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# Ottoman Heritage in the Balkans: The Ottoman Empire in Serbia, Serbia in the Ottoman Empire

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## ABSTRACT

The Ottoman Empire had brought to the Balkans a new administrative and military order, as well as a new religion, but it had not automatically destroyed all existing social relations and institutions. On the contrary, some of them were integrated in the Ottoman state model. As the result of such synthesis, the new cultural circle was created. That particular cultural circle, present even today in the majority of the societies in the Balkans, has usually been defined as the "oriental cultural heritage".

An impact made by certain civilization, society and culture is seldom one-way street. Regardless the strength and vitality of certain societies, in conflict or encounter of two civilizations there is usually mutual influence, where not only the society in incline, but also the society in decline has something to offer to the other side, in the measure in which that other side is open to the foreign influences.

The aim of this paper is to show the Ottoman influence on the Serbian society in the period from 15th to the beginning of the 19th century, but also to point out certain Serbian influence to the Ottoman administrative and state system.


***Key words:*** *Ottoman Empire, Serbia, oriental cultural heritage, oriental civilization, social history*

## Introduction

The Ottoman military force in the Balkans had gained its full swing during the first years of the second rule of sultan Mehmed the Conqueror (1451-1481). By the fall of Novo Brdo (1455), and then the capital of Smederevo in 1459, the Serbian state had vanished from the historical stage, and its territory had become the integral part of the Ottoman Empire.

The Ottomans, who had defined their state with two basic attributes: Islamic and military, had brought along the new administrative order, based primarily on the Islamic law, the *sharia*, along with recognition of the traditions of the previously existed Islamic states (primarily the Abbasside Caliphate). The Ottoman rulers, especially Mehmed the Conqueror (1444-1445; 1451-1481) and Suleyman the Lawgiver (1520-1566), well aware that the administration in the newly conquered territories should be properly defined, but

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also aware of the limitations of the *sharia* law[1], had proclaimed the secular regulations, *qanuns*. The *qanuns* differed from province to province of the Ottoman Empire, since they acknowledged the local characteristics of the regions. It is important to know that some of the legal regulations of the conquered lands were incorporated in those regulations, as well.

The Ottomans had accepted the *hanefi madhab*, which has a reputation for putting greater emphasis on the role of reason and being more liberal than the other three schools. It entails the use of reason in the examination of Quran and *Sunna*, so as to extrapolate the judgments necessary for the implementation of Islam in a new environment.[2]

The Serbs had contributed to the Ottoman history and civilization by offering to it two well- known sultanas (Olivera, wife of Bayazid I and Mara[3], wife of Murad II), as well as couple of important public officials. Maybe the most distinguished among them was Sokollu Mehmed-pasha, the grand vizier for fourteen years (1565-1579), under the three rulers and certainly a political person who played one of the most important roles in the Ottoman history of the second half of the 16th century.

The political implications of the Ottoman conquest are well known and researched in the historical literature into the details. However, the changes of the social relations structure had been much slower, thus the history of the Serbs under the Ottoman rule in the second half of the 15th century could be considered as the period of continuity rather than discontinuity, in comparison with the first half of that century.

In the majority of the *qanuns*, valid for the Serbian lands in the second half of the 15th century, could be observed the whole range of the legal regulations taken over from the Serbian independent state, as well as the influence of the Serbian medieval law. The good examples for this statement present the legal regulations issued during the second half of the 15th century and the first half of the 16th century, for the *sanjaks* (provinces) of Srmederevo, Kruševac, Klis, Bosnia and Herzegovina.

Examination of the above-mentioned texts reveals couple of dozens of words of Slavic origin, which were used in the Ottoman language, due to the lack of the adequate Ottoman expressions[4]. In some cases, the scribe thought that the usage of the original

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[1] The *sharia* law, whose foundation is in the Quran, was organized as a legal system during the 8th and 9th century A.C., but it could not possibly provide adequate solutions for all situations emerging along with changing of the social relations through centuries and in different historical circumstances. Dursun-beg, the Ottoman writer (end of the 15th century) stated that the sultan had right to proclaim the law regulations on his own initiative. Some other jurisprudents insisted that the *qanuns* were needed in case when the *sharia* did not offer the solution for existing problem, but it had to be in accordance with certain accepted customs, so that the analogy could be made (qiyās). For more details, see: D. Tanasković, *Islam dogma i život*, Beograd 2008, 108-115; H. Inaldžik, *Osmansko carstvo (Klasično doba 1300-1600)*, 99-101.

[2] For more details, see: D. Tanasković, *Islam dogma i život*, 116-117.

