

The End of the *timar* System in Bosnia, 18th-20th Century

Philippe Gelez*

Bosna'da Timar Sisteminin Sonu (18. Yüzyıldan 20. Yüzyıla)

Öz ■ Tarihçiler uzun zamandır timar sisteminin 16. yüzyılın sonundan itibaren düşüşte olduğunu ve yerini yeni bir sisteme, çiftlik sistemine bıraktığını düşünmüşlerdir. Ancak gerçek bilgi ve yeni kavramsal araçlar bu görüşü zayıflatmıştır. Kaynaklar çiftliklerin ortaya çıkışının ve yeni seçkinlerin daha 17. yüzyılda yükselmesinin henüz timarların sonu anlamına gelmediğini; bazı illerde geç zamanlara kadar varlığını sürdürdüğü bir gerçektir. Bu nedenle, şimdiye kadar timarların çöküşünü simgeleyen ve nihayetinde onlar için ölümcül olan rekabetçi bir tarihsel süreç olarak düşünülen timar-çiftlik ilişkisini yeniden düşünmek gerekir. Gerileme nosyonu sorgulandığında ya da en azından göreceli hâle getirildiğinde, çiftlik'in, paranın giderek daha fazla değer kaybetmesiyle toprak sahipliğini teşvik eden 18. yüzyılın mali çerçevesi içinde, maliyenin bir tamamlayıcı unsuru olarak ortaya çıktığını düşünebiliriz. Bu eğilimin, Osmanlı seçkinlerinin toprak mülkiyetiyle ilişkisi üzerinde geniş kapsamlı sonuçları oldu.

Anahtar kelimeler: Bosna, Osmanlı İmparatorluğu, tarımsal dönüşüm, arazi mülkiyeti, mülkiyet hakları, Osmanlı hukuku, timar.

Introduction

Apart from special endowments, the prebendal principle named timar was introduced in the Ottoman Empire at the very end of the fourteenth century.¹ Even if it lasted until the nineteenth, historians deduced from the disappearance

* Sorbonne University.

1 K. Moustakas, "Early Evidence on the Introduction of *Timar* in the Balkans and its Use as a Means of Incorporation. The *pronoia* of Laskaris", *Südost Forschungen*, 68 (2009), 63–95.

of allocation records (various *defter-s*), at the beginning of the seventeenth century, that timars had simultaneously collapsed. This observation was reinforced by the idea, commonly shared at that time and rarely questioned since, that timarial system decayed in the late sixteenth century precisely because *sipahi-s* had supposedly turned into landlords, what should have been caused either because they were gradually supplanted by janissaries and other armed troops — most of them paid directly by the Treasury or via tax farms (*mukataa* or *malikane*) — or because the military vocation of timars had disappeared due to the extension of market economy at the same time.² Apart from the fact that the existence of a market economy throughout the Empire remains unclear, this idea of decadence, launched by Ottoman reformers in the late sixteenth century and rooted in military defeats, expresses a deep pessimism then widely shared among the Ottoman elite.³ During the last two decades of the century, an acute awareness of timarial mechanism inadequacies emerged; but when we want to really know what was at stake, it is more difficult to judge.

The Bosnian case can be helpful. Hasan Kafi el-Akhisari (1544-1615), one of the leading thinkers of Ottoman decadence, stemmed from Bosnia and made most of his career there as a judge. In the additions of the Turkish translation of his main work, known by the abbreviated name *Nizam ul-alem* [The order of *dar al-Islam*], Akhisari is concerned by the timarial question. He deplores the fact that

-
- 2 H. İslamoğlu-İnan, Huri and Ç. Keyder, “Agenda for Ottoman History”, in H. İslamoğlu-İnan (ed.), *The Ottoman Empire and the World-Economy* (New York/Paris, 1987), 48; B. Tezcan, *The Second Ottoman Empire. Political and Social Transformation in the Early Modern World* (New York, 2010), 22-23.
 - 3 B. Lewis, “Ottoman Observers of Ottoman Decline”, *Islamic Studies*, 1 (1962), 71-87; P. Fodor, “State and Society. Crisis and Reform in 15th-17th Century Ottoman Mirror for Princes”, *Acta Orientalia Academiae Scientiarum Hungaricae*, 40/2-3 (1986), 217-240; C. Kafadar, “The Question of Ottoman Decline”, *Harvard Middle Eastern and Islamic Review*, 4/1-2 (1997-1998), 30-75; D. Howard, “Genre and Myth in the Ottoman Advice for Kings Literature”, in V. Aksan and D. Goffman (eds.), *The Early Modern Ottomans: Remapping the Empire* (Cambridge, 2007), 137-166; A. Y. Kaya, “Des registres impériaux aux registres des feux fiscaux. Réflexions sur les registres fiscaux ottomans du xv^e au xviii^e siècle”, in M. Touzery (ed.), *De l'estime au cadastre en Europe. L'époque moderne* (Paris, 2007), 266-269; M. Ursinus, “Timar. Les évolutions du système du timar (xvi^e-xx^e siècles)”, in F. Georgeon, N. Vatin and G. Veinstein (eds.), *Dictionnaire de l'Empire ottoman* (Paris, 2015), p. 1150. See also F. Pašanović, *Bošnjak savjetuje sultana. Muhamed Prozorac i djelo Islamski način postizanja poretka* [A Bochniak advises the Sultan. Muhamed el-Akhisari and his work *Nizam ul-alem*] (Sarajevo, 2012).

sipahi-s no longer go to war or no longer carry out their duty on the battlefield. According to him, the general situation had deteriorated from 1572 and, in Bosnia and Croatia, had worsened twenty years later with inflation and abusive war requisitions. In Bosnia, senior officers had relaxed their surveillance over “soldiers” (should we include in this generic word *sipahi*-s?) and had neglected to feed and pay them, and the consequence had been the increasing number of deserters at the time of campaigns.⁴ We find themes very similar to Akhisari’s by another author of Bosnian origin, Müniri Belgradi (d.1635), who was probably also aware of what was happening in the *eyalet*.⁵

Despite of these opinions, Bosnian timariotes were still in the seventeenth century loyal and formidable, as we will see. The general defection did not reach them. In fact, the situation must be qualified according to the variety of provinces. First, all imperial territories did not know the timarial system: it was never applied in Egypt, Iraq, Arabia, Abyssinia and part of Greater Syria. In the provinces where it existed, it did not persist everywhere for as long and did not disappeared in a uniform way.⁶ For instance, some were still persistant in Thessaly in 1750,⁷ but almost all of them disappeared in the Vidin region at the end of the seventeenth century, and they were abolished in Crete in 1703.⁸ With Selim III’s reforms, those whose holder died were taken over by the Treasury from 1790.⁹ But in the Kurdish

4 H. K. el-Akhisari, *Izabrani spisi. Uvod, prevod i bilješke Amir Ljubović, Fehim Nametak* [Selected works. Introduction, translation and notes of Amir Ljubović and Fehim Nametak] (Sarajevo, 1983), 31-45, 94, 104, 108-110. On the English introduction of the title, see p. 35.

5 N. Clayer, “Quand l’hagiographie se fait l’écho des dérèglements socio-politiques: le *menakibname* de Müniri Belgradi”, in G. Veinstein (ed.), *Syncretismes et hérésies dans l’Orient seldjoukide et ottoman (XIVe-XVIIIe siècle)* (Paris, 2005), 363–381.

6 J. v. Hammer, *Des osmanischen Reichs Staatsverfassung und Staatsverwaltung*, 2 volumes (Wien, 1815), vol. 2, 248–272.

7 S. Laiou, “Some Considerations Regarding Çiftlik Formation in the Western Thessaly, Sixteenth-Nineteenth Centuries”, in E. Kolovos, Ph. Kortzageorgis, S. Laiou and M. Sarianis (eds.), *The Ottoman Empire, the Balkans, the Greek Lands. Toward a Social and Economic History. Studies in Honor of John C. Alexander* (Istanbul, 2007), 269.

8 M. Soyudoğan, “Reassessing the Timar System. The Case Study of Vidin (1455-1693)” (doctoral dissertation), Bilkent Üniversitesi, 2012, 240. Following Nicolas Michel, Crete was submitted to *harac* in 1670 («Terre, statut de la», in F. Georgeon, N. Vatin and G. Veinstein (eds.), *Dictionnaire de l’Empire ottoman* (Paris, 2015), 1137).

9 Ursinus, ‘Timar’, 1150; G. Šljivo, *Bosna i Hercegovina 1788-1812* [Bosnia-Herzegovina 1788-1812] (Banja Luka, 1992), 282.

emirates, they remained at least until the mid-nineteenth century.¹⁰ In Rumelia, timariots are mentioned in 1837, although we do not know where they hailed from;¹¹ in Niš, they apparently suffered the same fate as in Bosnia: they received a cash compensation in 1844.¹² In Albania¹³ and Bosnia, some people continued to receive a nominal income until the early twentieth century. Thus, timar is a remarkably long-lasting institution in parts of European Turkey; the military dimension was lost between 1834 and 1858 and only *gedik timarı* (timars for service other than mounted) remained after this date.

More precisely, Ottoman sources can help in estimating the number of timariots in Bosnia. I would like to briefly show that their number has always been important in this province until the end of the Ottoman period, and probably also the number of timars (including *zeamet*-s). Why does it matter? Because Ottomanists concerned with the agrarian world mainly argue that *çiftlik*-s have taken the place of timars. As I will show, this assumption is not true as far as Bosnia is concerned.¹⁴

I. A continuous number of timars in Bosnia

Two difficulties arise as soon as a quantitative reality of timars is to be established. First of all, the territory of the *eyalet* varied greatly between 1463 and 1580, and then between 1684 and 1834 (cf. figure 1). The evolution of the number of

10 N. Özok-Gündoğan, “Ruling the Periphery, Governing the Land. The Making of the Modern Ottoman State in Kurdistan, 1840-70”, *Comparative Studies of South Asia, Africa and the Middle East*, 34/1 (2014), 163.

11 V. Stojančević, *Јужнословенски народи у османском царству од једренског мира 1829. до париског конгреса 1856. године* [South Slavic nations in the Ottoman Empire from the Edirne Peace in 1829 until the Paris Congress in 1856] (Beograd, 1971), 180.

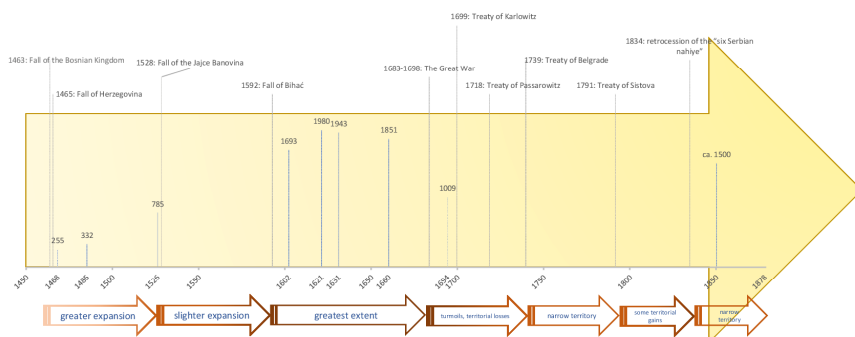
12 Y. Köksal, “Land Reform in Northwestern Bulgaria During the Tanzimat Era”, in E. Čaušević, N. Močanin and V. Kursar (eds.), *Perspectives on Ottoman Studies* (Berlin, 2010), 457–459.

13 N. Clayer, “Note sur la survivance du système des *timâr* dans la région de Shköder au début du XX^e siècle”, *Turcica*, 29 (1997), 423–431.

14 The following development summarizes the first chapter of my habilitation thesis, entitled *Pauvreté et modernité dans une province ottomane. La question agraire en Bosnie 1800-1918* [Poverty and modernity in an Ottoman province. The agrarian question in Bosnia 1800-1918], defended at the EHESS (Paris) in 2016. The reader curious for details can refer to it.

timariots should be established on a constant territory, which is thus not possible. On the other hand, we sometimes have figures drawn from timar registers, and sometimes from *sipahi* registers.

After cautious calculations, here is what I find for the Bosnian *sancak* (and not *eyalet*) for the *sipahi*-s on horseback (not including therefore the *gedik timari*). There was a significant number of *sipahi*-s in the Bosnian *serhat*, in a greater ratio than in other provinces¹⁵ as shown in figure 1 below, although we are far from the 30,000 horsemen alleged by Enver Imamović (1940-),¹⁶ the 20,000 of Safvet-beg Bašagić (1870-1934)¹⁷ and Ćiro Truhelka (1865-1942),¹⁸ or even the 10,000 put on by Ilija Hadžibegović (1938-2010).¹⁹



15 I did not read Mehmet Emin Yardımcı, *15. ve 16. Yüzyıllarda bir Osmanlı Livası: Bosna* (İstanbul: Kitap Yayınevi, 2006).

16 E. Imamović, *Historija bosanske vojske* [History of the Bosnian army] (Sarajevo, 1999), 70. Imamović quotes Hazim Šabanović, whom I could not read in “Vojno uređenje Bosne od 1463. do kraja XVI. stoljeća”, *Godišnjak Društva istoričara Bosne i Hercegovine*, 11 (1961), 173–223.

17 S. Bašagić-Redžepašić, *Kratka uputa u prošlost Bosne i Hercegovine (od g. 1463.-1850.)* [A brief introduction to the past of Bosnia and Herzegovina 1463-1850] (Sarajevo, 1900), 45, 108.

18 Ć. Truhelka, *Historička podloga agrarnog pitanja u Bosni* [Historical background of the agrarian question in Bosnia] (Sarajevo, 1915), 70-71; V. Popović, *Аграрно питање у Босни и турски нереди за време реформног режима Абдул-Меџида (1839-1861)* [Agrarian issue in Bosnia and Turkish riots during the reform regime of Abdul-Mecid] (Beograd, 1949), 22.

19 I. Hadžibegović, *Postanak radničke klase u Bosni i Hercegovini i njen razvoj do 1914. godine* [Genesis of the working class in Bosnia-Herzegovina and its development till 1914] (Sarajevo, 1980), 39.

We do not know how many benefits these men shared in Bosnia proper. Some figures are available only at the eyalet level; for Bosnia, we have the details only at both ends, in 1468 and 1850. In 1468, the 255 timars benefited 402 riders, a ratio of 5 to 8.²⁰ For 1850, during the last review of the *sipahi* troops before their dissolution, there were 4 145 horsemen sharing 3 500 or 3 600 timars²¹ — in Herzegovina, there was more exactly 690 timars and 980 timariots, a ratio of 5 to 7.²² In 1768, it seems that there were already about the same number of timariots in Bosnia, and that almost a quarter of them had been redistributed just 10 years before; in 1828, a count of the timars took place, but on the one hand, in the light of the figures previously quoted, it does not seem complete, and on the other hand it unfortunately gives no idea of the number of beneficiaries.²³ If these approximations could be generalized to the whole of the Bosnian *eyalet*, it could be estimated that there was approx. between 5,000 and 6,500 beneficiaries in the mid-nineteenth century.²⁴

20 R. Smajić (Ibrahimović), “Struktura vojničke klase u XV i početkom XVI vijeka s posebnim osvrtom na širenje islama u Bosni” [Military class structure in the fifteenth and early sixteenth centuries, with a special emphasis on the spread of Islam in Bosnia], *Prilozi za orijentalnu filologiju*, 41 (1991), 279.

