preconditions of state land control registration and distribution, and standard weights and measurements, simply did not exist before the Ottoman conquest. To begin with, Bosnia, unlike the Serbian lands of Dušan's empire, never adopted the *pronoia* system. Ostrogorski cites a charter granted to a certain Logothet Stefan Ratković, who shortly before had switched his loyalty from the Serbian Despot to the King of Bosnia and now wanted his "*pronoia*" of more than thirty villages confirmed by the King. This was the first evidence Ostrogorski saw of acknowledgement of a "*pronoia*" in Bosnia, but this *pronoia*-holding, once transferred, had none of the characteristics one would expect for a *pronoia*. For in this document, unlike that for any *pronoia* in Dušan's old lands or in Byzantium, Ratković was granted the right to bestow the property on a church, give it as a dowry, transfer it or sell it, and he was free from any service to this new king. Moreover, even though the name "*pronoia*" was used, this "*property*" was confirmed for him and his male and female descendants "*for all time*" as "*bastina*".¹⁷⁹

Summarizing the significance of this case Ostrogorski states that

"The declaration by King Tomaš of Bosnia shows not only the difference between the rights and duties of the *baština* property owners on one side and the Serbian *pronoia* possessor on the other, but also throws a bright light on the difference overall between Serbian and Bosnian feudalism. The Byzantine *pronoia* system, the system of a conditional land possession, controlled from above, which struck strong roots in Serbia, found no soil in Bosnia in the face of the feudal nobility. indeed it was no accident that the only *pronoiar* mentioned in Bosnian sources was a Serbian *pronoiar* and after entering Bosnian service he ceased being a *pronoiar*."¹⁸⁰

¹⁷⁹Ostrogorski, Georgije, *Pronija*, pp. 197-198.

¹⁸⁰Ostrogorski, Georgije, *Pronija*, p.198.

It should also be noted that John Fine as well has gone out of his way to deny that a pronoia-like system ever existed in pre-Ottoman Bosnia. Fine points to another case in 1404 where a Bosnian noble named Klesić had his property restored to him after it was confiscated by the Bosnian king, even after the noble concerned had taken military action against him. According to Fine this signaled the triumph of the noble-owned land's "inviability" in the face of any of the king's rights to assert his rule, and therefore the king's attempt to discipline his subject was seen as "illegal". Thus, like Ostrogorski, Fine concludes that: "It was also impossible for a king to tie landholding to state service as the Byzantines and Serbs had done under the pronoia system. As a result the Bosnian kings, unable to make such a connection and obtain military service through land, were to remain weaker militarily in general and weaker vis-a-vis their nobles in particular than their eastern neighbors. Landholding was to remain free and not tied to service until the end of the medieval Bosnian state".¹⁸¹

Besides not having any sort of state landholding regime in place before the conquest, there is likewise no evidence of any peasant landholdings similar to the Serbian mjerop bastina. For unlike what Bojanić has found in the districts of Braničevo and Smederevo, there was no standard weight and measurement system in Bosnia to show that any fixed pattern of taxation was in place. In other words, there is no proof of a simplified one-ducat tax on the standard farm unit, such as the soc tax, that could reveal the existence of a predecessor to the çift-hane.

This is obvious from İnalcık's research on Ottoman weights and measurements, where he points out that in Bosnia in particular, the Ottoman authorities had a hard time implementing a uniform system of grain measurements. This difficulty can be seen in the province of Saray (Sarajevo),

¹⁸¹Fine, John, Jr., The Late Medieval Balkans, p. 462.

where in the kanunnames up until 1565, the number of okkas that made up a kile varied in each registration, including figures of 50, 64, 66, and 60 okkas per kile of wheat. Istanbul was fully aware of the problem in 1565: When he quotes his own translation of the opening paragraph of the kanunname of 1565 which states that "When it was reported to the Porte that in the old register the kile was sixty-four vukuyye (okka) in the city of Saray (Sarajevo) while in the kadas [districts] of Višegrad, Brod and Kobaš the weight of the local kile and the fixed price per kile was different, the Sultan ordered that kiles and prices should be identical in all of these kadas."¹⁸²

Thus we can conclude that there was no smooth transition from one set of predominant duodecimal weights and measures to another one. If any such system was to be implemented in Bosnia, it would have to have been realized by the Ottomans themselves.

¹⁸²İnalcık, Halil, "Introduction to Ottoman Metrology", pp. 331-333.

3.2. MEDIEVAL BOSNIAN SOCIAL CATEGORIES AND LANDHOLDING PATTERNS.

Now that we have determined that the conditions for the establishment of a *çift-hane* like system did not exist in Bosnia before the Ottoman conquest, confirming Truhelka's argument, we can ask whether the rest of Truhelka's assertions about Bosnia hold water. The first question is whether his descriptions concerning the preconquest medieval social system were accurate, the second concerns his arguments that the peculiar nature of Bosnian nobility remained during the long period of Ottoman rule, which would contradict all of Inalcık's theory of the *çift-hane*'s development in this province. It is especially useful to examine these issues in the light of research by modern Yugoslav authors. One of these, the post-Second World War scholar Vlado Joka¹no²vić, has provided some useful insights into the relations Truhelka first tried to describe. In a work entitled "Prilog Izucavanju Bosanskog Feudalizma", or "A Contribution to the Research of Bosnian Feudalism", Joka¹no²vić has tried both to lay out the attempts at state-building in Bosnia and to describe in detail the characteristics of certain social classes and patterns of landholding in Bosnia.

In regards to the history of state building in medieval Bosnia, Joka¹no²vić first wishes to distinguish some similarities between Bosnia's social relations and those of its neighbors. Indeed, like Truhelka before him, Joka¹no²vić argues that Hungary had the largest impact on the development of feudalism there. Just as in Hungary and Croatia, a series of *župans*, local rulers over counties called *župas*, established themselves much more firmly than their Serbian

counterparts, and acquired a long-term sovereignty over their districts.¹⁸³ Even more distinctively Hungarian in character was the fact that the Bosnian ruler, the ban, was originally assigned by the Hungarians in 1180 as the governor of the appanage of the Hungarian state. Joka¹⁸⁴ also holds the bans responsible for bringing a new social class of garrison soldiers, named kmets, who were in all likelihood nearly identical to the jabbagiones, or peasant militias of Hungary.¹⁸⁴

But it is here that Joka¹⁸⁵ begins to depart from the stark picture of noble domination that Truhelka and others have drawn. Although Joka¹⁸⁶ never claims that the Bosnian state succeeded in establishing its dominance over the nobility, he does argue that for a period of roughly 70-80 years, that is, from the beginning of Ban Kulin's reign in 1180 until the end of Ban Ninoslav's reign in 1250, there was an attempt to establish the sovereignty of the ban. It was to be accomplished by an alliance of the ban with the lower-level military class that (with the help of the ban) had established a series of fortresses for itself throughout the kingdom. (Although it was probably Hungarian in inspiration, Joka¹⁸⁶ argues that such a alliance had a striking similarity to Dusan's reliance on the voynuk class).¹⁸⁵ This meant that the Bosnian ban did for a time attempt to establish new principles of land control.

The attempt could be seen in two phrases in the charters for this period. The first was the Hungarian idea of a "donatio" nobility, which meant that the land was to be granted on the basis of usufructory rights and not just hereditary ones.¹⁸⁶ The second phrase, "vladusti na drzavu", which Joka¹⁸⁶ estimates to

¹⁸³Joka¹⁸⁴, Vlado, "Prilog Izucavanju Bosanskog Feudalizma", Radovi N.D.B.H., II, Sarajevo, 1954, pp. 223-225.

¹⁸⁴Joka¹⁸⁵, Vlado, "Bosanski Feudalizm", pp. 224-226.

¹⁸⁵Joka¹⁸⁶, Vlado, "Bosanski Feudalizm", pp. 227-229.

¹⁸⁶Joka¹⁸⁶, Vlado, "Bosanski Feudalizm", pp. 231-232.

be from pre Nemanjić Serbian states, basically covered the same principle of state control of the land.¹⁸⁷ While these phrases definitely ceased to be used by around 1250, and do not mean that the ban succeeded in putting such principles in practice during the period when the ban could actually compete with the nobility for power, the tight picture of noble domination that Truhelka and even Fine drew might not be foolproof.¹⁸⁸

Of course Jokanović stresses that during the period of Bosnian history until 1180, as well as the period from 1250 on, the principle of local rule remained supreme. Land possession had throughout these periods a decidedly clannish character. Jokanović holds that this was a general principle for all of society at first, but it remained predominant among the noble families, as Bosnia's wars with neighboring powers, the internal power struggles of the thirteenth century, and the development of trade and mining in Bosnia the fourteenth century took their toll socially. Jokanović notes that the development of trade with the adjacent Italian city-states such as Dubrovnik helped destroy even this last remnant.¹⁸⁹

This then builds into Jokanović's commentary on the various social categories in medieval Bosnia, the first of these categories being the classical landholding of the Bosnian nobility, the plemenito baština. Just as Truhelka and other Yugoslav authors did before him, Jokanović stresses that "bastina" in the Bosnian context had taken yet another meaning beyond its definitions in the Serbian lands. Although the baština is often described as a clannal possession

¹⁸⁷Jokanović, Vlado, "Bosanski Feudalizm", pp. 226-227.

¹⁸⁸In one very interesting case, a certain noble, Vukosav Hrvatinović was granted a charter for a baština in 1287, but- incredibly for this time- was given land separate from his relatives, on condition that he perform military service. Jokanovic views this, however, as exceptional. He also adds that there is a limit to this diplomatic evidence: what conditions the ruler imposed on paper may well have not been the case in reality. Jokanović, Vlado, "Bosanski Feudalizm", pp. 249-251.

¹⁸⁹Jokanović, Vlado, "Bosanski Feudalizm", pp. 246-247; 259.

in the ancient sources, the definition can not be fully fixed because of the limited amount of written documents we available to us.¹⁹⁰ What we do know about the plemenito baština was that these were "large possessions which principally belonged to the collective single wide circle of blood relatives, which had a common ancestor as a progenitor".¹⁹¹ At times this body of relatives was referred to in the documents as a "bratstva", or "brotherhood", and the head of the "family" who inherited the lands was titled a "destinar".¹⁹²

Even though the family bonds began to disintegrate with the expansion of the silver market, Joka^ović holds that the baština as a land unit was very resistant to being broken up, as for a property to be disposed of to someone outside of the family, the general custom required the consent of all of the male members of the family. Even when a deal was made or a bastina split up among various male family members, there often were complications, and many over time reverted to their original status.¹⁹³

Joka^ović even seems to argue that the baština unit had a capacity to expand. When the communal leader, the destinar, was able to gain new lands, although he could dispose of them during the course of his lifetime under the legal category of "bonum aquisitum", upon his death the lands became the full inheritable property of the clan and were swallowed up into the bastina unit as "bona hereditaria".¹⁹⁴

The second social category, that of the Bosnian kmet, is far more controversial. Truhelka describes the medieval kmet as the standard Bosnian peasant, who in addition to holding a "hortus", or a garden for his residence,

¹⁹⁰Joka^ović, Vlado, "Bosanski Feudalizm", p. 246.

¹⁹¹Joka^ović, Vlado, "Bosanski Feudalizm", p.247.

¹⁹²Joka^ović, Vlado, "Bosanski Feudalizm", pp. 250-251; 252-253.

¹⁹³Joka^ović, Vlado, "Bosanski Feudalizm", pp. 252-253.

¹⁹⁴Joka^ović, Vlado, "Bosanski Feudalizm", p. 253.

paid a fixed proportion of the grain raised on the agricultural portion of the land he possessed. Joka¹no²vi³ć argues that the kmet had an entirely different origin; the Hungarian jabbagiones and Serbian voynuks. He concludes that from the charters from Ban Ninoslav's time that the kmets were a free people who had their own hereditary ba⁴stina and were either small landholders, who performed military service in fortresses throughout Bosnia, or free peasants, who paid all public dues but were not under personal submission to the lords and may have only occasionally performed military service as light cavalry.¹⁹⁵ Joka¹no²vi³ć adds, however, that the kmet militia was not identical to the soc-paying ba⁴stina-holders in the Serbian lands, and that he had seen no case in the medieval documents he covered in this survey.¹⁹⁶

When explaining the difference between the two views Joka¹no²vi³ć contends that Truhelka incorrectly associated the medieval kmet with the kmet of the nineteenth and early twentieth century, a Bosnian dependent peasant. But there remains the question of how the kmet was affected by the period of the Bosnian center's decline after 1250. Joka¹no²vi³ć argues that the position of the kmet steadily deteriorated after 1250, and the once independent slobodna ljudi or "free people" now became only simple "ljudi" or dependents on the local lord. Over a period of time the kmets had lost their ba⁴stinas to the lord and were forced to pay, on top of all public taxes, the dohodak, as well as the corvee service on their lord's domain.¹⁹⁷

The kmet's loss of status in the documents is reflected by later terminology. For instance "kmetić" signified the kmet's personal dependent status. The word "kmet" was used in a later source as a land measurement,

¹⁹⁵Joka¹no²vi³ć, Vlado, "Bosanski Feudalizm", p. 237.