[3] For more details on Mara, see: M. Popović, Mara Branković, *Eine Frau zwischen dem Christlichen und dem Islamischen Kulturkreis im 15. Jahrh*, Wiesbaden 2010.

[4] Those expressions were borrowed from the Serbian medieval legal system, thus the Ottoman authorities decided to keep the original terms. See: D. Bojanić, *Turski zakoni i zakonski propisi iz XV i XVI veka za*

term was the best choice and solution. Those expressions were mainly used to describe the pre-ottoman institutions accepted in the Ottoman legal and state system, such as *baština, Božić, vojnuk, vlah, gornina, katun, knez, komornica, lukno, poboga, primićur, zaruka.*[5]

The best-known example of the influence of the Serbian medieval law to the Ottoman legal system presents the Mining Law proclaimed by the Despot Stephan Lazarević in 1412. This particular law was incorporated with almost no modifications in the Ottoman legal system.

In the qanunname related to the mines, dated 1536-37, in which the mines Novo Brdo, Janjevo, Kratovo, Trepča, Rudnik, Zaplana, Brvenik and Srebrenica were mentioned, the application of the older legislative was sanctioned. The translation of the older legal regulations had been included into this, newer text. The *qanunname* itself contained around 50 terms, which were not translated into the Ottoman language, but were used in their original Serbian (Slavic) expression. The majority of those expressions were the terms related directly to the mining production.[6]

This collection of documents present the codex of over-all mining activities in Serbia and Bosnia, including the mining regulations, expressions of the mining tools and production techniques, as well as the regulation of the mining relations. It surpasses, by its essence, the frame of the *sharia* law, which provides only the regulations regarding the rights of the mine exploitation, as well as the mining taxation. The *sharia* law does not contain the provisions regarding the relations between the owner of the mine, its lessee (or tenant) and the miners. Those relations had been regulated in accordance with the general rules of the secular laws. However, it is interesting to mention that certain provisions of the mining *qanunname* dated the period of Suleyman the Lawgiver were directly opposed to the Islamic religious law. The good example is the provision according to which certain illegal deeds related to the mining production, could be punished by throwing the guilty party into the mining hole, as well as the regulation providing the right of morally disputed persons to testify in the court of law. The *sharia* law of the *hanefi madhab* does not accept the testifying in the court of law of drunk persons, gamblers, layers, etc, in general persons whose ethics is not in accordance with the Islamic regulations.[7] Therefore, the Ottoman authorities took over completely the previous valid legal regulations regarding the mines, including the one regarding the testifying. Such

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*smederevsku, kruševačku i vidinsku oblast,* Beograd 1974, 4; E. Miljković, *Posebnosti turskog jezika u prvim popisnim defterima Smederevskog sandžaka,* Istoci i utoci (Collection of works), Beograd 2009, 133-140.

[5] See: Istanbul, Türkiye Cumhuriyeti Başbakanlık Devlet Arşivleri Genel Müdürlüğü, Osmanlı Arşivi (= BBA), *Tapu tahrir defteri* (= TTD), 16 (1476), 1007 (1516), 978 (1528) ; D. Bojanić, *Turski zakoni i zakonski propisi iz XV i XVI veka za smederevsku, kruševačku i vidinsku oblast,* 14, 15, 23, 27, 36, and further on according to the register. See also: E. Miljković, A. Krstić, *Tragovi srpskog srednjovekovnog prava u ranim osmanskim kanunima i kanunnamama,* Srednjovekovno pravo u ogledalu istorijskih izvora, Beograd 2009, 301-309.

[6] M. Begović, *Tragovi našeg srednjovekovnog prava, u turskim pravnim spomenicima,* Istorijski časopis 3 (1951-1952), 71-74; Idem, *Naši nazivi u turskim rudarskim zakonima iz 15. i 16. veka,* Anali Pravnog fakulteta 19/1-2 (1971) 19-25.

[7] M. Begović, *Tragovi našeg srednjovekovnog prava,* 74.

attitude was in the best state interest, regardless some disaccords within the legal system of the Empire.

The taking over of the legal solutions from the Serbian medieval legislative could be observed in some other collections of the Ottoman laws, prescribing the position of the various social groups, their rights, obligations and special fiscal status, if existed. That influence was most obvious in the regulations related to the population with the Wallach status, since the Wallach population was the social group taken from the organization of the Serbian medieval state (the notion *Wallach* was of the Slavic origin, and it was preserved in the Ottoman language as well). The Wallach population, free peasants and cattle-breeders, presented second basic social group within the Serbian society under the Ottoman authority (the first and the biggest one was the *rèaya* group).[8] The Wallach population had important fiscal benefits, since they performed the military service for the Ottoman state. They were also the very important colonizing element, thus significant for the Ottoman administrative system. Their status was regulated by the special law regulations called *qanun-i eflak*.

