

JANISSARIES AND CONFLICTS OVER RURAL LANDS IN THE VIDIN REGION (1730-1810)

İrfan Kokdař*

Abstract

The Vidin region has attracted much scholarly attention, particularly due to the bloody uprisings in the area around the middle of the nineteenth century. For a long period, Balkan historians have understood this mid-nineteenth-century crisis as an inevitable consequence of a Bulgarian national awakening. Although the recent scholarship challenges the nationalist narrative, it continues to ignore the complexities of the socio-legal structures in the Vidinese hinterland, which had developed in the course of the eighteenth century, and reduces all conflict lines to the duality of interests between peasants and proprietors. Going beyond the dualistic narratives of exploitation, this study aims to historicize the land question in the Balkans by presenting the Janissaries both as actors of the Ottoman military establishment in the Vidin region and as rural investors who enjoyed benefits from and shaped the workings of the area's land regime thanks to their own networks and the state's policies. By doing so, it contextualizes the ruptures and continuities in landholding patterns, and also highlights the rural entrepreneurship of the Janissaries, who in Ottoman/Middle Eastern scholarship have generally been portrayed as active historical agents of city-based riots and urban-centered commercial activities.

Keywords: Janissaries, land disputes, rural networks, Ottoman land law, rural investments

* Assistant Professor, *İzmir Kâtip Çelebi Üniversitesi, Faculty of Social Sciences and Humanities, History Department*, Izmir, Turkey, irfan.kokdas@ikc.edu.tr, ORCID: 0000-0002-4858-6018. Presented at the Second JANET Workshop, in Izmir September 10-12, 2021, this paper is based on the database of the project "JANET: Janissaries in Ottoman Port-Cities: Muslim Financial and Political Networks in the Early Modern Mediterranean (2020-2025)", European Research Council Starting Grant StGr2019 no. 849911

Vidin’de Yeniçeriler ve Toprak Kavgaları (1730-1810)

Öz

Vidin bölgesi özellikle 19. yüzyılın ortasındaki kanlı isyanlardan dolayı birçok araştırmacının dikkatini çekmiştir. Balkan tarihçileri uzun bir süre boyunca 19. yüzyılın ortasındaki bu krizi Bulgar milliyetçiliğinin kaçınılmaz bir sonucu olarak yorumladı. Son dönemde tarih yazımı bu milliyetçi anlatıyı eleştirirken Vidin kırsalında 18. yüzyıl boyunca oluşan karmaşık sosyo-hukuki yapıları ise görmezden gelmeye ve tüm çatışma hatlarını köylü-toprak sahibi ikilemine indirgemeye devam etti. İkiliğin ve sömürü anlatısının ötesine geçen bu çalışma, Balkan coğrafyasında toprak meselesini tarihsel bağlama oturtmayı amaç ediniyor. Bunu yaparken de yeniçerileri hem bölgenin askeri unsuru hem de toprak rejiminin işleyişini belirleyen ve ondan faydalanan kırsal yatırımcılar olarak tanımlıyor. Bu sayede çalışma toprak sistemindeki devamlılıkları ve kırılmaları ortaya koyarken aynı zamanda Osmanlı ve Ortadoğu çalışmaları kent ayaklanmalarının ve ticari faaliyetlerin aktörleri olarak resmedilen yeniçerilerin kırsal yatırımcı rollerinin altını çiziyor.

Anahtar Kelimeler: yeniçeriler, arazi kavgaları, kırsal ağlar, Osmanlı arazi hukuku, kırsal yatırımlar

Introduction

The Vidin region has already attracted much scholarly attention, particularly due to the bloody uprisings in the area around the middle of the nineteenth century. Attempts were made to ease the protracted struggles in Niş, Lom, Belgradçık, and Vidin through the unceasing efforts of the Ottoman state – up until the end of its rule in the region – to reach a compromise between the disputing groups, namely Christian sharecroppers¹ and the powerful landholding military. The latter had only begun to consolidate its presence during and after the war with the Holy League in the 1683-1699 period.²

For a long period, Balkan historians have understood this mid-nineteenth-century crisis as an inevitable consequence of a Bulgarian national awakening, since the ethno-religious demarcation between landless Christian cultivators and Muslim landholders was a profound factor in contributing to the peasant discontent.³

¹ In fact, there were also several landless Muslim peasants in the Vidin-Niş-Lom area who appear as tenants in records. See, for instance, Devlet Arşivleri Başkanlığı Osmanlı Arşivi (BOA), Maliye Nezareti Temettuat Defterleri (ML.VRD.TMT.d) 814:6-25 (29 Z 1261/December 29, 1845).

² Rossitsa Gradeva, “War and Peace along the Danube: Vidin at the End of the Seventeenth Century”, *Oriente Moderno*, Nuova serie 20 (81)/1, (2001), p. 153-156.

³ For a survey of these points on the Vidin Uprising, see Attila Aytekin, “Peasant Protest in the Late Ottoman Empire: Moral Economy, Revolt, and the Tanzimat Reforms”, *International Review of Social History*, 57/2, (2012), p. 197-201.

Studies by İnalçık and Gandev, however, have revisited this nationalist thesis from different perspectives, both sharing the assumption that the functioning of the *gospodarlık* regime⁴ in rural Vidin, which dated back to the eighteenth century, was the root cause of the uprisings, as the system involved heavy peasant exploitation and corvée labor.⁵ Gandev acknowledges that the Vidinese entrepreneurs, drawn mainly from Janissary rank-and-file and officers, acquired land with title deeds, but emphasizes that the key element for the development of the Vidinese land tenure system was the unauthorized appropriation of common lands by investors as they established large “freehold” estates (*çiftlik*) in these areas.⁶ Though İnalçık also depicts the exploitative character of the land-tenure system in the region, particularly underlining the personal abuses by large military Muslim landlords, he does not push his analysis further.⁷

However, their analyses ignore the complexities of the socio-legal structures in the Vidinese hinterland, which came into being during the eighteenth century, and reduce all conflict lines to the duality of interests between peasants and proprietors. In this interpretation, the competition over rural resources is seen as a sign of land privatization and a deterioration in the Ottoman land regime, or somehow as a deviation from a well-working *miri* regime hinging on the “*protection of small peasantry*”.

This study, however, maintains that land possession or land holding in eighteenth-century Vidin was a result neither of privatization nor of the loss and corruption of state control; quite contrary to this, it was a new modality of land regime dependent upon the tangled rights on *miri* land and freehold properties.

⁴ Under the *gospodarlık* regime, large estates (*çiftlik*) were owned by the “landlords” (“*gospodar*”, Bulgarian for “master”) consisting of Janissaries and local notables, while peasants on the *gospodar* lands had to pay double dues: taxes to the state and rents to the masters. For the details on the system, see Mehmet Safa Saraçoğlu, *Letters from Vidin: A study of Ottoman Governmentality and Politics of Local Administration, 1864-1877*, The Ohio State University, Ph.D, Ohio 2007, p. 10-14.

⁵ At the heart of the Vidin and Niş uprisings lies the *çiftlik* question, whose origins dated back to the early eighteenth century. The evolution of large *çiftlik*s, their capitalistic and feudal natures, and the transition from state to private property prior to the nineteenth century are the key themes in historiography that link the nineteenth-century land problems to the dynamics of the earlier period. For a snapshot of these debates, see Attila Aytekin, “Historiography of Land Tenure and Agriculture in the Nineteenth Century Ottoman Empire”, *Asian Research Trends New Series*, 4, (2009), p. 6-10. See also Halil İnalçık, *Tanzimat ve Bulgar Meselesi*, Istanbul 1992, p. 75-107; Christo Gandev, “L’apparition des rapports capitalistes dans l’économie rurale de la Bulgarie du nord-ouest au cours du XVIIIe siècle”, *Etudes Historiques*, (1960), p. 211-212.

⁶ Gandev’s observations are discussed within a broader geographical concept by McGowan in his study on the *çiftlik* formations along the Danube; Bruce McGowan, *Economic Life in Ottoman Europe: Taxation, Trade and the Struggle for Land, 1600-1800*, Cambridge 1981, p. 57-73.

⁷ For a similar analysis, see Aytekin, “Peasant Protest”, p. 198. Although small peasants enjoyed the protection offered by the Ottoman *miri* land regime, the spread of tax-farming practices, wrote İnalçık, deteriorated their position and state-peasant relations, since the tax-farmers, usually prominent local men, sought to satisfy their own interest. İnalçık, *Bulgar Meselesi*, p. 85-94.

