

Waqfs of Tuzla / Memleḥateyn in the Zvornik (İzvornik) Sanjak According to the Tuzla Sicill from 1644-1646: An Overview*

Nihad Dostović**

Abstract

This paper provides a study of waqf records in the *Sicill* of the Memleḥateyn *kadı*/judge in the Sanjak of Zvornik. It is one among the rare preserved local archival sources on the 17th century Sanjak of Zvornik, a part of the Eyalet of Bosnia. This *Sicill* possess a bearing upon the history of the entire north-eastern part of today's Bosnia and Herzegovina, and it is the earliest preserved source of its kind for the region. In it are recorded various documents regarding waqfs, recorded in the time span 1053-56 *Hicri*/1643-46 AD. Today, a major part of the *Sicill* is preserved in the Gazi Husrev Bey Library in Sarajevo as part of Osman Asaf-ef. Sokolović's bequest. The present study of the waqf aims at providing a better understanding of the role that waqfs played as an institution in the Ottoman provincial hinterland areas. Via the waqf records, this study addresses, among other things, a bigger question – were some Ottoman hinterland areas stagnant as compared to the situation in the great centres in the Ottoman frontier (Buda, Temeschwar/Temeşvar, Belgrade, Sarajevo). Further, the study illuminates the role of cash waqfs and the waqf credits for economic, cultural, social and other activities, both in urban as well as in rural areas. Many published studies on the role of the waqf credit in the Ottoman Empire predominantly deal with the great urban centres. This study aims to contribute to the broader debate by focusing on the same phenomena in smaller urban centres and rural environments. The records from the *Sicill* testify as to the social importance to be gained through professional ties with waqfs. As a more general statement, one can conclude that waqfs were, metaphorically speaking, an invisible hand or a kind of a medium of both the Ottoman State and the Ottoman society through which people of different backgrounds could achieve their aims or provide material source for economic and social activities at various levels.

Keywords: waqf, cash waqf, Sanjak of Zvornik, Memleḥateyn/Tuzla, *Sicill of Tuzla*, interest rate, creditor, debtor.

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** Oriental Institute–University of Sarajevo; Zmaja od Bosne 8b, 71000, Sarajevo, BOSNIA and HERZEGOVINA;

e-mail: nihad.dostovic@ois.unsa.ba; nihad.dostovic@gmail.com

ORCID: <https://orcid.org/0000-0001-7937-1944>

1644-1646 Yılı Tuzla Kazası Sicillerine Göre Zvornik (İzvornik) Sancağı Tuzla/ Memlehatayn Vakıfları: Genel Bir Bakış

Öz

Bu çalışma, İzvornik Sancağı Memlehatayn kadı sicillindeki vakıf kayıtlarının bir incelemesini sunmaktadır. Bu Sicil, Bosna Eyaleti'nin bir parçası olan Zvornik Sancağı'nın 17. yüzyıldan kalma korunmuş nadir yerel arşiv kaynaklarından biridir. Bölge için türünün korunmuş en eski kaynağı olan bu Sicil, bugünkü Bosna- Hersek'in tüm kuzeydoğu kesiminin tarihine ışık tutmaktadır. Sicilde 1053-56 Hicri/1643-46 dönemine ait vakıflarla ilgili çeşitli belge mevcuttur. Bugün sicilin büyük bir kısmı Osman Asaf Sokolović'in mirası olarak Saraybosna'daki Gazi Hüsrev Bey Kütüphanesi'nde muhafaza edilmektedir. Vakıfla ilgili bu çalışma, vakıfların Osmanlı taşra iç bölgelerinde bir kurum olarak oynadığı rolün daha iyi anlaşılmasını sağlamayı amaçlamaktadır. Bu çalışma, vakıf kayıtları aracılığıyla, diğer şeylerin yanı sıra daha önemli bir soruyu ele almaktadır: Osmanlı sınırındaki büyük merkezlerdeki (Buda, Temeşvar, Belgrad, Saraybosna) durumla karşılaştırıldığında bazı Osmanlı iç bölgeleri durgun muydu? Ayrıca çalışma, para vakıflarının ve vakıf kredilerinin hem kentsel hem de kırsal alanlardaki ekonomik, kültürel, sosyal ve diğer faaliyetlerdeki rolünü aydınlatmaktadır. Osmanlı İmparatorluğu'nda vakıf kredisinin rolü üzerine yayınlanmış birçok çalışma ağırlıklı olarak büyük şehir merkezlerini ele almaktadır. Bu çalışma, daha küçük kent merkezlerinde ve kırsal ortamlarda aynı olguya odaklanarak daha geniş bir tartışmaya katkıda bulunmayı amaçlamaktadır. Sicildeki kayıtlar, vakıflarla mesleki ilişkiler yoluyla kazanılacak toplumsal önemi kanıtlamaktadır. Daha genel bir ifadeyle, vakıfların, mecazi anlamda, hem Osmanlı Devleti'nin hem de Osmanlı toplumunun görünmez bir eli veya farklı geçmişlere sahip insanların amaçlarına ulaşabilecekleri veya çeşitli düzeylerdeki ekonomik ve sosyal faaliyetler için maddi kaynak sağlayabilecekleri bir tür aracı olduğu sonucuna varılabilir.

Anahtar kelimeler: Vakıf, para vakfı, İzvornik Sancağı, Memlehatayn/Tuzla, Tuzla Sicili, faiz oranı, kredi veren/alacaklı, borçlu.