Some other military and paramilitary orders, such as the *martoloses* or *voynuqs*, of the Byzantine or Serbian origin had been incorporated in the Ottoman military system, as well. They had important position within that system, especially in the frontier regions of the Empire.

## II

The most relevant social change occurring during the second half of the 15th century in the regions where the Serbs lived under the Ottoman rule was the disappearance of the highly ranked Serbian noble families and beginning of creation of the new Serbian "elite" which was not of the noble origin and did not have the land in the full ownership; their new social status was obtained by acceptance of the service in the Ottoman army.

The examples of the eminent Serbian medieval noblemen becoming a part of the Ottoman ruling class were isolated cases, thus the phenomenon could not possibly be considered as general. On the other side, throughout the second half of the 15th century, could be observed the process in which prominent Wallach chiefs, *knezs* and *primikurs*, started to climb up the social scale. This process would reach its peak during the first half of the 16th century.

In the Ottoman legislative, the responsibilities of the *knezs* and *primikurs* were not precisely determined before the *qanunname* issued in 1560. But on the basis of the previous legal regulations, which are also very informative, although not so explicit as the above

[8] In the Ottoman sources dated 15th and 16th century, the Wallach population had been treated only as a social group, not the ethnic one. For more details on this issue, see: *Istorija naroda Jugoslavije II*, Beograd 1960, 80-84 (B. Đurđev); *Istorija srpskog naroda III/1*, Beograd 1993, 65-81 (R. Samardžić); O. Zirojević, *Tursko vojno uređenje u Srbiji 1459-1683*, Beograd 1974, 170-176, E. Miljković-Bojanić, *Smederevski sandžak 1476-1560, Zemlja. Naselja, Stanovništvo*, Beograd 2004, 229-233.

mentioned 1560 *qanunname*, it could be concluded that the duties and rights of the *knezs* and *primikurs* in the *sanjak* of Smederevo had not changed throughout the second half of the 15th and the first half of the 16th century. It is understandable that they were in accordance to the needs of the Ottoman authorities in this province.

The duties of *primikurs* consisted of: 1) help with the tax-collection; 2) guard of the territory under their control; 3) care about population movements and prevention of the unplanned migrations; 4) taking part in the campaigns. In return, they were exempted of the tax on the so-called *baština of the primikur*. The *knezs* had the similar duties as the quoted duties of the *primikurs*, with one additional, which was to guarantee for the *primikurs*. They served with the help of their sons and brothers, as well as through the *tekliç* (messenger) service, in order to keep the communication with the *primikurs*. For their service, they were granted the *timars* or *knez baštinas*, which were also exempted of tax. They were also granted one tenth of the penalty money collected by *sanjak-beg*. [9] Unfortunately, on the basis of the documents in our disposal at the moment, it is not possible to precisely determine the size of those *baštinas*, but according to some fragments it could be concluded that they were two to three times larger than the *baštinas* of the ordinary people, or the size was the same, but the land was of much higher quality; those rules were probably based on the common, the traditional law.

In the case of betrayal of ruler interests, *knezs* and *primikurs* were severely punished. One of the most serious offenses for a Wallach chief was to hide a Wallach under his authority. When the betrayal was committed by *primikur*, he would be immediately discarded to the status of the common member of the Wallach community, and the tax collected from his *ratays* would immediately became a part of the ruler's income. In that case, his service could not be inherited by his son or brother, but a person who was able to find new, previously unregistered inhabitants, without permanent residency; new *primikur* was granted a certain number of *ratays*. If the similar offense would be perpetuated by the *knez*, he would be denied his title, as well as his *timar*, if he was granted one, and the status of his *ratays* would have been the same as the above described status of discharged *primikur ratays*. Such a *knez* would also be reported to the central authority, who would decide his later destiny.[10]

Although the Ottoman authorities, in the majority of the cases, did not elect directly the Wallach chiefs, the ascent of certain personalities and their families depended on them exclusively. If the *knezs* and *primikurs* were loyal in their service, if they managed to obtain the popular respect toward the ruler's policy, they were awarded by introduction into the Ottoman feudal system, as the *sipahis* – the *timar* holders. Several families, as the Bakić family[11], for example, distinguished themselves among the other families of the *knezs* and *primikurs* in the *sanjak* of Smederevo.

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[9] D. Bojanić, *Jadar u XV i XVI veku*, Jadar u prošlosti, Loznica 1985, 84..