The legal status of *çiftlik*s, farms, hayfields, gardens, mills, and apiaries was formalized with a *miri-mülk*e distinction, but in a way that was very permeable in market transactions, and which left a discernible imprint on the nineteenth-century property disputes in the centralizing Ottoman state. Going beyond the narratives of exploitation and dualities, the study aims to historicize the land question in the Balkans by presenting the Janissaries as both actors in the Ottoman military establishment in the Vidin area and rural investors⁸ who enjoyed benefits from and shaped the workings of Vidin's land regime thanks to their own networks and the Ottoman state's policies in the region. In doing so, this study not only contextualizes the ruptures and continuities in landholding patterns, but also highlights the rural entrepreneurship of the Janissaries, who in Ottoman/Middle Eastern scholarship have generally been portrayed as active historical agents of city-based riots and urban-centered commercial activities.

By focusing on the conflicts over land and rural properties, this study investigates the Janissaries' investments in the eighteenth-century Vidinese hinterland, specifically in the 1730-1810 period, and their pivotal role in shaping the land tenure system in the area where they acted as litigants. With their wide range of investments in rural immovables, the Janissaries were influential actors in the system and shaped the contours of the land regime in Vidin. The study sheds light on the alleged enmeshment of legal statuses in the area, primarily stemming from the general nature of Janissary investments, as the blurry physical boundaries between freehold properties and state lands strengthened the emergence of hybrid property and usufruct rights. It also maintains that bundling different property rights to different immovables into a single unit and the frequent transfers of *miri* lands triggered contention, though not so much between peasants and Janissaries but mainly between Janissaries themselves, as the interweaving of ownership and usufruct became more and more subject to inheritance, transfer, and sale.

General overview: Janissary properties in the Vidinese countryside

As early as the 1700s an imperial order sent to Vidin demanded the destruction of around 200 animal *çiftlik*s (*kışlak*s) established by Muslim entrepreneurs, including Vidinese Janissaries, along the southern side of the

⁸ It should be noted, however, that on the southern side of the Danube there were also several Janissaries residing in the villages and holding small lands. See, for instance, Bab-ı Asaflı Divan-ı Hümayun Sicilleri Özi ve Silistre Ahkam Defterleri (A.DVNS.AHK.ÖZSİ.d) 4:133, order no. 519 (evasıt-ı Ra 1160/March 22-April 1, 1747); 5:112, order no: 461 (evasıt-ı Ra 1162/February 28-March 10, 1749). See also Evgeni Radushev, "Peasant' Janissaries?", *Journal of Social History*, 42/2, (2008), p. 453-461. Interestingly, Vidinese court records are silent on the Janissaries' settlement in the villages, and thus the overwhelming majority of entrepreneur Janissaries in this study were city-dwellers.

Danube.⁹ Up until the 1760s, these Janissaries had been able to establish an exceptionally high number of large estates and always had a keen interest in expanding their investments in Wallachia. This early decree in itself is revealing of the fact that, just fifteen years after the Ottoman war with the Holy League and the subsequent penetration of the Janissaries into Vidin, they had attained extraordinary economic capacity as rural entrepreneurs on the other side of the Danube. The rapid political-military changes in the late seventeenth century turned Vidin into an “El Dorado” for Janissaries, as many of them came to settle and find lucrative investment opportunities in its hinterland.

The region was devastated during the wars against the Holy League, the havoc culminating in the occupation of Vidin, which inevitably caused massive peasant flight. When the imperial center reorganized the frontier defenses along the Danube and facilitated the establishment of Janissaries in fortresses and *palankas*, the Janissaries found vacant fertile lands in Vidin. Fatma Gül Karagöz cited two important imperial orders that perfectly illustrate the dynamics behind the rise of the Vidinese Janissaries as rural entrepreneurs.¹⁰ For instance, the first order, dated 1707, cites the presence of abundant vacant lands around the Vidin fortress after the Habsburg occupation in 1689. Referring to the fact that the inhabitants had fled into neighboring districts due to the occupation, it states that following the reconquest of the city by the Ottoman forces, these areas and their title deeds (*tapu temessükü*) were given to new claimants. Some Janissaries were among those who eagerly sought and took these lands. Undoubtedly, this might reflect not only a process of sending Janissary units from other areas, but also enrolling locals into the Janissary Corps. In any case, with this order the center recognized the Janissaries’ integration into the countryside by issuing official certificates. In 1714 the imperial center sent another order for the management of vacant *vakıf* lands, entitling all fugitive villagers or deed holders to return and retake their own properties. This order, however, stipulates that they could claim their lands only within four years of its issuance. By authorizing the local judges not to hear cases against new property holders, including Janissaries, the first order closed the doors to the old landholders’ claims and fully secured the new economic position of Janissaries on state lands. Although the second decree granted rights to the old titleholders, by setting a prescription period it did not entirely block the Janissaries’ and other entrepreneurs’ access to extensive *vakıf* lands. These imperial policies thus created a dazzling diversity of Janissary rural investments around

⁹ Mahir Aydın, “On the Shores of Danube: Neighbourhood between Wallachia and Vidin”, *Turkey & Romania: A History of Partnership and Collaboration in the Balkans*, (eds. Florentina Nitu et al.), Istanbul 2016, p. 155-156.

¹⁰ Fatma Gül Karagöz, *1700-1750 Yılları Arasında Osmanlı Devleti’nde Arazi Hukuku Uygulamaları: Vidin ve Antakya Örneği*, Istanbul University, Ph.D, Istanbul 2018, p. 125-132.

Vidin, and they acquired land, gardens, and vineyards, and erected rooms, underground cellars (*zîr-i zemin*), animal barns, and storehouses.

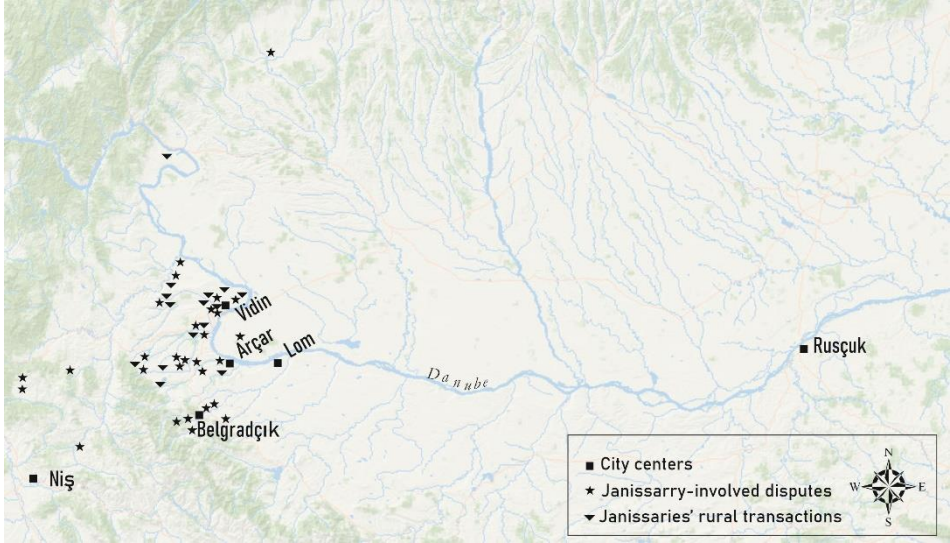
Janissary investments in the Vidinese countryside evince a high degree of continuity in terms of their diversification throughout the eighteenth century; by the 1730s they typically owned a mixed portfolio, particularly consisting of cultivable land, gardens, vineyards, pastures, and mills. An inquiry into court records, for instance, indicates that out of 147 identified cases of property sales, the granting or ceding of usufruct rights, and conflicts that involved Janissaries as litigants, 56 cases contain transfers or disputes over vineyards and gardens, 39 over mills, 30 over *çiftlik*s, 44 over arable fields (*tarla*), 61 over pastures (*çayır*), and 43 over rural buildings.¹¹ Such a hybrid outlook regarding their investments is more visible in the recorded sales and renouncing of rights. For instance, among 25 of all 43 cases of sales of vineyards or gardens, the Janissaries were at the same time engaged in transactions for other properties, such as cultivable fields, *çiftlik*s, or grasslands.¹² This was also true for the handing over of mills: in 12 out of 19 cases referring to the sale of mills the Janissaries also sold other properties at the same time. Moreover, in 8 of all 25 transfers of pastures, the Janissaries sold a mill. Similarly, almost one third of all transactions of arable fields and lands (10 out of 30) also contain the sale of a mill. This means that in most of these legal cases the litigation or property registration revolved around the transfer of or a dispute over at least two rural properties. The figures, thus, attest to the fact that the Janissaries usually held more than two rural properties in the same area, quite often attached to each other.