21 Centre des Archives diplomatiques de Nantes (further: CADN), Bosna-Seraï/Sarajevo, 6, Louis Patin on 20 January 1880; *ibid.*, Constantinople (Ambassade), série D, Sarajevo (1876-1881), same date; O. Moreau, “Quelques aperçus sur le recrutement des soldats bosniaques au XIX^{ème} siècle (1826-1876)”, *Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, 8 (1997), 197, 199. In 1844, a confuse estimation of 4,000 *sipahi*-s was given by an Austrian observer (Richard Ritter von Erco, “Die Relation über die Verhältnisse Bosniens und der Herzegowina in mehrfachen Beziehung“, in H. Kapidžić (ed.), *Prilozi za istoriju Bosne u Hercegovine u XIX vijeku* [Contributions to the history of Bosnia-Herzegovina during the nineteenth century] (Sarajevo, 1956), 42–43). See also A. S. Aličić, *Uređenje Bosanskog ejaleta od 1789. do 1878. godine* [Administration of Bosnian eyalet 1789-1878] (Sarajevo, 1983), 146-147.

22 A. S. Aličić, “Desetina u Bosni polovinom XIX vijeka” [The tithe in Bosnia in the mid-nineteenth century], *Prilozi Instituta za istoriju*, 16 (1980), 135–136.

23 For 1828, Z. Gölen counts 617 timars and zeamets for Bosnia proper and 1,520 for the entire *eyalet*; 163 had been redistributed in 1758-59. See Z. Gölen, “Bosna Timar Ruznamçe Defterlerine Göre XIX. Yüzyıl Başlarında Bosna Eyâleti Timar ve Zeametleri“, in Alaattin Aköz, Slobodan Ilić, Doğan Yörük & Danko Leovac (eds.), *Osmanlı İdaresinde Balkanlar I* (Konya: Palet Yayınları, 2020), 279-298.

24 A. S. Aličić is slightly above this number (*Uređenje Bosanskog ejaleta*, 144–145; *Pokret za autonomiju Bosne od 1831. do 1832. godine* [Movement for an autonomous Bosnia 1831-1832] (Sarajevo, 1996), 96; “Desetina”, 135-136); he relies on Mehmed Emin Isević, who tends to exaggerate his calculations (A. S. Aličić (ed.), “Manuskript *Ahvali Bosna*

This generalisation is further complicated by the fact that over time, holding different shares in several timars had become widespread; so there were not as many beneficiaries as expected.²⁵ We must even go further: during the review of 1850, a large number of timars had no living beneficiaries.²⁶

In short, it is difficult to give an opinion on the exact numerical reality of timars in Bosnia. What we can be sure of is that despite the official dissolution of the *zaim-s'* corps in 1826 and of the entire prebendal system in 1839, the timars were a reality in Bosnia until 1869, at the time of their final dissolution there, and even until 1878.²⁷ A first conclusion should therefore be that *çiftlik-s* did not take the place of timars, but rather that they developed parallel to them.

A second point concerns the identity of *çiftlik* holders, the *çiftlik sahibi-s*. One more time, it can be easily shown that *çiftlik* represented a parallel system, and that generally speaking timariots were not holding *çiftlik-s*. This is inferred from the situation of the second half of the nineteenth century. In 1868, just before the establishment of monetary compensations for lost timars, among the 920 timariots of the Travnik *sancak*, 68% were peasants and 7% *çiftlik sahibi-s*. A very large majority therefore had a plot in direct farming; the handful of them holding *çiftlik-s* as *sahib* had other activities: they were tradesmen, craftsmen or servicemen.²⁸ Thus, it cannot be said, except for a few exceptions, that they were living of land renting.

od Muhameda Emina Isevića (poč. XIX v.). Uvod, prevod s turskog i napomene Ahmed S. Aličić", *Prilozi za orijentalnu filologiju*, 32–33 (1982-3), 194). See also N. Moaćanin, *Turska Hrvatska. Hrvati pod vlašću Osmanskog carstva do 1791. Preispitivanja* [The Turkish Croatia. Croats under Ottoman rule until 1791. Researches] (Zagreb, 1999), 194.

25 Samples in the study of D. Buturović (ed.), "Isprave spahiskih porodica iz nahije Neretve" [Documents of *sipahi* families from the Neretva nahije], *Prilozi za orijentalnu filologiju*, 6-7 (1956-57), 193–258. See also A. S. Aličić (ed.), 'Manuskript *Ahvali Bosna*', 184–185.

26 A. S. Aličić, "Desetina", 166.

27 Z. Gölen, "Bosna Timar Ruznamçe Defterlerine Göre".

28 Avdo Sućeska first noticed that *sipahi-s* in their majority tilled the ground ("Popis čifluka u rogatičkom kadiluku iz 1835. godine" [Çiftlik list from 1835 for the Rogatica kadilik], *Prilozi za orijentalnu filologiju*, 14-15 (1964), 258). For more precise considerations, see A. S. Aličić, "Prilog proučavanju položaja sela i grada u Bosni u XIX vijeku" [Contribution to the study of villages and towns in Bosnia in the nineteenth century], *Jugoslavenski istorijski časopis*, 1-2 (1974), 81–82. Some details are reported in G. Šljivo, *Omer-paša Latas u Bosni i Hercegovini 1850-1852* [Bosnia-Herzegovina 1850-1852] (Sarajevo, 1977), 90).

The transition from a tax system to a system of compensatory emoluments — still known under the name of timar — crystallized slowly. In 1864, when he introduced universal conscription, Ahmed Cevdet Paşa (1822-1895) had to grant the heredity of compensation, in order of male primogeniture until extinction. Finally, the legal process ended in 1869 only, some 30 years after *sipahi*-s were officially abolished. In July of that year, a law entitled “Framework law on timars and *zeamet*-s in the vilayet of Bosnia” was published in the province’s official newspaper, *Bosna*, and publicly posted as a bilingual Ottoman-Bosnian poster.²⁹ It endorsed the principle of financial compensation paid by the state, set a lower sum of 50 piastres, granted heritability in a direct line to the third degree.³⁰ To general astonishment, the law theoretically upgraded compensations by restoring them to the former prebend amount. It was officially a favor obtained from the vizier in recognition of the good and loyal services of the Bosnian Muslims to the Sultan.³¹ More prosaically, it is a safe bet that this largesse was granted because of the border situation of the province, although that was not said.

29 Hamid Hadžibegić first quoted the existence of this law (“Rasprava Ali Čauša iz Sofije o timarskoj organizaciji u XVII stoljeću” [Sofyalı Ali Çauş’s study on timar organization], *Glasnik Zemaljskog muzeja*, NS 2 (1947), 142 footnote 4). Vojislav Spaić added some details to Hadžibegić’s remark (“Zemljišnoknjižni sistem u Bosni i Hercegovini za vrijeme Turaka” [Land registry system in Bosnia and Herzegovina at the time of the Turks], *Istorisko-pravni zbornik*, 2/3-4 (1950), 30). Nedim Filipović does not dwell on the question (“Odžakluk timari u Bosni i Hercegovini”, *Prilozi za orijentalnu filologiju*, 5 (1954-1955), 272-273). Dušan Berić misinterprets this law (*Устанак у Херцеговини 1852–1862* [Herzegovinian uprising 1852-1862] (Beograd/Novi Sad, 1994), 602-606). It has been published as a regestum by Hans-Jürgen Kornrumpf (“Einige osmanische Dokumente über Topal Osman Pascha in Bosnien 1861-1869”, *Südost Forschungen*, 51 (1992), doc. 9b), and exhaustively studied by Ramiza Smajić (“Zakon o timarima iz 1869. godine” [Law on timars from 1869], *Hercegovina*, 11-12 (2000), 99–103) and Hatidža Čar-Drnda (“Remnants of the *Timâr* System in the Bosnian *Vilâyet* in the Second Half of the Nineteenth Century”, *International Journal of Turkish Studies*, 10 (2004), 171–174). Z. Gölen gives interesting details about the whole process in *Tanzimat Döneminde Bosna-Hersek* (Ankara, 2010), 334-344. O. Moreau speaks about it on the basis of French consular documents, very well informed on this issue (“Quelques aperçus”, 200-203). Obviously, Ibrahim Tepić did not hear about it (“Osmanska vojska i policija u bosanskom vilajetu od 50-ih do 70-ih godina XIX vijeka” [Ottoman army and police in the Bosnian vilayet in the 1850s and 1870s], *Godišnjak Društva istoričara BiH*, 37 (1986), 91–116). This law is also mentioned in the Albanian context at that time (N. Clayer, “Note sur la survivance”, 424).

30 Though well informed, the documents analysed by N. Clayer affirm the contrary (*ibid.*).

31 CADN, Bosna-Seraï/Sarajevo 3, 5 August 1869; P. Mitrović and H. Kreševljaković (eds.),

In fact, the commission rather reduced the rents: many were to receive only 50 or 100 piastres, and a ceiling was fixed at 2,400 piastres.³² As we know that the 3,600 timars cost approx. 1,200,000 piastres, the average amount was 333 piastres.³³ In another order of ideas, we also know that a timar of 3,089 akçe was compensated for 760 *guruş*.³⁴ As a *guruş* was worth 240 *akçe*, it is to be concluded that the financial compensation has been estimated at approx. 60 times the nominal value of the timar — but this is only a hypothesis because we do not know the principles of calculation well.³⁵ The majority of timariots were thus modest, and they had no additional income.

The law of 1869 refers to a general text valid for the whole of the Empire — Rumelia and Anatolia — whose content is thus supposed to be roughly equivalent, with the difference that the Bosnians benefited from a more advantageous calculation for their compensation. To my knowledge, this general text, though explicitly mentioned, is quite unknown to historiography.³⁶

In 1878, Austria-Hungary kept these ersatz timars but considered that they were life-long, not heritable.³⁷ As a courtesy, the administration continued post-mortem paychecks for those who requested it, mostly for poor households.³⁸

Izveštaji italijanskog konzulata u Sarajevu (1863-1870 godine) [Reports of the Italian Consulate in Sarajevo (1863-1870)] (Sarajevo, 1958), 215-218; H.-J. Kornrumpf, “Einige osmanische Dokumente”, doc. 9a; O. Moreau, “Quelques aperçus”, 200-203.

32 O. Moreau, “Quelques aperçus”, 196-199. Truhelka touches this topic in *Historička podloga*, 37.

33 CADN Bosna-Serai/Sarajevo 6, Louis Patin, 20 January 1880 and Constantinople (Ambassade), série D, Sarajevo (1876-1881), same date.

34 D. Buturović, “Isprave spahiskih porodica”, 235.

35 Ahmed S. Aličić gives a partial view on it in “Desetina”, 134-137. Belin has general assumptions for the entire Empire (“Du régime des fiefs militaires dans l’islamisme, et principalement en Turquie”, *Journal asiatique*, S6 15/2 (1870), 294-295).

36 See the (very scarce) bibliography gathered by Linda T. Darling (“*Nasihatnameler, İcmal Defterleri*, and the *Timar*-Holding Ottoman Elite in the Late Sixteenth Century — Part II, Including the Seventeenth Century”, *Osmanlı Araştırmaları*, 45 (2015), 5). It may be possible that this law referred actually to the general reform of the army, from 22 June 1869 (summary by A. Ubicini and A. Pavet de Courteille, *État présent de l’Empire ottoman* (Paris, 1876), 176-182).

37 Arhiv Bosne i Hercegovine (further: ABH) ZMF Opća 3488/1885, 4865/1885, 1513/1886, 4677/1886, 6416/1886, 7376/1886. Some details are given by Johann von Asbóth, *Bosnien und die Herzegowina. Reisebilder und Studien* (Wien, 1888), 150-151.

38 ABH ZVS 1904 bundle 86 113/93.

As Bosnia was a *serhat*, these horsemen enjoyed an important symbolic aura even if most of them were peasants: in the people's eyes, they embodied the state, its authority and prestige, so much so that in the South Slavic space, at least from the end of the seventeenth century, the word *spahija* had become a generic term for any "master of the earth", and was synonymous with *gospodar* "lord". In the 1860s, timariots in Bosnia shared the privilege of owning weapons in the midst of an unarmed population.³⁹ In 1875, the barber-surgeon of Livno, reputedly skilful in his art, was not called by any other name than by the prestigious title of *spahija*, which at that time only corresponded to the benefit of a modest pension.⁴⁰ After their disappearance, the memory of their power led in 1877 an Ottoman diplomat of Croatian origin, Franz von Werner alias Murad Efendi (1836-1881), to put on hyperbolic figures on the number of timariote horsemen in Bosnia: according to him, there were, until the 1830s, 4,000 zeamet and 14,000 timars, with a mobilization capacity of approx. 40,000 riders.⁴¹ Soon afterwards, however, the explicit memory of the sipahi as an armed force disappeared from the living memory of Bosnia and its Muslims.

Contrary to the opinion of Nedim Filipović (1915-1984) or of the young Ahmed S. Aličić,⁴² the disappearance of the timars was felt painfully and filled with bitterness the old *sipahi*-s against Ömer Paşa Latas (1806-1871), who enacted the Tanzimat in Bosnia.⁴³ In contrast, the abolition in 1835/39 of the other great

39 G. Šljivo, *Bosna i Hercegovina 1861.-1869*. [Bosnia-Herzegovina 1861-1869] (Tešanj, 2005), 135.

40 M. Karaula (ed.), *Pro populo. Život i djelo fra Lovre Karaule (1800.-1875.)* [For the people. The life and works of fra Lovro Karaula (1800-1875)] (Sarajevo, 2000), 429.

41 Z. Šehić, Zijad, "Prilog prošlosti Hercegovine XIX stoljeća. Sjećanja Murad Effendije iz Hercegovine" [Herzegovina during the XIX century: Memories of Hersekli Murad Effendi], *Hercegovina*, 11-12 (2000), 115-116. These assumptions are probably quoted from Johann Roškiewicz (*Studien über Bosnien und die Herzegovina* (Leipzig/Wien, 1868), 351-352), who might be inspired by Franz von Dombay (*Geschichte des Türkischen Reiches* (Wien, 1789), 538). Elias Habesci goes in the same direction (*The Present State of the Ottoman Empire* (London, 1784), 235), but I did not find Habesci's source.

42 N. Filipović, 'Odžakluk timari', 264; A. S. Aličić, "Prilog proučavanju položaja sela", 80.

43 See the call for resistance by an anonymous Muslim in 1860 by Š. Hodžić, "Poziv Hadži Muje Mehovića upućen muslimanima i hrišćanima" [Hadži Mujo Mehović's calling to Muslims and Christians], *Glasnik arhiva i društva arhivskih radnika Bosne i Hercegovine*, 1 (1961), 327-332.

military corps in Bosnia, the captaincy (*kapudanlık*), went smoothly although it struck a readily thunderous elite — this abolition had been decided as a punishment of *kapudan* Hüseyin of Gradačac's insurrection.