¹⁹⁶Joka¹no²vi³ć, Vlado, "Bosanski Feudalizm", p. 263, footnote 83.

¹⁹⁷Joka¹no²vi³ć, Vlado, "Bosanski Feudalizm", p. 237.

which also may have reflected a more strictly peasant status.¹⁹⁸ What still remains unclear in Joka^ović's work, however, is the legal status of the Bosnian peasant. Despite Truhelka's contention that there was a fixed proportional amount of grain given from what was raised on the agricultural part of the farm unit, in addition to the various poklons or gifts given on the residential property, there seems to be no confirmation from Joka^ović why (as noted above) the dependent Bosnian peasant paid the dohodak and performed corvee services. Thus Joka^ović leaves this question open.

The main reason this issue will have to remain unanswered is that there is no equivalent of a Du^ošan's Code, no set of regulations on the peasantry and the tax structure, where the obligations of the peasant to his lord were made public. Although these land codes and the cadastral registers they were intended to regulate did not exist in Bosnia- as seen from the lack of any system of state land control like that encountered in the Serbian lands at the same time- we can make some fundamental assumptions. Whether intentional or not, the state had little power to interfere with or even determine what the peasantry's relationship to the lord. To have these relations set by local customs often suited the lords themselves. No one could easily intervene. These conditions were alien to the basic purpose of the *çift-hane* or any of its predecessors, and would tend to count against the existence of a similar unit during the pre-conquest time. Thus it seems, Bosnia is barren of any earlier reflection of the *çift-hane*.

¹⁹⁸Joka^ović, Vlado, "Bosanski Feudalizm", pp. 243-245.

3.3. THE APPLICATION OF THE OTTOMAN KANUNNAMES FOR BOSNIA.

What is interesting, however, is to trace what evolution there was from the first law codes for this area and see how these may add to the critique of Truhelka's main theses. These were, of course, the Ottoman kanunnames for the sancak of Bosnia and the various sancaks, such as those of Kilis, Hersek or Zvornik, which included territory from the old medieval kingdom. This is possible due to the efforts of the earlier work of Yugoslav and Turkish scholars in publishing an exhaustive collection of these kanunnames under the title Kanun-i Kanunname, published by the Orientalni Institut in Sarajevo in 1957.

The first facts to be made clear are those we cannot find. These are just those pieces of evidence we need to determine an accurate picture of what the earlier peasants' land and tax structure must have been like. There is no mention whatsoever in the documents of local terms that in the earlier codes may indicate what the dependent peasantry might have endured, such as "kmet", "ljudi", "dohodak". And there is also no mention of the key words "lukna" and "hrpin", which Bojanić used to such great effect in her research. Thus, even in the new pool of resources from 1516 onwards¹⁹⁹, we have no possibility of discovering of what may have been. Therefore we are limited to questions contemporary to the promulgations of the new codes.

Foremost of these is the question that if there was no system of state land control over the arable land, was one put in place then. According to the kanunnames, Truhelka's arguments that the Bosnian nobility maintained their

¹⁹⁹Although there are extant tahrir defters for Bosnia before this date, as early as h. 873 (1468), there are no extant kanunnames before the one for the sancak of Bosnia from h.922 (1516). Sabanović, Hazim, ed., Kanun-i Kanunname, pp. 19-20; İnalcık, Halil, "Filori", Encyclopaedia of Islam, Second Edition (Leiden), II, 1964, p.915.

independence and their rule over the land in the Ottoman period have no documentary basis. On the contrary, the sixteenth century kanunnames point to the creation of İnalçık's çift-hane regime.

Where this is first evident is the question of the post-conquest "Bosnian nobility". As the Yugoslav author Nedim Filipović has asserted, Truhelka's logic is flawed, as his documentary basis, the Süleyman Kanunname of 1530, can be used to show the common character of the miri arazi regime and the standard Ottoman agrarian relations.²⁰⁰ Yet the kanunnames that regulated the agrarian relations in Bosnia proper would seem far more effective in dispelling the notion that the Bosnian nobility remained in place after the conquest.

The first passage in the kanunnames that relates to this point is in fact the opening of the first extant kanunname for the lands of the old medieval kingdom, the kanunname for the sancak of Bosnia, written in 1516. It begins,

"The exalted imperial order, which is issued about the zeamets and timars in the liva of Bosnia shall be as follows:

Let the zeamets and timars, which are registered in this new imperial defter not be altered or changed. Let them not incorporate one timar into another timar, nor a village into another timar. Let them not damage and not convert tezkereli timars into tezkeresiz timars. Similarly, let them not convert tezkeresiz timars into tezkereli timars [and] let them remain as they are. And when [the timars] becomes vacant, let them be given to people of this sancak who have been dismissed of their timar benefice. [And] equally with respect to zeamets as to timars, they are not to be given to people deprived of property from another sancak. Let the vacant timars of every sancak be allotted to men deprived of their timar from the same sancak and let them not be given to men deprived of property from some other sancak. If those who come from another sancak and (possess) zeamet or timar in the vilayet of Bosnia and go later to their home sancak it is reason to be deprived of the property. If those who own zeamets and timars reside in Bosnia [but] do not perform every service and are not present all the time in the sancak, let the sancakbey report to the beylerbey about those who are not present, and if they are owners of tezkereli timars and zeamets let the beylerbey report about it to His Greatness The Padişah Of Islam, may Allah preserve his empire until judgement day so that his properties be given to those who have been deprived of zeamets or timars equivalent to the

²⁰⁰Filipović, Nedim, "Ocaklık Timars", pp. 150-152.

mentioned zeamets or timars, and let them not make any alterations or changes on these timars and zeamets."²⁰¹

What we learn from this passage is that as within the Ottoman Empire as a whole, the distribution of property within the sancak was well within the standard timar regime. The officials who were active in the distribution do not seem in any way to be hereditary "nobles" who were granted special privileges to the land and the peasantry. While this does not exclude the possibility that they might have owned private lands as a heritage, this passage is very important in laying out the principle that these officials' larger holdings were subject to state control. A "noble" who did not fulfill his functions could be dismissed at will. As Filipović has effectively argued, this institution of mazul, or dismissal by the state for not fulfilling the regulations concerning the timar-holder's office, was anathema to any idea of the nobility's hereditary rule. This institution reflected instead the supreme power of the Ottoman state to distribute its incomes as the center felt fit.²⁰² (The position of this edict at the head of the code may have been chosen to emphasize this point).

Furthermore, even though the passage orders that the timars and zeamets be distributed when vacant to other dismissed officials from the same province, this rule should not be interpreted as a sign of the province's independence. As İnalcık has argued, there was a general rule that the sancaks as individual provinces should be kept distinct from each other and that the pool of potential appointees to the timars should be restricted to such divisions. Indeed, the passage seems to echo this principle when it states that the vacant timars of every sancak are to be allotted to the mazuls of every sancak.²⁰³ That there were exceptions to the general rule appears obvious from the very next

²⁰¹Sabanović, Hazim, ed., Kanun-i Kanunname, pp. 21-22.

²⁰²Filipović, Nedim, "Ocaklık Timars", p. 161.

²⁰³Halil, İnalcık, Class Lectures, Spring 1996

clause, which admits the existence of zeamet and timar-holders from other sancaks.

Later evidence that timar-holders were also subject to the state's regulation with respect to their relation with the peasantry they supervised can be seen in two passages in the earlier kanunnames relating to the collection of the aşar on grain. In the first passage from the kanunname from the sancak of Bosnia in 1530, "Owners of zeamets and timars are not to delay estimation of the aşar of the reaya's harvest. Whoever commits such innovation and injustice will be relieved of his rank."²⁰⁴ A later passage in the kanunname for the sancaks of Bosnia, Hercegovina and Zvornik from 1539 describes the regulation in greater detail: "The sancakbeys, subasis, owners of timar, people of the fortress garrison and the others are to take aşar from the harvest of their own reaya according to how it is determined. Let no one say that it is not time and let them not oppress the reaya. When the reaya demand [the collection of the aşar] they are not to be one hour late. If it is done [late], it is cause for dismissal."²⁰⁵ As one can see in both of these passages the state intended to prevent the nobles from abusing the peasants in their collection of their dues; the time of collection was important to the market price of the crops, a point where the lords of the peasants wanted to increase their profits at the peasant's expense.

Outside of this string of evidence in the earliest Bosnian kanunnames, which proves that for the first time the state actively sought to intervene in agrarian relations in Bosnia, there is also evidence of what earlier landholdings or *bastina* the Bosnian nobility may have had. In this matter we are guided by the findings of Professor İnalcık, who in his research is able to trace the early

²⁰⁴Sabanović, Hazim, ed., Kanun-i Kanunname, p. 35.

²⁰⁵Sabanović, Hazim, ed., Kanun-i Kanunname, p. 149.

incorporation of such lands. The most important link from the registered property and propertyholders to the earlier Bosnian hereditary nobility is a heading for the defter for the sancak of Hersek from h. 882 (1477-1478): "the following registered people are old sipahis (kadimi sipahiler). At the present time the baştinas which are found in their possession are registered by the sultan's order according to vlach custom whereby they give the vlach taxes".²⁰⁶ It is interesting to see that the Ottomans interpreted "baştina" as a noble's former hereditary estate, and did not confuse it with the reaya's baştina, as one might think. A second example from the same defter makes a similiar definition, using the synonymous word of "çiftlik". "The çiftlik of Mahmud, together with Pedro [and] Darko have possessed the above mentioned village since the time of the Hersek as their own places. On the whole the above mentioned places which were found in their possession have been confirmed together with his Christian brothers Petro and Vukić. Revenue 360".²⁰⁷

This tolerance towards the Bosnian nobility, which fits well with the general Ottoman policy of gradual assimilation, is also echoed in the first kanunname for the sancak of Bosnia from 1516. "After the old and new çiftliks deliver every akça to the imperial treasury which has been determined in the new imperial defter [all] hukuk-i şeriyye and rüsüm-i örfiyye taxes are abolished. And let no one demand anything from them. And whoever demands them let them not listen to him. Let [the taxes] only be demanded from the nomads".²⁰⁸ Here again we are able to gather that the çiftlik-owners were a special social category, excused, unlike the reaya, from such customary taxes as the aşar, salarlık and the resm-i çift.

²⁰⁶İnalcık, Halil, "Stefan Dušan", p.97.

²⁰⁷İnalcık, Halil, "Giriş", p. XXX.

²⁰⁸Sabanović, Hazim, ed., Kanun-i Kanunname, p. 22.

But we can also gather the sense of incorporation of this social class into the timar regime. The Ottomans have begun to place conditions on the landed status of the "old sipahis". Although we might be able to see this from the Hersek passage (where the bastina holder is registered to the land under vlach customs), here the kanunname explicitly states that the çiftlik-holder was responsible for delivering "government treasury taxes". Nedim Filipović has suggested that this may have meant that the baştina unit in Bosnia was assessed a land rent by mukataa, or lump sum payment, which was taken account when the timar-holder's income was distributed among the sipahis. Thus if the baştina-holder was not active among the askeri ranks, he also was subject to the timar-holder's rule. No one was able to escape the Ottoman principle of the miri arazi.²⁰⁹

This process of gradual assimilation is seen at its most dramatic in the second published kanunname for the sancak of Bosnia from 1530, which calls for the end of such tolerance. "The mukataa with çiftliks are cancelled and moreover it is ordered that they give the aşar and the salarlık. And those from the reaya which live in the çiftliks are registered as reaya and the lands in which they are found are placed in their possession and the revenue from them goes to the lord of the timar."²¹⁰ Thus we can understand the Ottoman authority's real intention at the time. If the "Bosnian nobility" was not assimilated into the existing askeri system, which meant that like other military orders it would be subject to dismissal or placement at will by the center, it was doomed to extinction, like the old plemenito baştina. Still, this discussion of the fate of the medieval Bosnian nobility and its baştina should not distract us from the fact that the conditions in sixteenth century Bosnia were ripe for the implementation of

²⁰⁹Filipović, Nedim, "Ocaklık Timars", pp. 157; 160.

²¹⁰Sabanović, Hazim, ed., Kanun-i Kanunname, p. 38.

the ift-hane system. With a state-controlled system of income distribution finally in place, and a class of military and administrative office-holders replacing a class of hereditary nobles, the kanunnames also reflect the standard units of reaya production.

One of the primary institutions for putting the ift-hane system in place is of course the tapu, the "permanent patrimonial lease of state-owned land to a peasant family head in return for his pledge to cultivate it continually and meet all the obligations in tax or services."²¹¹ Tracing the foundations of the essential pledge between the state and the reaya member in the Bosnian kanunnames would appear vital to proving the establishment of the ift-hane system there. This is not very difficult to find in the sources. "Tapu" appeared as a specific term in a passage from the kanunname of the sancak of Bosnia from 1530.