This wide range of Janissary investments in Vidin was influenced by many factors, one of which was the geoclimatic patterns that had the most enduring and long-lasting impact on the mode of rural property holding. With rich water reserves and large grasslands, the deep hinterland of Vidin offered the Janissaries the opportunity to possess pasturelands and arable fields together with watermills, gardens, or vineyards. The travelers and Ottoman inspectors often admired this agricultural richness in the Danube area and underlined the potential of animal husbandry and apiculture, while the Janissaries made very rich and diverse investments in both Wallachia and the Vidinese countryside.¹³

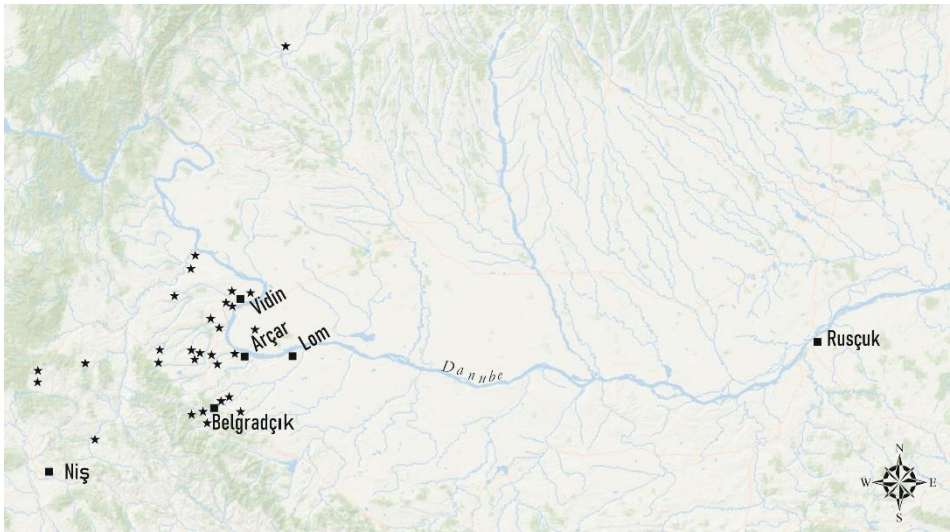
¹¹ Nacionalna Biblioteka “Sv. Sv. Kiril i Metodij” (NBSKM), Vidin *Sivik* (VS) 6; 9; 11; 39; 41; 44; 46; 47; 48; 53; 61; 62; 63; 64; 65; 68; 69; 70; 71; 74; 77; 78; 79; 80; 82; 160; 163; 167; 169; 307; 310; 346; 159A; 25A.

¹² The author is in the process of preparing a paper on the extent to which other segments of Vidinese society developed a similar investment portfolio in the eighteenth century. Preliminary findings suggest that the military, administrative, and fiscal roles of the Janissaries and their credit capacity gave them an edge in the rural market vis-à-vis other groups such as merchants and religious dignitaries.

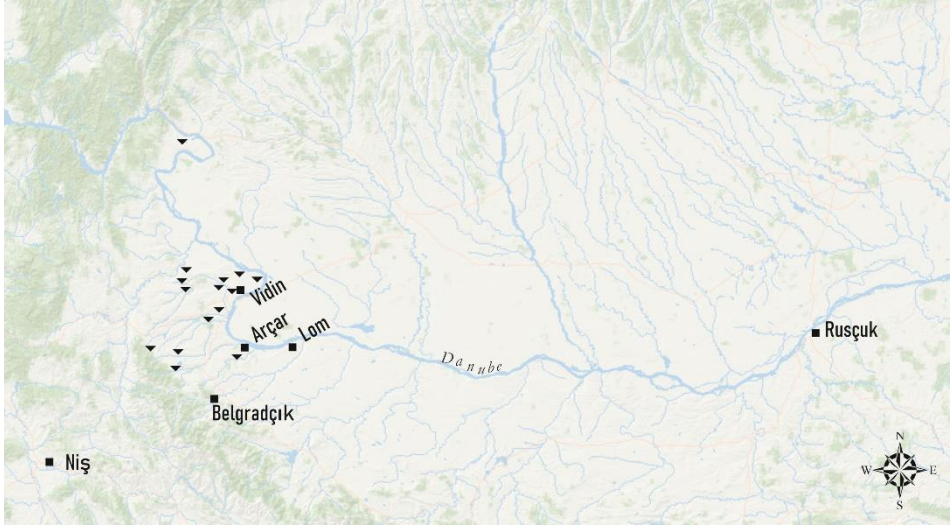
¹³ İrfan Kokdaş, “Habsburglar Kara Eflak’a Gelirse: Vidin’de Hayvancılık Sektörünün Dönüşümü (1695-1740)”, *Cibannüma: Tarih ve Coğrafya Araştırmaları Dergisi*, 5/2, (2019), p. 92-93.



Map 1-A: Geographical Distribution of Janissaries' Rural Properties around Vidin



Map 1-B: Geographical Distribution of Janissary-Involved Disputes over Rural Properties



Map 1-C: Geographical Distribution of Janissaries' Rural Transactions

Two reports prepared in 1753 and 1760 on the investments of Janissaries and military men in Wallachia reveal that they held pasturelands, storehouses, apiaries, and mills.¹⁴ Unlike Fethülislam (Kladovo), which was devoid of large arable lands, a fact that from the very beginning led its residents to establish their agricultural investments in Wallachia, Vidin had a very rich hinterland.¹⁵ As Map 1 also illustrates, the hybrid character of these investments went hand in hand with their very dense geographical distribution. The rural properties of Janissaries were scattered in a roughly triangular area with a base along the northern drainage zones of the Timok and Lom Rivers and with a southern vertex around Belgradçık. It is very instructive to underline that this triangular area almost overlapped with the conflict zone that witnessed a series of uprisings, land disputes, and reform projects from the 1840s onwards. The concentration of Janissary investments in this triangular zone is neither exceptional nor surprising given the fact that in the Ottoman world urban entrepreneurs often made investments in the water-abundant areas in the vicinity of towns and bought mills, orchards, and vineyards. Together with these rural estates, they held arable fields and pastures.¹⁶

¹⁴ For the details of these reports, see Aysel Yıldız and İrfan Kokdaş, "Peasantry in a Well-protected Domain: Wallachian Peasantry and Muslim *Çiftlik/Kaşlak*s under the Ottoman Rule", *Journal of Balkan and Near Eastern Studies*, 22/1, (2020), p. 175-190.

¹⁵ BOA, Cevdet Hariciye (C.HR) 35/1733 (evasıt-ı Ş 1173/May 26-June 4, 1760).

¹⁶ James A. Reilly, "Status Groups and Propertyholding in the Damascus Hinterland, 1828-1880", *International Journal of Middle East Studies*, 21/4, (1989), p. 517-518; idem, "The End of an Era: Pre-Reform Damascus in the 1820s", *Bulletin Études Orientales*, 61, (2012), p. 213-214; Hülya Canbakal, *Society and Politics in an Ottoman Town: 'Ayntab in the 17th Century*, Leiden 2007, p. 38-39; Suraiya Faruqi, *Men of Modest Substance: House Owners and House Property in Seventeenth-Century*

The banks along the Topolovetz, Vidbol, and Musumane rivers, for instance, were popular investment outlets for water-mill construction among the Janissaries. Even a cursory look into the boundaries of rural properties specified in court records indicates that valuable rural real estate such as mills and vineyards were located in the midst of vast rangelands that often bore the name of their current or past holders.¹⁷ The Topolovetz, Arçar, Vidbol, and Voynishka rivers and their tributaries provided extensive water reservoirs, and this turned the area into an ideal space for rich agricultural investments, especially for animal husbandry.¹⁸ The pastures thus appear as the most cited property in the dealings and struggles that involved Janissaries. For instance, among 66 cases of Janissary-involved property sales or cessions, 25 contain deals for pastures, while almost half of the identified conflicts (37 out of 81) contain a dispute over grazing areas. In most of these cases, the litigation or transfer involves not only grazing areas, but also other lucrative rural properties. The concurrent contracts for land and immovables in the same location and the conflicts over them indeed created a multiplicity of legal status and demands over rural properties. For example, in one record on the transfer of land and *çiftlik* buildings (*çiftlik ebniyesi*), among them a watermill, between the relatives of Süleyman Ağa and the guardian of Janissary İslam Beşe's minor son, the *çiftlik* buildings, having a legal status of freehold property, changed hands with the consent of the timariot (literally: official master or overseer of the land, *sahib-i arz*) through granting and cession (*tefviz* and *ferag*).¹⁹ These wordings are of crucial importance, because the terms *tefviz* and *ferag* were employed for the dealings on state lands whose transfer was approved only with the consent of the master of the land. Such a formulation in this case suggests that the legal status of fields as state lands encapsulated the status of the buildings of the large estate. However, there are also cases in which fields and grasslands attached to the *çiftlik*s were legalized altogether as freehold property. Following the death of *yamak* Osman Beşe from the 5th Bölük of the Janissary Corps, who died indebted around 1764, his heirs vehemently defended the inherited *çiftlik* against the deceased's Janissary creditors, who intended to sell the grange and its

Ankara and Kayseri, Cambridge 1987, p. 54-97; Beshara B. Doumani, *Family Life in the Ottoman Mediterranean: A Social History*, Cambridge 2017, p. 224-51.