[10] Ibid, 85.

[11] The historiography had already given large contribution regarding this family. For more details, see: N. Lemajić, *Bakići, porodica poslednjeg srpskog despota*, Novi Sad 1995.

The majority of families of the Serbian medieval noblemen escaped to Hungary immediately after or even prior to the Ottoman conquest; those who stayed, either converted to Islam or had been lost in the wider social milieu of the Serbian people. At the end of the 15th and the beginning of the 16th century, the Wallach *knezs* were the only Serbs who managed to survive as the *timar* holders. That is how had begun the process of reconstruction of the Serbian society and creation of the new upper class in it, which completely consisted of the members of certain influential Wallach families.[12]

The reshaping of the Serbian society started again during the 18th century, with emergence of the group of wealthy Serbian merchants, whose culture presented the best example of the above-mentioned synthetic cultural model: amalgam of the elitist Ottoman and traditional Serbian culture. They lived together with the Turks in the *"çarşi"* and traded with them. In order to achieve higher social status, those Serbian merchants started to introduce into their everyday lives models of the ruling, dominant Oriental-Islamic culture.

## III

In certain provisions of the legal regulations regarding the *reaya* population, and especially in the names of certain taxes, could also be recognized influence of the Serbian medieval legal system. However, those provisions were incorporated in the wider context of the Ottoman definition of the notion of *reaya* (Ott. رعايه, herd) – subjects. That concept was based on the basic tax obligation – *haraj*. By paying the *haraj* tax, the *reaya* was guaranteed the confessional rights (they could preserve and practice their own religion) and were exempted from the military duty.[13]

Status of the Christian *reaya* implied the protection guaranteed by the state, but also expressively subordinated position in comparison to the Muslim population of the Empire. The differences were visible in all aspects of the everyday and social life, and the limitations were stricter in the mixed surroundings. Such position had urged the rural population to lock themselves into their own communities, on one and strengthened the influence of the Oriental-Islamic culture with the urban population, on the other side.

The rural settlements, in all provinces of the former Serbian state, which had become part of the Ottoman Empire, had preserved the patriarchal, traditional social relations and culture. The Ottoman authorities did not intervene in the sphere of the internal relations within the rural communities. Their only concern was that loyalty of the subjects and regular collection of the taxes. Thus, the rural societies experienced the period of the „ethnographic regression" (expression introduced into modern science by

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[12] See also: N. Lemajić, *Srpski narodni prvaci, glavari i starešine posle propasti srednjevekovnih država*, Novi Sad 1999.

[13] For more detalis, see: H. Inaldžik, *Od Stefana Dušana do Osmanskog carstva*, Prilozi za orijentalnu filologiju 3-4 (1953) 23-55.

Jovan Cvijić), i.e. conservation of the older cultural models, which did not undergo important changes during the period between the 16th and 19th century.[14]

On the other side, the development of the town of the oriental type had usually began two to three decades after the conquest of the settlement, depending on the achieved security level, as well as on the level of conversion to the Islam. The development of the Ottoman town in the Balkans presented the continuation of the urban development of the existing towns, or formation of the new towns, caused by actual economic, communicational, strategic and other conditions. In the case that *kasaba* had been built on the base of the medieval Christian smaller towns (Serb. *varoš*), those towns had become the suburban part of the new Oriental town. The Christian *mahallas*, had gradually diminished by conversion of their population to the Islam. If the existing town had stronger economic base (mine, for example), the process of conversion to the Islam, and along it the creation of the town of the oriental type was much slower. During the entire period of the Ottoman domination in the South-Eastern Europe, such towns had not developed into the important *kasabas*. However, the new towns established by the Ottomans on the sites of the smaller market places and rural settlements differed by their stronger development and were populated, since the very beginning, by the Muslim population.

The introduction of the Ottoman authority had interrupted the further development of the Christian towns. The number of the Muslim population in the urban settlements had increased, during the early decades, by re-settlement of the Turkish population from the eastern parts of Rumelia, where the Ottoman administration and the oriental towns had been established half a century prior to the Serbian lands. The emigrants were primary military, administrative and religious officials, as well as skilled artisans. That process of re-settlement had been terminated during the first part of the 16th century, replaced by the process of the more massive conversion of the local population into the Islam.[15]

The Serbian population, who lived in the towns, were due, in smaller or larger measure, depending on the epoch, but also from the region (sometimes situation differed from town to town), to obey the *sharia* limitations toward the *dhimmi*[16] population. Those rules prescribed the payment of the *sharia* taxes, but also showing of respect toward the Muslim population, including: stepping out of their way on the street; offering hospitality to the Muslim travelers for three days; prohibition of construction of new churches and monasteries, loud religious service and hoisting of the religious insignia; prohibition of

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[14] J. Cvijić, *Antropogeografski problemi Balkanskog poluostrva*, Naselja srpskih zemalja I, Srpski etnografski zbornik knj. IV, Beograd 1902, XLV.