Introduction

The records of the Ottoman sharia court (*Sicill*)¹ of the Memleḥateyn judgeship/*kazâ*² in the Sanjak of Zvornik (İzvornik) in the Eyalet of Bosnia contain documents recorded in the time span roughly from 1053-1056 AH³/1644 to 1646 AD.⁴ Today it is preserved in the Gazi Husrev Bey Library in Sarajevo under the inventory number, A-3726/TO. The *Sicill* is incomplete. It is preserved in three different parts, hosted in two distinct institutions. The Gazi Husrev Bey Library houses two larger fragments of this *Sicill*. Two fragmentary parts are entered into the archival register under the aforementioned inventory number, A-3726/TO. Counted together, the two fragments preserved in the Gazi Husrev Bey Library consist of 69 folios, each folio having two pages. The third fragment of the *Sicill* is housed in the Archives of Tuzla Canton, in Tuzla, and contains 5 folios. The Tuzla fragment is registered under the inventory numbers, 4-7. The *Sicill* previously was owned by the famous Bosnian bibliophile Osman Asaf Sokolović (d. 1972) who donated it to the Gazi Husrev Bey Library, together with almost the whole collection of books and manuscripts he owned (Bejtić, 1972: 21). It seems that the fragments of the *Sicill* which are today housed in the Archives of Tuzla Canton were lent to that institution for temporary research use of the employees of the Archives by the previous owner, Sokolović. The vast majority of recorded documents in the *Sicill* were written in the Ottoman Turkish language, while the Arabic language was used for writing special prayers and salutations, that were used as written dividing signs indicating the changes of *Hicri* months. Furthermore, almost all marriage contracts, and the majority of debt and credit records were written in Arabic. Those two kinds of documents were usually recorded in an unchanged formulary Arabic, in which only personal names, amounts of money and names of places are different. The scripts in the *Sicill* varied as in many other Ottoman sharia court records; the majority of the entries, however, were written in different kinds of *talik*. The outlook of the *Sicill* is also typical for its kind. It is a “defter type” with dimensions roughly 30x10 cm. The entire *Sicill* came to us as pretty much scattered. There is no chronological consistency of the records as preserved now in bound form. Therefore, it is very hard to determine the exact dates of the whole *Sicill*. Further, there is no preserved scheme for ordering the records. For instance, after a sultanic *ferman* there might be a marriage contract followed by a *tapu* dispute, then a private letter, and so on. In some other Bosnian *sicills* from the Ottoman period one can see that the copies of sultanic orders and governor’s rescripts were written separately, followed by *kadi* documents, and marriage contracts and credit book-keeping. The *Sicill* of Tuzla is a different case, as explained earlier. However, this miscellany of various documents is of great importance not just for local history, but also at the regional level as well as for Ottoman history in general. It is important to emphasize that there are very few archival and other historical sources which originate from the region of Tuzla and Sanjak of Zvornik dating from the 17th century. Given this point of view only, the significance of the *Sicill* is immense, putting aside other important aspects of the source. The *Sicill* is the only preserved *sicill* from the 17th century covering Tuzla and the whole region of north-eastern Bosnia and the other territories of the former Sanjak of Zvornik. Furthermore, if we take into account the date of writing it is the fifth earliest in the row of preserved *sicills* from Ottoman Bosnia. The list starts with three *sicills* of

1 This *Sicill* is further referred to in the references under the abbreviation ST, for example (ST: f. 2a). While discussing in the main text the given source is termed as “*Sicill*”.

2 In this study I opt for writing technical terms, personal names, and toponyms in their modern Turkish usage, rather than giving translation into English or using full scholarly transcription of the Ottoman text. The full scholarly transcription is applied only when I quote passages from Ottoman sources.

3 In this paper I use AH as an acronym for the *Hicri* dates.

4 In my opinion the most proper dating of all three fragments of the *Sicill* would be for those years.

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Sarajevo from the 16th century, also preserved in the Gazi Husrev Bey Library, and one *sicill* from Mostar (burned during the bombing of the Oriental Institute in Sarajevo in 1992) from 1631-1633. Beside the group of *sicills* from Mostar which were preserved complete up to 1992 and *sicills* of Jajce (Ott. *Yayça*) from 1692-94 which is extant, the *Sicill of Tuzla* is one of rarely preserved *sicills* for the Eyalet of Bosnia dating from the 17th century. The *Sicill of Tuzla* was sporadically used in the earlier scholarly literature of Bosnia and Herzegovina and the broader region. Historians like Osman Asaf Sokolović, Hamdija Kreševljaković, Šaban Hodžić, Branislav Đurđev, and Adem Handžić used certain documents from the source.⁵ In order to understand the significance of the *Sicill* for the history of Tuzla and the broader region, but also for Ottoman studies in general, and above all to investigate its significance for studying the waqf institution, few key facts about Memlehatayn/Tuzla should be given first.

Judicial District (*kazâ*) of Memlehatayn

Tuzla, a city and its surroundings in modern Bosnia and Herzegovina, were recorded as *Memlehatayn*, in the majority of Ottoman archival documents. This name covered both Gornja (Upper) Tuzla and Donja (Lower) Tuzla, which in the Ottoman documents were recorded as *Memleha-i Bâlâ* and *Memleha-i Zîr* respectively. In some Ottoman archival sources, the town is also named as *Memleha-i Çöb*, in couple of places *Memleha-i Dirah*t (ST: f. 2a-2, f.18b-5, f.19a-1, f.21b-2, f.21b-3, f.63a-2; Handžić, 1975: 166, 232), or just *Memleha* (ST: 28b-1, 25a-1, 30b-1, 62b-1). The name Tuzla appears already in the 15th century, just after the Ottoman conquest. It usually referred to Lower Tuzla (Donja Tuzla/ *Memleha-i Zîr*). From the very first beginning to the last days of Ottoman rule the town with the whole surrounding region administratively belonged to the Sanjak of Zvornik. At the local administrative level there existed two separate *nâhiye*/districts with the previously mentioned names. Both settlements had the status of *kasaba*. In terms of legislative organization, *Memlehatayn* was one single *kazâ*/judicial district with the seat of the judge/*kadı*, including also other *nâhiyes* in the Sanjak of Zvornik. The *nâhiye*/districts that *Memlehatayn kazâ*/judicial district covered were: Gornja Tuzla (Ott. *Memleha-i Bâlâ* or *Tuzla-i Bâlâ*), Donja Tuzla (Ott. *Memleha-i Zîr* or *Tuzla-i Zîr*), Sapna (Ott. *İsapna*), Spreča (Ott. *İspreça*), Gostilj (Ott. *Gostîl*)⁶, Drametin⁷, Visori, Jasenica (Ott. *Yasenice*), and Smoluća (Ott. *İsmolik*). The neighbouring court districts/*kazâ* were Gračanica (Ott. *Grâdçaniçe*) and Bijeljina (Ott. *Beline*)⁸. Tuzla and its region were conquered by the Ottomans probably in 1463 or in the following years (Mevlana Mehmed Neşrî, 1957: 760-762). A Bosnian historian, the late Adem Handžić, found a note in the margins of one Ottoman archival document with an entry of a *timar* in value of 3632 *akçe* situated in the place named *Ağaç Tuzla*, dated April 24, 1474. This was the first mention of the name Tuzla in an official Ottoman record. According to Handžić, the name referred to a pre-Ottoman castle (Handžić, 1975: 37, 168). The name Tuzla was just the Ottoman translation for the Slavonic Soli. The latter was the medieval name for the entire region (Handžić, 1975: 15-26). The name Soli used to designate both the urban centre and an area around seems to have fallen out of official use during the 18th century (Kreševljaković, 1941: 40; Baum: 1957 7-37). According to Handžić, the name *Ağaç Tuzla* referred to Donja Tuzla (*Memleha-i Zîr*). The urban settlement became the seat of the *kadı* later in the 1570s. This place was the core out of which the larger urban area developed. In 1548 it had a fortification in the form of *palanka* (Handžić, 1975: 174-175). By the middle of the 16th century, Tuzla had six neighbourhoods/*mahalles*, while by the