¹⁷ For examples, see NBSKM, VS.11:75-77 (13 Ş 1188/October 19, 1774); 160:108 (15 R 1207/November 30, 1792); 6:164 (7 B 1208/February 8, 1794); 46:143 (17 R 1189/June 17, 1775); 78:233-234 (5 Ş 1179/January 17, 1766).

¹⁸ In other parts of the empire, geography and peasant flight (mobility) were decisive factors behind the rise of military investments in animal husbandry; and the Vidin region witnessed widespread peasant mobility in the eighteenth century. Zafer Karademir, *İmparatorluk Ekonomisinin Can Damarları: Osmanlı Ülkesinde Hayvancılık İşletmeleri (1500-1800)*, İstanbul 2016, p. 73-79, p. 115-132. See also Kokdaş, "Habsburglar", p. 83-103.

¹⁹ NBSKM, VS.63:221 (9 Za 1186/February 1, 1773).

surrounding lands to them in order to clear his debts.²⁰ The representatives of the heirs insisted that the *çiftlik* could not be sold to pay the debts. Although they did not present any documented proof, their allegations drew upon the *miri* status of the *çiftlik* secured with a title deed (*tapu temessükü*), which forbade the sale of an estate for debt payment. The *çiftlik*, consisting of several structures, including a house, storehouse, animal barn, mill, garden, and vineyard, had the fields and pasture coterminous with them. The creditors now demanded the sale of half the share of both the buildings and the encompassing area of the *çiftlik*, suggesting that fields and pasture were held as freehold property. None of the parties at the courtroom proved their claim with any sultanic grant of ownership of public estates (*mülkname*), court warrant, or title deed. The creditors instead buttressed their position with witnesses, who testified that the conflicted land was a freehold *çiftlik* with its buildings.

Essentially, the naming of the land as garden, vineyard, or *çiftlik* did not fully determine the characteristics of a property. In an example of a gift contract between the Janissary Elhac Mustafa from the 41st Bölük and the children of another Janissary, Seyyid Ahmed Ağa, from the 15th Cemaat, the property was termed a garden (*bahçe*), but had quite a resemblance to a *çiftlik*, as it had rooms, a mansion, an animal barn, and peasant rooms (*reaya odaları*).²¹ In the case of the property inherited from *yamak* Osman Beşe, the creditors probably used the witnesses to prove the cultivable lands belonged to the *çiftlik*. Their claim was primarily built on a legal opinion (*fetva*), which for debt payments sanctioned the selling of *çiftlik* held as freehold property and all the appurtenant lands “*belonging to it since the former times*” (*ona kadimden beri tabi olan*).

Not blurred but interwoven: private property and usufruct rights

The term “*appurtenant land*” is a key concept that appears repeatedly in the Janissary-involving rural transactions that recur among the many property disputes in Vidin. In not a few instances, the appurtenant lands were certainly designated as an extension of freehold properties. In most cases, however, the appurtenant land and hayfields belonging to the rural properties were classified as state land, in line with the Ottoman land law. For instance, in a dispute among heirs over the control of the *çiftlik* of a deceased woman, Fatma, the estate and lands attached to it were described simply as *çiftlik* and appurtenant lands (*çiftlik ve ona tabi*). Both were transferred to Süleyman Ağa from the 31st Bölük with the approval of the *voynoda*

²⁰ Some of the creditor Janissaries in this case were again identified with their *bölük* affiliations. A half share of the *çiftlik* was ultimately sold to Halil Ağa for 1,211 *guruş*; NBSKM, VS.61:256 (25 Ra 1178/September 22, 1764).

²¹ The legal dispute emerged after the heirs of Elhac Mustafa denied the gift deal and seized the property. NBSKM, VS.74:180 (*gurre-i B 1181/November 23, 1767*).

of Sahra *mukataası*, the *sahib-i arç* in that case.²² In another case, the representative of Fatma, the daughter of the deceased Elhac Ahmed Ağa, the *serdengeçdi ağa* of the 41st Bölük, transferred her share in the mill around Musumane to Mustafa Alemdar from the same *bölük*. This transfer also included the appurtenant pasture (*asıyab ve ona tabi çayır*) attached to it, the transaction again being subject to the permission of the *sahib-i arç*.²³

Ebubekir Ağa, again one of the Janissary *serdengeçdis* serving at Vidin, came to court to validate his land acquisition from Hacı Kadın who inherited the rural properties from her brother Mehmed Ağa. He claimed that the area, including a mill, vineyard, buildings, and pasture, had been transferred to him through a legal cession (*ferag*) with the permission of the *sahib-i arç* and Hacı Kadın's consent.²⁴ The crucial point in these transactions is the fact that the cession implemented for the *miri* lands with the approval of the master of the state lands does not actually mention any value for the transfer of the freeholding vineyard and mill although they were certainly transferred to the new owner. This means that the legally binding and critical part of this transfer was the pasture, whose transmission required the overseer's approval, and when the parties got it, the consent of the holders of the *miri* pasture or fields involved the sale of freehold real estates as well. One might indeed hypothesize that this vineyard and mill could be *miri*, but in Vidinese court records I have not seen any mills or vineyards described as *miri*. Moreover, in other examples, scribes, implicitly or explicitly, made a distinction between the *miri* status of lands and other rural freeholding properties attached to them. In 1810, when *serdengeçti* Salih Ağa came to the court to sell his *çiftlik*, including arable fields, grasslands, gardens, and other buildings, the scribe recorded two kinds of transfers, namely *ferag* for the *miri* properties and *bey-i bat* for the freeholding properties, but did not explicitly distinguish between the properties of different statutes.²⁵ He, however, highlighted these different statutes by inserting a formula stating that although there was only one transaction fee in this case, this fee included both the transfer value and purchase price. This implies that the former was set for the *miri* properties and the latter for the freehold. In another case, in which Zeyneb Hatun proceeded against Elhac İbrahim Beşe from the 43rd Cemaat, the latter proved his possession rights to *çiftlik*s with honorable witnesses who stated that she had earlier sold the *çiftlik* and its land to him.²⁶ To show the different status of the *çiftlik* buildings and appurtenant lands, in this example the testimony of the witnesses was carefully inserted into the court record. As the *çiftlik* buildings and lands had different legal statuses, the sale of the *çiftlik* with its land

²² NBSKM, VS.74:56 (11 B 1180/December 13, 1766).

²³ NBSKM, VS.68:8 (15 Z 1204/August 26, 1790).

²⁴ NBSKM, VS.68:167 (11 S 1206/October 10, 1791).

²⁵ NBSKM, VS.47:96 (gurre-i R 1225/May 6, 1810).

²⁶ NBSKM, VS.46:170-171 (20 B 1189/September 16, 1775).

did not validate the transfer of the land, so they added that for *çiftlik* lands of *miri* status – certainly not for the buildings – İbrahim Beşe had also got permission from the master of the land. In another case, dated 1775, when Molla Hasan Beşe from the 82nd Cemaat bought a *çiftlik* and the appurtenant lands attached to it, the scribes first listed real estate in the *çiftlik*, such as an underground cellar, a storeroom, vineyards, and a garden, and explicitly formulated their transfer as an irrevocable sale (*bey-i bat-ı sahib*). Then, they categorized the transaction of grasslands and arable fields as *ferâğ* and inserted the permission of the *sahib-i arz* for these appurtenant lands.²⁷

In all these transactions, another key point is the continuation of the legal status of appurtenant zones. All seem to have been conducted in accordance with the legal requirement of the *miri* regime, but all buildings and land surrounding them were treated as a single and inseparable commodity in the market. The *de jure* usufruct and property rights were so well embedded into the eighteenth-century practices in Vidin that the distinction between *miri* and *mülk* properties were often, if not always, recorded at the times of granting or renouncing of usufruct rights. Despite this legal formulation, in all cases of land transaction under study which explicitly mention any value, all buildings and land changed hands with a lump sum value without setting different prices for the buildings and appurtenant lands.

This is true particularly for the *çiftlik*s not only in Vidin but also in the whole of Rumelia and Anatolia. As portrayed by the studies of Aysel Yıldız and Sophia Laiou on the land tenure system in Thessaly, the legal status of buildings and other cash-producing structures in the *çiftlik* zones was considered separately from that of the arable fields attached to them.²⁸ These authors rightly highlighted the coexistence of state lands and private property with different legal status in the *çiftlik*s. Drawing upon the probate inventories listing only the private property as a rule of inheritance law, Papastamatiou noted that in eighteenth-century Salonika the so-called core of a *çiftlik* in the dominant inventory methodology consisted of peasant huts and the land itself.²⁹ He added, however, that the latter is not explicitly stated in inventories and that the *çiftlik*'s periphery comprised accessories, vineyards, gardens, animals, tools, and other buildings. All these observations allude to a hybrid semantic meaning of rural properties and their legal statutes, especially in large estates, a phenomenon parallel to the situation in Vidin. In the

²⁷ NBSKM, VS.46:201-202 (3 Ş 1189/September 29, 1775).