"It is reported that there are some meadows, vineyards, fruit trees and mills which are on hass and other timars registered on hass, [and] remained such but are wasted and have grown desolate because they do not have fixed-holders, [and] when they were registered earlier in the mentioned province they were not given with tapu and some fell into the possession of the sipahi and the reaya stopped working the hass. As it is ordered to give the lands in possession with tapu to those who claim it, litigation is performed among those which claim it. Whoever gives more to him it will be registered. The tax on tapu is taken from him and delivered to the imperial treasury, and is established as land for its owner, which works and cultivates and gives the aar and the salarlık, the mill tax and the tenth on meadows."²¹²

Although this first citation is by no means an exhaustive description of the term, and instead relates mainly to the incorporation of hass or empty land into category of the main arable lands, there is no doubt that the institution must have been largely in place. A full section titled "The Law of the Tapu" would appear first in 1548, eighteen years after this first law was passed, for the sancak of Zvornik, a part of the old Bosnian lands. Here the hereditary principles of the tapu are given their classic definition: the free transferal to a

²¹¹İnalçık, *An Economic and Social History*, p. 1001.

²¹²Sabanovic, Hazim, ed., *Kanun-i Kanunname*, p. 38.

capable son, the repayment of the tapu in case the farm passed to the deceased brothers, and the sipahi's right to redistribute the unit to whomever he wanted if either there was no surviving able male child or brother, or the reaya with the tapu had not worked his fields for three consecutive years.²¹³ Later kanunnames, such as the one for the sancak of Bosnia from 1565, would only repeat these regulations.²¹⁴

Besides the institution of the tapu to confirm the existence of the *çift-hane* unit in Bosnia one also has to uncover the classical tax structure that went along with it, beginning with the *aşar* and *salarlık* taxes, the *hukuk-şer'iyye*. The first evidence of these taxes being levied on the reaya in Bosnia is seen in a passage in the first Bosnian kanunname of 1516.

"But do not let those who are of the voynuk reserve cultivate the reaya's land. and if the voynuk tills and cultivates the reaya's land let him be forbidden it and let them give it to the reaya.

If someone from the voynuk reserve takes possession of the reaya's land let the *aşar* and ispençe be taken from him.

If someone from the voynuk reserve takes possession of a *haracli raiyyet baştina* let the *harac* and ispençe and tenth be taken."²¹⁵

Here, as one can see, a strict enforcement of land division was made by the Ottomans to guarantee the productiveness of the grain-producing reaya in Bosnia. Most importantly, however, the *aşar* tax is explicitly named. The real proportion of the tax (which would include the *salarlık*) is inferred from a kanunname for the sancak of Bosnia from 1539, which when discussing the consequences to a reaya who abandons his farm to till lands of another sipahi, names the dues he owes this second sipahi as one-seventh or one-eighth.²¹⁶ The classical pattern of a one-eighth proportion is stated explicitly in a later kanunname for the sancak of Bosnia from 1565. "Before, when the *aşar* was

²¹³Sabanović, Hazim, ed., *Kanun-i Kanunname*, pp. 108-111.

²¹⁴Sabanović, Hazim, ed., *Kanun-i Kanunname*, pp. 81-83.

²¹⁵Sabanović, Hazim, ed., *Kanun-i Kanunname*, p. 25.

²¹⁶Sabanović, Hazim, ed., *Kanun-i Kanunname*, p. 53.

collected in the mentioned sancak [in] some villages [it was collected as] one-seventh and one-eighth, in some farms [çiftlik] only one-tenth. this time the aşar and the salarlık are fixed in all villages, meadows and farms. It is necessary to take the eighth that makes five kile from forty. In the future neither the seventh nor the tenth are taken."²¹⁷

However, the fundamental tax that would denote the existence of the çift-hane unit, as seen from İnalçık's work, is the resm-i çift, along with its dependent taxes and (at least in Ottoman times) the ispence tax. The monetary proportions of these taxes are expressed in the kanunname for the sancaks of Bosnia, Hercegovina and Zvornik from 1539. Although the ispence is named as a twenty-five akça tax, the resm-i çift and mucerred taxes are mentioned only as twenty-two akça and twelve akça taxes on Muslim converts, married males in the former case and single males in the latter.²¹⁸ Despite this initial unclarity, there can be no doubt that the standard pattern was applied in Bosnia, as seen from the description of the reaya taxes, both non-Muslim and Muslim in the kanunname for Bosnia from 1565.

"Another kind: From baştina which are registered in the defter as protected non Muslims (zimmi) twenty-five akças are taken as tax. And from married sons of non Muslims who are capable of earning and working profitably and who are people of age twenty-five akças ispence customarily are taken. In some derbendci villages ispence is not taken from non Muslim mucerreds [and such a case] corresponds to the place in his expressly mentioned village.

Another type: when a non-Muslim takes [a] baştina which is registered in the defter to a Muslim, he will give a twenty-two akça resm-i çift, and when a Muslim takes a baştina which is registered to a non-Muslim twenty-five akças ispence are taken."²¹⁹

²¹⁷Sabanović, Hazim, ed., Kanun-i Kanunname, p. 73.

²¹⁸Sabanović, Hazim, ed., Kanun-i Kanunname, p. 51.

²¹⁹Sabanović, Hazim, ed., Kanun-i Kanunname, p. 72.

We can see from this final proof, a confirmation of the existence of the resm-i çift tax and its equivalents, that the Ottoman çift-hane system had been established by this time.

3.4. CONCLUSIONS.

Yet, in reflection to the development of agrarian relations in Bosnia, it is fair to say that no comprehensive picture has been presented in this survey. Further work, especially with the surviving primary sources, in particular detailed work with the many Ottoman tahrir defters for the fifteenth and sixteenth century, should be undertaken to enlarge the research already done. Yet it is clear that by utilizing Professor İnalcık's *çift-hane* theory, we can make some rather drastic revisions to the largely outdated but still influential views of Ćiro Truhelka, at least in the period of the Ottoman conquest. For with the help of İnalcık's research we were able to determine that during the Ottoman period the authorities were able to construct in Bosnia the preconditions for a state-controlled land regime, which meant the development of an official class utterly subject to the state's regulation and the establishment of a standard registration and measurement system, and, once that was constructed, the establishment of the uniform *çift-hane* tax and land unit itself.

The apparent first-time success on the part of the Ottomans in establishing this system provides a great contrast with the earlier Serbian example. Whereas in Serbia the establishment of the *çift-hane* represented a historical continuity, as it largely built on earlier Byzantine and Nemanjić models, the establishment of the *çift-hane* in the old Bosnian lands represented a break from the past. This shows not only the raw power of the Ottomans in creating this system in one of the more economically underdeveloped areas of its rule but also the adaptiveness, the colonizing spirit of the *çift-hane*. In this sense the earlier missions of the Roman colon, Byzantine *jugum-caput*, and the Serbian *baština* were carried on.

GLOSSARY OF TERMS-

- Adet- A "custom", often the customary tax of a specific region which was detailed in the regional Ottoman kanunname.
- Akça- The standard Ottoman monetary unit, a silver piece.
- Akıncı- A "raider" used en masse particularly in border areas . A member of the Ottoman military reserves, especially numerous during the fourteenth and fifteenth centuries. In the kanunnames this term is sometimes used for the word voynuk.
- Amil- A lease-holder of government revenue.
- Ariye- Ebussuud's term for the peasant's "lease" of the land under the arz-i memleket system.
- Arazi-yi haraciye- Land which Truhelka has defined as reserved for the pre conquest medieval Bosnian nobility in the Ottoman period.
- Arazi-yi ösriye- An Ottoman term which Truhelka has defined as hereditary land possession granted to Muslims.
- Arz-i memleket- According to Ebussuud, the category of land which remained under firm state control and was only leased to the peasants and was not given as private property. To him, this included the vast majority of the Ottoman conquests, which came from the non Muslims.
- Avariz-i divaniyye- Emergency taxes levied for the needs of the state which by the sixteenth century began to be taken on a regular basis, eventually surpassing the aşar and the resm-i çift taxes in the amount of income for the center.
- Aşar- (also öşür) The standard proportional tax levied on agricultural produce in the Ottoman empire taken in the amount of one tenth, the amount sanctified under Islamic law as the legal tax on a peasant's annual produce. In the Ottoman empire a customary supplemental tax called the salarlık or salariya was added making the total proportion of both taxes one eighth. These taxes were computed at the time of the periodic registrations on an average of the crop production of the previous three years.
- Askeri- the military and administrative officials of the Ottoman empire.
- Bac- Ottoman customs dues levied on goods going to or sold in the market place.
- Badihava- a group of incidental taxes for various special circumstances or services, such as the resm-i arusane or bride tax, the tapu tax on land transfers, and many penalties or fines. The term can be seen as the Ottoman translation of the Byzantine "aerikon", or incomes which came "from the air".
- Ban- the medieval Bosnian governor who ruled the province until 1377, when the title of king was assumed.
- Baština- a very loosely defined term which means "property" or "garden in modern Serbo-Croatian. Specifically in Serbia on a general level it could mean hereditary property but for the Serbian mjerop it corresponded to both the standard peasant unit as a whole or just its horticultural part. In Bosnia the term was more broad and was used to describe the Bosnian noble's (or family clan's) hereditary lands. Later in Ottoman times the

- dichotomy continued but gradually became used for the çift-hane units when used or were formerly owned by Christian peasants.
- Benlak- (or bennak) A dependent tax of the çift resmi system taken in a smaller proportion than the full tax, and listed in Mehmed II's Reaya Kanunnamesi as 6 or 9 akças.
- Berat- the document given by the Ottoman authorities as an official certification for some privilege.
- Beylerbeyi- The administrator in charge of a beylerbeylik, the largest provincial administrative type of unit.
- Bratstva- "Brotherhood" in modern Serbo-Croatian. The medieval Bosnian term used for a Bosnian nobleman's clan.
- Byzanta- The standard Byzantine gold piece of the thirteenth century.
- Caba- A smaller dependent tax of the çift resmi system.
- Chrisobull- A term for a land charter in the pre- conquest Balkans.
- Çift-hane- The standard one-family peasant farm unit in the Ottoman Empire. Kept in place by a system of state control of the land, these units stability was vital for the empire's grain production. The two main taxes levied on these units was the aşar and salarlık on grain and the resm-i çift tax. Çift meant "pair of oxen" and hane meant "household".
- Çiftlik- a flexible term which literally translated means "farm" or "the area which can be ploughed by a pair of oxen". In terms of the peasantry, it often referred to the standard çift-hane unit and often implied it was farmed by a peasant of Islamic faith. it also, in the case of Bosnia could refer to a former Bosnian noble's estate.
- Çift resmi- See resm-i çift.
- Cizye- A name for various poll taxes on non-Muslims.
- Colon- The system of state land control and peasant colonization first embarked upon under the Roman Emperor Diocletian.
- Defterdar- the head of a Ottoman treasury, either on a provincial or empire-wide level.
- Derbendci- Privileged members of the reaya who were freed from various important taxes in return for special services, for example guarding strategic passes and roads, providing security or producing special materials for the court or the army, etc.
- Defter- Short for tahrir defter.
- Destinar- The head of a medieval Bosnian noble's clan.
- Dhimmi - (or zimmi) the protected non Muslim subjects of the Ottoman empire, who as "people of the book" were tolerated for their different religious beliefs.
- Dinar- Two types of Serbian coinage, gold and silver. The Serbian gold dinar was worth twelve silver Serbian dinars.
- Dirhem- The lowest standard measurement which was predominantly about 3.207 grams in the Balkans. Later research points out the possibility that the official dirhem during the Ottoman classical age may have been 3.072 grams.
- Doğancı- A form of the derbendcis.
- Dohodak- The traditional tax of the pre conquest Bosnian peasant. Due to the lack of documentary evidence, including Ottoman, no firm definition of this term can be reached.

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Donatio- A Hungarian term used for a nobility based on usufructory, not hereditary rights.

Dönüm- The standard Ottoman unit used for land measurement.

Ebussuud Efendi The one time kadiasker of the Balkans (1537) and the şeyhülislam (1548-75), who under Sultan Süleyman the magnificent was responsible for revising the Ottoman land codes in an attempt to redefine the Ottoman customary law in more Islamic terms. He found his inspiration in the Hanafite school.

Edirne kile- A measurement of 18 okkas or about 23 kilograms that was used in some cases as a standard grain measurement.

Emin- the official registrar of an Ottoman province. Given a very heavy responsibility, the emin had the duty to record all the revenues from a province and supervised their distribution to the various timar holders.

Ferman- An order of the Ottoman sultan.

Fundus- During the medieval times the term used to describe the agricultural part of a mjerop peasant's baština land holding.

Gulam- The "slave" system of the Ottoman Empire whereby prisoners of war, actual slaves , and specially picked Christian youth from the Balkan reaya were taken to the Ottoman capital and were trained as officials or soldiers. Conversion to Islam was a condition of entry.