5 Some of their works in which they utilized from the *Sicill* are listed in the bibliography.

6 In the *Sicill* written as غوستیل.

7 In some sources appears as Drameşin/Drameşin.

8 In some sources appears as Biline.

end of the 16th century there were 14 *mahalles* (Handžić, 1975: 49, 56-57). The *Sicill* also kept records which mention 14 *mahalles*. The *Sicill* further explains that a stop in urban development took place in the period, 1600-1630. This slowing down in the urban development of Tuzla might have happened due to various reasons. Nonetheless, the most probable reason for it is likely due to the fact that the developmental focus in the first half of 17th century was on the Eyalet of Buda. The Sanjak of Izvornik was Buda's backbone regarding various aspects, especially in terms of human resources, as many people from the area migrated to Eyalet of Buda (ST: f. 5a-1, f. 5b-1, f. 6b-1, f. 25a-1, 28b-1 etc.; Šabanović, 1960: 172-224; Handžić, 1970: 141-196; Handžić, 1975: 59). Thus, migration from the Tuzla/Memleḥateyn area to Ottoman Hungary can be counted as one of the main causes for the arrested development of its urban setting in the first half of 17th century. Regarding economic life, two interdependent branches that were intertwined in every sense existed in the area: the exploitation of salt, and the very important road that went towards the north, to the region of Slavonia and further to Buda. This road passed across the surrounding Majevisa mountain. Exploitation of salt, that gave the town its name, was an activity in the region from ancient times. It was known even to pre-Roman dwellers. This activity continued throughout the Middle Ages and seemed to be very profitable and significant for medieval rulers (Handžić, 1975: 15-26; Baum: 1957: 7-37). The Ottomans continued with it after their conquest of the region. The exploitation was expanded out of the centre of *Memleḥa-i Zîr*. Because of the war with Venice during 1540s, in the *nâhiye* of Visori new pits of salt water started to be excavated. This was to counter a grave situation, for Venice enjoyed a monopoly over the salt trade. The exploitation of these pits of salt water continued into the 17th century (Handžić, 1975: 226-227). Consequently, some activities regarding the pits were recorded in the *Sicill* (ST: f. 59b-1; Dostović, 2022: 184-200). Salt was a kind of economic primary engine moving the other branches of the economy at the local or regional level. The method of its production consisted of extracting the salt water from the pits, boiling of it, then pouring the boiled water over willow sticks on which, after drying, purified salt would remain. Handžić proposed that because of this method the town was named *Memleḥa-i Çôb* in some Ottoman sources (Handžić, 1975: 232). The whole process required a lot of timber, transport, people, food, and other forms of logistics. This represented a big chain in the economy. As for the road over the Majevisa mountain, in the Ottoman documents it was recorded that dwellers of the mountainous villages of that area were exempted from various taxes because they used to take care of a very significant passage/*derbent* (ST: f. 4a-1, f. 30b-2).

Waqfs of Memleḥateyn / Tuzla

The enormous significance of waqfs in the development of urban life, but also their significance for rural and economic life in the Ottoman State, has already been widely discussed in scholarship (Günay, Yediyıldız: 2012). The waqfs/endowments were the basis for developing various institutions in urban areas, but also for the functioning of different spheres of rural life. The institutions that emerged as part of waqfs were of an educational, cultural, and religious nature. Besides them, endowments also included institutions and objects of public interest like hospitals, fountains, bridges, aqueducts, soup kitchens etc. Emergence of cash waqfs played a tremendously significant role in the development of Ottoman urbanism, but also in the development of Ottoman society in general (İnalçık, 1969; Çizakça 1995; Günay, Yediyıldız: 2012). The Ottoman cash waqfs fulfilled the role of banks before emergence of banks in the Ottoman State. The capital that was borrowed from these waqfs was given to individuals and institutions as credit that would enable the functioning of economic, public, and private life at all

levels, be it in urban or rural areas of the Ottoman State. We think that discussions about cash waqfs and their operation among the Ottomans during the 16th century are very well-known phenomenon, therefore we are not going to repeat a narrative about it here. However, in the context of this study, it is necessary to briefly recapitulate some important conclusions regarding the socio-historical role of the waqf in Ottoman Bosnia proposed by Adem Handžić.⁹ Handžić viewed that one cannot study the development of Ottoman cities separately from the history and role of waqfs. As is well-known, the primary care of the Ottoman state was military and administrative, while care for cultural, educational, and social developments was left to private initiative, usually represented by waqfs (Handžić, 1976: 131). This is further supported by the fact that various places today in Bosnia and Herzegovina contain the word waqf in their names. There is no doubt that at a certain point they had big endowments which were crucial for their emergence and later existence as urban or semi-urban centres. Some of those places are Donji Vakuf, Gornji Vakuf, Kulen Vakuf, Skender Vakuf, etc.