II. From *timar* to *çiftlik*

The continuity of timars in Bosnia suggests that there was no real competition with *çiftlik*-s. I will now confirm this hypothesis by demonstrating that there was a complementarity between them.

The question of the acquisition of *tapuname*-s by the *askeriye* class has long been a kind of taboo in historiography;⁴⁴ in a way, it corresponds in the agrarian field to the question of Islamization in the religious field. Just as Muslims would have converted Christians to Islam by force, so Muslim *askeriye* would have stripped Christian peasants of their *tapuname* by force. Naturally, the process was much more complicated and it needs to be examined region by region.

I will focus on Bosnia. While Ottomanists outside Bosnia-Herzegovina are unfamiliar with the Bosnian situation,⁴⁵ local historians have studied it many times. This topic is so complex and politicized that some of them did not treat it even if it seemed obvious that they had to do it.⁴⁶ As in the case of Islamization, in Sout-East Slavic historiography and literature two opinions face each other about

44 Good overview by G. Veinstein, "On the *Çiftlik* Debate", in Ç. Keyder and F. Tabak (eds.), *Landholding and Commercial Agriculture in the Middle East* (Albany, 1991), 35–53. Further discussion by E. A. Aytekin, "Historiography of Land Tenure and Agriculture in the Nineteenth Century Ottoman Empire", *Asian Research Trends - New Series* (2009), 1–19; and F. Zarinebaf-Shahr, "Soldiers Into Tax-Farmers and Re'aya Into Sharecroppers: The Ottoman Morea in the Early Modern Period", in F. Zarinebaf-Shahr, J. Bennet and J. L. Davis (eds.), *A Historical and Economic Geography of Ottoman Greece. The Southwestern Morea in the 18th Century* (Princeton, 2005), 9–48.

45 Şevket Pamuk describes the situation in all of the empire except Bosnia, Albania and Egypt ("Commodity Production for World-Markets and Relations of Production in Ottoman Agriculture, 1840-1913", in H. İslamoğlu-İnan (ed.), *The Ottoman Empire and the World-Economy* (New York/Paris, 1987), 178–202). See also B. McGowan, "Peasants and Pastoralists", in H. İnalçık and D. Quataert (eds.), *An Economic and Social History of the Ottoman Empire*, vol. 2 (Cambridge, 1994), 686.

46 H. Kamberović does not mention it (*Begovski zemljišni posjedi u Bosni i Hercegovini od 1878. do 1918.godine* [Landed estates of the beys in Bosnia-Herzegovina 1878-1918] (Zagreb/Sarajevo, 2003)).

the so-called *čiflučenje*, ie the reduction of « free peasant » to « sharecropper ». The Serbs founded the representations on sharecropping and sharecroppers, first of all the precursor Vuk Karadžić (1787-1864),⁴⁷ and then the diplomat Momčilo Ninčić (1876-1949)⁴⁸ (and historians Vasilj Popović (1887-1941)⁴⁹ and Dušan Berić (1956-)⁵⁰) and, among the Ottomanists, Branislav Đurđev (1908-1993).⁵¹ Clear and well-informed, these studies, however, omit entire sections of the problem. Muslims of Bosnia and Herzegovina tried to re-balance these representations, first of all Avdo Sućeska (1927-2001),⁵² then, perhaps more successfully, Fahd Kasumović (1978-),⁵³ to these last names must be added Ćiro Truhelka.⁵⁴

All of this literature analyzes the acquisition of *čiftlik* from the perspective of land craving, and by way of consequence examines the issue of sales, usurpations and violence in a legal and legalistic way.⁵⁵ Because of law application flexibility in the Ottoman Empire, this axis seems however irrelevant. By adopting a fiscal

47 V. Karadžić, *Сабрана дела, т. 17: Етнографски списи* [Complete works, t. 17: Ethnography] (Beograd, 1972), 21-22.

48 M. Ninčić, *Питање о својини земље у Србоа под Турцима* [The property of land by the Serbs under the Turks] (Beograd, 1913); *id.*, *Историја аграрно-правних односа српских тежача под Турцима. I. део* [History of agrarian-legal relations of Serbian peasants under the Turks. Part I] (Beograd, 1920).

49 V. Popović, *Аграрно питање*.

50 D. Berić, *Устанак*.

51 B. Đurđev, “О војнуцима са освртом на развој турског феудализма и на питање турског агалука” [*Voynuk-s* and the development of Turkish feudalism, with views on Turkish *ağalık*], *Glasnik Zemaljskog muzeja*, NS 2 (1947), 75–138; B. Đurđev, “О uticaju turske vladavine na razvitak naših Naroda” [On the influence of Turkish rule on the development of our nations], *Godišnjak Istorijaskog društva Bosne i Hercegovine*, 2 (1950), 19–82.

52 A. Sućeska, “Prvi pokušaj regulisanja agrarnih odnosa u Bosni i Hercegovini u XIX stoljeću” [A first attempt to regulate agrarian relations in Bosnia and Herzegovina in the XIX century], *Godišnjak Pravnog fakulteta Univerziteta u Sarajevu*, 14 (1966), 249–268.

53 F. Kasumović, “Osmanska agrarna politika i nadmetanje za zemlju u jugoistočnoj Evropi (analiza čiflukâ u Bosanskom sandžaku od uspostavljanja osmanske vlasti do početka 17. stoljeća)” [Ottoman agrarian policy and competition for land possession in Southeast Europe (analysis of the *čiftlik-s* in the sandjak of Bosnia since the establishment of Ottoman government authorities until the beginning of the seventeenth century)], *Anali Gazi Husrev-begove biblioteke*, 35 (2014), 93–150. Kasumovic discusses in detail the views of Aličić, Sućeska, Filipović and Đurđev.

54 Ć. Truhelka, *Historička podloga*, 80–89.

55 This is Veitnstein’s viewpoint (“On the *Čiftlik* Debate”, 37–47).

perspective, thus arising the major problem of tax leasing, we reverse Popović and Berić's formalizations, who considered *čiflučenje* as a competition for land possession and not as a quest for tax guarantee.

In the Ottoman Empire, peasants (*reaya*) enjoyed on the land a right of possession (*tasarruf*) and a right of residence (*karar*), obtained by paying an entrance fee on the tenure, the *tapu*. He could transmit, exchange or sell these rights with the state agreement, which levied the *tapu* at each new entry on the land except for direct heirs. Unable to concretely participate in this immense machinery, the state delegated tax collecting to timariots by patents (*berat* or *tezkere*). In addition to tithe and other taxes, the prebendier collected the *tapu*, for which he issued a kind of receipt called *tapuname* but also *tapu*, but I will maintain here the first term to avoid the confusion between the tax and the receipt. Almost all the immovables whose fiscal products had been added together to create a timar came under the *tapu*, ie timariots had only fiscal control while usufruct and concrete administration were entrusted exclusively to *reaya*, who were the only payer of *tapu* and holder of *tapuname* — which was not, strictly speaking, a title deed, but a kind of emphyteutic title.⁵⁶

For Bosnia, the situation is roughly as follows. At the end of the sixteenth century, the countryside seems mainly divided between *filuri* areas and timars; some military held also *baštine* outside timars, but these last have been included in timars during the following century. *Vakif* were overwhelmingly in urban areas. At that time, a growing number of transactions involved Muslim representatives in acquiring real estates — more properly, fiscal rights on Sultanic real estates. In these acquisitions, *sipahi*-s had an agent role and did not buy these rights for themselves. For the greater part of buyers — servants and *asker*-s — unable to till the land, they gave it to peasants under mainly unknown agreements, seemingly similar to sharecropping ones.⁵⁷ This was presumably a mean of insuring regular

56 On *tapu*, Ć. Truhelka, *Historička podloga*, 67–70; A. Minkov, “Ottoman Tapu Title Deeds in the Eighteenth and Nineteenth Centuries. Origin, Typology and Diplomatics”, *Islamic Law and Society*, 7/1 (2000), 65–101. For concrete samples, see H. Kreševljaković, *Izabrana djela* [Selected works], vol. I (Sarajevo, 1991), and A. Nikić (ed.), *Regesta Franjevačkog arhiva u Mostaru 1446-1862* [Regesta from the Franciscan archives in Mostar 1446-1862] (Mostar, 1984).

57 N. Močanin, *Turska Hrvatska*, 125-130; N. Dostović (ed.), “Dva dokumenta iz tuzlanskog sidžila iz 1054-55. h. g./1644-45. godine u Gazi Husrev-begovoj biblioteci” [Two documents from the Tuzla *sicil* of 1054-1055/1644-1645 in the Gazi Husrev Bey

and steady incomes and by this way ensuring their social position: the obtained *tapunname* was transferable without further formalities to direct heirs.

There was nothing illegal in this process,⁵⁸ even if some *çifilik* transfers were signed by the *cadi*, whose expertise area concerned *mülk* goods, while *miri* fell under *sipahi-s'* or *emin-s'* military administrative control. Therefore, in the sixteenth century, everyone behaved as if *çifilik* was *mülk*; Ebu's-su'ud (1490-1574), in order to settle this ambiguity, declared that *tapu* was alienable, but not substance of property.⁵⁹ This distinction was duly reflected later in Bosnia, as evidenced by the exceptional distribution of Ebu's-su'ud's fatwas.⁶⁰ What is known as *čiflučenje* was thus a process authorized by law. From Ebu's-su'ud, there was no fundamen-

Library], *Anali Gazi Husrev-begove biblioteke*, 33 (2012), 89; B. Đurđev, N. Filipović and H. Hadžibegić (eds.), *Kanuni i kanun-name za bosanski, hercegovački, zvornički, kliški, crnogorski i skadarski sandžak* [Kanun and anunname for the sandjaks of Bosnia, Herzegovina, Zvornik, Klis, Montenegro and Skadar] (Sarajevo, 1957), 173–174.

58 H. Hadžibegić (ed.), “Канун-нама Султана Сулјемана Законодавца из првих година његове владе” [Süleyman-the-Magnificent's *kanun-name* from the first years of his government], *Glasnik Zemaljskog muzeja*, 4-5 (1950), 318–319, 363; A. S. Aličić (ed.), *Sumarni popis sandžaka Bosna iz 1468/69. godine* [Shorten census of the Bosnian sandjak of 1468-9] (Sarajevo, 2014), 19–22 and *passim*; F. Kasumović, “Osmanska agrarna politika”, 100. See also N. Filipović, “Odžakluk timari”, 258.

59 This decision was resented also in Bosnia, see V. Skarić, “Постанак и развитак кметства у Босни и Херцеговини” [Genesis and development of *kmetstvo* in Bosnia-Herzegovina], *Pregled*, 11 (1937), 7-8, 481–489; V. Skarić, “Из прошлости Босне и Херцеговине XIX вијека” [Pages from the past of Bosnia-Herzegovina], *Godišnjak Društva istoričara Bosne i Hercegovine* 1 (1949), 7–41.

60 K. Dobrača (ed.), *Gazi Husrev-begova biblioteka u Sarajevu. Katalog arapskih, turskih i perzijskih rukopisa. Svezak drugi* [Gazi Husrev Bey Library in Sarajevo. A catalog of Arabic, Turkish and Persian manuscripts. Volume Two] (1979) (Londres/Sarajevo, 2002); H. Popara (ed.), *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak deveti* [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume IX] (Londres/Sarajevo, 2001); O. Lavić (ed.), *Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume XIV* (Londres/Sarajevo, 2005); O. Lavić (ed.), *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak deseti* [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume X] (Londres/Sarajevo, 2002); O. Lavić (ed.), *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak sedamnaesti* [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume XVII] (Londres/Sarajevo, 2010).

tal principle against an *asker* being a *reaya* and owning land. In general, this remained applicable until the end of Ottoman administration even if circumstances sometimes restricted this possibility:⁶¹ in 1565, for example, Bosnian *sipahi*-s were forbidden to possess *çiftlik*-s, contrary to previous provisions.⁶²

However, from the end of the seventeenth century, political, financial and demographic crisis brought an exceptional situation into general: the chronic lack of manpower, which reinforced the above-mentioned process in the whole empire from the mid-seventeenth century. On timars, timariots tax revenues became irregular. In quest for solvent tax payers, *sipahi*-s allowed more and more, and even encouraged stable people to take over abandoned plots, that is simple *çiftlik*-s. These purchasers sought to be paid on their side by installing sharecroppers. Sharecropping thus represented the setting up of additional tax guarantee rather than land appropriation or agricultural improvement. It was attended by citizens who had cash and / or power, but not all at the same time: local governors (*mütesellim*), notables (*ayan*), military officials (*kapudan*), janissaries commanders (*ağa*, *başa*), garrison commanders (*dizdar*), rich prebenders (*zaim*), *vakf* stewards (*mütevelli*), muftis, cadis — all Muslims with little exception,⁶³ and all with the same idea of tax revenue maximalization. Except for certain timeperiod, there is no evidence of violence in this process — but a lot of cunning.

In other words, where population movements have been frequent, we find in the late nineteenth century a little proportion of formerly settled peasants that were not sharecroppers and paid only state tithe, while the majority of newly immigrated peasants (from *ca* 1800) was involved in sharecropping agreements. In recent settlement areas — on the Austro-Ottoman front and its back-base — sharecropping was even much more developed,⁶⁴ with the notable exception of

61 Ć. Truhelka, *Historička podloga*, 97; V. P. Mutafchieva, *Agrarian Relations in the Ottoman Empire in the 15th and 16th Centuries* (New York, 1988), 48-50 and endnote 253. For a development on newcomers in the timariot class, the so-called *ecnebi*, see A. Sućeska, “O naslijeđivanju odžakluk timara u Bosni i Hercegovini” [Inheritance of *ocaklık* timars in Bosnia and Herzegovina], *Godišnjak Pravnog fakulteta u Sarajevu*, 15 (1967), 505–506.

62 B. Đurđev, N. Filipović and H. Hadžibegić (eds.), *Kanuni i kanun-name*, 85. This kanun-name was translated as early as 1892, cf. S. Novaković, “Стари босански закон о баштинама”, *Vosanska vila*, 7 (1892), 12, 181–184; 13, 199–201.

63 A. S. Aličić, “Prilog proučavanju položaja sela” (1974), p. 84. See in the same vein N. Dostović, relying on N. Filipović and V. Skarić (“Dva dokumenta”, 93).

64 J. Dedijer, *Херцеговина. Антропогеографске студије* (Sarajevo, 1989); A. Škegro,

the Bihać region, where the proportion of Muslim owners was very high. This situation is evidenced by the 1885 Austro-Hungarian census.

The most important consequence of *tapu* acquisition by the *askeriye* in Bosnia was to territorialize tax rents. Actually, *timar* did not have a definite territorial consistency: tithe and taxes perceived by *timariots* were based on a wide range of agricultural and non-agricultural incomes. But from the moment they ensured the regularity of their perceptions on *tapu* resale to solvent people, their incomes stemmed more and more exclusively from the soil, because *çiftlik* had an agricultural nature.

This point may be worth clarifying: legalist theory describes *çiftlik* in very general terms. As always or almost always in the Ottoman case, it was first of all a tax unit, the smallest one being a half-*çiftlik* for a family. When peasants owned less, they were classified as poor (*fakir* or *yoksul*).