Hanafite- Of the four traditional schools of Islamic jurisprudence the Hanafites were the most liberal in terms of accepting state and traditional örfi law.

Harac- The Islamic legal term for various poll and/ or land taxes levied on non Muslims.

Haraci- According to the definitions of Ebussuud, non Muslim owned private land, which paid harac as well as öşür taxes but still could be disposed of.

Harac-i mukaseme- According to Ebussuud the Islamic term for the öşür tax under the arz-i memleket category of land.

Harac-i muvaddaf- According to Ebussuud, the Islamic term for the çift resmi under the arz-i memleket category of land.

Haracı raiyyet baština- A standard çift-hane unit tilled by a Balkan Christian Farmer.

Hass- Special incomes which were reserved for the state or certain high officials, for example the subaşı or sancakbey.

Hortus- A term used in medieval times to describe the horticultural or residential part of a peasants land holding.

Hrpin- (or "rpin") A native South Slavic term for the soc tax which was recorded in the Ottoman kanunnames.

Hukuk-i şeriyye- The general phrase used in the Ottoman land codes for the standard Islamic sanctioned taxes on the peasant's produce, the aşar and the salarlık.

Hükm- A decree of the Ottoman sultan.

İcmal defter- A "collective" register which distributed the income detailed in the mufasssal defters to the various members of the military and administrative class as timars, zeamets, or hass.

İhtisab- Ottoman commercial law.

İkrar- "Confirmation" in Ottoman Turkish, used as a confirmation of the holding of a member of the military administrative class.

- Imperial perper- A specific tax term in Dušan's Code, the in kind equivalent of 24 Serbian silver dinars or silver pieces. At the time of the promulgation of the Code this was worth approximately one Venetian Dukat.
- Ispence- Originally a poll tax on a series of communal labor services with hand tools that later evolved into the Ottoman system. At this time it remained largely a poll tax of 25 akças per head of household on the Christian population, but was also named as the Christian equivalent of the çift resmi and thus took over the aspects of a land tax also.
- Istanbul kile- A larger standard weight used for Grain. It amounted to 20 okkas.
- Istimalet- The Ottoman policy of toleration towards the Balkan Christian population.
- Jabbagiones- The Hungarian equivalent to the Serbian vojnuks, or Byzantine stratiots, a free peasant militia.
- Jugum- The Roman equivalent to the Ottoman çift or "pair of oxen".
- Kabal- Old Serbian customary duodecimal measurements for grains. A large kabal measured 144 okkas and equaled 1 gold dukat's worth of grain of 24 silver pieces. A smaller kabal or "imperial kabal" was 12 okkas or 2 silver pieces worth of wheat. Both kabals were also used as measurements of land.
- Kaçkun- a tax within the badihava category.
- Kadı- The provincial judges of the Ottoman system, who, independent from the military officials in the sancaks, were intended to check their power, and ensure that the laws in valid in the province were enforced.
- Kadıasker- The chief judicial official within the Ottoman military structure. There were two such officers, The kadiasker of Rumeli (the Balkans) and the kadiasker of Anatolia.
- Kadılık- The district of a kadi.
- Kadimi sipahi- "Old sipahi" in Ottoman Turkish. This term as used in the registers usually denoted a former local Christian nobleman.
- Kanun- In the context of this paper a law promulgated by the Sultan dealing with regional customs, taxes and other obligation as well as land structure among the peasantry and the military administrative class.
- Kanun-i Osmani- An Ottoman kanun or law.
- Kanunname- In the context of this survey, a law code which included the land and the tax obligations of the reaya, usually in a single province. Often in the Balkans one would find in these regional land codes customs or "adet" specific to that region. These codes were usually revised along with the tahrir defters on a fifteen year basis.
- Kara- A smaller dependent unit of the çift resmi.
- Katip- Literally "secretary". This title was often given to the assistant of the emin in the registration of a province in the Ottoman Empire.
- Kefalitike- A later pre conquest incarnation of the original ispence or "zupanica" tax, where the labor services had a distinct monetary amount.
- Kile- A term encountered in the various regional law codes of the Ottoman empire and was used for various local weights, mainly for grain. It was a devise for incorporating different local measurements and so was never a set standard, and was measured in each local code by smaller defined units (e.g. okka, Istanbul kile, etc.).

Kmet- the Bosnian equivalent of the Serbian voynuk in the medieval period and a term used for the dependent Bosnian peasant in the nineteenth century.

Kmetic- A diminutive form of kmet, and often denoted a kmet who degenerated to dependent peasant status.

Knez- Within the Ottoman structure, the knez was most often the headman of auxiliary vlach militias. They usually had a timar and collected income from their vlach clan under an agreement where the knez collected taxes from them for the state.

Krin- An old Serbian duodecimal grain measurement equal to two large kabals or 288 okkas, the largest amount in the scale.

Kulluks- Labor services or corvee.

Latifundia- the development of great estates in the late roman period. In Byzantine times a similar development led to the creation of the pronoia system.

Liva- In the kanunnames a synonym of sancak.

Logothet- A Byzantine administrative office.

Lukna- Two varieties of later Serbian grain measurements, the first 72 okkas or twelve silver pieces and the second 12 okkas or 2 silver pieces. this second smaller lukna was the successor of the earlier small kabal measurement.

Martolosi- A Christian auxiliary military force who were utilized by the Ottomans heavily in the Balkans until the seventeenth century, and were known especially for guarding local fortresses.

Mazul- The institution of a timar holder's dismissal and wait for redistribution.

Medre- A predominant local weight in the Serbian regions, listed as four okkas.

Mihkal- A unit in the Ottoman system of weights and measurements used for precious items and equaling approximately 4.81 grams.

Miri- The Ottoman term for state sovereignty over all land and property.

Miri arazi- the system of state land control in the Ottoman Empire.

Mjerop- The Serbian peasant who normally farmed a baština unit and performed the soć and the mjerop tenth obligations for that unit. Originally the word meant "settler" and was intended, originally as a colonizer of the land.

Mjerop law- the system of law which governed the Serbian mjerop peasant baština land holder and has been controversially interpreted in the historiography.

Mjerop tenth- the land rent, paid in kind and/or in labor, that the Serbian mjerop paid on the agricultural lands of his baština unit. This was a flexible amount, but equaled 1/10 of the cereal grain seed sown on his lands. in contrast to the more literal Ottoman tenth, the Serbian variety was most often a much higher proportion of the crop.

Mjet- "measure" in Serbo-Croatian.

Mübaşir- A representative of the central authorities authorized for some type of local duty.

Mücerred- A dependent tax of the çift resmi usually applied to an unmarried able bodied adult male without land in the amount of 6-12 akças.

Mud- A very large unit in the Ottoman weight system which weighed approximately 513 Kilograms.

- Mufasssal defter- a "detailed" register of a sancak which was drawn up by the emin or head registrar of a province along with his assistants. This specific type of register recorded all of the income of the reaya or the productive population and could be used for calculating the approximate population of a province, as all sedentary peasant "households" were recorded.
- Mülk- "freehold property". See temlik.
- Mukataa- the system of lump sum payment given by the holder of the mukataa revenue holder as a indirect form of revenues which the state allows him to collect. This form of revenue grant was given by the Ottoman authorities when a more standard form of revenue distribution was thought to be ineffective.
- Narh- An officially fixed price in the Ottoman marketplace.
- Nim-çift- A smaller dependent tax of the çift resmi, the equivalent of half a çift-hane unit or 11 akças.
- Niyabet- a common name for the badihava taxes. Taken from the small Ottoman judicial officer, the naib, or the kadi's assistant, who often collected these revenues.
- Okka- A unit in the Ottoman weight and measurement system used mainly for grain measurements. the okka weighed approximately 1.28 Kilograms.
- Örfi- The legal sphere of Ottoman customary or state law.
- Öşri- according to the definitions of Ebussuud, the category of originally Muslim owned private land which paid the öşür tax but was free for disposal.
- Ostrok- the lowest level on the medieval Serbian landless dependent peasant. they were often prisoners of war or slaves.
- Öşür- See aşar.
- Padişah- The Ottoman Sultan.
- Paşa sancağı- the largest province in the Balkan region which included Edirne and was usually directly ruled by the commander of the provincial armies in the Balkans, the Beylerbeyi of Rumeli.
- Perper- A monetary term used in Dušan's Code as the equivalent of twelve silver dinars or silver pieces.
- Plemenito- "Noble" or "clannal" in Medieval Bosnia. Synonymous with "baština" as the Bosnian noble's hereditary land holding.
- Poklon- The series of gifts the kmet had to give as customs on his landholding.
- Polacina- As Bojanić defines it a custom given by villagers to their lord in return for the lords protection of the fields. this custom was wide spread in both Serbian and Bosnian regions.
- Praktikon- A Byzantine document used to give an exact description of a pronioia holding.
- Pronioia- In general the earlier Byzantine system of income distribution to members of the military administrative class by a cadastral system of state land and revenue control. A predecessor to the later timar system. as a specific unit, a fixed amount of revenue granted as a usufructory right to a holder, usually a member of the military class.
- Pronoiars- Holders of pronioia revenues under the Byzantine or old Serbian systems granted usufructory rights on these revenues in return for personal service for the state, usually military.
- Reaya- The productive population, both rural and urban, of the Ottoman empire.

- Resm-i arusane- The bride tax known also as the gerdik resmi. This tax was levied on each male at the time of his wedding and was differentiated in scale according to class. This tax was included among the incidental, or badihava taxes.
- Resm-i bive- the widow tax usually taken in the amount of 6 akças and was included in the ispence system of taxes. In its old Serbian definition it equaled the annual labor a Balkan would work at the distaff.
- Resm-i çift- (or Çift-resmi)- The name for the main customary land tax levied on the çift-hane unit during the Ottoman period. The full tax was usually twenty-two akças. At the time of this taxes conception, the tax was taken as the silver equivalent of one Venetian Dukat, the prevalent gold piece. The resm-i çift also included smaller proportional taxes which took into account both land and personal status.
- Resm-i duhan- The chimney tax, or hearth tax of six akças customarily levied on all nomadic inhabitants of the land. In pre Ottoman times the tax may have originally been a communal hearth tax on the right of refuge in the local lord's fortress.
- Resm-i harman- The "harvest tax", a customary law term that Bojanić argues in the province of Vidin might conceal a pre Ottoman tax.
- Rüsüm-i örfiyye- The standard phrase used in the Ottoman law codes for the resm-i çift and its dependents, the main customary or örfi tax levied on the reaya peasant farm household.
- Salarlık- (or "salariye")- The supplementary tax which was normally added to the standard aşar, or tenth on grain. this usually amounted to about 1/40 and together with the aşar was a rough 1/8 proportion.
- Sancak- The standard provincial unit in the Ottoman Empire.
- Sancakbey- The chief military administrative officer for an entire larger province, or sancak. He was responsible for security as well as for maintaining a provincial cavalry force.
- Serahor- A Bosnian local custom for the maintenance and upkeep of the fortress garrisons of the region. Perhaps related to similar aspects in the ispence tax.
- Seri- The sphere of Islamic law in the Ottoman Empire
- Şeriat- See şeri.
- Şeyhülislam- the highest religious and judicial official within the Ottoman empire.
- Sipahi- The typical timar holder in the Ottoman military and administrative class. The sipahi was a cavalryman who participated in the provincial army and provided security for the reaya assigned to him in return for his salary.
- Soc- A form of land rent in Dušan's time, usually the equivalent in kind or in cash of one gold piece that the mjerop paid as rent on his residential property, his "hortus".
- Sokalnik- The dependent peasant subject to the soc tax.
- Soldo- An Italian measurement for four hundred quadratklafter.
- Solida-(later the "nomismata") The earlier Roman and Byzantine standard gold piece.
- Stanici- According to Truhelka, the Bosnian provincial judges, often of kmet origin.