Waqfs of Tuzla in 1640s were not much different from waqfs in other places of the Eyalet of Bosnia at the time. They were the main source of capital for developing the local economy. It seems that unlike in the other parts of Rumelia, peasants and artisans in the whole Eyalet of Bosnia usually opted to borrow money from cash waqfs rather than from private persons (Sućeska, 1954: 343-378; Husić, 2011: 35-59; Buzov, 2005: 57; Dostović, 2014: 221-232). This situation is confirmed also in the Sicill that we use as a source for this study. While analysing the *Sicill*, one can conclude that the majority of borrowed money used for economic activities was from the waqf and not from private persons. Waqfs were thus the main creditors for entrepreneurs, craftsmen, peasants, and others in Tuzla and its surrounding region. Their participation in economic life would be unthinkable without cash waqfs. Peasants, craftsmen, small entrepreneurs, and owners of small shops constantly needed cash for their investment and for financing their travels to visit yearly fairs (*panāyir*) (Skarić, 1937: at various places). In the *Sicill* persons borrowing money from the waqf were of various legal statuses. The waqfs that borrowed money were distributed both in urban and rural areas, and as was previously stated, waqfs had multi-layered functions. Another interesting fact was that employment in a waqf seems to have been a source of prestige. We see how trustees of the waqf were appointed by private persons as their legal representatives (*vekīl*). Also, we see how some persons legally fought to be employed by the waqf, even if the salary was very low even by local standards. For the purpose of this study, I have divided the waqfs into two parts: waqfs that according to the Sicill were in (Donja) Tuzla and the waqfs in other parts of the Zvornik Sanjak.

1. Waqfs in the Urban Centre of Memleḥateyn

1.1. Waqf of Tur Ali Bey

The Waqf of Tur Ali Bey is the best known and most famous waqf in Tuzla and its surroundings during Ottoman rule. The most important quarter/*mahalle* of the *kasaba* Donja Tuzla developed around this waqf. The endower of the waqf was Tur Ali Bey, one of the *sanjakebys* of the Smederevo (*Semendire*) Sanjak. Tur Ali Bey was the son of a certain Eynehan and is mentioned for the first time as a participant in the Battle of Mohacs/*Mohaç Muharebesi* in 1526 (Peçevi, I, 1992:6). Not much is known about his life; all we know is that he died as a retired *sanjakebey* of Smederevo Sanjak. He endowed various possessions and valuable things in various sanjaks, including Srem (*Sirem*), Smederevo, Bosna, Hercegovina (Hersek) and Zvornik (Kreševljaković, 1941: 45-48, 54, Handžić, 1975: 183-184). However, the most sig-

⁹ On Handžić see: Dostović (2020: 531-533).

nificant ones seem to be those in Tuzla and its surroundings. Tur Ali Bey built a mosque with a school/ *mekteb* named after him in Donja Tuzla around which a namesake settlement was formed (Handžić, 1975: 183). That settlement had become one of the biggest and most important quarters in Tuzla, by the time our *Sicill* was recorded. The quarter of Tur Ali Bey/*Tur Ali Bey mahallesi* was the most mentioned quarter in the whole *Sicill*. However, here some clarification is needed. For without a firm proof with exact statistical numbers, it cannot be claimed that one quarter was the biggest one, with the largest population, especially knowing that there were other quarters in Donja Tuzla, which were also known to consist of a large area and population. Those quarters were *Câmi'-i 'Atîk*, *Cündî-zâde* and *Tuşne*. The reason why the quarter of Tur Ali Bey has the largest number of records in the *Sicill* of Tuzla should be sought in the fact that this quarter was populated with the literate high strata of society, composed of ulema, traders, urban craftsmen, and artisans. It is very well known that scholars, merchants, craftsmen, and artisans were literate; they knew the advantages of a written word, especially a document. Therefore, they were the most mentioned group in the Ottoman *sicills*, and not just in this one. Apart from the mosque, Tur Ali Bey in *kasaba* Donja Tuzla also endowed a public bath/hamam, *han*, aqueduct, thirty eight shops, one garden, and one quarter of salt water basin. On top of all of this, he also left cash worth 300.000 dirhams as a cash waqf to be lent to various craftsmen, merchants, artisans and others in the Sanjak of Zvornik. (Kreševljaković, 1941: 41). The waqf of Tur Ali Bey is mentioned only once and indirectly in the *Sicill*. The mention of the Tur Ali Bey waqf is found in the document about a sales transaction dated to the last third/*evahir* of the month Cemaziyelahir in 1054 AH/24.08.-02.09.1644 AD. In this document it was recorded that Mustafa, son of Ömer, had died, and that his minor children were Hasan and Fatma, whose tutor became their mother *İnsane*, daughter of *Zülfikar Ağa*. *İnsane* remarried to a certain Muhammed Bey who appeared at the court as her representative (*vekîl*). Muhammed Bey in the name of the wife *İnsane* and her children sold the house which was in their possession (*mülk*) located in the quarter of Tur Ali Bey. The house was bought by a certain Ali, son of Osman, who was also an inhabitant of the same quarter. A property border, referred to as the garden of Tur Ali Bey's Waqf (... *Tur Ali Beg vakfı bağçesi* ...) is also mentioned in the document (ST: f. 46a-3). It is worthy of note that Tur Ali Bey's waqf is one of the rare waqfs of Tuzla and its wider area which survived well into the 20th century (Kreševljaković, 1941: 41-43, 50).