However, *çiftlik* was thought also as a geographical unit covering an arable surface corresponding to the work of a pair of oxen, between 5 and 15 hectares according to the quality of the soil, with variations of 10 to 20% according to place.⁶⁵ It was supposed to meet the nutritional needs of a family. In addition to quantitative fuzziness of what is a family and to fuzzy definition of nutrient adequacy, classes established according to soil quality seem extremely vague at the scale of an empire which extended from Hungary to Yemen, and where pastoralism was unequally present.

In practice, documents of Bosnian provenience refer to *çiftlik* (or its equivalent *baštine*) as land complexes of very different sizes, so that only fiscal approach can explain this diversity.⁶⁶ However, one cannot find any evidence of a *çiftlik*

“Iseljavanje iz Dalmacije i zapadne Hercegovine u Uskoplje tijekom 19. i prvoj polovici 20. st.” [Emigration from Dalmatia and Western Herzegovina to Uskoplje during the nineteenth and the first half of the twentieth century.], *Hercegovina*, 24 (2010), 21–36; Aličić, *Pokret za autonomiju*, 62–64. Izet Šabotić generalizes this statement too quickly (*Agrarne prilike u Bosanskom ejaletu (1839.-1878.)*) [The agrarian question in the Bosnian eyalet 1839-1878] (Tuzla, 2013), 45.

65 H. İnalçık and D. Quataert (eds.), *An Economic and Social History*, vol. 1, 147–148, who quote Barkan; C. Huart, “Çiftlik”, *Encyclopédie de l’Islam* (Leiden: Brill, 1913); Ć. Truhelka, “Stari turski agrarni zakonik za Bosnu” [An old Turkish agrarian code for Bosnia], *Glasnik Zemaljskog muzeja*, 28 (1916), 462.

66 I came across the example of a forest in the Zvornik region, called Rakovica, estimated at 120 000 *akçe* in 1714 — certainly an entire forest area — which was annotated ‘2 *baštine*’.

with the meaning it had in Greek (including Macedonia) lands, *ie* an entire village: perhaps this was the case of Čitluk, a village in West Herzegovina, but we cannot be sure of this.⁶⁷ In Bosnia, a *çiftlik* was always understood as a family farm, and this was the only known territorial reality; customary law (*adet*) implicitly recognized the village communities' right to manage a territory assimilable to a certain extent to a finage (bcms (*h*)*atar*). Inside this village area, custom limited outsiders prerogatives, and *kanun* gave neighbors a right of pre-emption.⁶⁸ Village territoriality had no legal expression before 1858, and the communes were legalized in the 1870s only.

Territorialisation of power concerns mainly timariots. Indeed, those to whom they sold the *tapuname*-s were rich and had diversified their sources of income by buying *malikane*-s, which seldom had a territorial consistency. This does not mean that timariots derived their authority from a given territory, but that they had the power to make territory circulating. This is what essentially distinguishes timariots from Western feudal lords and Western nobility in general.

III. Private property in question

These entangled systems have affected the agrarian issue at the local level, prohibiting the interpretation of ownership by way of *tapuname* as private property. In other words, there was no *mülk*-ification of *miri* land in Bosnia during the nineteenth century, and the various legislative texts have preserved the parallel rights of *tapuname* holders and sharecroppers on the *çiftlik*-s, under the influence of the still alive timar model. This is of a great importance because these parallel rights

See ABH ZVS₁-7 1880 IV/1/37. On the size of *çiftlik*-s during the sixteenth century, see also H. Gerber, *The Social Origins of the Moderne Middle East* (Boulder, 1987), 14.

67 See for instance S. Laiou, "Some Considerations Regarding Çiftlik Formation"; D. Lamprakis, "Çiftlik Formation and Transformation of Land Ownership in the Kazas of Serfice, Çahaşenbe, and Eğri Bucak (1820-1850)", *Journal of the Ottoman and Turkish Studies Association*, 7/1 (2020), 146-172.

68 J. Dedijer, "Врсте непокретне својине у Херцеговини" [Types of immovable property in Herzegovina], *Glasnik Zemaljskog muzeja*, 20 (1908), 391-392; Filipović, Milenko S., "Eksoprik, miraščija ili priorac kroz vekove. Prilog poznavanju života na selu kod Južnih Slovena" [Outsiders in countryside by the South Slavs], *Radovi ND SR BiH*, 20/7 (1963), 177-178; M. Barjaktarović, *О земљишним међама у Срба* [Land bordering by the Serbs] (Beograd, 1952), 26; M. S. Filipović, *Prilozi etnološkom poznavanju severoistočne Bosne* [A Contributions to ethnological knowledge of northeastern Bosnia] (Sarajevo, 1969), 27.

and Sultanic *dominium* are often considered as a legal fiction in the historiography, whereas the Bosnian case shows quite the contrary — and other provinces are obviously concerned, first of all when they were placed under protectorate of a European power: Cyprus, Lebanon, Syria, Palestine; but also, in a large extent, when an Ottoman province has achieved his independence without immediately rejecting Ottoman juridical legacy: for the Balkans, Serbia from 1815, Greece from 1829, and also Bulgaria and Dobrudja.

A first juridical milestone in agrarian transformation, the 1858 Land Code (*Arazi kanunnamesi*) codified, under Ahmed Cevdet Efendi's redaction, existing land laws: firmans, regulations and explanatory notes. Indeed, the relatively unified legislation set up during the sixteenth century by Ebu's-su'ud in the *kanun* of Buda (1541) had neither obliterated nor prevented local customs (specific provincial *kanun*-s and unwritten *adet*). These customs offered Cevdet and his commission all their material, which they interpreted in a unified code, universally applicable in the Empire (except Egypt) with the concern to remain faithful to sharia as a source of law. They were not inspired by European codes⁶⁹ and, despite the codification effort, they did not simplify the right of ownership in general.⁷⁰

This text has been presented and commented a multitude of times,⁷¹ including South Slavic political space because in Bosnia and Herzegovina it remained in

69 I did not find any study on the genesis of the Code, whose intentionality is thus subject to various interpretations, sometimes outside any plausibility. Didier Guignard thinks that some features of French law are to be found in the Code, but I found nothing in the article he quotes (D. Guignard, "Les inventeurs de la tradition "melk" et "arch" en Algérie", in V. Guéno and D. Guignard (eds.), *Les acteurs des transformations foncières autour de la Méditerranée au XIX^e siècle* (Paris/Aix, 2013), quoting M. Mundy, "Ownership or Office? A Debate in Islamic Hanafite Jurisprudence Over the Nature of the Military 'Fief', from the Mamluks to the Ottomans", in A. Pottage and M. Mundy (eds), *Law, Anthropology, and the Constitution of the Social. Making Persons and Things* (Cambridge, 2004), 142–165). See also R. Davison, *Reform in the Ottoman Empire 1856-1876* (1963) (New York, 1973), 99 (quoted by G. Shafir, *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914* (Cambridge, 1989), 32–33). I do not know why Mustafa Imamović assumes that the Code was implemented "almost entirely" in Bosnia: it was implemented in his entirety (M. Imamović, *Pravni položaj i unutrašnje-politički razvitak Bosne i Hercegovine od 1878. do 1914*. [Legal position and internal political development of Bosnia-Herzegovina 1878-1914] (Sarajevo, 1997 [2nd ed.]), 52).

70 I follow here Y. Vazzidi, "La propriété immobilière en Turquie et l'article 1737 du *Medjellé*", *Revue de droit international et de législation comparée*, 32 (1900), 300–315.

71 Main studies: R. Davison, *Reform in the Ottoman Empire*; D. Warriner, "Land Tenure in

force until 1930, when the agrarian reform was liquidated.⁷² Globally, it did not innovate: land division, *tapu* characteristics, land ownership conditionality, division of land rights, reversion right of the state remained essentially identical.⁷³ A definition as necessary as that of *tasarruf* was not given. The only novelty explicitly

the Fertile Crescent”, in C. Issawi (ed.), *The Economic History of the Middle East* (Chicago/London, 1966), 71–78; G. Baer, “The Evolution of Private Landownership in Egypt and the Fertile Crescent”, in C. Issawi (ed.), *The Economic History of the Middle East*, 79–90; K. H. Karpat, “The Land Regime, Social Structure, and Modernization in the Ottoman Empire”, in W. R. Polk and R. L. Chambers (eds.), *Beginnings of Modernization in the Middle East* (Chicago/London, 1968), 69–90; P. Sluglett and M. Farouk-Sluglett, “The Application of the 1858 Land Code in Greater Syria. Some Preliminary Observations”, in T. Khalidi (ed.), *Land Tenure and Social Transformation in the Middle East* (Beirut, 1984), 409–421; H. Berktaş, *New Approaches to State and Peasant in Ottoman History* (London, 1992); M. Toksöz, “Modernisation in the Ottoman Empire. The 1858 Land Code and Property Regimes from a Regional Perspective”, in E. Kolovos (ed.), *Ottoman Rural Societies and Economies* (Rethymnon, 2015), 381–396. In a second time, see also E. E. Freas, “Ottoman Reform, Islam, and Palestine’s Peasantry”, *The Arab Studies Journal*, 18/1 (2010), 208–209.

All these authors have analysed a very solid corpus of secondary sources: F. Belin, *Étude sur la propriété foncière en pays musulman, et spécialement en Turquie (rite hanéfite)* (Paris, 1862), 180–248; *The Ottoman Land Code. Translated from the Turkish by F. Ongley* (Londres, 1892); M. Z. Türkzade, *Mükemmel ve muvazzah şerhi kanun-u arazi*, (Istanbul, 1311 [1893/1894]); W. Padel and L. Steeg, *Législation foncière ottomane* (Paris, 1904); N. H. Chiha, *Traité de la propriété immobilière en droit ottoman* (Le Caire, 1906); J.-D. Lousararian, “L’histoire et la théorie de la propriété foncière dans le droit public ottoman” (doctoral dissertation), Université de Paris, 1912; S. P. Séfériades, *Le Régime immobilier en Turquie au point de vue du droit international* (Paris, 1913); R. C. Tute, *The Ottoman Land Laws, with a Commentary on the Ottoman Land Code of 7th Ramadan 1274* (Jerusalem, 1927); and so on.

72 E. Mutapčić, *Agrarna reforma u BiH i njeno zakonodavstvo (1918.-1941.)* [Agrarian reform in BiH and its legislation 1918-1941] (Gradačac, 2007).

73 The main author with this view is H. Gerber, *The Social Origins*, 67-72 (constructive reading notes by Roger Owen, *Bulletin (British Society for Middle Eastern Studies)*, 15/1-2 (1988), 103–104; and Donald Quataert, *The American Historical Review*, 93/4 (1988), 1095). Gerber relied on Roderic Davison, *Reform in the Ottoman Empire*, 99–100. See also F. Adanır, “The Ottoman Peasantries, c.1360-c.1860”, in T. Scott (ed.), *The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries* (London, 1998), 309; and D. Jorgens, “A Comparative Examination of the Provisions of the Ottoman Land Code and Khedives Sa’id’s Law of 1858”, in R. Owen (ed), *New Perspectives on Property and Land in the Middle East* (Cambridge, 2000), 95.

introduced by the Code was the *metruke* land category, which is to be considered as a legal embryo of public domain for public roads and communal. Although it was implicitly present in the Code, a fundamental modification was put on by the Law on *tapu* (1859),⁷⁴ by which *tapu* ceased to be a proof of concession, a receipt, and became an attestation of rights, a control deed, issued by a provincial administrator mandated by the central power, a *defterdar* whose title and prerogatives recalled those of the *timar defterdari* of the old days, and who was now holder of the *tasarruf*. From 1859 on, any land control had to be renewed and to integrate a land system.⁷⁵

This significant transformation brought Ottoman land law closer to what Central Europe had been putting in place for a century or so through cadastral administration and land books system. However, ownership rights were not europeanized, rendered “perfect” — as it is traditionally addressed — nor the master became an exclusive owner. The main thesis of Huri Islamoglu (1947-) is thus half-true: the Ottoman state certainly underwent unprecedented changes during the nineteenth century, but they did not rely on (and did not produce) agrarian individualism (because, among other things, it was constitutive of Sharia law).⁷⁶ The correlation between the Code promulgation and institutionalization of private property is so prevalent in historiography, especially in Turkey, that it is part of the commonplace and does not seem to be demonstrated.⁷⁷ Actually, the

74 H. Gerber, *The Social Origins*, 72 (whose interpretation I do not follow).

75 *Sammlung der für Bosnien und die Hercegovina erlassenen Gesetze, Verordnungen und Normalweisungen*, vol. 2 (Justizverwaltung) (Wien, 1881), 300, 385; V. Spaić, “Zemljišnoknjižni sistem”, 30

76 H. Islamoğlu, “Modernities Compared. State Transformations and Constitutions of Property in the Qing and Ottoman Empires”, in H. Islamoğlu and P. C. Perdue (eds.), *Shared Histories of Modernity. China, India, and the Ottoman Empire* (New Delhi, 2009), 353–386; M. Macauley, “World Made Simple. Law and Property in the Ottoman and Qing Empires”, in *Shared Histories of Modernity*, 273–298.

77 E. Adanır, “The Ottoman Peasantries”, 310; H. Islamoğlu, “Property as a Contested Domain. A Reevaluation of the Ottoman Land Code of 1858”, in R. Owen (ed.), *New Perspectives on Property and Land in the Middle East* (London, 2000), 3–61; O. Gözel, “The Implementation of the Ottoman Land Code of 1858 in Eastern Anatolia” (MA thesis), Orta Doğu Teknik Üniversitesi, 2007, 39; E. A. Aytekin, “Agrarian Relations, Property and Law. An Analysis of the Land Code of 1858 in the Ottoman Empire”, *Middle Eastern Studies*, 45/6 (2009), 936; A. Y. Kaya, “On the *Çiftlik* Regulation in Tırhala in the Mid-Nineteenth Century. Economists, Pashas, Governors, *Çiftlik*-holders, *Subaşı*s, and

Code does not interfere with Hanefite law: it distinguishes between substantial ownership (*rekaba*), always in the hands of the sovereign, and usufruct ownership (*tasarruf*), the transfer of which does not constitute an act of sale (art. 3 and 36). The idea that the Code has instituted private property or confirmed land privatization comes from the representation of the Ottoman state as a declining empire, in other words it is built on a / the expectations of Western public on the Ottoman reforms during the nineteenth century, and b / the analysis of tax evolutions at the end of the seventeenth century.

a / The privatizing reading of the Code relies heavily on the horizon of expectation created by the Rescript of Gülhane in 1839, where it was announced that “each one shall possess his property of every kind, and shall dispose of it in all freedom, without let or hindrance from any person whatever”.⁷⁸ European public opinion and governments took these assumptions literally and measured the modernization progress in the light of private property.

b / Another source supporting the privatization effect of the Code is the historical analysis of *malikane*. Generalized from 1695, these lifetime leases of certain tax categories are deemed to have conferred on their holders *de facto* absolute rights on the territories from which they derive their income. Thanks to these new tax provisions, capitalistic exploitation of the soil is supposed to have begun in the Empire, a situation simply the 1858 Code simply recorded.⁷⁹ This economic interpretation, generally critical of a supposed state physiocratism, is

Sharecroppers”, in E. Kolovos (ed.), *Ottoman Rural Societies and Economies* (Rethymnon, 2015), 333–380.