- Stratitot- A member of the Byzantine free peasant militia who as a class was largely extinct by the eleventh century.
- Subaşı- The headman or chief administrative officer for a smaller unit within the Ottoman provinces, often a town or a market.
- Tahrir defter- a "census" register which is a broad term denoting the registration of the entire productive income of a province, or sancak, and the distribution of this income to members of the military administrative class in that sancak. Usually divided into two groups of defters, mufassal defters and icmal defters which were both drawn up by the emin, the official registrar along with his assistants. Often in the classical age, tahrir defters were regularly revised every 10-15 years or upon succession of a new sultan.
- Tapu resmi- the tax on the tapu, the pledge or lease of state land to a peasant household given in return for the household continual cultivation of the land and his payment of certain annual taxes and duties. Truhelka has argued this term was used to hide earlier Bosnian medieval customs.
- Tekalif-i örfiyye- "customary impositions" in Ottoman Turkish.
- Temlik- "Freehold property". A necessary first step to change property into vakıf, or charitable endowments.
- Tezkereli timar- A timar with a certificate of confirmation.
- Tezkeresiz timar- A timar issued without a certificate of confirmation from the high Ottoman authorities. usually a timar of small revenue.
- Theme- The Byzantine system of military regions which were organized by the free peasant militia in the province.
- Timar- In general the Ottoman system of income distribution to members of the military administrative class by a cadastral system of state land and revenue control. As a specific unit, a fixed amount of revenue granted as a usufructory right, usually lifelong, to a holder of the military administrative class, typically a sipahi.
- Timar-i eşkinici- According to Truhelka, the Ottoman term for the Bosnian medieval nobility. "Eşkinici" means campaigner.
- Timariot- The holder of a timar, usually a sipahi, or a cavalryman in the provincial army, who enjoyed these revenues as a salary from the state in return for certain obligations, such as supervising the reaya among his timar and guaranteeing their security and justice. They were responsible directly to the state and could have these usufructory right taken from them at will.
- Trjetnik- The term used for the Bosnian dependent peasants who paid a "one third" proportional grain tax.
- Ücret-i muaccele- According to Ebussuud, the Islamic term for the tapu tax in the arz-i memleket system.
- Vakıf- "charitable endowments" in Ottoman Turkish. In the Ottoman system of land law a loophole often used to gain hereditary rights on the land, although still in theory land in this status was subject to every new sultan's confirmation, and its maintenance of its alleged charitable and non profit purpose.
- Varoş- A type of Balkan border fortification, used especially near the Hungarian frontier.

Venetian ducat- The predominant gold currency in the Mediterranean area during the period of the Ottoman conquests. During the second half of the fourteenth century, it equaled approximately twenty-four silver pieces, either dinars or Ottoman akças.

Vilayet- In the Ottoman kanunnames, often a synonym of sancak.

Vlach- A Christian nomadic group of Romanian origin who were used especially by the Ottomans as auxiliary military forces.

"Vladušti na državu"- A phrase in medieval Bosnian documents which like the earlier pre-Nemjanic term expressed usufructory, not hereditary rights.

Vlastela- See vlastelin.

Vlastelin- The upper class of magnates who dominated Dušan's lands before the Ottoman conquest. They were usually pronioia holders.

Voyvoda- A local Ottoman administrative officer. The word also has a distinct Balkan meaning of a martial leader.

Voynuk- The term means "soldier" in several Slavic languages. In the late medieval periods voynuks were a low level free peasantry militia who formed an important social class. They were used very effectively by the Ottomans to integrate the old social orders into their imperial structure.

Vukuyye- A synonym for okka.

Yava- a tax under the badihava category.

Zaim- the holders of zeamet incomes in the Ottoman state land control system and typically were subaşıs and sancakbeys.

Zeamet- A large amount of income, as a rule over 20,000 akças, that was granted by the tahrir defters to various high ranking Ottoman administrative officials such as a sancakbey or a subaşı.

Zekat- A tax on those of Muslim faith.

Žlatnik- The Slavic term for a gold piece.

Župa- The central Balkan county organization used throughout the south Slavic lands. The župa also usually included a fortress where the community could seek refuge.

Župan- The ruler of the pre-conquest central Balkan župa, or county.

APPENDIX.

Note: The following passages were taken from Sabanovic's Kanun-i Kanunname. As these texts have already been published, the purpose of this English translation is generally limited to those laws which relate to agrarian relations, landholding patterns, and tax structure in Bosnia. After the first kanunname, which is printed in full, only selected passages are taken. A break is indicated by (...). I have also tried to keep the original paragraph structure of the passages as much as possible. In terms of the more specific Ottoman vocabulary, I refer you to the glossary. Finally I would like to acknowledge Professor İnalçık's guidance in translation of these kanunames.

I. The Kanunname for the Sancak of Bosnia from 1516 (h.922).

The kanunname for the vilayet of Bosnia.

The exalted imperial order, which is issued about the zeamets and timars which are established in the vilayet of Bosnia shall be as follows:

Let the zeamets and timars, which are registered in this new imperial defter not be altered or changed. Let them not incorporate one timar into another timar, nor a village into another timar. Let them not damage and not convert a tezkereli timar into a tezkeresiz timar. Similarly, let them not convert tezkeresiz timars into tezkereli timars, [and] let them remain as they are. The vacant timars in the sancak shall be bestowed to the dismissed of the sancak and are not to be given to the dismissed timar holders of another sancak. If those who come from another sancak and own zeamet and timar in the vilayet of Bosnia and go later to their home sancak, it is reason to be deprived of their property. If those who own zeamets and timars reside in Bosnia [but] do not perform every service or are not present all the time in the sancak, let the sancakbey report to the beylerbey about those who are not present, and if they are owners of tezkereli timars or zeamets let the beylerbey report about it to his greatness the Padisah of Islam...May Allah preserve his empire until judgment day, and let his properties be given to those which have been deprived of zeamets or timars equivalent to the mentioned zeamets or timars, and let them not make any alterations or changes on these timars and zeamets. And do not let the owners of zeamets and timars be deprived of their zeamets and timars because of an insignificant pretext but only if they do not come to the decreed service or commit some act against the imperial ferman or commit murder. About this again let the sancakbey and kadı report with their written reports; let them keep them in a safe place and equally let the reports answer those who would complain saying "I am deposed without guilt". If, however, it becomes evident that the sancakbey and kadı reported that thing which is contrary to what actually happened and if the timar holder is victimized, let his [the accused's] timar or zeamet be affirmed and have the sancakbey and kadı fired. If the beylerbey would commit something against this mentioned law, let who is the defterdar [of the beylerbey] warn him, have him [the beylerbey] prevent it and have him not write [that which is against the kanun].

After the old and new çiftliks deliver every akça to the imperial treasury which has been determined in the new imperial defter, [all] hukuk-i şeriyye and rüsüm-i örfiyye taxes are abolished. And let no one demand anything from them. And whoever demands them let them not listen to him. Let [the taxes] be demanded only from nomads.

Yeni Pazar with its incomes of ihtisab and ihzar belong to the royal hass domain of his exalted and all powerful emperor, may Allah keep his empire until judgment day! And Zežne's hukuk-i şeriyye and rüsüm-i örfiyye together with the ore from the surrounding area belong to the imperial treasury.

But in order to execute the imperial punishments a representative of the sancakbey resides in Yeni Pazar and together with the assistance of the kadı he executes the required punishment. And let them prevent those who retreat from the Islamic land and bring to the side of the infidel good horses, armor, tools of war and struggle. Let them force the infidels to sell it [the war materials] to them and let him pay what they are worth and let them [the representative of the sancakbey and kadı] keep possession of the military equipment. Only let them be on one's guard for those who would fool them and would betray them with allowed secret bribes.

The owners of zeamet and timar and the people of the castle are not to delay taking the produce of their raiyyet. Anyone from whatever class who commits such innovations and injustices are to be dismissed.

Horses are taken for delivering sufficient amounts of provisions for the border fortresses and are collected according to the accustomed manner from the people and from the fortress garrison . Adequate sums of money, which is usually sufficient for the fees are given to the owners [of the horses]. Let them not take more money.

If one of the border fortresses are ordered to be repaired, let there be registered serahor in the province from house to house to upkeep and construct the fortresses. Let there be gathered master craftsmen, these ten to eighty Christians liberated from extraordinary taxes, who are obliged to repair all the [fortified] cities in the vilayet of Bosnia. Let the fortresses be built under the supervision of an architect who cultivates a timar for architectural service in this country. When he performs this service, let the money [for it] come from the state treasury [beylik] and not have the money forcibly paid by someone else.

Whereas the men belonging to the sancakbey and his subaşı as also their amils (representatives) who take the job of collecting their penalty dues as tax farming to hold the sources of revenue under mukataa, let his stewards not take [fines] again under the siyaset law. Such innovations are abolished and let those who are kadıs in the province prevent it. Let those who do not obey be punished according to need. If the kadı does not perform it have it be the reason for his dismissal.

Those who deserve hanging, chopped off hands, heavy flogging or lighter flogging, let them receive their punishment and do not have anything [in money] taken from them.

And for those fined , take how much is determined in the kanunname, [and] do not let more be taken.

And for the thieves which deserve hanging, it is not valid for those who would say [as an excuse for responsibility] "he broke out from prison [and ran away]". Let the amil or voyvoda find the thief whom he permitted to escape. If he is not found, have them [the officials] hung in his place.

When butter worth seven or eight akças is sold the amils of this district take around one and one-half to two akças bac. Whatever is carried to the market and sold, bac is taken on it, whether it is carried by shoulder or by donkey-cart.

In a similar way one akça bac is to be taken if one sells something worth more than forty akças. However, bac is not taken on that which is worth from five to ten akças and let no one introduce such innovations.

In some places four akças are taken from house to house under the name of polacina and let it not be taken. The old law is that two akças are to be taken from every household; the sancakbey takes one akça and the owner of the timar [takes] one [akça]. Let nothing above that be taken.

In some places five akças are taken from each household in the name of the tithe on hay. From now on let this tax be taken only in places in which it is registered in the defter as part of the income of the timar and let them take nothing in its place when the tithe on hay is not registered as income of the timar. Let no one commit this injustice.

There are churches erected in some places where they did not exist during the old time of the infidels. Let such newly erected churches be torn down; and those infidels and priests who reside in them , spy the surroundings and communicate with the land of the infidels are to be punished severely or have them corporally punished.

Let there be torn down crosses which are placed on the road and they are not to be placed in the future. And if they place them, let those who commit it be punished and if the kadı in whose kadılık it occurred does not forbid and does not prevent it, it will be reason for his dismissal.

The exalted ferman of his majesty the Padisah, the shadow of Allah, whose ferman needs to be obeyed, in mediation with Yunus Paşa has registered in the Vilayet of Bosnia one thousand Akıncıs [voynuks] that guard the borders of the Islamic land. If provisions are to be delivered to the border fortresses, let them [the Akıncıs] in cooperation with the sipahis perform this service. In the places where the security measures are to be taken, let five

hundred arrive in one shift and five hundred in a second shift and let them perform their services so. And let no one impose a burden on the above mentioned Akıncıs and their horses. and let no one use their horses. No one shall employ them for services. Do not let them burden them with any other kulluk except for the service of his majesty the Islamic ruler, may his empire last until judgment day. Let them [every thousand] perform their service entirely in times of truce and in moments of danger. In connection with his baştına the öşür-i şeriyeye and all rüsüm-i örfiyye and avarız -i divaniye and all imposed taxes are annulled. As compensation for all of this let them give the akças every year to the imperial treasury as it is defined in detail in the new imperial defter. And according to custom the one thousand Akıncıs give one hundred thousand akças. let them take nothing from his sons. The Akıncıs which do not come to [perform] the imperial service are to be punished, [but] do not have money taken from them. In order to ensure safe passage for the voynuks of Yeni Pazar and Senica, Iskender Paşa, Firuz Bey and Yunus Bey have established varoşes In [these] varoşes and in the varoş of Priboy twenty voynuks are to arrive from each of the above mentioned paşas and beys and in the above mentioned varoşes they are to build houses, settle and guard.

Fifty voynuks each from Brod and Neretva guard the fortresses which are in the border regions.

And fifty voynuks are to guard the fortress of Akhisar. When their shift is completed have another fifty voynuks come at that time and [then] those whose shift is completed leave, and those who came on duty are to guard.

Have fifty voynuks guard the city of Sinj in the same manner. Have those who do not come on their shift be corporally punished and do not have monetary punishment taken.

The bedel-i cizye has from old times been set at thirty akças on every person (every son brother, relative and follower of the voynuks of this vilayet) and its collection is appointed to the headman. And the mentioned thirty akças each are to be paid to the state treasury, and after payment do not have the ispençe or some other tax taken from them.

But do not let those who are in the voynuk reserve cultivate the reaya's land.

And if the voynuk tills and cultivates the reaya's land let him be forbidden it and let the aşar and ispençe be taken from him.

If someone from the voynuk reserve takes possession of the reaya's land let the aşar and the ispençe be taken from him.

If someone from the voynuk reserve takes possession of a haraclı raiyyet baştına let the harac and ispençe and aşar be taken [from him].

If someone from the voynuk reserve (who) gives thirty akças a year as bedel-i cizye takes possession of a reaya's land or a haraclı baştına, his own bedel-i cizye is taken for the imperial treasury [as] also the above mentioned baştına's harac is taken for the imperial treasury [and] the sipahis take the ispençe and aşar.

The sancakbey's people and his representatives (mübaşirs) are not to ride the voynuks horses. And they are not to force them to scythe and bring the hay to the barn , nor gather firewood. Let them [the voynuks] not be burdened with any other service outside of the service of his majesty the Islamic ruler.- May his empire last until judgment day! And have those voynuks who did not come for service be punished with severe corporal punishment, and do not have monetary punishment taken from them.

II. The Kanunname for the Sancak of Bosnia from 1530 (h.937)

The kile in the protected city of Saraybosna is worth the amount of fifty okka. The narh for a kile of wheat is fifteen akça, ten akças per kile of barley, millet, rye, lentil and broad beans, all being roughly equal(check line), and the narh for a kile of oats is placed at five akças. In the new defter it is registered that the fixed price for every medre of wine is seven akça and eight medres make one yük and that the fixed price for every cart of hay is twenty akças...