1.2. Waqf of Hacı Hasan

This waqf seems to have been established some time between 1548-1573. The basis of this waqf was the mosque that Hacı Hasan built and in whose vicinity a neighbourhood had developed. Hacı Hasan must have been somebody from the administrative class, or he might have been involved in the exploitation of salt, enjoying position of responsibility with a very high revenue. It is interesting that for the sake of his waqf he endowed 23 days of using the rights from the revenues of the salt pans of Tuzla (Handžić, 1975: 180-2). According to the record from the *Sicill* dated in the last decade/*evahir* of the month of *Şevval* 1054 AH/20-29.12.1644 AD, a person named Luka son of Yerko, a Christian from the suburbia/*varoş*¹⁰ of (Donja) Tuzla took as a debt from Hacı Hasan's waqf 3300 of *akçe*. In return for the cash, Luka pledged a house and a garden in the suburbia *varoş* of Tuzla. In the meantime, Luka passed away and the debt was not paid. The trustee (*mütevelli*) of Hacı Hasan's waqf, Ahmed Hatib Efendi

10 Suburbia, from Latin *suburbium* would be the best translation of Ottoman concept of *varoş*. *Varoş* is term borrowed from Hungarian language for settlement next to the walled urban area. *Varoş* did not have walls around itself. *Varoş* used to be settled usually by Christians (*zimmi*) and had some characteristics of merchant and artisan centre. Therefore, Ottoman term *varoş* must be understood in different sense as compared to its usage in modern Turkish, see: Klaić (1990: 1407).

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sold the house in order to settle the debt to the waqf. The house was bought by a certain Miho, also an inhabitant of the suburbia/*varoş* of Donja Tuzla for 3300 *akçe* (ST: f. 3b-5). In another record whose date is approximately 1055 AH /1645-46 AD it was written that a certain Christian Pavko, inhabitant of village Dovalid in the judicial district/*kazâ* of Memlehatayn, eleven years before the document was recorded, took a debt from Hacı Hasan's waqf in the amount of 3300 *akçe*. Pavko pledged a house, a vineyard, a garden and other real estate in his possession (*mülk*) in the Dovalid village. At the time when he had pledged this, what would be approximately in 1633-34 the trustee of Hacı Hasan's waqf was a person named Osman Beşe. In the meantime, Osman Beşe brought a lawsuit against Pavko and got him arrested, while the mentioned property pledged for the debt was sold (ST: f. 12b-1). The third record regarding Hacı Hasan's waqf is related to a debt of a person named Abdurrahman from the village of Osečan.¹¹ He owed 1020 *akçe* to Hacı Hasan's waqf, which he borrowed from Osman Beşe, the trustee of the waqf (ST: f. 33a-3). It is worthy of note that this waqf as well survived into 20th century (Kreševljaković, 1941: 50).

1.3. Waqf of Mehmed Ağa

The Waqf of Mehmed Ağa must have been established around the same time when the quarter with the same name was founded, approximately in the second half of the 16th century. It is supposed that Mehmed Ağa was one of the chiefs of the garrison stationed in the *palanka*¹² of Donja Tuzla (Handžić, 1975: 182). According to one document in the *Sicill*, a person named Nezir son of Havace took 1000 *akçe* as a debt from the waqf of Mehmed Ağa through the mediation of the trustee whose name was İslam Halife (ST: f. 6a-6). The next mention of this waqf was in the record concerning the case of an inhabitant of the village of Grnofçe,¹³ a person named Şaban. He died and İslam Halife, the trustee of the waqf asked to have some testimonies of witnesses who confirmed that the deceased Şaban owed 325 *akçe* to the waqf recorded in the *Sicill* (ST: f. 17b-4). In another document that was recorded in last third/*evahir* of the month Cemaziyelahir 1055 AH/13-22.08.1645 AD, it was written that an inhabitant of Buda¹⁴ named Tabak Kel Hasan had authorised İslam Halife, the trustee of Mehmed Ağa's Waqf, to sell the house which was in his full private property (*mülk*) in the community (*cema'at*) of Kösençe.¹⁵ The house was to be bought to be used as a part of the Waqf and its functioning facilities (ST: f. 30b-1).

1.4. Waqf of Arslan Ağa

It is difficult to find much information about Arslan Ağa, but the *Sicill* offers some interesting data about him. According to this data he was a high-ranking military officer (*çavuş*) who died around 1644 and left large property units behind. As the property was undivided, the heirs of Arslan Ağa filed lawsuits a number of times, involving even the *Divan* of Buda. The documents recorded in the *Sicill* show that Arslan Ağa was someone belonging to the higher strata of the local society in Memlehatayn. His son in the documents bears the title "Bey" (ST: f. 37b-1, f. 41a-1, f. 42a-2, f. 49b-1, f. 67a-1, f. 67b-3). Therefore, it is also to assume that Arslan Ağa already during his lifetime had endowed some larger property units, be it in cash, real estate, or in rights of collecting rent. Also, the *vali* of Buda, Deli Hüseyin Paşa, who later

11 Osječean(i) or Osičan(i), not identified, must be closer to today's Tuzla.

12 Smaller fortification made of wood and mud, see: Eyice (2001: 234-242).

13 Grnovci or Grnovica, was not possible to identify.

14 In various Ottoman sources Buda, Budin, Budun, see: Fekete (1986: 1284-1286).

15 Most probably same as quarter Gornje Brdo in Donja Tuzla, where a certain Osman Bey named Kösunçe built a mosque, later popularly known Kosundže, see Handžić, *Tuzla i njena okolina...*, pg. 188.

became a hero of the Cretan War,¹⁶ appointed and sent a special envoy (*mübâşir*) to investigate the case of Arslan Ağa's inheritance and to be at the disposal of the *kadı* of Memlehateyn (ST: f. 41a-1, f. 67a-1). Regarding the waqf, it is recorded in one fragmentary entry of the *Sicill* that certain Yusuf from Tımişvar (Temeschwar), who previously lived in Donja Tuzla (Memleha-i Zîr), had some debt to the Arslan Ağa's waqf. Though not clear from record, it seems that his debt was 5000 *akçe* and that he appointed a person named Oruç to negotiate sale of his house and settling the debt with the waqf (ST: f. 8a-3). In another record Marko son of Yuray from the nearby village of Dolna Lipniča¹⁷ borrowed 1200 *akçe*. The debt Marko borrowed was negotiated with the acting trustee of the waqf, Sinan Efendi (ST: f. 11a-3). Apart from the record of the cash transaction involving the waqf we know that Arslan Ağa had built a mosque which today is also known as the Vikaljska mosque (Handžić, 1975: 157). Around the mosque a quarter had also developed.