78 H. Liebesny, *The Law of the Near and Middle East. Readings, Cases, and Materials* (Albany, 1975), 49–52.

79 L. Belarbi, “Les mutations dans les structures foncières dans l’Empire ottoman à l’époque du *Tanzimat*”, in J.-L. Bacqué-Grammont and P. Dumont (eds.), *Économie et sociétés dans l’Empire ottoman (fin du XVIII^e-début du XX^e siècle)* (Paris, 1983), 251–259; A. Salzman, “An Ancient Regime Revisited. “Privatization” and Political Economy in the Eighteenth-Century Ottoman Empire”, *Politics & Society*, 21/4 (1993), 393–423; S. Atran, “Le *mash’a* et la question foncière en Palestine, 1858-1948”, *Annales. Histoire, Sciences Sociales*, 42/6 (1987), 1382; H. İslamoğlu-İnan, *State and Peasant in the Ottoman Empire. Agrarian Power Relations and Regional Economic Development in Ottoman Anatolia During the Sixteenth Century* (Leiden, 1994), 60–61. For the Balkans, Lampe and Jackson question the capitalist thesis on *çiftlik*, arguing that the Prussian or Polish model of *Gutsherrschaft*, with very large estates, was generally absent from Southeast Europe, even in Bulgaria and Macedonia. According to them, *çiftlik*-s were small in this area and did not produce surplus

not tenable because of the complex nature of incomes involved in *malikane*, which as a rule were not territorial but consisted of personal, never exhaustive taxes, so that there was no exclusive relation between *malikane* beneficiaries and territories under their control.

In the light of historical facts, the only legitimate question is whether the Code had the unintended consequence of favoring private property. Desiring to turn away from the abstraction of norms, historians of the concrete right wanted to draw up a phenomenology of the legal.⁸⁰ As a main argument they put on that in fact *sahib*-s were given full latitude to behave exactly like private owners. This is not false and it is several centuries old to 1858;⁸¹ what changed after this date was indeed the attitude of the state: while it had fought this tendency during the sixteenth century, it henceforth was able in certain circumstances to favor *miri mülk*-ification, sometimes actively, most often by nonchalance or lack of means. In local judicial practice, courts tended to endorse the passage of *miri* to *mülk*, sometimes with the approval of political authorities.⁸² Foreign consuls favored this trend.⁸³ However, this shift was always perceived as contrary to the letter of the law, and the Porte did not accept it until 1912 when it unified the property.⁸⁴

In brief, the 1858 Land Code has not ruled on the value of the *mülk*, leaving it to Sharia regulations; it has not defined either *tasarruf*, which was nevertheless central in the definition of *miri*; simply, it has stipulated that usufruct cession did not correspond to an act of sale, what placed it outside the field of private property; it has not taken into consideration indirect land tenure, tenancy or

(J. R. Lampe and M. R. Jackson, *Balkan Economic History, 1550-1950. From Imperial Borderlands to Developing Nations* (Bloomington, 1982), 33-36).

80 For a general discussion, see R. Congost and R. Santos (eds.), *Contexts of Property in Europe. The Social Embeddedness of Property Rights in Land in Historical Perspective* (Turnhout, 2010).

81 S. Joseph, *Islamic Law on Peasant Usufruct in Ottoman Syria, 17th to Early 19th Century* (Leiden, 2012), 83–84.

82 N. Solomonovich and R. Kark, “Land Privatization in Nineteenth-century Ottoman Palestine”, *Islamic Law and Society*, 22/3 (2015), 221–252. See also a detail about Iraq in C. Herzog, “Some Notes About the Members of Parliament from the Proviince of Baghdad”, in C. Herzog and M. Sharif (eds.), *The First Ottoman Experiment in Democracy* (Würzburg, 2010), 282. A law from Jaunary 1861 headed in the same direction, see E. A. Aytekin, “Agrarian Relations”, 947.

83 O. Gözel, “The Implementation of the Ottoman Land Code”, 44.

84 N. Michel, “Terre, statut de la”, 1137.

sharecropping, that is, it has ignored all the cases where the farmer and the *tapu-name* holder were not the same person.

Following the enactment of the Land Code in 1858, some provincial regulations (Safer Ordinance, the so-called *Talimat*) on the question of *çiftlik-s* in Bosnia and Herzegovina were published in 1859. They considered *çiftlik sahibi-s* as legitimate holders of *tapu-name*, and therefore as bearers of the *tasarruf*. They laid down *sahib-s'* obligations towards sharecroppers and gave these last confused rights, which it is impossible to know whether they fell under private law or public law. In fact, prevailing interpretation has given sharecroppers a hereditary right to the land they tilled, with a right of residence (*hakk-i karar*) similar to the one that formed the basis of the *çivçi's tapu-name* in the timarial system.

This interpretation has been developed and juridicised by the Austro-Hungarians when they took over the administration of Bosnia from 1878. Both *sahib* and sharecropper had their rights to the land confirmed. Austro-Hungarian administration trapped itself in this respect: any arbitration could only be perceived as a dispossession by one of the two parties. This non-transitive interpretation of the Ottoman agrarian legislation can be considered as the main personal motivation of Gavrilo Princip, the son of peasant who murdered archduke Franz-Ferdinand in 1914.

Recent historiography considers that Safer Ordinance has abrogated the cumulative, common, land-based rights of the landowner and the farmer and introduced exclusive modern property on the *Grundherr* (bcms *zemljoposjednik*) model.⁸⁵ However, the correct interpretation is that these simultaneous rights have been ratified both by Ottomans and Austro-Hungarians: there was a categorical shift, but no change of nature.

Although reassuming the Ottoman law from 1878 on, Austro-Hungarians understood it in a very different frame, in which territoriality was as central as the figure of individualistic owner. By this way, they gave a new dynamic to the historical evolution of timarial possession.

The evolution of the doctrine on ownership in Europe may be of importance to understand the subsequent events. It is often assumed that what we subsume under the word property results from an evolution from feudality, in which were

85 M. Imamović, *Historija Bošnjaka* [History of the Bochniaks] (Sarajevo, 1997), 339–340; E. Mutapčić, *Agrarna reforma*, 48–49.

central the *dominium* and the implied hierarchization of rights, to modernity, where right to land is defined as absolute. From this point of view, Common Law and civilist traditions do not consequently diverge. But what was different on the Continent was the will to inscribe this right in the landscape and at the same time in the Law by strongly affirmed limits, with the motto that the soil shall be owned by those who till it. This was the object of cadastral operations with, from the beginning of the 18th century on, cadastral maps, in order to have a representation of the body of the property. The evolution makes clear that property was more and more understood as a process of going closer to territory and its materiality, the soil. These administrative and juridical transformations are of importance in the extent that they rearranged the ties between man and soil in an exclusive way. They paved the way to territorializing ideology of nation-states and gave rise to agrarian question, the basis of whom was the question of tiller's ownership.

At the end of the nineteenth century, Austria-Hungary was one of the leading states in Europe in cadastrating skills and conceptualization of limits as geometrical objects. After the Second Oriental Crisis of 1875-1878, which started in Herzegovina, and the Treaty of Berlin, the very first task of their coming in Bosnia was the solution of the agrarian question by the way of a cadastral map accompanied by a land register system. They implemented mapping in a very short time — 4 years — and registration in 15 years (except for 3 districts, that were completed very later). By doing this, they clearly showed that they understood the agrarian problems of Bosnia as a problem of territoriality, in accordance with their own historical tradition, replacing it in the frame of an evolution from feudality.

Actually, the situation was little bit more complicated. The Austro-Hungarians were divided in front of the situation. Jurists made a real effort to understand the Ottoman Law and tried to transcribe it in German words and concepts, sometimes with success, and systematically approaching the mass of Ottoman regulations in order to interpret or reinterpret them. On the other hand, politicians — Austro-Hungarian and local — contribute to the confusion by understanding the Bosnian situation only in the European way of absolute ownership.

It led to harsh conflicts about the interpretation of the Safer Ordinance because of some insufficiency in legal terminology used in the text.⁸⁶ Three points were at stake.

86 On the problems of terminology in the *Talimat*, see CADN, Mostar 6, 3 June 1864; Agrarius, *Agrarni propisi za Bosnu i Hercegovinu, uz dodatak nekih najvažnijih agrarnih običaja*

1 / The *Talimat* codified relations between *sahib*-s and sharecroppers by setting up the judicial body as an independent arbitrator. Nevertheless, in agrarian matters this body was not unified: with the Tanzimat, Shari'a courts dealt with *mülk* and *vakf* lands, whereas reformed courts and administrative justice were concerned with *miri* lands. Obviously leaning on *miri* law, the *Talimat* referred however to sharecropping contracts with the name of *müzaré'a*, which refers to sharecropping on *mülk* lands.⁸⁷ There is thus confusion: the text simultaneously considers *sahib*-s as private owners of their *çiftlik*-s, and that sharecropping belongs to the field of interference of the public force.

2 / This confusion is prolonged by the term designating the contract, *kontorato*, whereas in Shari'a the *müzaré'a* is contracted under *icar* or *isticar*.⁸⁸ In other words, the *Talimat* drew on both the Land Code and Sharia law, mixed the vocabulary and did not allow to know whether a *kontorato* implies public power commitment or not.

3 / The *Talimat* referred to sharecroppers as *müstecir* (a word unknown at that time in Bosnia). To be consistent, the redactors should have designated them as *zari'*, or *müzari'*, ie the *müzaré'a* contractor in Chariatic law, a term that could be translated as “a member remunerated proportionally to the product of the activity of the society”. Actually, *müstecir* referred to the Land Code of 1858, where he was described as a settler without right to land (§ 23 and 76); the term could also be found in the *Mecelle*, though not in the chapter on companies (Book X) but in the one dealing with lease contracts (Book II). *Müstecir* corresponds to “tenant” — which means that only the legal capacity of the contractor was concerned here. In both cases, for the contract to be valid it is necessary to specify the nature

[Agrarian regulations for Bosnia and Herzegovina, with some of the most important agricultural practices] (Sarajevo, 1911), 5–14; Ć. Truhelka, *Historička podloga*, 87–89. Unfortunately, no ground-breaking views in Tefvik Güran & Ahmet Uzun, “Bosna-Hersek'te Toprak Rejimi. Eshâb-ı Alâka ve Çiftçiler Arasındaki İlişkiler (1840-1875)”, *Belleten*, 70/259 (2006), 867-902.

87 On these leases, see B. Johansen, *The Islamic Law on Land Tax and Rent. The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London/New York/Sydney, 1988), especially 53–57; S. Joseph, *Islamic Law*, chapter 2. Description of farm leases by M. C. D'Ohsson, *Tableau général de l'Empire ottoman*, (Paris, 1824), vol. 6, 130–138.

88 I do not know why A. S. Aličić uses the term *isticar* instead of *kontorato* (“Prilog proučavanju položaja sela”, 87); on the other hand, M. Imamović may have used the term *müzaré'a* inadvertently (*Pravni položaj*, 52).

of the crops; but in the case of *isticar* the contract must have a term, whereas the *müzaré'a* tacitly runs until death or retraction. If the peasant was a *müstecir*, he did not in theory enjoy the right of residence (*hakk-ı karar*) which the *reaya* was invested in the timarial system; if he was a *müzari*, he was associated and stable.

What should we remember from these terminological inaccuracies? A variety of interpretations can be given of the status of the sharecropper in Bosnia, no one succeeded in prevailing. What I retain here for the moment is that the importance of the timar model has determined the *Talimat* and, above all, influenced its interpretation on the ground. The sharecropper benefited from a right of residence and transmission which made him a kind of *reaya* holding a *tapu*; this right competes with that of his master. The ternary structure state-*sahib*-sharecropper redistributed the triad of rights *rekaba-tesarruf-karar* divided between the Treasury, the timariot and the *reaya* in timarial system. But the division of rights prevented the full constitution of legal roles:⁸⁹ the *sahib* did not occupy the central place of the absolute owner, the sharecropper properly speaking did not exist, and the administrative justice was arbitral only temporarily (the rest of the time, it affirmed its eminent property (*rekaba*), supported by a matrix power (all land in escheat, even *mülk*, “returns” to the public domain, Code art 2). The *sahib* had the *tasarruf*, and the *karar* stabilized by the *tapu*. The sharecropper also had *karar* and, by delegation, usufruct. He was, therefore, the heir to a good part of the ancient *çivçi*'s rights on timar, and was named after him until the end of the period.

This shift is logical and not political: the Leskovac sharecropping regulation (*Leskovački zakon*, also dating from 1859) has resulted in the same right of residence for the new *çiftçi*;⁹⁰ basically, *karar* was a right to subsistence, and by a way of consequence from the moment when the *tapu* holder decided not to till his land directly, it seems normal that *karar* goes to the tiller.

Concluding remarks

At the end of a rapid evolution of two decades, *çiftlik* and timar merged distinctive elements into a new form of agrarian relations where the *sahib* inherited a little of the timariot and sharecropper a little of the *çiftçi*. This timar-impregnated

89 The idea that the Code and/or the *Talimat* instituted the bourgeois proprietor is present pretty much everywhere in South Slavic literature. Symptomatically, see D. Berić, *Устанак*, 507; M. Imamović, *Historija Bošnjaka*, 338–340.

90 D. Berić, *Устанак*, 597–598.

system did not develop as a historical antithesis of timar: nothing leads us to believe that Bosnian *çiftlik*-s of the nineteenth century were radically different from those of the classical era, *ie* that they were held in full ownership.⁹¹

As described, the Bosnian case challenges an important prejudice in *çiftlik* studies, which I call transformationism. Following this, Ottoman agrarian system has known a classical period, culminating with Soliman-the-Magnificent, then has undergone transformation, adaptation, and even has fallen into decay.⁹² Timar has built the classical system, and *çiftlik* slow progression has ruined the building, precipitating at best its transformation, at worst its decadence, always corrupting the legal nature of the lands in the Empire, where the fundamental regime was public property.⁹³ In this view, *çiftlik* represented a dangerous step towards the appropriation of *miri* lands, contributed to establish private property contrary to the spirit of the Ottoman *kanun* (and its shaping in the timarial system). Furthermore, *çiftlik* is supposed to have founded a certain capitalism in the Ottoman Empire by allowing the appearance of latifundia with market-oriented production by the way of sharecropping leases.⁹⁴

91 A. S. Aličić, *Pokret za autonomiju*, 78–79.

92 This is what assumes H. İnalçık in “Çiftlik”, *Encyclopédie de l’Islam. Seconde édition* (Leiden, 1965). Much of historiography still seems dependent on this point of view, see for instance S. Laiou, “Some Considerations”.

93 Characteristically, Y. Nagata, “The Decline of the Ottoman Empire’s Doctrine of State Landownership. The Development of the Çiftlik Type of Landownership”, in Y. Nagata, *Studies on the Social and Economic History of the Ottoman Empire* (Manisa, 2007), 133–139.