[15] A. Handžić, *O gradskom stanovništvu u Bosni u XVI vijeku*, Prilozi za orijentalnu fillogiju 28-29, Sarajevo 1980, 247-257; About the destruction of the Serbian medieval towns, for more details see: D. Kovačević Kojić, La destruction des villes serbes au XVe siècles, Zbornik radova „Stadtzerstörung und Wiederaufbau, Zerstörung durch die Stadtherrschaft, innere Unruhen und Kriege", band 2, Bern, Stuttgart, Wien, 2000, 179-189.

[16] *Dhimmi* – Term used in the Quran describing the „protected" population, so called „people of the Book" (Ar. ahl al-kitab), primarily Christians and Jews.

dressing the Muslim way including the prohibition of wearing certain colors allowed only for the Muslims; prohibition for Christians to ride and wear arms; prohibition of sale of non-allowed food and drinks to the Muslim population; prohibition of construction of houses higher than the Muslim ones; prohibition of marriage between non-Muslim male and Muslim female; non-acceptance of testimony against the Muslim in court...[17]

Although all those above-mentioned prohibitions and rules emphasized the concept of the visual domination of the Islam, the common living in the towns led to the more equal way of living between the Christian (in our case Serbian) and Muslim population, which would not be possible if the *sharia* rules were strictly obeyed.

The urban settlements in the Ottoman Empire consisted of the *mahallas*, which were mostly separated along the confessional lines (thus, a town consisted of the Muslim *mahalla(s)*, Christian *mahalla(s)* and the Jewish one(s) (in the towns where the Jewish population lived), although there were no strict rule prescribing it. The Ottomans accepted the opinion stated by the *Hanefi* authority Abu Yusuf that the *zimmi* population was allowed to live in the all towns of the Empire, even in the Muslim *mahallas*, to keep their own shops, be the members of the mixed artisan gilds and to practice commerce, on one condition: not to disturb the Muslim way of living. Primarily, it was forbidden to the Christians to open the taverns and to sell the alimentary forbidden to the Muslim population.[18]

The preserved court records (*sijills*) testify of the common living in the *mahllas* on one, and the lively purchase of the estates between the Muslim and non-Muslim population on the other side, which could lead to the conclusion that in the towns the houses of ones and the others could not differ very much. The additional proof to this statement is the fact that the house (konak) of prince Miloš Obrenović situated in Kragujevac (thirties of the 19th century) did not differ from the *sarays* of the local Balkan *pashas*; even the *haremluk* was separated from the rest of the house.[19]

The similar situation was with the clothing. The explicit and very often proclaimed prohibitions to the non-Muslim population to wear the similar clothes as the Muslim testify that such behavior was very common.[20] It has to be kept in mind that the Muslims were the social elite, thus imitation of their clothing style was more expression of the intention to be "en vogue", rather than "citizen`s disobedience".

The same model could be seen in practice of some distinguished Serbs who kept private *harems*, at the end of the 18th and beginning of the 19th century. Even some of the leaders of the First and Second Serbian Uprisings had several wives or publicly acknowledged mistresses. Among them were Milenko Stojković, Jovan Mićić, prince

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[17] A. Fotić, *Između zakona i njegove primene*, Privatni život u srpskim zemljama u osvit modernog doba, Beograd 2005, 37.

[18] Ibid, 53.

[19] Ibid, 57.

[20] Ibid, 64-71; M. Kocić, *Orijentalizacija materijalne kulture na Balkanu. Osmanski period XV-XIX vek*, Beograd 2010, 361-385.

Miloš, and some others.[21] This shows in which measure the oriental way of living had been accepted by the Serbian bourgeoisie, which had been established as a social group during the 18th century.

It seems, however, that the strongest influence of the oriental and Islamic material culture had been achieved in the nourishment culture. With the Ottoman conquest, the nourishment in the Balkans had changed, rapidly and dramatically. It had been enriched by the dishes, which are still part of the menu of the majority of the Balkan nations. It was the nourishment culture that had stepped the boundaries of the fortified lines between the Serbian rural and Oriental urban society and entered, although slower and in lesser degree, the rural surroundings as well.

[21] A. Fotić, *op. cit*, 59.