²⁸ Sophia Laiou, "Some Considerations Regarding *Çiftlik* Formation in the Western Thessaly, Sixteenth-Nineteenth Centuries", *The Ottoman Empire, the Balkans, the Greek Lands: Toward a Social and Economic History. Studies in Honor of John C. Alexander*, (eds. Elias Kolovos et al.), Istanbul 2007, p. 269-270; Aysel Yıldız, "Politics, Economy, and *Çiftlik*s: The History of Four *Çiftlik*s in Larissa (Yenişehir-i Fener)", *Turkish Historical Review*, 11, (2020), p. 45-52.

²⁹ Demetrios Papastamatiou, "The Structure, Content and Development of Large Estates in the Environs of Salonica during the Period 1697-1770", *Festschrift in Honor of Ioannis P. Theodorides. II. Studies on the Ottoman Empire and Turkey*, (eds. Evangelia Balta et al.), Istanbul 2014, p. 385-386.

probate of Janissary Ahmed Alemdar from the 82nd Cemaat, the court scribes, for instance, recorded only *çiftlik* buildings (*çiftlik ebniyesi*) together with beehives, but in the probate of Elhac Mustafa Alemdar from the 41st Bölük the estate is articulated simply as *çiftlik* without providing any further detail.³⁰ In the inventory of another Janissary, Ahmed Beşe from the 19th Cemaat, scribes listed the *çiftlik* together with buildings (*çiftlik maa ebniye*).³¹

All these convoluted uses, at first glance, show the ambiguity of the Ottoman land regime and a transformation of *miri* property to quasi-*mülk* property, i.e., privatization of land. This argument is systematically put forward in an oft-cited study by Özer Ergenç, who advocated that the frequent land transactions with title deeds and the permission of the master of land overseer, the ability of city dwellers to acquire land and keep it for a long period under their usufruct, and the use of terms like *mülk* or *mülk-i müşterâ*, turned state demesnes into quasi-private property.³²

However, in Vidin the various terms used interchangeably for the *çiftlik* properties mirrored the existence of multiple property and usufruct claims over landed properties. Indeed, in Vidin the court scribes were generally, if not always, cautious and took the separation between the *mülk* and *miri* properties quite seriously; and this practice was not only limited to the *çiftlik* areas. In 1775 a woman named Meryem delivered her shares in a water mill, vineyard, and hayfield to the Janissary Ahmed Beşe from the 12th Bölük.³³ In this particular transaction, lands including a hayfield (*çayır*), categorized as the appurtenant lands of the mill and vineyard, were treated separately in a legal manner as *mülk-i müşterâ*, namely state land subject to transaction.³⁴ While the mill and vineyard were sold as private property with an irrevocable sale (*bey-i bat-ı sahib*), her land was delivered to the Janissary with a standard protocol through the permission of the *sahib-i arç*. Together with this distinction, this deal also underscores the bundling of different rural properties subject to different legal statuses into a single alienable commodity in the land market.³⁵ Around the same time, when the Janissary Ahmed Alemdar

³⁰ NBSKM, VS.81:12-13 (25 C 1159/July 15, 1746); 53:26 (*gurre-i Za* 1220/January 21, 1806).

³¹ NBSKM, VS.77:16-17 (17 B 1190/September 1, 1776).

³² Özer Ergenç, "XVII. ve XVIII. Yüzyıl Anadolu'sunda Toprak Tasarrufu ve Mülkiyeti Üzerine Değerlendirmeler", *Şehir, Toplum, Devlet: Osmanlı Tarihi Yazıları*, İstanbul 2012, p. 215-45.

³³ NBSKM, VS.46:142-143 (17 R 1189/June 17, 1775).

³⁴ For the use of *mülk-i müşterâ* in defining property rights and status of transactions, see Fatma Gül Karagöz, "18. Yüzyıl Şer'iye Sicili Örneklerine Arazi Üzerinde Mülkiyet ve Tasarruf Haklarını Tanımlayan Terimler", *Türk Hukuk Tarihi Araştırmaları*, 16, (2013), p. 45-51.

³⁵ The *fetva* collections emphasize the different legal status of land and trees planted on it. Although they categorically banned the sale of the two as a single alienable commodity in the market, it seems that the bundling of land and trees in the market by the master of land was a quite common practice, which found its echo in the *fetva* texts. See, for instance, H. Necati Demirtaş, *Açıklamalı Osmanlı Fetvâları: Fetâvâ-yı Ali Efendi-Cild-i Sâni Çatalca Ali Efendi*, İstanbul, 2014, p. 560.

from the 37th Bölük delegated the rural buildings in the *çiftlik*, such as a storehouse, vineyard, garden, and cellar, and the appurtenant lands to his fellow Molla, Hasan Beşe from the 82nd Cemaat, the court scribe followed the same procedure in distinguishing between the private estates and *miri* property.³⁶ All parties, including the court officials, however, regarded these properties as an inseparable tradable bundle in the land market.

This utmost care in recording is surely not groundless. As elsewhere, the legal status of rural buildings, gardens, and planted trees often brought contested parties into the Vidinese courtroom. One case, involving the Janissary officer *serdengeçdi ağası* İbrahim Ağa from the 48th Bölük and the heirs of the deceased Janissary İbrahim Beşe from the 31st Cemaat, is revealing on this point.³⁷ Around 1774, the *serdengeçdi* accompanied the heirs to court, asserting that after İbrahim Beşe passed away without children he had acquired the *çiftlik* from the official overseer of land after it became vacant. The *serdengeçdi* first argued that there were planted trees within the *çiftlik* but not on the appurtenant fields and pastures. He indicted the heirs for usurping his usufruct rights over the *çiftlik*, which, according to his statement, had passed to him categorically with a title deed. Despite the title deed, the heirs opposed his rights to the *çiftlik* by stating that, alongside rural buildings such as a water buffalo barn, stove rooms, and an underground cellar, as well as a garden, there were more than 300 plants on the ranch and pasturelands around them.

In legal history, too, the issue of the status of trees and inheritance law were always popular themes in legal opinions (*fetvas*) on land.³⁸ In inheritance division, the heirs to demesne land were not identical to the legal heirs designated in the Islamic law applied to private holdings. According to Ottoman land regulations formalized in the early sixteenth century, only the son of the deceased could inherit the usufruct rights without paying *resm-i tapu*. Although the son continued to be favored in the transfer of *miri* land, regulations after the early seventeenth century broadened the number and rights of heirs in these transfers. These new regulations were indeed not a rearticulation of the old Ottoman *miri* regime through *fetvas*, legal codes (*kanunnames*), and imperial orders, and they culminated in the promulgation of a new land code (*Kanunname-i Cedid*), which was gradually formulated throughout the century, probably until 1674.³⁹ In addition to the

³⁶ NBSKM, VS.46:201-202 (1 N 1189/October 26, 1775). The date is given as 30 Şaban, but it indeed refers to the first day of the next month, Ramazan, due to the functioning of the Hijri lunar calendar.

³⁷ NBSKM, VS.71:164-165 (gurre-i Z 1187/February 13, 1774).

³⁸ See, for instance, H. Necati Demirtaş, *Açıklamalı Osmanlı Fetvâları*, p. 559-561; Süleyman Kaya et al. (eds.), *Neticetü'l-Fetâvâ Şeyhülislam Fetvâları*, Istanbul, 2014, p. 448-449.

³⁹ Fatma Gül Karagöz, *The Evolution of Kânünnâme Writing in the 16th and 17th Century-Ottoman Empire: a Comparison of Kânün-i 'Osmanî of Bayezîd II and of Kânünnâme-i Cedîd*, Bilkent University, MA Thesis, Ankara 2010, p. 90-149; Bünyamin Pınar, *Kanun and Sharia: Ottoman Land Law in*

expanding number of legal heirs to the *miri* land, one provision of the law code (*kanunname*) of Ahmed III also recognized and approved the rights of legal heirs to occupy planted lands, according to the Sharia.⁴⁰ The provision in the *kanunname* is an old imperial order dated 1628, which was dispatched to the judge of Skopje.⁴¹ After listing the persons who could inherit the *miri* land in sequence, including sons, daughters, brothers, sisters, fathers, and mothers, it states that: if the deceased has no partner in the possession of land and there are trees planted on arable fields and pastures, the land is transferred to the legal heirs, who inherit privately owned trees according to the Islamic law. In the aforementioned dispute, the heirs' legal narrative was, thus, very strategically worded: it directly referred to the revised Ottoman land regulations that enabled the heirs to take the planted lands with the payment of *tapu* so the land in question could not be deemed vacant and should not be leased to someone else.⁴² In this example, once again one may get the impression that the *miri* regime and its regulatory codes were strong reference points in eighteenth-century Vidin.