Owners of zeamets and timars and people of the garrison are not to delay estimation of the aşar of the reaya's harvest. Whoever commits such innovation and injustice will be relieved of his rank.

If it is ordered to repair one of the fortresses on the border, let there be registered serahor from the province and let them work to construct fortresses, [and] have master craftsmen collected who are reserved for the fortresses of the Bosnian province as bricklayers and carpenters, and they are free of taxes. And they are to build fortresses under the supervision of builders who cultivate timars because of construction service in this land. When performing [their service] the money is to come from the state treasury. Nor is the money to be forced from someone...

In some places four akças are taken from every household in the name of the polacina. Let it not be taken. According to the old law two akças are taken from every household. Earlier according to the old defter, the sancakbey took one akça and the owner of the timar took one akça. Now the two akças which are registered as polacina are (established) for the owner of the timar. The sancakbey is not to interfere.

In some places five akças have been collected from every household under the name of the tenth on hay, and in some places the tenth was introduced, and the tenth was taken. Let them take from land which is registered in the defter as revenue. In places in which hay was not fixed to the timar as

revenue let nothing be taken. Let no one [introduce] this arbitrariness and injustice.

Twenty soldiers each were sent into the varoşes which the late İskender Paşa, Firuz Bey, and Yunus Paşa erected for the security of the road and into the varoş of Priboy and worked out an agreement with the former administrators to this effect: They would build houses, reside and guard everyone of the mentioned varoşes [and] if someone on the roads had trouble or lost their possessions, whichever varoş was nearer, the guards of that varoş would compensate for the damage. Some of the mentioned soldiers (voynuks) have died off and some have migrated. Presently non-Muslims are appointed as derbendcis who would protect and guard as earlier the mentioned varoşes, and thirty akças cizye on every house, and one akça sheep tax on every sheep and one kile wheat and one kile barley on every two houses and ten akças ispence are registered for every man, and also they give taxes for the garden, and give the tenth on wine and so on. As they guard and watch out that no one's property of life is damaged, let them be free from all avariz-i divaniye and tekalif-i örfiyye.

In the liva of Bosnia, two akças each are taken on hass or timar under the name polacina on Hizr İlyas Günü (Durdevdan)

The tax on beehives, from places where it is registered is given the first of August. Moreover one beehive is taken from ten as the tenth on beehives. If there are more or less than ten beehives one and one half akça tax is taken from every bee hive.

Two akças are taken from registered gardens on Kasım Günü (Mitrovdan). Outside of this, the tenth is taken on cabbage, turnips, white and black onions.

The mukataa with çiftliks are canceled and moreover it is ordered that they give the tenth and the salariya. And those from the reaya which live in the çiftliks are registered as reaya and the land where the çiftliks are found deserted or are in the reaya's possession, and the revenue from descends to the lord of the timar.

It is reported that there are some meadows, vineyards, fruit trees and mills which are on hass and other timars registered as hass, [and] remained such but are wasted and have grown desolate because they do not have fixed holders, [and] when they were registered earlier in the mentioned province they were not given with tapu and some fell into the possession of the sipahi and the reaya stopped working on the hass. And it is ordered to give [the lands in question] with tapu to those who claim it, and litigation is performed among those who claim it. Whoever gives more will be registered. The tax on the tapu is taken from him and delivered to the imperial treasury, and is established as land for its owner, who works and cultivates and gives the aşar, the salariya, the mill tax and the tenth on meadows...

For the bride tax (resm-i arus) sixty akças are taken for a rich one, forty akças for a poor one, thirty akças for non-Muslim girls, thirty akças for rich widows, twenty akças for middle class widows and fifteen akças for poor ones...

And it is mentioned that those who are in the mentioned livas with their own baştina and are free and exempted from taxes that they and their sons are free and exempted from taxes, that they and their sons don't give harac, ispence, the aşar on grain and, the sheep tax, nor other taxes, nor any burdens other than gathering harac [when acting as emin], gathering imperial goods and when there is imperial service, have them perform the obligatory service as it is detailed in the mentioned manner in the new defter. When they perform service and make no mistakes, let them be free and pardoned from taxes that are recorded in the defter, and have nothing claimed that is against the defter, and when they die, let the son acquire the primicur in his place.

III. Kanunname for the Sancaks of Bosnia , Hercegovina and Zvornik from 1539 (h.946)

Explanation for the law which is valid for the sancaks of Bosnia, Hercegovina and Zvornik.

The wheat, wheat flour and other [products] which are sold by kile in Saraybosna- the kile of it is equivalent to sixty-six okka- [and] it is determined that a kile of wheat is fifteen akça, a kile of barley ten akça, a kile of wheat flour five akça and for the measure of wine, which is called the medre, of which eight makes one load, seven akça and a load of hay at twenty akça.

Let the sancakbeys, subaşı, owners of timars and the others take the aşar from their own reaya according to how it is determined. Let no one say that it is not time and let them not oppress the reaya. When the reaya demand [the collection of the öşür] they are not to be one hour late. If it is done [late], it is cause for his dismissal...

And if provisions are needed in the fortresses on the border let them collect five akça from every household and have it given. Have them not claim more akças than that.

And the sancakbey's people, subaşı and amils and others who take fines according to the law, let them take nothing under the name of a criminal fine (siyaset-i cerime). Similar innovations are abolished. Have them not graze cattle on the meadows of the reaya. Have them not take wood, food or some other imposed tax. All innovations which haggle the reaya are abolished. Do not allow something to be imposed on the reaya. have the kadı of the land by the mentioned law hinder services of scything the meadowlands and watching horses being forced upon the reaya. Those who are not able to prevent this are to report to the Sublime Porte in order to have them punished. If the judge does not record or report it will be grounds for his dismissal...

And two akças are to be taken under the name of polacina. This is for the lord of the timar. They are to have nothing else here, have nothing taken.

The tax on hay is in some places five akças per household and in some places established as the tenth. Let the tenth be taken...

And in narrow passes and dangerous places derbendcis are appointed to ensure the belongings and lives of the passing travelers. If there is damage they are responsible for their lives and property. the mentioned derbendci's taxes are ten akças per household as ispence, and one kile of wheat and one kile of barley per house. And if they have no vineyards, one tenth is taken from the vineyard's wine [and] the garden tax [resm-i bostan] and taxes are taken [like the other reaya]. In places where there is hay, have the tenth taken and in places where there is none, nothing is to be taken. Have them pardoned from all non-şariat extraordinary taxes (tekalif-i örfiyye).

The two taxes which are taken in the sancak of Bosnia and in other places are due on Hizr İlyas Günü. And the tax on hay and the beehive tax are due on the first of August from the places where they are registered. Where there is ten beehives one beehive is taken [and] where there is eight or nine, there one and one half akças are taken. Have nothing more taken. And as garden tax (resm-i bostan) two akças are to be taken on Kasım Günü. Outside of this, if there is cabbage or onions, the tenth is to be taken.

As ispence, again twenty five akças are to be taken from the non-Muslims. Let twenty-two akças be taken from the converts to Islam who are married. Twelve akças are to be taken from converted young men who are of age. If a Muslim or a non-Muslim dies, [and] if he gathered the harvest the previous year, the entire ispence is paid, because it is outstanding; he is marked for cizye. Let it be dealt with in this way. The time for the ispence is march; it is paid the second or third day of March.

The mukataa with çiftliks are abolished, and the aşar and salariya are introduced. The salariya is in the amount of three bundles per hundred and three kiles per hundred. Have no more taken. And the nomads who are found on his çiftliks again as earlier are registered on their own places as reaya and submit to the sipahi. The lord of the çiftlik is not to interfere. They are the cultivators of the land which they occupy [and] again no one is to interfere.

If some reaya would leave his own land, and someone [else] is registered for his land, when this reaya returns again to his own place, have the kadı return his land to him. If this [land] is taken with tapu, according to the şariat he is going to pay the kadı his expenses, it is given and the baştina is turned over to its [former] possessor. let no one prevent it.

Have the mill which works six months give fifteen akças as tax, and the mill which works the entire twelve months give thirty akças as tax, and nine akças from the mill which works three months. The mill tax is due no sooner than the arrival of the new grain into the mill, and it is taken at this time.

And those nomads which came and reside in one village and do not reside in the village registered there as reaya but rather as reaya of another sipahi, the lord of the village in which they reside is able to take six akças as a chimney tax (resm-i duhan). Only when the year is complete is he able to take [it]. And if that [one] which resides in the village hoes and scythes then he gives the sipahi the aşar, [but] from such persons he is not able to take the chimney tax.

If a reaya hoes and scythes in some other village and leaves his cultivated lands deserted, warn him. If after warning him he sows, it is necessary to give two öşürs: one to the lord of the land (sahib-i arz) and the other in the place where he is enrolled as reaya. The lord (of the reaya) takes the aşar, and the lord of the land takes one-seventh or one-eighth.

In regards to the beehive tax, whoever's land it is in, the tenth and the tax belong to him.

If there are more than five or more brothers and one of them dies, his part of the land becomes his own tapu. There is no profit to say "our land is mixed". It is under tapu.

And one mountain which is wooded and villages are found by it, and what is more they have definite borders, and on the clearing of the forest on the mountain they have placed borders on the place which has been cleared by axe. The mountain is nobodies. Whoever restores the deserted place, it is his. Let no one interfere with it. He pays the filori, let no one claim more from him. When paying the filori let no one oppress him. Let him be free of all burdens.

IV. The Kanunname for the Sancak of Bosnia from 1542 (h.948)

The kile which is valid in the protected fortress of Saraybosna is in the amount of fifty okka.

The bill for a kile of wheat is determined at fifteen akças, and every kile of barley, millet, buckwheat, lentil, and vetch ten akças, and a kile of oats at five akças.

It is determined in the new defter that the bill of every vedru [medre]- eight vedres making one load- is seven akças and the fixed price for a single load of hay is twenty akças...

Have the owners of zeamets, timars and the garrison watchmen not stop collecting the aşar from the revenue of their own reaya. Those which introduce such innovations and commit such injustices are to be deposed without regard to their rank...

The non-Muslims, who reside in the varoşes which were established to ensure the road by the late Iskender Paşa, Firuz Bey and Yunus Paşa, were appointed in the old register as derbendcis who guard and protect the varoşes. They paid their taxes and the aşar according to the customs of the other derbendcis. The origins of the ranks of the non-Muslims which no reside in the mentioned varoşes are vlachs and are taxed the filori as other vlachs. And as they were derbendcis from old times, have them perform derbendci service, and in reparation for their service, they are pardoned and free from all court levies, customary taxes and other state service. So it is fixed in the new defter...

In the name of the bride tax (resm-i arus) sixty akças from the rich, from the poor forty akça. From non-Muslim girls thirty akças; from a rich widow, thirty akças. From those of middle propertied class twenty akças, and from the poor fifteen akças...

Possessors of çiftlik (çiftlikci) which are found in the mentioned region pay from old times on by mukataa. Later the land inspector (nazir İvaz) annulled payments by mukataa, and introduced the aşar and the salariya. Now, when by imperial command the mentioned liva was again registered, the mukataa çiftlikçis came to the Porte of Felicity and said: "Our regions are for the greater part of the year cold and rainy, and the sipahis did not arrive on time to collect the aşar of revenue which they have on our farm and therefore on some fields and on some meadows fell snow and frost and in general damaged our production." Therefore it was demanded and requested that their farms be paid by mukataa. Forthcoming the imperial order (hükm) came where it is ordered that those who are accommodated to performing çiftlikci, pay more than what is fixed in the old defter, and settle accounts with the yearly income of all his farms (çiftlik) and register payment in cash; it is ordered with the imperial order (ferman) whom it suits to perform as çiftlikci, pay more than what is in the old defter is fixed payments in cash and it is with his agreement determined in the new defter. Along with this idea, confirmations (temessük) are given to them for defining the farms that thereby they pay from year to year in cash to the owners of the timar [as a] fixed part of their income.

Reaya which reside in the çiftlik are registered as reaya of the land that is found in their possession are left in their possession [and] their income is registered to the owners of the timar.

And for the reaya who resides and plants on the fields of newly established regions which are not register in the defter is not burdened with taxes. The filori is registered. And those lands which are abandoned without reaya and which are not registered in the defter ("which are outside the register") and which are not burdened by taxes, when given with tapu to the interested parties by resm-i çiftlik, auction among the interested parties. And when the time comes to record in the defter, the one offered the most is confirmed, and his resm-i tapu and more (in the amount of the resm-i çiftlik) for performing the auction is delivered to the imperial treasury. And in this way a certificate of confirmation (tezkere) is delivered into his hands, and the lands and fields are registered for its new owner.