94 H. İnalçık, “Çiftlik”; B. McGowan, “The Study of Land and Agriculture in the Ottoman Provinces within the Context of an Expanding World Economy in the 17th and 18th Centuries”, *International Journal of Turkish Studies*, 1 (1984-1985), 57–63; Ç. Keyder and F. Tabak (eds.), *Landholding and Commercial Agriculture in the Middle East. Globalization, Revolution and Popular Culture* (Albany, 1991). I could not consult Faruk Tabak, *The Ottoman Countryside in the Age of the Autumn of the Mediterranean, C. 1560-1870*, 2 volumes, (Binghamton: SUNY, 2000) [not to be found in France]; I suppose that Tabak develops there Marxist views as in his other articles. Likewise, I was unable to consult Douglas Arthur Howard’s (1958-) doctoral thesis, which was never published commercially (“The Ottoman Timar System and its Transformation, 1536-1656” (doctoral dissertation), Bloomington: Indiana University, 1987); but the reading of the articles he wrote on this basis made me understand that Howard does not deal with the *çiftlik* issue.

Unknowingly referring to Jovan Cvijić (1865-1927),⁹⁵ Ottomanists adopted this scheme by reading the works of Richard Busch-Zantner (1911-1942) and Traian Stoianovich (1921-2005).⁹⁶ In their view, capitalistic latifundia have been widespread in the Balkans. In his book of 1981, Bruce McGowan gave the first major formalizations on the Ottoman land transition to capitalism. Based on land registers for Rumelia (mainly Macedonian and Sylvania regions), his analyses depict *çiftlik* as an estate — not necessarily large, but always motivated by market economy — arising from permanent usurpations or illegal alienations, at the time of international division of labor.⁹⁷ Consolidated by Marx's or Wallerstein's schemes, this totemisation of capitalism has led to erroneous assertions. An author like Fikret Adanır, after analyzing *çiftlik* as a capitalist type of exploitation, notes that in the Balkans it was the most widespread in Bosnia.⁹⁸ Needless to say that in this province, we are very far from any capitalism, until 1992. During the Socialist Era, in the 1950s-1970s, Yugoslavian ottomanists and historians have written in the same vein: Nedim Filipović saw in the massive appropriation of *çiftlik*-s by *asker*-s in Bosnia during the sixteenth century a sign of the timarial system weakening,⁹⁹ while Avdo Sućeska and Vladimir Stojančević¹⁰⁰ spread the idea that *çiftlik*-s were competing with timarial system.

95 J. Cvijić, *La Péninsule balkanique. Géographie humaine* (Paris, 1918), 171–173. Note that Cvijić did not speak of latifundia. Cvijić was also influent among Slavists, geographers and geopoliticians, from whom Ottomanists were able to draw their inspiration: in this respect, Jacques Ancel (*La Macédoine. Étude de colonisation contemporaine* (Paris, 1930)) inspired Ömer Lütfi Barkan and his theory of latifundia (“Чифлик (*çiftlik*)”, *Godišnjak istoriskog društva BiH*, 2 (1950), 295).

96 R. Busch-Zantner, *Agrarverfassung, Gesellschaft und Siedlung in Südosteuropa unter besonderer Berücksichtigung der Türkenzeit* (Leipzig, 1938); H. İnalçık, “The Emergence of Big Farms *Çiftlik*s: State, Landlords and Tenants”, in J.-L. Bacqué-Grammont and P. Dumont (eds.), *Économie et sociétés dans l'Empire ottoman*, 105–126; Ç. Keyder and F. Tabak (eds.), *Landholding and Commercial Agriculture*; G. Veinstein, “On the *Çiftlik* Debate”; F. Adanır, “The Ottoman Peasantries”, 298.

97 B. McGowan, *Economic Life in Ottoman Europe. Taxation, Trade and the Struggle for Land, 1600-1800* (Cambridge/Paris, 1981), 46, 60–66.

98 F. Adanır, “The Ottoman Peasantries”, 301.

99 N. Filipović, “Odžakluk timari”, 264.

100 A. Sućeska, “Promjene u sistemu izvanrednog oporezivanja u Turskoj u XVII i XVIII vijeku i pojava nameta tekâlif-i şâkka” [Changes in the system of extraordinary taxation in Turkey in the seventeenth and eighteenth centuries and genesis of *tekâlif-i şâkka* tax],

On this transformationist background, few historians have developed alternative visions; Donald Quataert (1941-2011) claimed that the main form of agricultural tenure in the Ottoman state during the nineteenth century was the small agricultural property and that the lack of capital and manpower had not allowed the domination of large estates.¹⁰¹ Whether they go in this direction or in other one, these general views are defeated by the Bosnian example, and it is safe to assume that the careful examination of what happened in other Ottoman regions, at least in the Balkans, would help break the transformational myth.

The End of the timar System in Bosnia, 18th-20th Century

Abstract ■ Ottomanists have long thought that the *timar* system was in decline from the end of the sixteenth century, and that it gave way to a new system, the *çiftlik* system. However, actual knowledge and new conceptual tools have undermined this opinion. Sources have showed that the appearance of *çiftlik*'s and the rise of new elites as early as the 17th century had not yet signified the end of the *timar*'s; it is a fact that they continued to be present until late in some provinces. It is therefore necessary to rethink the *timar-çiftlik* relationship, hitherto conceived as a competitive historical process which supposedly signified the decline of the *timar*'s and ultimately ended them. As soon as the notion of decline is questioned, or at least relativized, we are able to think of the genesis of *çiftlik*'s as the establishment of a fiscal complementarity, in the fiscal frame of the eighteenth century, when fiscal incitation to seizing soil was given by more and more depreciating value of money. This trend had far-reaching consequences for the relation the Ottoman elites had with landed possession.

Keywords: Bosnia, Ottoman Empire, agrarian change, landed estates, property rights, Ottoman law, timar.

Prilozi za orijentalnu filologiju, 10-11 (1961), 80–84; V. Stojančević, *Јужнословенски народи*, 107–112.

101 D. Quataert, *The Ottoman Empire 1700-1922* (Cambridge, 2000), 131.

Bibliography

- Adanır, Fikret: "The Ottoman Peasantries, c.1360-c.1860", in Tom Scott (ed.), *The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries*, London: Longman 1998, 269–310.
- Agrarius: *Agrarni propisi za Bosnu i Hercegovinu, uz dodatak nekih najvažnijih agrarnih običaja* [Agrarian regulations for Bosnia and Herzegovina, with some of the most important agricultural practices], Sarajevo: Kajon 1911.
- Aličić, Ahmed S. (ed.): *Sumarni popis sandžaka Bosna iz 1468/69. godine* [Shorten census of the Bosnian sandjak of 1468-9], Sarajevo: Dobra knjiga 2014.
- Aličić, Ahmed S.: "Desetina u Bosni polovinom XIX vijeka" [The tithe in Bosnia in the mid-nineteenth century], *Prilozi Instituta za istoriju*, 16 (1980), 129–174.
- Aličić, Ahmed S. (ed.): "Manuskript *Ahvali Bosna* od Muhameda Emina Isevića (poč. XIX v.). Uvod, prevod s turskog i napomene Ahmed S. Aličić", *Prilozi za orijentalnu filologiju*, 32–33 (1982-3), 163–198 (eng. trans.: "Manuscript *Ahval-i Bosna* by Muhamed Emin Isević (early 19th Century). Introduction, translation from Turkish and annotations", *Prilozi za orijentalnu filologiju*, 50 (2002), 227–264; transcription in Latin alphabet by Mahir Aydın, "Bosnada Bağ boszumu "İşyan öncesinde kargaşa"", in Coll., *Bosnia & Herzegovina. Common History and Multicultural Atmospher in the Balkans*, Istanbul: IBAC 2015, 115–146).
- Aličić, Ahmed S.: "Prilog proučavanju položaja sela i grada u Bosni u XIX vijeku" [Contribution to the study of villages and towns in Bosnia in the nineteenth century], *Jugoslovenski istorijski časopis*, 1-2 (1974), 79–91.
- Aličić, Ahmed S.: *Uređenje Bosanskog ejaleta od 1789. do 1878. godine* [Administration of Bosnian eyalet 1789-1878], Sarajevo: OIS 1983.
- Aličić, Ahmed S.: *Pokret za autonomiju Bosne od 1831. do 1832. godine* [Movement for an autonomous Bosnia 1831-1832], Sarajevo: OIS 1996.
- Ancel, Jacques: *La Macédoine. Étude de colonisation contemporaine* (Paris: s.n., 1930).
- Asbóth, Johann von: *Bosnien und die Herzegowina. Reisebilder und Studien*, Wien: Alfred Hölder, k. k. Hof- und Universitäts-Buchhändler 1888.
- Atran, Scott: "Le *masha'a* et la question foncière en Palestine, 1858-1948", *Annales. Histoire, Sciences Sociales*, 42/6 (1987), 1361–1389.
- Aytekin, E. Attila: "Agrarian Relations, Property and Law. An Analysis of the Land Code of 1858 in the Ottoman Empire", *Middle Eastern Studies*, 45/6 (2009), 935–951.
- Aytekin, E. Attila: "Historiography of Land Tenure and Agriculture in the Nineteenth Century Ottoman Empire", *Asian Research Trends - New Series* (2009), 1–19.
- Baer, Gabriel: "The Evolution of Private Landownership in Egypt and the Fertile Crescent", in Charles Issawi (ed.), *The Economic History of the Middle East*, Chicago/London: The University of Chicago Press 1966, 79–90.

- Barjaktarović, Mirko: *O zemljišnim međama u Srbija* [Land bordering by the Serbs], Beograd: Naučna knjiga 1952.
- Barkan, Ömer Lütfi: “Çiftlik”, *İslam Ansiklopedisi* (Istanbul: Millî Eğitim Basımevi, 1943) in BCS: “Чифлик (çiftlik)”, *Godišnjak istoriskog društva BiH*, 2 (1950), 287–298.
- Bašagić-Redžepašić, Safvet-beg: *Kratka uputa u prošlost Bosne i Hercegovine (od g. 1463.-1850.)* [A brief introduction to the past of Bosnia and Herzegovina 1463-1850], Sarajevo: Vlastita naklada 1900.
- Belarbi, Louba: “Les mutations dans les structures foncières dans l’Empire ottoman à l’époque du *Tanzimat*”, in Jean-Louis Bacqué-Grammont and Paul Dumont (eds), *Économie et sociétés dans l’Empire ottoman (fin du XVIII^e-début du XX^e siècle)*, Paris: Éd. du CNRS 1983, 251–259.
- Belin, François: “Du régime des fiefs militaires dans l’islamisme, et principalement en Turquie”, *Journal asiatique*, S6 15/2 (1870), 187–301.
- Belin, François: *Étude sur la propriété foncière en pays musulman, et spécialement en Turquie (rite hanéfi)*, Paris: Imprimerie impériale 1862, 180–248.
- Berić, Dušan: *Устанак у Херцеговини 1852–1862* [Herzegovinian uprising 1852-1862], Beograd/Novi Sad: SANU 1994.
- Berktaş, Halil: *New Approaches to State and Peasant in Ottoman History*, London: Cass 1992.
- Busch-Zantner, Richard: *Agrarverfassung, Gesellschaft und Siedlung in Südosteuropa unter besonderer Berücksichtigung der Türkenzeit*, Leipzig: Harrassowitz 1938.
- Buturović, Derviš (ed.): “Isprave spahiskih porodica iz nahije Neretve” [Documents of sipahi families from the Neretva nahiye], *Prilozi za orijentalnu filologiju*, 6-7 (1956-57), 193–258.
- Chiha, Nédjib H.: *Traité de la propriété immobilière en droit ottoman*, Le Caire: El-Maaref 1906.
- Clayer, Nathalie: “Note sur la survivance du système des *timâr* dans la région de Shköder au début du XX^e siècle”, *Turcica*, 29 (1997), 423–431.
- Clayer, Nathalie: “Quand l’hagiographie se fait l’écho des dérèglements socio-politiques: le *menakibname* de Müniri Belgradi”, in Gilles Veinstein (dir.), *Syncretismes et hérésies dans l’Orient seldjoukide et ottoman (XIV^e-XVIII^e siècle)*, Paris etc.: Peeters 2005, 363–381.
- Congost, Rosa and Rui Santos (eds): *Contexts of Property in Europe. The Social Embeddedness of Property Rights in Land in Historical Perspective*, Turnhout: Brepols 2010.
- Cvijić, Jovan: *La Péninsule balkanique. Géographie humaine*, Paris: Armand Colin 1918.
- Čar-Drnda, Hatidža: “Remnants of the *Timâr* System in the Bosnian *Vilâyet* in the Second Half of the Nineteenth Century”, *International Journal of Turkish Studies*, 10 (2004), 171–174.

- D'Ohsson, Mouradgea C.: *Tableau général de l'Empire ottoman*, 7 volumes, Paris: Didot Père et fils 1824.
- Darling, Linda T.: "Nasihatnameler, İcmal Defterleri, and the *Timar*-Holding Ottoman Elite in the Late Sixteenth Century", *Osmanlı Araştırmaları*, 43 (2014), 193–226.
- Darling, Linda T.: "Nasihatnameler, İcmal Defterleri, and the *Timar*-Holding Ottoman Elite in the Late Sixteenth Century — Part II, Including the Seventeenth Century", *Osmanlı Araştırmaları*, 45 (2015), 1–23.
- Davison, Roderic: *Reform in the Ottoman Empire 1856-1876* (1963), New York: Gordian Press 1973.
- Dedijer, Jevto: "Врсте непокретне својине у Херцеговини" [Types of immovable property in Herzegovina], *Glasnik Zemaljskog muzeja*, 20 (1908), 387–402.
- Dedijer, Jevto: "Херцеговина. Антропогеографске студије" [Herzegovina. Anthropogeographical studies], *Srpski etnografski zbornik*, 12 (1909), 3–448 (coverback: *Херцеговина. Антропогеографске студије*, Sarajevo: Veselin Masleša 1989).
- Dobrača, Kasim (ed.): *Gazi Husrev-begova biblioteka u Sarajevu. Katalog arapskih, turskih i perzijskih rukopisa. Svezak drugi* [Gazi Husrev Bey Library in Sarajevo. A catalog of Arabic, Turkish and Persian manuscripts. Volume Two] (1979), Londres/Sarajevo: Al-Furqan/El-Kalem 2002.
- Dombay, Franz von: *Geschichte des Türkischen Reiches*, Wien: Sebastian Hartl 1789.
- Dostović, Nihad (ed.): "Dva dokumenta iz tuzlanskog siđžila iz 1054–55. h. g./1644–45. godine u Gazi Husrev-begovoj biblioteci" [Two documents from the Tuzla *sicil* of 1054-1055/1644-1645 in the Gazi Husrev Bey Library], *Anali Gazi Husrev-begove biblioteke*, 33 (2012), 59–106.
- Đurđev, Branislav: "O uticaju turske vladavine na razvitak naših Naroda" [On the influence of Turkish rule on the development of our nations], *Godišnjak Istorijskog društva Bosne i Hercegovine*, 2 (1950), 19–82.
- Đurđev, Branislav: "O војнуцима са освртом на развој турског феудализма и на питање турског агалука" [*Voynuk-s* and the development of Turkish feudalism, with views on Turkish *ağalık*], *Glasnik Zemaljskog muzeja*, NS 2 (1947), 75–138.
- Đurđev, Branislav: "Прилог питању развитака и карактера турско-османског феудализма-тимарско-спахиског уређења" [The development and character of Turkish-Ottoman feudalism — the *timar* system], *Godišnjak Istorijskog društva Bosne i Hercegovine*, 1 (1949), 101–167.
- Đurđev, Branislav, Nedim Filipović and Hamid Hadžibegić (eds), *Kanuni i kanun-name za bosanski, hercegovачки, zbornički, kliški, crnogorski i skadarski sandžak* [Kanun and *anunname* for the sandjaks of Bosnia, Herzegovina, Zvornik, Klis, Montenegro and Skadar], Sarajevo: OIS 1957.