It should still be noted that a rich matrix of agrarian interactions in the countryside was transplanted into the legal norms on property and usufruct rights through the complex interplay of social relations. An imperial order sent to the local authorities in 1718, for instance, mentions that the vacant farms, hayfields, shops, and houses had passed into other hands among the Vidinese inhabitants without a title deed, which had damaged the fiscal revenues of the Vidinese administration (*Vidin nezareti*).⁴³ In this decree, the imperial administrators themselves emphasize that land transactions were not fully recorded within the purview of the court system. Nor did all land struggles spill over into the official or legal domain. For instance, in a series of orders issued throughout the eighteenth century, the Ottoman government reminded the military Muslim entrepreneurs on the southern side of the Danube that they were to settle all legal disputes originating in Wallachia, including those over land, at the Yergöğü court.⁴⁴ These

Şeyhülislam Fatvas from Kanunname of Budin to the Kanunname-i Cedid, Istanbul Şehir University, MA Thesis, Istanbul 2015, p. 53-113.

⁴⁰ Karagöz, *Arazi Hukuku Uygulamaları*, p. 46.

⁴¹ Oğuz Ergene, III. *Ahmet Dönemi Osmanlı Kanunnamesi (İnceleme-Metin-Diğün)*, Mersin University, MA Thesis, Mersin 1997, p. 109-111; Karagöz, *Arazi Hukuku Uygulamaları*, p. 46.

⁴² In the *fetva* collections, it is clearly stated that the heirs to the trees had the privilege to take the appurtenant land by paying a title deed. See, for instance, Süleyman Kaya et al. (eds.), *Neticetü'l-Fetâvâ*, p. 447.

⁴³ NBSKM, VS.67:150 (25 Ş 1130/July 24, 1718). Karagöz also analyzes this important imperial order; Karagöz, *Arazi Hukuku Uygulamaları*, p. 129-130.

⁴⁴ See, for instance, BOA, Bab-ı Asafî Divan-ı Hümayun Düvel-i Ecnebiyye Defterleri-Romanya Eflak Defteri (A.DVNS.DVE) 77:44, order no. 133 (evahir-i Za 1157/December 25, 1744-January 3, 1745); 77:52, order no. 150 (undated), 77:120, order no. 284 (evasit-ı N 1169/June 9-19, 1756); 77:121-122, order no. 287 (evasit-ı Za 1169/August 7-17, 1756); 77:147-148, order no. 336 (evahir-i Muharrem 1172/September 23-October 3, 1758).

repeated decrees suggest that the Muslim entrepreneurs from the southern Danube, including Janissary commanders and *yamak*s, frequently found ways to skip court procedures and registration in land transactions and disputes. In this way, the Janissaries, like others, could avoid paying the *tapu* fee; and as shown below, in many cases they could prove their possession rights through the oral testimony of their fellows.

Despite this shortcoming, however, court records on property transactions and confrontations enable us to bridge the gap between the eighteenth-century rural realities and the nineteenth-century *Agrarproblem* in the Ottoman Balkans. Referring to several rural buildings on state lands, several articles in the Ottoman Land Code of 1858, for instance, recognized that the land and buildings could be subject to different usufruct and property rights.⁴⁵ However, this law at the same time stipulates that the overseer of the state land should give priority to the holder of private structures when planning to lease land in the same location. By bundling enmeshed usufruct and property rights into the buildings and land, the code itself represents a continuation of the eighteenth-century *miri* regime in this regard.

As early as the eighteenth century, there was a strong tendency, at least in local practice, to perceive the buildings and appurtenant lands together as a single and inseparable unit. This is why in the nineteenth century, not only in Vidin but also in other parts of the empire, the status of buildings and appurtenant lands in the same location became a serious headache for the Ottoman authorities, who strove to solve rural discontent by auctioning or selling lands to lessees or sharecroppers, respecting, at the same time, the legal status of property and usufruct rights.

Yıldız, for instance, in her study on several *çiftlik*s in Thessaly, noted that one of the main questions that concerned the state authorities of the late nineteenth and early twentieth centuries was whether *çiftlik* buildings belonged to the fields or vice versa.⁴⁶ When the state put the *çiftlik*s up for auction, they were first offered to sharecroppers, whose desire to buy only cultivable fields, not buildings, was rejected, in keeping with the cadastral regulation. This problem was not solved until as late as the early twentieth century, when the buildings were bound to the land, making them an inseparable unit in legal terms. The Land Code of 1858 ordered the collection of *icare-i zemin*, an annual fee for the places occupied by the rural buildings; it formulated it as an annual fixed payment, like a rent equivalent of tithe. In the 1870s, however, the Ottoman administration, aware of the difficulties in collecting fixed annual fees, attempted to assess the payment in accordance with the tithe collected from the appurtenant lands. Thus, almost fifteen years after the promulgation of the Land Code, the imperial center tried to

⁴⁵ Abdullah Sivridağ et al. (eds.), *Tanzimat Sonrası Arazi ve Tapu*, Istanbul 2014, p. 108-111.

⁴⁶ Yıldız, "Politics", p. 49-50.

solve the ambiguity by giving priority to the agricultural potential of arable lands surrounding the buildings.⁴⁷

When the central authorities invited the representatives of *çiftlik* holders and sharecroppers to Istanbul to prepare a charter for a solution of the land question in Bosnia in 1858-1859, one of the contested issues was the seizure of buildings such as storehouses and animal barns constructed by sharecroppers of the *çiftlik* holders, which actually belonged to the former.⁴⁸ In a long-lasting dispute over the possession of *çiftlik* buildings in Parga in the 1850s, one may also observe similar conflicting claims made by villagers and *çiftlik* owners to the shops, mills, and houses in these estates.⁴⁹ As in Bosnia, ownership and usufruct in Parga were not simply limited to the buildings because these immovables were directly intertwined with olive trees and were seen as constituent parts of agricultural production and the peasants' moral economy.

The brutality of the peasant revolt, the tactical use of violence, and the circulated codes of rural moral economy differentiated the Vidin uprising in 1849-50 from the discontent in Thessaly and Parga.⁵⁰ During and after the uprising, lessees and sharecroppers disapproved not only of extra-legal corvée obligations, but also, and perhaps most significantly, the landholders' claims to land, by rejecting the validity of title deeds. One of the major actions conducted by the peasants in this chaotic period was the burning of court warrants testifying to the proprietors' usufruct and ownership. As documented by Halil İnalçık and Attila Aytekin, villagers' demands to obtain the possession of their cultivated land from landholders were predicated on the peasant morality rather than on legal formulas.⁵¹ By doing so, Aytekin observed, they challenged the whole legitimacy of the existing land tenure system and the legal structures of which had been set down in the pre-Tanzimat period.

Janissaries and disputes over rural properties

Viewing the situation through the nineteenth-century lens and zooming in on the brutal land conflicts, the court records of the previous century thus offer an

⁴⁷ BOA, Şûrâ-yı Devlet (ŞD) 2399/8 (14 Za 1290/January 3, 1874). However, the preparations for the new assessments of *icare-i zemin* started earlier, at the Ministry of Finance.

⁴⁸ Tefrik Güran and Ahmet Uzun, "Bosna-Hersek'te Toprak Rejimi: Eshâb-ı Alâka ve Çiftçiler Arasındaki İlişkiler (1840-1875)", *TTK Belleten*, 70/259, (2006), p. 889; Yonca Köksal, "19. Yüzyılda Kuzeıbatı Bulgaristan Sessiz Toprak Reformu", *Toplumsal Tarih*, 29/170, (2008), p. 26-27.

⁴⁹ Ali Onur Peker, *19. Yüzyıl Osmanlı İmparatorluğu Çiftliklerinde Üretim İlişkileri ve Hukuki Dönüşüm: Parga Çiftliği Kararnâmesi*, Ege University, MA Thesis, İzmir 2019, p. 86-91, 97-103.

⁵⁰ Alp Yücel Kaya, "On the Çiftlik Regulation in Tırhala in the Mid-Nineteenth Century: Economists, Pashas, Governors, Çiftlik-holders, Subaşıs, and Sharecroppers", *Ottoman Rural Societies and Economies*, (ed. Elias Kolovos), Rethymnon 2015, p. 333-379.

⁵¹ İnalçık, *Tanzimat*, p. 105; Aytekin, "Peasant Protest", p. 213.

unexpected picture: the Janissaries, as the main carriers of the land regime in Vidin, disputed predominantly not with villagers but among themselves. I was able to identify 81 court cases in which one Janissary or a group of them appeared as an interested party in a legal dispute over rural property and land. In only 18 of these cases had villagers and their representatives filed charges against Janissaries, while in another 16 cases both the plaintiffs and defendants were Janissaries. In the majority of cases, 38 out of 81, the disputes over rural properties involved the relatives or heirs of Janissaries, which means that litigations over the Janissary-involved land conflicts arose mainly from inheritance disputes after the death of Janissaries. In 31 of these 38 cases one of the interested parties was a Janissary acting as defendant, plaintiff, or guardians at the courtroom.