Forthcoming for the majority of the mentioned land which borders enemy territory which is not able to be cultivated as needed it is determined that as reparation for the tenth (bedel-i öşür) they will pay for every çiftlik the equivalent in cash by consent of its owner and according to the report on the land. And when they are able as needed to cultivate they pay the aşar and the salariya and tax on mills and the tenth on the meadows by custom and according to law.

V. The Kanunname for the Sancak of Zvornik from 1548

By the sublime, noble ferman, it is ordered that in the liva of Zvornik the aşar and the salariya are given from the land and the baştinas which are found in the possession of the reaya this case is to be enrolled in the new imperial defter, from those which possess çiftliks, from timariots who cultivate baştinas and land and others. In the mentioned vilayet the load (yuk) is from old times recorded in the amount of four kiles. The kile measures wheat of medium quality. Every such kile is in the amount of thirty-three Ottoman okkas and the load is fixed at 132 okkas. In the mentioned liva all cities, villages and market centers are dealt with in the mentioned manner. So it is recorded in the new imperial defter and if sellers and buyers introduce a heavier or lighter kile in the cities, market places and villages, it is not to be put into practice.

Let there be cizye placed and ordered on the heads of the non-believers, and the harac from his baştinas, according to its [the baştina's] potential, [and] let it be gathered and recorded in the defter and the money from it be delivered to the imperial treasury. Except for the those in the service of the derbends, from every non-believer and from those which own old Christian baştinas which are registered for the harac, twenty five akças are ordered as ispence, two akças hearth tax on firewood, two akças polacina, two akças as a tenth on the garden, two akças as a tenth on places which have fruit, and two akças as a tenth on flax. On places which have grassland the tenth on hay is taken, and on places without pastureland nothing is to be demanded...

And from whoever is registered for the aşar, or whatever it may be, have the aşar taken from him at the proper time, and for those who are registered for whatever tax, let them take the tax at the proper time. The polacina is taken on Hızır İlyas Günü, the tax on firewood at Christmas, the mill tax when the new grain is brought into the mill, and the tenth on honey at the beginning of August.

From the baştinas which don't have inhabitants but are tilled from the outside, the aşar, the salariya and the tenth on hay are to be collected, and if there is fruit, a tenth on fruit, and other small trifling taxes are not to be claimed. In some villages live Muslim reaya. From old times it is registered in the imperial defter that twenty-two akças are to be taken from every married Muslim, twelve akças from every single adult, twenty-two akças resm-i çift on every Muslim baştina which is owned by a Muslim, and the Muslim baştina is not placed under harac. And now as [it was] earlier and it is enrolled [as such]. The cizye is established on the reaya of the derbend which guard the pass.

According to derbend custom two kiles of wheat are taxed from every household, twelve akças ispence from every married non-Muslim, two akças tax on hay, and from a village that has vineyards, four medres being considered as a load, as well as the bride taxes and small taxes according to the derbend customs in the other vilayets. According to the old laws they are freed from avariz-i divaniye and tekalif-i örfiyye. Inhabitants from every derbend village in the mentioned vilayet are ordered to remain the places where they are to watch over and supervise the narrow passes and bridges. It is enrolled in the imperial defter by the responsible place, and in their hands are given detailed tezkeres. If those people who arrive and pass through have an accident or suffer damage within the derbend which they watch, they [the derbendcis] are responsible for the damage.

Outside of the villages and the places which they guard derbend are great highlands and forests. In the most recent time thieves have arrived, stayed there, and from that direction have attacked houses of those who live in the towns and villages. How many people have been killed and things plundered from the reaya! That they would succeed in beating this back, there were established in the mentioned vilayet by imperial command martolosi who guard such dangerous places and make regular rounds [there] and defend them. They serve paying tax by derbendci custom. This case was shown at the foot of the high throne, that they are necessary and important [and it] is ordered they are to be confirmed in their own service, and are inaugurated into the new imperial defter. That they would mutually aid each other, it has been ordered that there be twenty-five martolos among them. When the recognized sancakbey of the liva is ordered to campaign in the direction of Budapest, the martolos horsemen are to go on raid with him. Those who go to service are as compensation not taxed with the aşar, the harac, the ispence and avariz-i divaniye. Again by imperial command they are to be registered in the new defter for their own services.

As there are reaya in the mentioned vilayet from the ranks of the vlachs who are enrolled for the harac, [and] as there were primicurs and knezes from old times, they [the former primicurs] are appointed in order to collect the harac and registered taxes and sheep taxes from the [Vlach] reaya which reside in his village and are responsible for damage.

In every nahiye there is a knez. And the knezes are responsible for the primicurs in his nahiye and appoint emins and imperial servants for [the collection of] the harac, sheep tax and other taxes. From the primicurs, as compensation for their services neither the harac, nor the aşar, salariya, and taxes from his baştina are taken. Those who cultivate them (the primicur baştina) are free from avariz-i divaniye and tekalif-i örfiyye. The sons are set under him, as well as [his] brothers who live together with him. In the noble order which they have in their hands it is written that the son of the deceased primicur will take the place of the primicur from his father. When shown to the foot of the high throne that it was necessary and important to recognize [the primicur] as responsible for the imperial goods as earlier, it was ordered that the

primicur be confirmed by reason of the new imperial order, and be given detailed tezkere in their hands. And it is enrolled in the new imperial defter.

Those who are knezes are again assigned their timars which are in their possession according to their station. Since it is law for them that those who have a timar of more than one thousand akça go in person on horse to campaign when the sancakbey musters them for a military campaign towards Budapest, and that for those who have less than one thousand akças [have] worthy representatives go, it is written [as such] in the old resolutions.

As the reaya complained that [first] in the mentioned livas the emins and the mübaşirs of the imperial hasses and the people of the mirliva who own has in his name and some [owners of] timar do not take the aşar and the salariya from the reaya by bundle, and do not measure the wine by medre but take some bundles from very good fields in a village to use as an example for assessing the aşar which they collect. and [second] that they do not accept taking the grain and the wine on time and delay assessing until winter time, and [then] make a monetary assessment. [And third] that they do not put their own grain in the barn and that the wine is abandoned to the reaya and that they obtain it [the aşar on grain and wine] by cash at the daily price, and those that do not accept are not sent to the nearest market, but are forced to carry [it] to markets three or four days distant. As a consequence the reaya have suffered beyond measure and that many have run away because of this.

And it is ordered, as introduced in the kadi's sicil, that the emins of the imperial hasses, the subaşıs that own hasses, the mirliva, zaims and the owners of timar [all] take the tenth and salariya on time in bundles from the best and the worst fields according to their condition. [Also it is ordered] that their own grain is put in the barn, and the wine in casks and that they [the income-holders] do not take the aşar in cash from the daily price, [but] that [the reaya] are [only] obliged to take the grain to the nearest market. [Also] by old custom that they [the reaya are to] present their own wine at the time of the monopol, and the wine that remains after the monopol they sell to whoever they want. They [the owners of hass, zeamet and timar] are not to obtain these [illegal dues] from the reaya. They shall not burden them. As the reaya persistently demanded these things be enrolled in the new imperial defter, the given declaration is written...

The Law about the Tapu- If anyone from the reaya the possessors of timars and others who possess land dies or disappears without a sound and leaves sons behind him, the lands which are under his possession do not fall under tapu, but pass over to his son, [who] will cultivate them and give the aşar for them. If he does not have sons, and leaves brothers behind him, the lands fall under tapu. As unbiased people assess the tapu for these lands, his brothers will give the tapu for it. If the brothers do not give consent on the tapu that they assessed, and instead renounce [it], the lord of the land will give [the lands] by tapu to whomever he wants. The remaining of his relatives are treated as strangers. The sipahi will give to whomever he wants. When it was shown in the year h.957 (1550-1551) to the foot of the exalted throne, it was ordered that on the lands in which no male child or brother remains when there is no one left

behind, those who have died in the shown manner [and] no male children or brothers remain. Old is the law that the lord of the land gives by tapu [the land] to whoever he wants.

And those lands which the deceased cleared with his own axe, and [which were] converted into fields and meadows and in which he [the deceased] had invested all his money and cleared it, if he had daughters that claim the lands and meadows, give [them] to the daughters. But the sisters, like the brothers are to give the lord of the land tapu which is assessed by unbiased Muslims. As his daughters claim such lands and give the tapu assessed by unbiased Muslims, do not give to another, and give the tapu to them.

By law [it is not] permitted that the lands which are cultivated and give the aşar be sold or given away to anyone by the reaya or other possessors without the consent of the sipahi who is the lord of the land. If it is committed, the sipahi may cancel it and the land again remains with its old owner. But it is not permitted [for the sipahi] to dispossess [the old owner of the land] declaring "You have renounced them" and [then] give them to another by tapu, except if the old owner voluntarily gives up these lands.

If the reaya by necessity pledges one part of these lands which are in his possession to another and from him accepts some money and later when he returns his money, [the lender] does not accept the money from the one who pledged [the lands and this] produces a conflict, let it be given to its old owner. It is not the law that the baştina which gives harac and taxes be broken up, but [the land concerned] goes back to its earlier position, except if one of its parts can be an independent baştina and [it] is registered as independent by the emin of the vilayet.

If after a dead reaya there is a young son surviving and he is not able to cultivate the land, it is the law that his sipahi give to another while he is not able. But [when] his son becomes capable he is given [it] immediately.

If a land remains abandoned for three consecutive years without justification, it is the law that the representative who is his sipahi give by tapu [the lands] to whomever wants [them]. And the baştina with harac are dealt with in the following manner: If the hass lands are enrolled in the defter to the sipahi as hass, every sipahi in his own time freely gives [the hass lands] as he wants. If it comes under the tapu, the sipahi who comes to his place is able to choose; If he wants, he can accept it, if he wants, he can refuse it.

If there are not clearly defined borders between two villages, and the reaya together work its land, the income of every reaya which cultivates the land is registered at the vilayet registration as the income of his lord of the timar. He collects the aşar from his own reaya.

If some land falls under tapu and its sipahi does not take the tapu from the reaya but gives it without tapu and if later on some time another sipahi

comes in his place and by declaring "you do not have the tapu in your hands" claims the tapu tax, he may take nothing.

In regards to the land the Muslim and the non-believer are equal. If a non-believer leaves behind a Muslim son or brother, or conversely a Muslim leaves behind a non-believer son or brother, the son has the right to the land without tapu, and the brother with tapu.

VI. The Kannunname for the Sancak of Bosnia from 1565

As is shown in the old register that the kile which is used in the vigilantly safe-kept Saraybosna is sixty-four okkas, and that the kile and prices in the kadılıks of Visegrad, Brod and Kobas in the old defter are not in agreement with it, it is ordered that the kile and prices of all mentioned kadılıks be equal. The price of wheat and lentil [is to] be two akças more than that in the old defter and that mixed [grain] and oats one akça [more]. [Also] it is fixed in the new defter that in the cited kadılıks the kile be sixty okka. And for every kile of wheat and lentil the price is fixed at twenty-two akça, and for every kile of mixed (grain) thirteen akça, and every kile of oats seven akça. Every medre of unfermented grape juice is fixed at seven akça, as was the value in the old defter.

Another method: Earlier the kile which was valid in the kadılık of Yeni Pazar was forty-four okkas, and the fixed price for a kile of wheat fifteen akças, for a kile of wheat fifteen akças, for a kile of mixed [grain] ten akças, for a kile of oats five akças and the value for a medre of grape juice seven akças. As no more can be supported, it is fixed according to the old defter by its former conclusion in [its] explained manner.

Another method: In the mentioned sancak twenty-two akças are taken as tax (resm-i çift) from the çiftlik registered from the baştinas and eleven akças are taken as the bennak tax (resm-i bennak) and twelve akças tax on mücerred (resm-i mücerred), Bennak is said to be those who marry [who] have no land or who have less than one half a çiftlik of land. A mücerred is an intelligent and grown-up man, who is at the father's side and who is able to work and earn profitably. From the mücerreds who with the fathers and are not capable of working and earning profitably, nothing is taken as tax. The tax is taken in the beginning of March.

Another kind: From baştina which are registered in the register as protected non-Muslims (zimmi) twenty-five akças ispençe are taken as tax. And from married sons of non-Muslims who are capable of earning and working profitably and who are people of age twenty-five akças ispençe customarily are taken. In some derbendci villages ispençe is not taken from non-Muslim mücerreds, [and such a case] corresponds to the place in his expressly mentioned village.

Another type: When a non-Muslim takes [a] baştina which is registered in the register to a Muslim, [he] will give twenty-two akças resm-i çift, and when a

Muslim takes a baştina which is registered to a non-Muslim, twenty five-akças ispençe are taken.

From gardens, flax, hemp, clover, white and black onions and from cabbage the tenth is determined. [And] as is required by the noble şariat the salariya is not to be taken from cereal grain. Only the aşar is taken.