- El-Akhisâri, Hasan Kâfi: *Izabrani spisi. Uvod, prevod i bilješke Amir Ljubović, Fehim Nametak* [Selected works. Introduction, translation and notes of Amir Ljubović and Fehim Nametak], Sarajevo: Veselin Masleša 1983.
- Filipović, Milenko S.: “Eksoprik, miraščija ili priorac kroz vekove. Prilog poznavanju života na selu kod Južnih Slovena” [Outsiders in countryside by the South Slavs], *Radovi ND SR BiH*, 20/7 (1963), 173–183.
- Filipović, Milenko S.: *Prilozi etnološkom poznavanju severoistočne Bosne* [A Contributions to ethnological knowledge of northeastern Bosnia], Sarajevo: ANUBiH 1969.
- Filipović, Nedim: “Odžakluk timari u Bosni i Hercegovini”, *Prilozi za orijentalnu filologiju*, 5 (1954-1955), 251–274 (in Turk.: “Bosna-Hersek’de timar sisteminin inkişafında bazı hususlar”, *Iktisat Fakültesi Mecmuası*, 15 (1954), 154–188; in Eng.: “Ocaklık Timars in Bosnia and Herzegovina”, *Prilozi za orijentalnu filologiju*, 36 (1987), 149–180).
- Filipović, Nenad: “Pitanje osmanske vlasti u Crnoj Gori, razvoj jugoslovenske osmanistike i Branislav Đurđev” [Ottoman power on Montenegro, the development of Yugoslav Ottomanism and Branislav Đurđev], in Dževad Juzbašić (ed.), *Naučno djelo akademika Branislava Đurđeva*, Sarajevo: ANUBiH 2010, 47–84.
- Fodor, Pal: “State and Society. Crisis and Reform in 15th-17th Century Ottoman Mirror for Princes”, *Acta Orientalia Academiae Scientiarum Hungaricae*, 40/2-3 (1986), 217–240.
- Freas, Erik Eliav: “Ottoman Reform, Islam, and Palestine’s Peasantry”, *The Arab Studies Journal*, 18/1 (2010), 196–231.
- Gelez, Philippe: *Pauvreté et modernité dans une province ottomane. La question agraire en Bosnie 1800-1918* [Poverty and modernity in an Ottoman province. The agrarian question in Bosnia 1800-1918], Habilitation thesis defended at the EHESS (Paris) in 2016.
- Georgeon, François, Nicolas Vatin and Gilles Veinstein (eds.): *Dictionnaire de l’Empire ottoman*, Paris: Fayard 2015.
- Gerber, Haim: *The Social Origins of the Moderne Middle East*, Boulder: Lynne Rienner 1987.
- Gölen, Zafer: “Bosna Timar Ruznamçe Defterlerine Göre XIX. Yüzyıl Başlarında Bosna Eyâleti Timar ve Zeametleri”, in Alaattin Aköz, Slobodan Ilić, Doğan Yörük and Danko Leovac (eds.), *Osmanlı İdaresinde Balkanlar I*, Konya: Palet Yayınları 2020, 279–298.
- Gölen, Zafer: *Tanzimat Döneminde Bosna-Hersek*, Ankara: Türk Tarih Kurumu 2010.
- Gözel, Oya: *The Implementation of the Ottoman Land Code of 1858 in Eastern Anatolia*, MA thesis, Ankara: Orta Doğu Teknik Üniversitesi 2007.
- Guignard, Didier: “Les inventeurs de la tradition “melk” et “arch” en Algérie”, in Vanessa Guéno and Didier Guignard (eds.), *Les acteurs des transformations foncières autour de la Méditerranée au XIX^e siècle*, Paris/Aix: Karthala/MMSH 2013, 49–93.

- Güran, Tefvik and Ahmet Uzun: “Bosna-Hersek'te Toprak Rejimi. Eshâb-ı Alâka ve Çiftçiler Arasındaki İlişkiler (1840-1875)”, *Belleten*, 70/259 (2006), 867–902.
- Habesci, Elias: *The Present State of the Ottoman Empire*, London: Baldwin 1784 (in French: *État actuel de l'Empire ottoman, traduit de l'anglois par M. Fontanelle*, 2 volumes, Paris: Lavillette 1792).
- Hadžibegić, Hamid (ed.): “Rasprava Ali Čauša iz Sofije o timarskoj organizaciji u XVII stoljeću” [Sofyalı Ali Çauş's study on timar organization], *Glasnik Zemaljskog muzeja*, NS 2 (1947), 139–206.
- Hadžibegić, Hamid (ed.): “Канун-нама Султана Сулјемана Законодавца из првих година његове владе” [Süleyman-the-Magnificent's *kanun-name* from the first years of his government], *Glasnik Zemaljskog muzeja*, 4-5 (1950), 295–381.
- Hadžibegović, Iljas: *Postanak radničke klase u Bosni i Hercegovini i njen razvoj do 1914. godine* [Genesis of the working class in Bosnia-Herzegovina and its development till 1914], Sarajevo: Svjetlost 1980.
- Hammer, Joseph von: *Des osmanischen Reichs Staatsverfassung und Staatsverwaltung*, 2 volumes, Wien: Camesinasche Buchhandlung 1815.
- Herzog, Christoph: “Some Notes About the Members of Parliament from the Proviince of Baghdad”, in Christoph Herzog and Malek Sharif (eds.), *The First Ottoman Experiment in Democracy*, Würzburg: Ergon Verlag 2010, 275–284.
- Hodžić, Šaban: “Poziv Hadži Muje Mehovića upućen muslimanima i hrišćanima” [Hadži Mujo Mehović's calling to Muslims and Christians], *Glasnik arhiva i društva arhivskih radnika Bosne i Hercegovine*, 1 (1961), 327-332.
- Howard, Douglas: “Genre and Myth in the Ottoman Advice for Kings Literature”, in Virginia Aksan and Daniel Goffman (eds.), *The Early Modern Ottomans: Remapping the Empire*, Cambridge: CUP 2007, 137–166.
- Imamović, Enver: *Historija bosanske vojske* [History of the Bosnian army], Sarajevo: Art 7 1999.
- Imamović, Mustafa: *Historija Bošnjaka* [History of the Bochniaks], Sarajevo: Preporod 1997.
- Imamović, Mustafa: *Pravni položaj i unutrašnjo-politički razvitak Bosne i Hercegovine od 1878. do 1914.* [Legal position and internal political development of Bosnia-Herzegovina 1878-1914], Sarajevo: Bosanski kulturni centar 1997 [2nd ed.].
- İnalçık, Halil and Donald Quataert (eds.): *An Economic and Social History of the Ottoman Empire*, 2 volumes, Cambridge: CUP 1994.
- İnalçık, Halil: “The Emergence of Big Farms *Çiftliks*: State, Landlords and Tenants”, in Jean-Louis Bacqué-Grammont and Paul Dumont (eds.), *Contributions à l'histoire*

- économique et sociale de l'Empire ottoman*, Leuven/Paris: Peeters/Association pour le développement des études turques 1983, 105–126.
- İnalçık, Halil: “Çiftlik”, in *Encyclopédie de l'Islam. Seconde édition*, Leiden: Brill 1965.
- İslamoğlu, Huri: “Property as a Contested Domain. A Reevaluation of the Ottoman Land Code of 1858”, in Roger Owen (ed.), *New Perspectives on Property and Land in the Middle East*, Londres: Harvard University Press 2000, 3–61.
- İslamoğlu-İnan, Huri and Çağlar Keyder: “Agenda for Ottoman History”, in Huri İslamoğlu-İnan (ed.), *The Ottoman Empire and the World-Economy*, New York/Paris: CUP/MSH 1987, 42–62.
- İslamoğlu, Huri: “Modernities Compared. State Transformations and Constitutions of Property in the Qing and Ottoman Empires”, in Huri İslamoğlu and Peter C. Perdue (eds), *Shared Histories of Modernity. China, India, and the Ottoman Empire*, New Delhi: Routledge 2009, 353–386.
- İslamoğlu-İnan, Huri: *State and Peasant in the Ottoman Empire. Agrarian Power Relations and Regional Economic Development in Ottoman Anatolia During the Sixteenth Century*, Leiden: Brill 1994.
- Johansen, Baber: *The Islamic Law on Land Tax and Rent. The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods*, London/New York/Sydney: Croom Helm 1988.
- Jorgens, Denise: “A Comparative Examination of the Provisions of the Ottoman Land Code and Khedives Sa‘id’s Law of 1858”, in Roger Owen (ed.), *New Perspectives on Property and Land in the Middle East*, Cambridge: Harvard Center for Middle Eastern Studies 2000, 93–119.
- Joseph, Sabrina: *Islamic Law on Peasant Usufruct in Ottoman Syria, 17th to Early 19th Century*, Leiden: Brill 2012.
- Kafadar, Cemal: “The Question of Ottoman Decline”, *Harvard Middle Eastern and Islamic Review*, 4/1-2 (1997-1998), 30–75.
- Kamberović, Husnija: *Begovski zemljišni posjedi u Bosni i Hercegovini od 1878. do 1918.godine* [Landed estates of the beys in Bosnia-Herzegovina 1878-1918], Zagreb/Sarajevo: HIP/Institut za istoriju 2003.
- Kapidžić, Hamdija (ed.): *Прилози за историју Босне и Херцеговине у XIX вијеку* [Contributions to the history of Bosnia-Herzegovina during the nineteenth century], Sarajevo: ND NR BiH 1956.
- Karadžić, Vuk: *Сабрана дела, т. 17: Етнографски списи* [Complete works, t. 17: Ethnography], Beograd: Prosveta, 1972.
- Karaula, Marijan (ed.): *Pro populo. Život i djelo fra Lovre Karaula (1800.-1875.)* [For the people. The life and works of fra Lovro Karaula (1800-1875)], Sarajevo: Svjetlo riječi 2000.

- Karpat, Kemal H.: “The Land Regime, Social Structure, and Modernization in the Ottoman Empire”, in William R. Polk and Richard L. Chambers (eds.), *Beginnings of Modernization in the Middle East*, Chicago/London: The University of Chicago Press 1968, 69–90 — also in Kemal H. Karpat, *Studies on Ottoman Social and Political History. Selected Articles and Essays*, Leiden: Brill 2002, 327–351.
- Kasumović, Fahd: “Osmanska agrarna politika i nadmetanje za zemlju u jugoistočnoj Evropi (analiza čiflukâ u Bosanskom sandžaku od uspostavljanja osmanske vlasti do početka 17. stoljeća)” [Ottoman agrarian policy and competition for land possession in Southeast Europe (analysis of the *çiftlik*-s in the sandjak of Bosnia since the establishment of Ottoman government authorities until the beginning of the seventeenth century)], *Anali Gazi Husrev-begove biblioteke*, 35 (2014), 93–150.
- Kaya, Alp Yücel: “Des registres impériaux aux registres des feux fiscaux. Réflexions sur les registres fiscaux ottomans du xv^e au xviii^e siècle”, in Mireille Touzery (ed.), *De l'estime au cadastre en Europe. L'époque moderne*, Paris: Comité pour l'histoire économique et financière de la France 2007, 265–307.
- Kaya, Alp Yücel: “On the *Çiftlik* Regulation in Tırhala in the Mid-Nineteenth Century. Economists, Pashas, Governors, *Çiftlik*-holders, *Subaşı*s, and Sharecroppers”, in Elias Kolovos (ed.), *Ottoman Rural Societies and Economies*, Rethymnon: Crete University Press 2015, 333–380.
- Keyder, Çağlar and Faruk Tabak (eds.): *Landholding and Commercial Agriculture in the Middle East. Globalization, Revolution and Popular Culture*, Albany: SUNY Press 1991 (turk. trans.: *Osmanlı toprak Mülkiyeti ve ticari tarım*, İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı 1998).
- Köksal, Yonca: “Land Reform in Northwestern Bulgaria During the Tanzimat Era”, in Ekrem Čaušević, Nenad Moačanin and Vjeran Kursar (eds.), *Perspectives on Ottoman Studies*, Berlin: LIT Verlag 2010, 455–462.
- Kornrumpf, Hans-Jürgen: “Einige osmanische Dokumente über Topal Osman Pascha in Bosnien 1861-1869”, *Südost Forschungen*, 51 (1992), 189–218.
- Kreševljaković, Hamdija: *Izabrana djela* [Selected works], 4 volumes, Sarajevo: Veselin Masleša 1991.
- Laiou, Sophia: “Some Considerations Regarding *Çiftlik* Formation in the Western Thessaly, Sixteenth-Nineteenth Centuries”, in Elias Kolovos, Phokion Kotzageorgis, Sophia Laiou and Marinos Sariyanis (eds.), *The Ottoman Empire, the Balkans, the Greek Lands. Toward a Social and Economic History. Studies in Honor of John C. Alexander*, Istanbul: The ISIS Press 2007, 255–277.
- Lampe, John R. and Marvin R. Jackson: *Balkan Economic History, 1550-1950. From Imperial Borderlands to Developing Nations*, Bloomington: Indiana University Press 1982.

- Lamprakis, Dimitrios: “Çiftlik Formation and Transformation of Land Ownership in the Kazas of Serfice, Çaharşenbe, and Eğri Bucak (1820-1850)”, *Journal of the Ottoman and Turkish Studies Association*, 7/1 (2020), 146–172.
- Lavić, Osman (ed.): *Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume XIV*, Londres/Sarajevo: Al-Furqan/El-Kalem 2005.
- Lavić, Osman (ed.): *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak deseti [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume X]*, Londres/Sarajevo: Al-Furqan/El-Kalem 2002.
- Lavić, Osman (ed.): *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak sedamnaesti [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume XVII]*, Londres/Sarajevo: Al-Furqan/El-Kalem 2010.
- Lewis, Bernard: “Ottoman Observers of Ottoman Decline”, *Islamic Studies*, 1 (1962), 71–87.
- Liebesny, Herbert: *The Law of the Near and Middle East. Readings, Cases, and Materials*, Albany: SUNY Press 1975.
- Loussararian, J.-Diran: *L'histoire et la théorie de la propriété foncière dans le droit public ottoman*, Doctoral Dissertation, Paris: Université de Paris 1912.
- Macauley, Melissa: “World Made Simple. Law and Property in the Ottoman and Qing Empires”, in Huri Islamoğlu and Peter C. Perdue (eds.), *Shared Histories of Modernity. China, India, and the Ottoman Empire*, New Delhi: Routledge 2009, 273–298.
- McGowan, Bruce: “Peasants and Pastoralists”, in H. İnalcık and D. Quataert (eds.), *An Economic and Social History of the Ottoman Empire*, vol. 2, Cambridge: Cambridge University Press 1994, 680–694.
- McGowan, Bruce: “The Study of Land and Agriculture in the Ottoman Provinces within the Context of an Expanding World Economy in the 17th and 18th Centuries”, *International Journal of Turkish Studies*, 1 (1984-1985), 57–63.
- McGowan, Bruce: *Economic Life in Ottoman Europe. Taxation, Trade and the Struggle for Land, 1600-1800*, Cambridge/Paris: CUP/MSH 1981.
- Minkov, Anton: “Ottoman Tapu Title Deeds in the Eighteenth and Nineteenth Centuries. Origin, Typology and Diplomats”, *Islamic Law and Society*, 7/1 (2000), 65–101.
- Mitrović, Pavle and Hamdija Kreševljaković (eds.): *Izveštaji italijanskog konzulata u Sarajevu (1863-1870 godine)* [Reports of the Italian Consulate in Sarajevo (1863-1870)], Sarajevo: ND NR BiH 1958.
- Moačanin, Nenad: “Defterology and Mythology. Ottoman Bosnia up to the *Tanzimat*”, *International Journal of Turkish Studies*, 10 (2004), 189–197.

