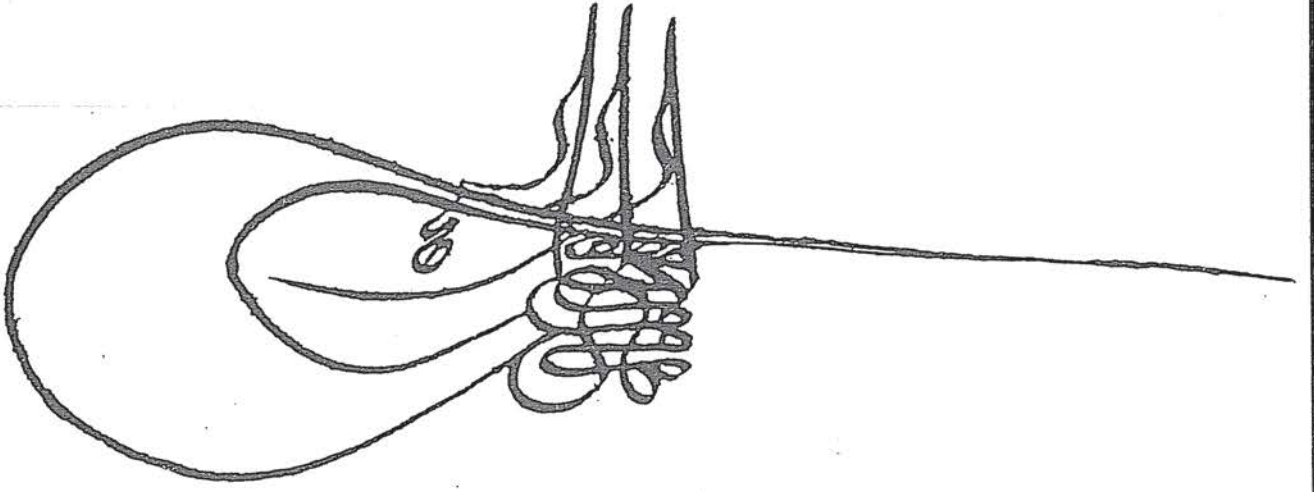




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*This volume of the Journal has
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Annemarie VON GABAIN*

*Edited by
Yayınlayanlar*

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STUDIES IN OTTOMAN SLAVERY AND SLAVE TRADE, II: MANUMISSION¹

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What distinguished slavery in the Ottoman Empire, and in the Muslim world in general, from slave systems in the rest of the Western world was the prevalence and ease of manumission. This fact goes a long way to explaining the apparent anomaly of an extensive trade in slaves with relatively huge imports combined with a relatively small slave population in the society. Herein lies the answer to the problem raised by those historians who doubted the high numbers of slaves imported into the Ottoman Empire and who argued that no enormous slave population existed there at any given time. In reality, the great numbers of slave imports were made necessary by the relatively easy and common manumission processes at work.

The Qur'an encouraged pious Muslims to manumit their slaves, and it appears that in practice this injunction did result in many such acts. From the Ottoman records it is possible to separate these "pious" manumissions into a number of categories. These included unconditional manumission made while the owner was alive and in good health, conditional (*tedbir*) manumission granted for some particular act or event, contractual (*mukataba*) manumission, and the freeing of one's female slave who bore her master a child. There was also, in Ottoman practice, court-ordered manumission as a result of some misbehavior by the owner toward his slave.

Most of our information about slave manumissions within the Ottoman Empire is found in judicial records of local courts or in testaments of deceased persons registered in such courts. Every manumission, as with every slave purchase, had to be recorded in a court of law, and an official document (*huccet*) had to be obtained which recognized the legality of the act.² Such records have been preserved for many of the local Ottoman courts (*Sicil* registers) though as yet only a few have been thoroughly studied. Two sets of *Sicil* records have been published, for Ankara in the late sixteenth century, and for Sofia for the sixteenth and early seventeenth centuries. In addition, studies have been published which have utilized such records for the local courts in Bursa. These provide us with ample evidence of the workings of the manumission process in three quite different areas of the Ottoman Empire at approximately the same time.