Lawsuits between Janissaries and villagers mainly concerned two types of allegations as made against the former: the seizure of villagers' land with or without a title deed and the encroachment on common meadows (*meras*). Nevertheless, even in these conflicts the Janissary–*reaya* relations could not be classified simply as a unilateral attack on peasant lands; rather they contain a tangled web of interactions ranging from coercion and control to patronage and consensus. For instance, when Hüseyin Beşe and his partner Selim Ağa intervened in village lands around Belgradçık, several non-Muslim cultivators, together with the Janissary Mehmed Beşe from the 28th Bölük, proceeded against them.⁵² Mehmed Beşe seems to have acted as a patron of peasants from the Beloptiçene (?) village where he also held a garden and a *çiftlik*. In 1762, villagers from Gramada complained that Ali and Hüseyin Beşe assumed usufruct over village lands, particularly meadows, with no legal justification.⁵³ In this litigation, the villagers' representative, Halil Ağa, brought several Janissaries into the trial as witnesses to justify the villagers' position on land possession. A similar strategy was deployed by the villagers of Borovitsa against three Janissaries from the 2nd Cemaat, Ali Beşe, Memiş Beşe, and Ömer Beşe, who occupied some village lands and a communal meadow. Two other Janissaries, Mustafa Beşe and Ömer Beşe, acted as witnesses to prove the lands belonged to the village.⁵⁴

From a legal perspective, defending the common lands was a relatively easy task, because the Ottoman codes prohibited the sale or exchange of these lands with a title deed.⁵⁵ However, in their disputes against Janissaries, the villagers possibly had a strategy to use the legal power of prestigious Janissary witnesses at

⁵² NBSKM, VS.63:260-261 (5 S 1187/April 28, 1773).

⁵³ NBSKM, VS.63:97-98 (20 Ca 1176/December 7, 1762).

⁵⁴ NBSKM, VS.74:174-175 (3 B 1181/November 25, 1767).

⁵⁵ In the *fetva* collections, there are numerous references to the villagers' rights on the common meadows. See, for instance, H. Necati Demirtaş, *Açıklamalı Osmanlı Fetvaları*, p. 553-555; Süleyman Kaya et al. (eds.), *Neticetü'l-Fetâvâ*, İstanbul 2014, p. 446-447; Süleyman Kaya, *Fetâvâ-yı Feyziye*, İstanbul, 2009, p. 484-485; Süleyman Kaya et al. (eds.), *Behcetü'l-Fetâvâ Şeyhülislam Yenişebirli Abdullab Efendi*, İstanbul 2011, p. 662.

the courtroom. This strategy was also tied to the legal procedure in the struggle over common lands, which fundamentally entailed a testimony or a court certificate rather than a title deed to set physical boundaries in the on-the-spot investigation.⁵⁶ Amid the manifold claims over properties subject to different legal statuses, the confrontations involving Janissaries or the heirs of Janissaries generated a forum of witnesses, title deeds, *fetvas*, and on-the-spot investigations. In the strife over the land, arable fields, and pasture around the Timok River between Elhac Mehmed Ağa from the 38th Bölük and Ömer Ağa from the 31st Cemaat, the former accused the latter of occupying the lands bequeathed by Abdullah Ağa to his son.⁵⁷ Mehmed Ağa advocated that Abdullah had enjoyed possession rights on these lands with a title deed for a period of fourteen to nineteen years until his death and thereafter these lands were transmitted with the consent of the *sahib-i arz* to his son, Mehmed Ağa, who controlled them for the next fifteen years. Despite Mehmed Ağa's legitimate land possession, however, Ömer Ağa's father İbrahim Alemdar infringed upon Mehmed's usufruct rights until his death and thereafter his son continued to commit this act of injustice. Mehmed Ağa submitted two title deeds to the court attesting his own and his father's usufruct. Together with these title deeds, he presented a *fetva* at his disposal dictating that the hold over land without any legal excuse could not create inheritance rights; besides this, he mobilized the support of two groups of witnesses, to testify to the usufruct of Mehmed Ağa and Abdullah Ağa, respectively. Mehmed Ağa seems to have been well prepared for the court investigation, and this was not coincidental.

The Janissaries recurrently competed with each other over rural properties; and not in a few cases even their family members found themselves at the court, which implies that they utilized as many legal tools as possible within the framework of the Ottoman land regime. In the absence of written evidence, a Janissary's testimony was crucial to the conclusion of a trial. As discussed earlier, Janissary entrepreneurs often skipped registration of transactions and brought their fellows to the courtroom to prove their property claims. For instance, Ümmügülsüm, the wife of a deceased man, Halil Beşe, from the 83rd Cemaat, filed a suit against the guardian of Halil Beşe's minor son who had taken control of his father's inherited *çiftlik* properties.⁵⁸ The guardian was Halil's brother, Ahmed

⁵⁶ The appointment of an inspector for registering goods, demarcating the boundaries on the spot and resolving land disputes, was already a common practice in the seventeenth and eighteenth centuries, but it became more formalized and institutionalized in the Tanzimat period. Abdurrahman Atçıl, *Procedure in the Ottoman Court and the Duties of Kadis*, Bilkent University, MA Thesis, Ankara 2002, p. 61-62; Alp Yücel Kaya, "The *Müvella* and the Adjudication of Property Conflicts in the Ottoman Empire (1874-1914)", in *Forms and Institutions of Justice: Legal Actions in Ottoman Contexts*, (eds. Işık Tamdoğan and Yavuz Aykan), Istanbul 2018, p. 76-92.

⁵⁷ NBSKM, VS.62:88-89 (20 Za 1172/July 15, 1759).

⁵⁸ NBSKM, VS.78:168 (10 Ra 1179/August 27, 1765).

Beşe, from the same *cemaat*. Against her claims, Ahmed stated that Halil Beşe had already given the *çiftlik* properties, animals, and grasslands to the minor four months before his death, due to his debt, and the *çiftlik* was thus in no way subject to inheritance division. Without presenting any written evidence, Ahmed Beşe was able to win the case with the testimony of witnesses, at least one of them being a Janissary from the same 83rd Cemaat.

The use of witnesses and legal representatives from the same *cemaat* or *bölük* was a very common practice among Janissaries. In the early nineteenth century, Janissaries from the same profession tended to be concentrated in the same *cemaat* or *bölük*.⁵⁹ In her study on the seventeenth-century economic world of the Janissaries, Gülay Yılmaz shows that Janissary lenders and borrowers in credit transactions were quite frequently affiliated with the same *cemaat* and *bölük*.⁶⁰ Besides this, the regimental funds and cash *vakefs* appeared as significant institutions in the credit market, which not only collected capital from the Janissaries but also extended credits to them. This was exactly the case in Vidin. For instance, the *çorbacı* Hasan's probate shows that he gave credit to the fund of the 50th *Oda*, although the record does not specify the *cemaat* or *bölük* to which this fund belonged.⁶¹ Similarly, the Janissary Elhac Mustafa Usta from the 49th *Bölük* extended a loan to the fund of the same *bölük*.⁶² Another Janissary, İbrahim Ağa from the 73rd Cemaat, took credit from the collective fund of his own *cemaat*.⁶³ An examination of Vidinese court records also shows that the rural market was indeed not under the monopoly of one *cemaat* or *bölük*, although the members of some regiments, especially the 12th *Bölük*, 12th Cemaat, 31st *Bölük*, 31st Cemaat, 41st *Bölük*, 42nd *Bölük*, and 49th *Bölük*, more frequently appeared as interested parties in rural transactions and disputes.⁶⁴ In Wallachia, most of the Janissary entrepreneurs from the Vidin fortress were also affiliated with the 5th *Bölük*, 12th *Bölük*, 42nd *Bölük*, 31st Cemaat, and 64th Cemaat.⁶⁵ This means that some regiments who were less visible in the Vidinese countryside, such as the 64th Cemaat and 5th *Bölük*, carved out a strong niche in Wallachia, while others, including the 12th Cemaat, 31st *Bölük*, 41st *Bölük*, and 49th *Bölük*, were very active in the Vidinese hinterlands, but not so much in Wallachia. The 12th *Bölük*, 31st Cemaat, and 42nd *Bölük* were very active in both areas. One might hypothesize that

⁵⁹ Mehmet Mert Sunar, *Cauldron of Dissent: A Study of the Janissary Corps, 1807-1826*, SUNY-Binghamton, Ph.D, New York 2006, p. 54-77.

⁶⁰ Gülay Yılmaz, *The Economic and Social Roles of Janissaries in a 17th. Century Ottoman City: The Case of Istanbul*, McGill University, Ph.D, Montreal 2011, p. 223-312.

⁶¹ NBSKM, VS.37:59 (29 Z 1182/May 6, 1769).

⁶² NBSKM, VS.39:121-122 (9 Ca 1182/September 21, 1768).

⁶³ NBSKM, VS.37:162 (6 L 1183/February 2, 1770).

⁶⁴ For the source of the database, see footnote 8.