1.5 İsmail Efendi's Waqf

This waqf was situated in the quarter of Busina. On the 1st of Muharrem 1055 AH/February 27th 1645AD four records about borrowing cash from the waqf were written down into the *Sicill*. According to the record, Sinan Beşe from the village of Yaseņiçe¹⁸ borrowed 4500 *akçe*, with a total interest rate of 675 *akçe*. It is interesting that the guarantor (*kefil*) for Sinan Beşe was a certain non-Muslim (*zimmî*) whose name was Frâno (*Kefîl Frâno nâm zimmî...*). Also, Avram son of Güriçe¹⁹ from the village of Graboviçe²⁰ borrowed 200 *akçe* with an interest rate was 30 *akçe*. A blacksmith named Luka, from village of Dumna²¹ borrowed 800 *akçe*, with an interest rate of 120 *akçe*. Mehmed Efendi, son of Yusuf from *kasaba* of Brčko, imam of Ali Beşe mosque, borrowed 14000 *akçe*, while an interest rate was 1400 *akçe* (ST: f. 15a-1, f. 15a-2, f. 15a-3, f. 15a-4).

1.6. Vaiz Mehmed Efendi's Waqf

An interesting fact about the waqf of Vaiz Mehmed Efendi is that it was established at the time when the *Sidjill* was recorded. Therefore, this was not an old, rooted institution. In the years 1054-1055 AH/1644-1646 AD, it was recorded in the *Sicill* that Vaiz Mehmed Efendi had endowed 80 000 *akçe*. Together with the record about endowing the mentioned amount of the money in the *Sicill*, there is also another record about a formal contestation of the waqf and a final confirmation by the judge (ST: f. 25a-1, f. 25a-2). This was standard procedure in the Hanafi school of jurisprudence for the establishment of a waqf.

1.7. Waqf of Musa Pasha, Vizier of Buda

Musa Pasha, who was originally from the Eyalet of Bosnia, and held the position of Vizier of Buda three times, endowed money for a fountain in Donja Tuzla. The waqf in Tuzla was founded at the same time when Musa Pasha endowed money to build a mosque and establish its waqf in the wider vicinity of Tuzla, which because of this, was named Nova (New) Kasaba²² (Bejtić, 1960: 225-249; *Vakuf-nama Musa-paše*: 347-362). This place also was in the Sanjak of Zvornik. The *Sicill* contains a very interesting small *defter* of revenues and expenses of this waqf covering the *Hicri* years of 1054-1055/1644-1646

16 On him see: İlgürel (1999: 4-5).

17 Donja Lipinica, village next to the northern outskirts of today's Tuzla.

18 Jasenica is widespread toponym in South Slavic geography. This one must be Jasenica situated approximately 26 km north of today's Tuzla, and part of today's municipality of Srebrenik.

19 Transcription for Ottoman writing of the personal name Đurica.

20 Grabovica, village north-east of Tuzla.

21 It was not possible to identify this locality today.

22 Today village Nova Kasaba, part of Milići municipality, 78 kilometres south-east of Tuzla.

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AD (ST: 59b-2). The capital of the waqf fluctuated between 45,000 to 49,072 *akçe*, while revenues generated from interest rates were between 5,400 and 5,800 *akçe*. Yearly expenditures of the waqf were 4,261 *akçe*, and pure profit of this waqf was 1000 *akçe*. The record about the fountain waqf in Tuzla is also found in the foundation charter (*vakfiye*) for Musa Paşa's waqf in Nova Kasaba. According to the final sentences of the foundation charter (*vakfiye*) for the waqf in Nova Kasaba, Musa Pasha left 500 of proper *riyâl guruş* as a bequest with purpose to renovate and repair the fountain in Donja Tuzla (Memleha-i Zîr). The money is to be lent with knowledge of the sharia court in order to increase its amount (*Vakuf-nama Musa-paşe*: 362). He also appointed a trustee and supervisor for the construction (*meremmetçi*) of the fountain waqf in Donja Tuzla. The supervisors of the waqf (*nazır*) in Tuzla was to be a trustee of the waqf in Nova Kasaba and an *ayan* of Tuzla. The *ayan* of Tuzla had to inspect the accounts of the waqf every year. He was also to do his best to increase the capital of the waqf, but also to take care of any damages on the foundation (Bejtić, 1960: 230). It is not possible to determine what happened to the fountain in Tuzla, but the waqf of Musa Pasha in Nova Kasaba still existed in the first half of 19thth century (Bejtić, 1960: 234).²³

1.8. Waqf of Haccı Kurd

The Waqf of Haccı Kurd was mentioned in one record regarding an inheritance dispute between some Christians from suburbia (*varoş*) of Donja Tuzla. The dispute was about borrowed money from the waqf. In today's terms, it is similar to a mortgage loan. The loan was disputed by one of the heirs involved in the dispute regarding the division of the inherited property. According to the record, Manda and Ivan, children of the deceased Antun, had divided the inheritance in a such way that Ivan got two parts and Manda got one part. This division was accepted by Manda. Later, after the division was carried out, Manda disputed the agreement and proclaimed that she wanted the whole garden for herself. However, the trustee of the waqf brought to the court two Muslim witnesses who confirmed that Ivan, brother of Manda, had pledged as mortgage to the waqf of Haccı Kurd a hayloft, barn and two parts of the garden that belonged to him (ST: f. 49b-2).