- Močanin, Nenad: *Turska Hrvatska. Hrvati pod vlašću Osmanskog carstva do 1791. Preispitivanja* [The Turkish Croatia. Croats under Ottoman rule until 1791. Researches], Zagreb: Matica Hrvatska 1999.
- Moreau, Odile: “Quelques aperçus sur le recrutement des soldats bosniaques au XIX^{ème} siècle (1826-1876)”, *Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, 8 (1997), 183–204 (= “Les contingents balkaniques. Le recrutement des contingents bosniaques (1826-1876)”, *Anatolia moderna*, 7 (1997), 17–48; in Eng.: “The Recruitment of Bosnian Soldiers During the 19th Century (1826-1876)”, *Islamic Studies*, 36/2-3 (1997), 263-279; English contraction: “Bosnian Resistance to Conscription in the Nineteenth Century”, in Erik J. Zürcher (ed.), *Arming the State: Military Conscription in the Middle East and Central Asia, 1775-1925*, New York: Bloomsbury Publishing 1999, 129–133).
- Moustakas, Konstantinos: “Early Evidence on the Introduction of *Timar* in the Balkans and its Use as a Means of Incorporation. The *pronoia* of Laskaris”, *Südost Forschungen*, 68 (2009), 63–95.
- Mundy, Martha: “Ownership or Office? A Debate in Islamic Hanafite Jurisprudence Over the Nature of the Military ‘Fief’, from the Mamluks to the Ottomans”, in Alain Potage and Martha Mundy (eds.), *Law, Anthropology, and the Constitution of the Social. Making Persons and Things*, Cambridge: CUP 2004, 142–165.
- Mutafchieva, Vera P.: *Agrarian Relations in the Ottoman Empire in the 15th and 16th Centuries*, New York: Colombia University Press 1988.
- Mutapčić, Edin: *Agrarna reforma u BiH i njeno zakonodavstvo (1918.-1941.)* [Agrarian reform in BiH and its legislation 1918-1941], Gradačac: Biblioteka Alija Isaković 2007.
- Nagata, Yuzo: “The Decline of the Ottoman Empire’s Doctrine of State Landownership. The Development of the Çiftlik Type of Landownership”, in Yuzo Nagata, *Studies on the Social and Economic History of the Ottoman Empire*, Manisa: Akademi Kitapevi 2007, 133–139.
- Nikić, Andrija (ed.): *Regesta Franjevačkog arhiva u Mostaru 1446-1862* [Regesta from the Franciscan archives in Mostar 1446-1862], Mostar: Franjevačka knjižnica 1984.
- Ninčić, Momčilo: *Историја аграрно-правних односа српских тежака под Турцима. I. део* [History of agrarian-legal relations of Serbian peasants under the Turks. Part I], Beograd: Geca Kon 1920.
- Ninčić, Momčilo: *Путање о својини земље у Србоа под Турцима* [The property of land by the Serbs under the Turks], Beograd: Štamparija Dositije Obradović 1913.
- Novaković, Stojan: “Стари босански закон о баштинама” [An old Bosnian law on *baštine*], *Bosanska vila*, 7 (1892), 12, 181–184; 13, 199–201

- Özok-Gündoğan, Nilay: “Ruling the Periphery, Governing the Land. The Making of the Modern Ottoman State in Kurdistan, 1840-70”, *Comparative Studies of South Asia, Africa and the Middle East*, 34/1 (2014), 160–175.
- Padel, Wilhelm and Louis Steeg: *Législation foncière ottoman*, Paris: A. Pedone 1904.
- Pamuk, Şevket: “Commodity Production for World-Markets and Relations of Production in Ottoman Agriculture, 1840-1913”, in Huri İslamoğlu-İnan (ed.), *The Ottoman Empire and the World-Economy*, New York/Paris: CUP/MSH 1987, 178–202.
- Pašanić, Fikret: *Bošnjak savjetuje sultana. Muhamed Prozorac i djelo Islamski način postizanja poretka* [A Bochniak advises the Sultan. Muhamed el-Akhisari and his work *Nizam ul-alem*], Sarajevo: Arka Press 2012.
- Popara, Haso (ed.): *Katalog arapskih, turskih, perzijskih i bosanskih rukopisa. Gazi Husrevbegova biblioteka u Sarajevu. Svezak deveti* [Catalogue of the Arabic, Turkish, Persian & Bosnian Manuscripts in the Ghazi Husrev-Bey Library Sarajevo. Volume IX], Londres/Sarajevo: Al-Furqan/El-Kalem 2001.
- Popović, Vasilj: *Аграрно питање у Босни и турски нереди за време реформног режима Абдул-Меџида (1839-1861)* [Agrarian issue in Bosnia and Turkish riots during the reform regime of Abdul-Mecid], Beograd: SAN 1949.
- Quataert, Donald: *The Ottoman Empire 1700-1922*, Cambridge: CUP 2000.
- Roşkiewicz, Johann: *Studien über Bosnien und die Herzegovina*, Leipzig/Wien: F. A. Brockhaus 1868.
- Salzmann, Ariel: “An Ancient Regime Revisited. “Privatization” and Political Economy in the Eighteenth-Century Ottoman Empire”, *Politics & Society*, 21/4 (1993), 393–423.
- Sammlung der für Bosnien und die Hercegovina erlassenen Gesetze, Verordnungen und Normalweiseungen*, 3 volumes, Wien: k.-k. Hof- und Staatsdruckerei 1880-1882.
- Séfériadès, Stylianos Prodromou: *Le Régime immobilier en Turquie au point de vue du droit international*, Paris: A. Rousseau 1913.
- Shafir, Gershon: *Land, Labor and the Origins of the Israeli-Palestinian Conflict 1882-1914*, Cambridge: CUP 1989.
- Skarić, Vladislav: “Из прошлости Босне и Херцеговине XIX вијека” [Pages from the past of Bosnia-Herzegovina], *Godišnjak Društva istoričara Bosne i Hercegovine*, 1 (1949), 7–41.
- Skarić, Vladislav: “Постанак и развитак кметства у Босни и Херцеговини” [Genesis and development of *kmetstvo* in Bosnia-Herzegovina], *Pregled*, 11 (1937), 7-8, 481–489.
- Skarić, Vladislav: “Турски аграрни законици за санџаке Босну и Херцеговину од год. 1047.” [Agrarian Turkish Codes from 1047 for the sandjaks of Bosnia and Herzegovina], *Glasnik Zemaljskog muzeja*, 46/2 (1934), 107–112.

- Sluglett, Peter and Marion Farouk-Sluglett: "The Application of the 1858 Land Code in Greater Syria. Some Preliminary Observations", in Tarif Khalidi (ed.), *Land Tenure and Social Transformation in the Middle East*, Beirut: American University of Beirut 1984, 409–421.
- Smajić (Ibrahimović), Ramiza: "Struktura vojničke klase u XV i početkom XVI vijeka s posebnim osvrtom na širenje islama u Bosni" [Military class structure in the fifteenth and early sixteenth centuries, with a special emphasis on the spread of Islam in Bosnia], *Prilozi za orijentalnu filologiju*, 41 (1991), 269–282.
- Smajić, Ramiza: "Zakon o timarima iz 1869. godine" [Law on timars from 1869], *Hercegovina*, 11-12 (2000), 99–103.
- Solomonovich, Nadav and Ruth Kark: "Land Privatization in Nineteenth-century Ottoman Palestine", *Islamic Law and Society*, 22/3 (2015), 221–252.
- Soyudoğan, Muhsin: *Reassessing the Timar System. The Case Study of Vidin (1455-1693)*, Doctoral Dissertation, Ankara: Bilkent Üniversitesi, 2012.
- Spaić, Vojislav: "Zemljišnoknjižni sistem u Bosni i Hercegovini za vrijeme Turaka" [Land registry system in Bosnia and Herzegovina at the time of the Turks], *Istorisko-pravni zbornik*, 2/3-4 (1950), 15–37.
- Stojančević, Vladimir: *Јужнословенски народи у османском царству од једренског мира 1829. до париског конгреса 1856. године* [South Slavic nations in the Ottoman Empire from the Edirne Peace in 1829 until the Paris Congress in 1856], Beograd: PTT 1971.
- Sučeska, Avdo: "O naslijeđivanju odžakluk timara u Bosni i Hercegovini" [Inheritance of *ocaklık* timars in Bosnia and Herzegovina], *Godišnjak Pravnog fakulteta u Sarajevu*, 15 (1967), 503–516.
- Sučeska, Avdo: "Popis čifluka u rogatičkom kadiluku iz 1835. godine" [Çiftlik list from 1835 for the Rogatica kadilik], *Prilozi za orijentalnu filologiju*, 14-15 (1964), 189–271.
- Sučeska, Avdo: "Promjene u sistemu izvanrednog oporezivanja u Turskoj u XVII i XVIII vijeku i pojava nameta tekâlif-i šakka" [Changes in the system of extraordinary taxation in Turkey in the seventeenth and eighteenth centuries and genesis of *tekâlif-i šakka* tax], *Prilozi za orijentalnu filologiju*, 10-11 (1961), 75–112.
- Sučeska, Avdo: "Prvi pokušaj regulisanja agrarnih odnosa u Bosni i Hercegovini u XIX stoljeću" [A first attempt to regulate agrarian relations in Bosnia and Herzegovina in the XIX century], *Godišnjak Pravnog fakulteta Univerziteta u Sarajevu*, 14 (1966), 249–268.
- Šabotić, Izet: *Agrarne prilike u Bosanskom ejaletu (1839.-1878.)* [The agrarian question in the Bosnian eyalet 1839-1878], Tuzla: Arhiv TK 2013.

- Šehić, Zijad: “Prilog prošlosti Hercegovine XIX stoljeća. Sjećanja Murad Effendije iz Hercegovine” [Herzegovina during the XIX century: Memories of Hersekli Murad Effendi], *Hercegovina*, 11-12 (2000), 107–124.
- Škegro, Ante: “Iseljavanje iz Dalmacije i zapadne Hercegovine u Uskoplje tijekom 19. i prvoj polovici 20. st.” [Emigration from Dalmatia and Western Herzegovina to Uskoplje during the nineteenth and the first half of the twentieth century.], *Hercegovina*, 24 (2010), 21–36.
- Šljivo, Galib: *Bosna i Hercegovina 1788-1812* [Bosnia-Herzegovina 1788-1812], Banja Luka: Institut za istoriju 1992.
- Šljivo, Galib: *Bosna i Hercegovina 1861.-1869.* [Bosnia-Herzegovina 1861-1869], Tešanj: Planjax 2005.
- Šljivo, Galib: *Omer-paša Latas u Bosni i Hercegovini 1850-1852.* [Bosnia-Herzegovina 1850-1852], Sarajevo: Svjetlost 1977.
- Tepić, Ibrahim: “Osmanska vojska i policija u bosanskom vilajetu od 50-ih do 70-ih godina XIX vijeka” [Ottoman army and police in the Bosnian vilayet in the 1850s and 1870s], *Godišnjak Društva istoričara BiH*, 37 (1986), 91–116.
- Tezcan, Baki: *The Second Ottoman Empire. Political and Social Transformation in the Early Modern World*, New York: CUP 2010.
- The Ottoman Land Code. Translated from the Turkish by F. Ongley*, Londres: William Clowes and Sons 1892.
- Toksöz, Meltem: “Modernisation in the Ottoman Empire. The 1858 Land Code and Property Regimes from a Regional Perspective”, in Elias Kolovos (ed.), *Ottoman Rural Societies and Economies*, Rethymnon: Crete University Press 2015, 381–396.
- Truhelka, Ćiro: “Stari turski agrarni zakonik za Bosnu” [An old Turkish agrarian code for Bosnia], *Glasnik Zemaljskog muzeja*, 28 (1916), 427–475.
- Truhelka, Ćiro: *Historička podloga agrarnog pitanja u Bosni* [Historical background of the agrarian question in Bosnia], Sarajevo: Zemaljska štamparija 1915.
- Türkezade, Mehmed Ziyaeddin: *Mükemmel ve muvazzah şerhi kanun-u arazi*, Istanbul: Kasbar Matbassı 1311 [1893/1894] (in BCS: Asim Škaljić, *Upotpunjeni i razjašnjeni komentar Gruntovnog zakona*, s.l.: s.n. 1903).
- Tute, R. C.: *The Ottoman Land Laws, with a Commentary on the Ottoman Land Code of 7th Ramadan 1274*, Jerusalem: Greek Conv. Press 1927.
- Ubicini, Abdolonyme and Abel Pavet de Courteille: *État présent de l'Empire ottoman*, Paris: J. Dumaine 1876.
- Vazzidi, Yanko Effendi: “La propriété immobilière en Turquie et l'article 1737 du *Medjellé*”, *Revue de droit international et de législation comparée*, 32 (1900), 300–315.

- Veinstein, Gilles: "On the *Çiftlik* Debate", in Çağlar Keyder and Faruk Tabak (eds.), *Landholding and Commercial Agriculture in the Middle East*, Albany: State University of New York 1991, 35–53.
- Velagić, Adnan: "Marksističko poimanje historije u djelima Branislava Đurđeva" [The Marxist conception of history in the works of Branislav Đurđev], in Dževad Juzbašić (ed.), *Naučno djelo akademika Branislava Đurđeva*, Sarajevo: ANUBiH 2010, 197–207.
- Warriner, Doreen: "Land Tenure in the Fertile Crescent", in Charles Issawi (ed.), *The Economic History of the Middle East*, Chicago/London: The University of Chicago Press 1966, 71–78.
- Zarinebaf-Shahr, Fariba: "Soldiers Into Tax-Farmers and Re'aya Into Sharecroppers: The Ottoman Morea in the Early Modern Period", in Fariba Zarinebaf-Shahr, John Bennet and Jack L. Davis (eds.), *A Historical and Economic Geography of Ottoman Greece. The Southwestern Morea in the 18th Century*, Princeton: American School of Classical Studies at Athens 2005, 9–48.