⁶⁵ BOA, Topkapı Sarayı Müzesi Arşivi Defterleri (TSMA.d) 4222 (19 Z 1166/17 October 1753). See also Yıldız and Kocaş, "Peasantry", p. 188.

the size of the Janissary population of these regiments determined their influence in the rural areas. In a Janissary payroll register prepared for three-month payments (January 15-April 15) in 1763, the 12th Bölük with its 349 members, the 31st Cemaat with 122 members, and the 42nd Bölük with 184 members were among the most populous regiments in Vidin.⁶⁶ However, the size of the Janissary regiments did not automatically determine their activities in the rural zones. The 97th Cemaat with its 166 members, 83rd Cemaat with 148 members, and 23rd Cemaat with 130 members were relatively less visible in the Vidinese and Wallachian hinterland. Thus it appears that these rural networks were set by an interaction of various factors, such as the date of the permanent settlement, the rural origins, and administrative and fiscal duties, as well as the credit capacities of the members of the Janissary regiments.

There is no doubt that the Janissary affiliations and networks played a significant role in economic transactions and legal disputes across Vidin. For instance, in another case, Hadice, the daughter of Elhac İbrahim Beşe from the 31st Cemaat, took a complicated dispute over the *çiftlik* lands to court and blamed the minor Ahmed's guardian, İbrahim Beşe from the 16th Cemaat, for his unjust occupation of half of the *çiftlik* lands without any certificate.⁶⁷ Hadice and Ahmed's fathers were both from the same *cemaat* and controlled the *çiftlik* around the Rayanovtsi Village in partnership. Hadice's representative *serdengeçdi*, Osman Ağa, was also affiliated with the 31st Cemaat and claimed in court that the partnership was in reality limited to the *çiftlik* properties, including storehouses, a storeroom, a cellar, animals, and a mill, but not the appurtenant land, which belonged fully to Hadice's father with a title deed. Hadice's claim was certainly based on a written proof, namely a title deed, not only elucidating the aforementioned differing status of the *çiftlik* and the land, but also confirming her usufruct rights. In 1775, Seyyid Ali Beşe from the 8th Bölük stood as a legal representative of Emetullah, the daughter of Elhac Mehmed, to nullify the deal for a one-*dönüm* hayfield on a demesne between her husband Ömer Beşe and another Janissary, Mehmed Beşe.⁶⁸ The hayfield had been in the hands of Emetullah for almost 41 years, following the death of her father and its subsequent transmission to her with the permission of the *sahib-i arz*. Nevertheless, the representative protested that her husband had ceded her usufruct rights to Mehmed Beşe almost six years previously for 120 *gurus*, but without the permission of the *sahib-i arz*. The witnesses upheld her claims by testifying that she had held the land with a title deed for a long period without objection. This testimony surely played a decisive role in the proceedings, but the

⁶⁶ Fortress names on some pages of the register are illegible. This register was prepared by Mert Sunar for the JANET Database. BOA, Maliyeden Müdevver Defter (MAD.d) 3946 (29 Z 1177/June 29, 1764).

⁶⁷ NBSKM, VS.11:30 (10 Ca 1188/July 19, 1774).

⁶⁸ NBSKM, VS.46:98 (20 Ra 1189/May 21, 1775).

key legal element was the lack of permission from the *sahib-i arz* required for the authentication of the transactions on state lands.

To sum up, all these confrontations and transactions point to two interconnected trends in the eighteenth-century Vidinese land regime. The first one is the institutionalization of the possession rights of the Janissaries. This process was fueled by dynamics created by the fact that land and rural structures remained in the hands of Janissary families for generations, and were subject to multiple transactions of exchange over a long period. The second is the deepening of both cooperation and competition between Janissaries and members of Janissary families in the local land markets. The Ottoman laws regulating the transmission of usufruct rights differed from the inheritance laws for the transmission of freehold property. With the introduction of new rules to increase the number of heirs to usufruct in the early seventeenth century, the Ottoman *miri* regime became more and more open to family disputes, which gained a strong momentum in eighteenth-century Vidin. Janissaries erected several structures on the land, planted trees, and established vineyards, as well as gardens categorized as private property. The ownership of these freehold structures not only linked two sets of transmission laws together, but also integrated many family members into the games of alliance and conflict for holding both freehold family investments and appurtenant lands. Therefore, the death of a patriarch in a Vidinese Janissary family, or in the household of a religious dignitary or someone belonging to an administrative elite, was a critical moment in Vidin that whetted the appetite of other Janissaries for rural properties, especially for land. Such a view of the multilayered property relations offers a more complicated picture of the Vidinese land market than the binary conceptualization of the peasant–landlord antagonism suggests.

Conclusion

This study is not an attempt to ignore the transgressions by the Janissaries in Vidin, which frequently limited the cultivators' usufruct rights and their access to land. Nor does it praise the functioning of the legal framework of the *miri* land regime. In reality, from the very beginning of their penetration into the countryside, the Janissaries occupied vacant lands left by fugitive peasants and occasionally encroached upon common meadows. Moreover, the litigations over property disputes reflected the asymmetrical power relations in the local social fabric, as all parties sought to bring Janissaries as honorable witnesses in order to win a case. By focusing on the Janissaries' activities in the Vidinese countryside, it rather seeks to complicate our understanding of the relationship between socio-economic realities and the legal system of landholding, on the one hand, and the pattern of rural investments among Janissaries in the early modern period, on the other. In Ottoman scholarship, the debates on the nineteenth-century land question or the well-known 1858 Land Code have been so embedded into the

duality between freehold property and demesnes that the land struggles and different usufruct claims have been understood in quasi-magical terms: the deteriorated legal system of the *miri* land regime. Such an alleged idealization of the *miri* regime involves the romanticization of small peasant farming and the egalitarian landholding patterns marked by the perfect balance between the interests of cultivators and state in the early modern era.

This study, however, highlights that the eighteenth-century Vidinese *miri* regime itself gave birth to the consolidation of rural properties in the hands of Janissaries and their circulation among Janissary families for generations. Moreover, in almost all cases investigated in this study, the conflicting parties, court officials, and buyers and sellers of usufruct rights, as well as holders of freehold rural properties, respected the legal formulas, procedures, and protocols of the *miri* land regime. They solidified possession rights over land by turning them into dependency rights and trying to link the status of landed estates and freehold structures with each other without eradicating the distinction between *miri* and *mülk* status. This problem was not fully solved until the early twentieth century, but these hybrid legal practices mark the integration of eighteenth-century realities in Vidin into the legal system of landholding, rather than the shrinking of land laws and privatization of state lands.

In her study on the evolution of usufruct rights in eighteenth-century Ottoman Syria, Sabrina Joseph shows that the deepening of possession rights in legal practice supported by local jurists went hand in hand with the merging of usufruct rights and ownership of trees, as well as buildings erected on the land.⁶⁹ She notes that one key dimension of this process was the establishment of *kiridar* – trees and buildings erected on the land by the cultivator, which created strong usufruct claims to state lands. She thus wrote that continuity and evolution, rather than displacement and decline, characterize the development of the land regime in this period. In Syria, Cuno saw the rising of rural investments as the main engine of change in land possession, orchestrated successively by Janissaries and, then, merchants and *ulema*.⁷⁰ What Joseph and Cuno observed for Ottoman Syria is very similar to the developments in eighteenth-century Vidin. Here the Janissaries acted as the dominant rural investors and were the avant-garde of the changes in property law, who not only triggered the interlinkages between freehold investments and state lands, but also, ironically, sustained the continuity in the legal system of the *miri* land regime. However, these interesting parallels between Vidin and Damascus hint at the existence of broader socio-economic dynamics in the eighteenth century, which stretch beyond the actions of the Janissaries and require

⁶⁹ Sabrina Joseph, *Islamic Law on Peasant Usufruct in Ottoman Syria: 17th to Early 19th Century*, Leiden 2012, p. 106-142.

⁷⁰ Kenneth M. Cuno, "Was the Land of Ottoman Syria *Miri* or *Milk*? An Examination of Juridical Differences within the Hanafi School", *Studia Islamica*, 81, (1995), p. 146-151.

further research. What makes the Janissary presence in the Vidinese countryside more interesting for future research is the fact that it took place through the institutionalized networks of regiments in the eighteenth century. The military and administrative duties and tax-farming practices of the members of Janissary regiments together with the workings of regimental funds might have had a certain impact on the Janissaries' involvement in the countryside. As discussed in this paper, they were deeply involved in litigation processes over property disputes, which could also possibly be related to the role of regiments and their members as creditors or tax-farmers. It should also be noted that very little research has been conducted on the registration of locals in the corps through the *tashih be-dergab* method in the war with the Holy League, and its impact on the localization of Janissaries. Throughout the eighteenth century, the rural origins of the local Janissaries might have determined the geographical boundaries of their fellows' investments in the countryside. By not dealing with these issues, this study remains unfinished.

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