1.9. Waqf of Meleksima Daughter of Abdullah

The Waqf of Meleksima daughter of Abdullah is one of the waqfs that were founded by women in Donja Tuzla. (ST: f. 21a-3). A grocer named Derviş, son of Arslan, representing Osman Halife, son of Haccı Memişâh, paid 1500 *akçe* of Osman's debt to the waqf of Meleksima. He paid it directly from hand to hand to a certain Hasan Efendi for whom in the record was written that he was a *naib*. It is not clear if he was an assistant substitute of the judge or some other kind of lieutenant in the local administration. However, Hasan Efendi also was the trustee of the Meleksima waqf. Another interesting fact about this waqf is that Meleksima, judging from her patronymic (*bint Abdüllah*), was likely the daughter of a convert to Islam.

1.10. Waqf of Zeyni Kadın

This Waqf of Zeyni Kadın is mentioned in two records of the *Sicill* regarding the pledging of private properties (ST: f. T4a-2, f. T4a-3).²⁴ Matko son of Andri from suburbia (*varoş*) of Donja Tuzla (Memleha-i Zîr) had disappeared. His wife Kata came to the court and disputed that the house in which she was living

²³ The mosque survived until 1992 when it was destroyed by the Serb forces. It was again renovated in 2010.

²⁴ In order to differentiate parts of *Sicill* preserved in the Archive of Tuzla Canton I have added "T" for numbers of folios from this document.

had been pledged to the waqf of Zeyni Kadın for 2500 *akçe*. The trustee of the waqf had invited witnesses to the court to settle the payment of the debt. The witnesses claimed that seven years before Kata's dispute the house was pledged to a certain Mümin who was trustee of the waqf at the time.

1.11. Other Waqfs in Donja Tuzla

In the *Sicill* there are records which shortly mention some waqfs, but we do not have other information about them. The waqf of Mehmed Halife is mentioned in one record regarding guarantees of one transaction (ST: f. 4b-3). The waqf of Hacı Alişah is also mentioned in one record shortly. According to this document Şaban son of Yusuf borrowed from İslam Halife, the trustee of the waqf, 850 *akçe* (ST: f. 14a-4). Hacı Cafer's waqf is mentioned only once in a short record. The supervisor (*nâzır*) of this waqf appointed for his own absolute attorney (*vekil-i mutlak*) a certain person named Bekr Efendi whose duty was to collect debts in the judicial district (*kazâ*) of Memlehatayn (ST: f. 23a-3). The waqf of Kasım Beşe was also mentioned shortly according to which Gruiče,²⁵ son of Petre from Breška²⁶ village, owed 500 *akçe*. The trustee of the waqf was a certain Yusuf Halife (ST: f. 33a-5). In one fragmentary record there was recorded a case about the waqf of Oruç Munitacı. According to this document, contrary to all records regarding borrowing money, a certain Christian named Petre, son of İstapan from Destin Dol village, lent 2000 *akçe* to Ali, trustee of the waqf (ST: f. 42b-3). The waqf of Fatma was mentioned shortly in one record where it was written that a certain Ömer, son of Yahya, owed 100 *akçe*. The money was given to him from the trustee of the waqf, Derviş Halife (ST: f.44b-4).

2. Waqfs in other places of the Memlehatayn Judgeship/Kazâ of the Sanjak of Zvornik

Apart from waqfs that we directly can locate in the centre of Memlehatayn/Tuzla, the *Sicill* mentions waqfs in other places of the Memlehatayn legal district and Sanjak of Zvornik. Some of those waqfs were of great importance and their existence lasted for many years. For instance, the waqf of Bahşibey seems to be huge agrarian waqf, after which the village of Başıgovci²⁷ was named.

2.1. Waqf of Bahşi Bey

Bahşi Bey was the *sanjakkbey* of the Zvornik Sanjak some time prior to 1533, as evidenced by the fact that he died while holding the position of *sanjakkbey* of Hersek (Hercegovina) in March of that year. He left agrarian waqfs for the maintenance of various foundations. First of all for the dervish lodge (*tekke*) he had previously built in the castle of Zvornik (Popović, 1966-67/1970: 96). According to a record dated to the first decade/*evail* of the month of Rebiülahir 1054 AH/07-15.06.1644 AD, the trustee of the waqf in the judicial district of Memlehatayn, Ali Çavuş son of Hüdaverdi, brought a case against Rıdvan Bey, son of Abdullah, who got a hold of various plots of the waqf land under title deed (*tapu*), for not paying to the waqf its tax revenue, namely *filori* and tithe (*öşür*). According to the document, Rıdvan disputed all the charges against himself stated by Ali Çavuş. Another record regarding this waqf was preserved in the *berat* dated to the last decade (*evahir*) of the month of Cemaziyelahir 1054 AH/24 August – 02 September 1644 AD. According to the *berat*, the *sanjakkbey* of Zvornik intervened at the *Divan* of Buda to remove a person named Ali from the office of trustee of the waqf and to give it to Ömer for whom it was said that he was pious and had built as his own endowment a small bridge in place Kosova,²⁸ near

25 Ottoman version of Slavic name Gruica.

26 Breške, village north of Tuzla.

27 Today a place situated 22 km south of Tuzla, a part of Živinice municipality, in the *Sicill* it was mentioned as *Bahşibey karyesi*. (ST, f. 24a-1).

28 It was not possible to identify this locality.

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Zvornik (ST: f. 60b-2). But, in a *ferman* dated to the second decade of the month of Safer 1055 AH/ 07-15 April 1645 AD, Ali, the trustee of the Bahşi Bey waqf, complained to the *Divan* in Istanbul that some persons managed illegally to get a *berat* at the *Divan* of Buda. After all of this, the *Divan* in Istanbul ordered to the judge (*kadı*) of Memlehateyn to do everything he could in order to return Ali to the position that belonged to him in accordance with the law and will of the sultan (ST: f. 29b-1). The salary for the position of the waqf trustee was two *akçe* daily.