The tenth on beehives: From ten beehives, one beehive is to be taken. And if beehives are not taken, and money is demanded, one and one half akça tax is taken from every beehive. From vineyards which are registered to some Muslims per dönüm, seven akças per dönüm are fixed according to the old defter. If a vineyard has more dönüm than is approximately determined, the per dönüm tax is taken in the amount that the vineyard is larger. Before, when the aşar was collected in the mentioned sancak [in] some villages [it was collected as] one-seventh and one-eighth and in some farms (çiftlik) and meadows only the tenth. This time the aşar and salariya are fixed in all villages, meadows, and farms. It is necessary to take the eighth that makes five kile from forty. In the future neither the seventh nor the tenth are taken.

The law about abandoned farms: It is reported that from some land, which the reaya has restored by clearing forest with their own axes and from some land which they (the reaya) have cultivated twenty, thirty years and what is more [passed on] from family to family, a fourth part [of the land] has been taken, because those villages and meadows are by some insignificant commitment to a person fixed in the old register as çiftlik. Therefore it is ordered that the villages and meadows which were thus mistakenly registered as çiftlik be registered in the new defter as villages and meadows as they are and were and that the land which the reaya owns in the registered manner be left in their hands after more than ten years, and that the lands which they own be registered to them, and are determined in the explained manner. Those who before were owners of the çiftlik (çiftlik sahibi) that would remove the reaya from their land are not to burn or demolish their houses, and are not by any sort of pretext take away the land which the reaya owns. It is invoked as well that , in general they have no right of ownership. [It is the case that] only they [the lands] were mistakenly determined as çiftlik in the old defter and that they [the earlier recorded owners of the çiftlik] despotically took a fourth part without any basis. For farms and lands which are without tax in the old defter have come to be known as farms and lands by confirmation and acknowledgment of its lords [whereas] for farms and lands which did not have lords by declarations at reliable reaya and tax-collectors by order for the land registered as non-Muslim there are to be fixed taxes according to the magnitude of the land. If it happened that the approximate bill determined is less tax than that which corresponds to the amount of land, tax is to be taken according to the law for the surplus of the land from however much more owned than from the estimated çiftlik and half a çiftlik, as from reaya who have been omitted [from the defter]. For that which [should be] registered as "çift" and "nim-çift" which in some places has been allegedly registered as a fourth or a sixth of a baştina, these lands are to be measured according to their real amount. They are not to be considered as a fourth on a sixth of a baştina.

Another kind: From baştina which are under the authority of harac and which were converted in the old defter in order to cover the cizye and ispence and were registered as çiftlik without tax. Now [they] are separated from these which can endure and are registered as baştina as they are and were. And his tax the resm-i çift is to be accounted according to the noble order. As enough time has passed since the meadows and vineyards which were earlier separated from the baştinas, and were registered [as such] and moreover it is known that they are separate from the baştinas, it was not possible to join them together. And [with] the small, partial baştina which were combined and registered as çiftlik, and from whom neither three nor four are able to be one baştina, since they are not able to be divided again and led away as separate baştinas, they are to be carried over into the new defter according to the old defter, and taxes are determined for them according to their tolerabilities. Questions [as to the] cizye yielded are to be controlled and examined by the just judge. As no one wants to cultivate abandoned villages and fields which are near the border and [since moreover they] are sowed by foreigners [those farmworkers from another village who till], in order that these fields will not remain abandoned and uncultivated, they are not burdened with the resm-i çift nor the resm-i dönüm let only the aşar and the salariya be taken and not the resm-i dönüm. With Christian baştina, which upon registration were in possession of Muslims, three akças are forgiven from the twenty-five akça ispence and the resm-i çift tax of twenty-two akça is registered. Bastina which are without post or name are lands which are termed "bad" and were earlier registered to malicious people by pledge are abolished, and it is ordered that they are thrown out of the defter. But if it happens that the reaya on the pretext that (the baştina) is "bad" hide their baştina so it is not registered, it [the baştina] is not erased for the purpose of protection. Non-registered baştinas in the register cannot be the reason that the cizye is not collected from them. The reaya will pay the full cizye and will [also] give twenty-two akças as resm-i çift tax. The resm-i bennak will not be given again. Non-Muslims who own çiftliks and land far from the village are registered for çift and nim-çift and are registered per dönüm according to the amount of land they own. Under the pretext of "after the sipahi of the land collected a tax, one was registered" with the intention of staying outside of the defter, some have changed their own name and some their father's name and some have presented themselves as dead and registered their land subsequently to the son, and some again on the contrary declare that it is the son that is registered, [and that] his place was registered without any cause under another name. It has come to be known that the conflict originated between the sipahi and them [these particular reaya] and that it has been fed by many complaints and much seriousness and attention has been given to it. If it happened to be registered by reason of his mutual helping and strengthening that it is not possible to adopt the raiyyet tax [for a reaya] and his place is subsequently registered to the son, and himself remains outside the defter, [the tax] is taken from his son, and the sipahi takes his [the father's] bennak tax. And [also if] in his place without cause another name is registered and he says that "whoever the place is registered to is to have the tax demanded from" is not accepted [as a pretext]. If he himself owns the land the sipahi will collect [the taxes] from him. If the reaya upon registration hides himself and does not register that which the reaya gives as taxes to the sipahi

for the land he owns and the reaya's sons, brothers and relatives are not registered as the other reaya or are involuntarily omitted and are not registered, it is considered fixed that the sipahi, who is of irresponsible rank, collect from them the reaya taxes and other şeriat based and customary taxes. In view of the eventual collecting of taxes from the reaya, who have resided ten years on the land of a sipahi, and who have been omitted from registration, the tax collectors, representatives, and provincial judges are not to interfere with the sipahis. The selling of reaya's land does not free it from its taxes, as the reaya's taxes are to be given in full to its sipahi. The taxes from sold land are taken from who ever took it and possesses it. If someone is on campaign and is not present, but does not have documents of proof in his hands and his land is registered to an old owner or by declaration of the reaya is registered to another man, it is against the şeriat (Islamic holy law): only the defter holds it [the proof] to assign to anyone land. Let it be assigned, as required by the şeriat, to whomever has cogent proof and to whomever owns the land upon registration.

Another description: [If there are] five to ten joint owners, who were registered in the old register for one çiftlik or one half a çiftlik of land [and] are not present at the registration, and [if] there is no one who could give news about them [the partners] in detail, it is only one who is registered and the others are fixed as joint-owners. The joint-owners and sipahis are not to interfere in the land [in question] to those joint-owners who are not mentioned with the words "your are not registered in the defter." Reaya which are registered in such farms and land are like reaya which are tied to the bağtinas. If after ten years they don't reside in another village, and are not sipahis or sipahi's children, nor are excused and freed from taxes by order, since they possess land which will give şeriat taxes and customary taxes they will give the sipahi of their own land the "bennak" and "mücerred" taxes like the other reaya. Some çiftlik of unknown land are in the hands of the reaya, who reside in abolished villages and fields. Also [these reaya] do not have fields which correspond to a whole çiftlik, the majority of whom possess land in camps in villages in another province, and so support themselves. Because it was not possible to appoint under every name "çift", "nim-çift" and "bennak" in the old defter later the names [were registered under the revenue taxes "çift", "nim-çift" and "bennak". When the land of one reaya is associated with another reaya twenty-two akças are taken as resm-i çift, eleven akças from one half çiftlik, and two akças tax per dönüm are taken from land less than one half a çiftlik. If the reaya is registered as "mücerred" is married twenty-two akças will be given in the name of the tax bennak. If upon registration there is in his possession land as large as a çiftlik, but he keeps his own land secret, and is registered as "mücerred" he will give twenty-two akças in the name of the "resm-i çift" for the land which he owns, and will not give the tax "mücerred" again. If he had married sons [and unmarried], they will give the tax "bennak" or "mücerred". When a reaya dies, his land passes over to his son's ownership. If his son is registered in the new defter and the land which came to him from his father they cultivated together and also gave the tax for the land together, the [land] tax and his own taxes. If one remaining son is registered after him, he will take the place of the father and will give only one resm-i çift. If he has land less than half a çiftlik, and the son is married, they are accounted as among those which are "ekinlu bennak" [those married who have

a little land] and will give only his own bennak tax. If he is not married, he will give the mücerred tax, and he will not give the tax again.

Another kind: When a reaya dies who has no land in any way and is registered as "bennak" and "mücerred", his taxes are canceled. When the reaya goes to another vilayet his taxes are not to be demanded from his father or relatives. When he returns the sipahi will take all the past-due taxes. Bennak and "mücerred" which are not separated from his father's obligations are for his father. The sipahi will collect from his [the reaya's] father his tax.

Bride tax (resm-i arus): The bride tax and polacina on the timars which are not whole and free timars, are registered [as badihava] half for the sipahi as revenue and the other half for the sancakbey as revenue. The subaşı of the sancakbey are not to interfere with the half of the badihava which is registered for the sipahi. In the name of the bride tax sixty akças are taken from the daughters of the sipahi, thirty akças from widows, thirty akças from urban and country reaya and fifteen akças from widows. And moreover tax is taken from the Christian girls and widows, thirty akças from those of better [standing] and fifteen akças from those of lower standing.

Another kind: In the mentioned sancak two akças "polacina" are taken as "dest-i bani" from every household.

Another kind: From mills that work non-stop thirty akças tax are taken, [and] fifteen akças from mills which work six months. If a mill which is registered for six months worked the entire year non-stop, thirty akças are taken. When a mill is demolished whose tax is fixed in a still valid register, the sipahi will take tax for it from the owner of the ocak. When the mill is repaired, which is registered as in a ruined state, the tax on it is taken by the sipahi of the land. The tax collector and amildar cannot interfere. The tax for mills on the Sava river is fixed in the old register at fifty akças, and since it can endure it, [the tax] is not changed again from its former price of fifty akças. In the mentioned sancak in the past hass land was sold by order and although its owners gave the şeriat taxes to the owner of the timar as well as the customary taxes on the land, [the land] was taken away from the owners without any basis and assigned to the sipahi. In the future [the land] is not to be taken away from its owner.

Another kind - If the reaya of a sipahi does not live on the land where he is registered, and instead lives away from the village and in another sancak and is not registered in the village in which he lives and does not farm, he will give the sipahi of the land six akças chimney tax (resm-i duhan). If he farms he will give the aşar to the lord of the land (sahib-i arz), and the other reaya taxes (rüsüm-i raiyyet) he will give to his own sipahi. But if he resides there after ten years and is registered, then the sipahi of the land will collect all taxes and dues. His own old sipahi will not be given taxes, even though they [the reaya] are registered to two baştina. If a reaya is registered with a sipahi to filorilü land, and lives on the filorilu land for more than ten years and is registered, he will not give the reaya tax to his own sipahi. If he is not living [there] for more than ten years and is registered, then he gives the filori tax in full to the state treasury for

the filorilu land according to vlach custom (adet-i eflakiye). Let him not extricate himself from contributing the reaya tax for his own sipahi saying "I own the filorilu land". Have him not oppose [this]. If a reaya who is registered in a village on a baştina is again registered in the village as "benna", it will become known that he is registered two times, and he will not give the bennak tax. But if he was as a [bennak] in the old defter and later took another baştina, he will be registered on the baştina, and then will give the resm-i çift and the resm-i bennak.

Another kind: If one of the reaya is registered in two villages and establishes himself in [a] village in which upon registration he has lived for ten years and where he is registered, he will not give taxes to his old sipahi. In regards to collecting [from] residency, the old [sipahi] does not account [it]. If he is enrolled out of the village because he holds [owns] land, he will give the lord of the land (sahib-i arz) şariat taxes and customary dues for the land he possesses and will give reaya taxes to his own sipahi. If the baştina is mistakenly registered in a village in two places, the baştina which is considered is the one which is registered under the name which is known among the reaya. Let them register the report and not seek taxes from an unknown baştina. If a baştina is registered in two villages, have the land assigned to the sipahi of the land. In the old register one mill's taxes were taken part by part and registered to several sipahis. Now every mill is registered to its own territory. If a mill is involuntarily registered in two villages, the sipahi of the land (toprak sipahisi) will take the tax on it.

Another manner : From land which is from old watched over as pasture and on which the grass tax (resm-i otluk) is levied, one sheep will be taken from every herd. If there is a summer pasture on a timar's land and sheep come from afar and use its grass and waters and winters there, tax on the pasture is to be taken (resm-i yaylak), from the best herd one sheep which is worth twenty akças from a herd of middle standing sheep which is worth fifteen akças and from a poor herd a sheep which is worth ten akças. Do not oppress a village that is not registered for the wintering tax (resm-i kışlak).

Another kind : Old is the law, that the reaya bring their own aşar to the nearest market. Of markets is considered the market in which grain is sold, that is one where it is permitted to sell grain in small or large [quantities]. Nothing on this [sold grain] is demanded by the sipahi, and is owned exclusively by the reaya. They need to bring their aşar and salariya into the village barn. Old is the law that the reaya supply the sipahis' barn with a sufficient amount.

Another manner: The groves, which from old are protected for the leaves and the wood, have been serviced until present by the owners of the groves. His sipahi is not able to interfere under the pretext that the grove is not registered in the defter.

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