2.2. Waqf of Nasuh, Son of Şeyhi

This Waqf of Nasuh, son of Şeyhi was located in the village Banovik.²⁹ According to a record, an inhabitant of village Terşteniçe³⁰, in the district (*nâhiye*) of Drametin endowed 600 *akçe* for Hacı İbrahim's mosque in Banovik village. Further, Osman son of Muhammed, from the same village borrowed 600 *akçe* with an interest rate of 60 *akçe* (ST: f. 39b-4, f. 39b-5).

2.3. Waqf of Rıdvan, Son of Hurem

Rıdvan son of Hurem from the village of Rahik³¹ in the district of Memlehateyn endowed 3000 *akçe* with the wish of reciting the Qur'anic chapter *Ihlas* for the sake of his departed soul, after his death. This was a kind of family waqf (*evlâdiyyet*). The recitations were to be performed by his two daughters, and this task was to be passed later through generations in the family. The trustee of the waqf was his son-in-law. According to the record the money was endowed in the second decade/*evasıt* of the month of Rebiulevvel 1054 AH/18-28th May of 1644 AD (ST: f. 42b-1).

2.4. Waqf of HIRAMAN, Daughter of Ahmed Kethüda

Hiraman Hatun, daughter of a certain Ahmed Kethüda, an inhabitant of the village Çer,³² endowed during Hicri year 1051/12.05-09.06.1641AD a silver belt which was a part of her jewellery. The belt was to be sold, and the capital gained from the sale to be given as credit for profit through interest. The waqf was to be administered by Mustafa Çavuş, and all stipulations stated in the charter of the waqf to be fulfilled by his son Mehmed Halifa. Later, Mustafa Çavuş at the court confirmed that the administration of the waqf should be transferred to his own son Mehmed (ST: f. 62a-2).

Conclusion

By the beginning of the 17th century, capital of cash waqfs in the Sanjak of Bosnia, which was the wealthiest sanjak of the Eyalet of Bosnia, was 6.685.353 *akçe* (Buzov, 2005: 257). This was triple the amount of four decades earlier (Sućeska, 1954: 343-378; Husić 2012: 37). For the Sanjak of Zvornik we still do not have a clear estimate regarding cash waqfs. But we can suppose that in general capital circulating in this sanjak was not larger than the one in Sanjak of Bosnia since urban centres were smaller. We can even assume that the Sanjak of Zvornik having been a backbone and main source of the fresh Muslim population for the Eyalet of Buda had gone through some stagnation around the middle of the 17th century. This stagnation or slowing down in development was clearly visible in the development of Donja Tuzla, where number of fourteen urban settlements (*mahalle*) remained the same since 1570s (Handžić, 1975: 179-188). Another example of a slowing down in development is Bahşi Bey's waqf, where the

29 Today Banovići Selo, some 37 km south-west of Tuzla, today part of Banovići municipality.

30 Treštenica, some 36 km south-west of Tuzla, today part of Banovići municipality.

31 Rahić, 51 km north of Tuzla, today part of Brčko District and municipality.

32 Çer is widespread toponym on South Slavic geography. It was not possible to identify the exact location, but there is small possibility that it is Cerik, today at the western outskirts of the town of Tuzla.

trustee's salary was two *akçe* still in 1640's. The salary seems to be unchanged for decades and must be rather symbolic. Hence being employed in a waqf, like the one of Bahşi Bey, must have been a question of prestige at the local level.

Though the amount of cash or salaries that waqfs were providing as recorded in the *Sicill* might appear low, their significance for the local economy was immense. Especially if we add to this the fact that according to the *Sicill*, this was an area void of private persons who were professional creditors. It should not be forgotten that lending from private persons for peasants was the worst option. Most private creditors were perceived as usurers whose aim was to enslave debtors. Those usurers always had an intention to bind any loan to a mortgage, where in further process ordinary peasants would become tenants on their own land by selling the title deed (*tapu*) to annul their debts in cash. However, the main aim of a waqf was self-sustainment and continuity. Therefore interest-rates and other conditions offered by waqfs must have been more suitable for peasants and craftsmen. Furthermore, from various documents from Bosnia during 17th-19th centuries we observe how waqfs were uninterested in acquiring title deeds of arable lands from ordinary people. Thus, we can say that the significance of waqfs in the rural economy of the Sanjak of Zvornik seems to be far more important than what was previously believed. Participation of small entrepreneurs in economic life would be unthinkable without cash waqfs. Owners of small shops constantly needed cash to finance small investments and participation in local fairs (*panāyir*) (Skarić, 1937: various places). Further, during the 17th century the Ottoman State constantly needed cash for expensive warfare, which was consequently reflected on all layers of society, especially the peasantry and craftsmen. Therefore, waqfs were the best source of borrowing money both in urban and rural areas. The fact that waqfs, especially the ones based on cash, had immense significance in the rural areas of the Sanjak of Zvornik contradicts earlier studies for some other Ottoman areas which claimed that cash waqfs were negligible or not at all present in the rural economy.

Waqfs as an institution, especially in the cases demonstrated via this *Sicill*, should not be perceived solely in terms of a cash credit base. As an institution, a waqf was not just a source of cash. Waqfs during the 17th century in Ottoman Bosnia seem to have been a medium, a mediator, an agent, and a part of the Ottoman State and Ottoman society available to all citizens. As we can see from examples from this *Sicill*, ordinary citizens could borrow money from a waqf, could invest surpluses they earned and ensure that the invested money was transferred to future generations. Furthermore, a waqf was an institution of prestige, where certain individuals persisted to be employed as its trustees, even if the salary was symbolic. The role of a waqf as an institution of prestige is also mirrored in cases where trustees of a waqf were appointed as a special personal deputy by someone who was far away from his own home in Memleḥateyn.

A couple of words should be said about those waqfs in later period. Except for the waqfs of Tur Ali Bey, Hacı Hasan and Musa Pasha, none of them survived into later periods as waqfs. Mosques of some waqfs survived as the only parts and exist even today. We can also say it is probable that some smaller ones were merged into the bigger ones. It is to hope that further research will show what happened with some of these institutions.

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