Despite the differences between these three areas - Ankara being a relatively small provincial city in an area inhabited almost entirely by Muslims; Sofia, a large and important provincial capital dominated by Muslims yet in an area with an overwhelmingly non-Muslim population; and Bursa, a thriving industrial center near the empire's capital - the question of manumission is handled in all three districts in essentially the same way. Additionally, a group of inheritance testaments from the Edirne region from the same period have been published which include a good deal of information about the manumission process in that province.

The first method of manumission, that of the pure act of "piety" by a master toward his slave, was a common one throughout the empire. Evidence of the strong influence of Islam, and the Prophet's example, it is perhaps the most difficult type for a non-Muslim to understand or accept, for it contradicts both practice and theory in all of the Western slave systems of which we are more familiar. Called in Ottoman law "*Mevla*," such a transaction had to be completed while the master was "in good health," and in the manner "that the Prophet had recommended." According to one Turkish historian, "this transaction could not be prevented by the existence of financial problems (i.e., tax liabilities) or other heavy debts which the

owner might have incurred.”³ Yet, as with other forms of manumission, the heirs were protected to the extent that the value of the manumitted slave could not exceed one-third of the anticipated estate. If this was the case, the court could require the slave to pay the required difference to the heirs at the death of the owner.

The Sicil registers from Ankara and Sofia record a number of instances of these acts of “piety.” These transactions often occurred when a slave converted to Islam, or in commemoration of some important event in the owner’s life such as his son’s marriage. It could result from the owner’s participation in a military victory, his promotion in the Ottoman hierarchy, or even his son’s circumcision. In all cases it is important to note that the freed slave retained some personal relationship to the former owner as a form of clientship.⁴

Examples of such “pious” manumissions include the following: Musa, when his son was circumcised, freed his Russian slave, and had the court register the act. Hoca Sinan freed his female slave Širvanaz who had converted to Islam. Šeyh Fethullah freed his female slave and Hacı Ibrahim freed his Abyssinian slave in celebration of their sons’ circumcisions. Finally, Mahmud Čelebi freed his slave Yusuf, from Cyprus, when the latter became a Muslim.⁵

Occasionally judicial problems arose from the process of manumission, and at such times the Šeyhulislam, or kadis, were asked for their opinions about the way to proceed. A series of such opinions, offered by the Šeyhulislam Ebussuud Efendi in the late sixteenth century, indicate the types of problems and their resolutions in Ottoman Islam’s highest court. Many of these problems arose from Mevla, “pious” manumissions, for in such cases the heirs lost a part of their inheritance, and no financial agreement was made to make restitution to the estate as there would be in cases of contractual or conditional manumissions. Most of the cases brought before this court involved claims made by heirs of a deceased slave owner, heirs who were trying to prevent the registration of these manumissions so that they could retain all of the property of what they considered their rightful inheritance. Ebussuud Efendi’s decisions in these cases were about equally divided between granting the intended manumission and voiding it at the heir’s request.⁶

Some claims were brought by the slaves who had been manumitted. They charged that either the owner or his heirs had broken his pledge or had violated the owner’s intention. No pattern of judicial decision is to be found in these latter decisions, and the judge seems to have decided each case on its own merits. No presumption appears to have been made against the slave in favor of the master or his heirs.⁷

A second kind of manumission took the form of certain “conditions” or tedbir. For example, the owner could say that the slave would be freed “after my death.” Or the manumission could take the form of “if I die from this illness,” or “if I die on this journey,” the slave would be freed. It was made clear in Ottoman legal practice that once such a statement or pledge was made by the owner, no other conditions could be placed on the manumission; and it was with only great difficulty that the owner could retract his promise. “He could under no circumstances offer such a slave up for subsequent sale or attach any other conditions to him.”⁸ But it was also clear that the owner could make use of the slave as he wished while he still lived.

As in the first form, the only important consideration for the courts and the heirs was that the value of the slave, whose manumission was promised, not exceed one-third of the total inheritance. One example of conditional manumission is found in a court examination of a testament of a certain Hasan Čelebi, from Edirne, in the late sixteenth century, which stated: “The above-mentioned Belkis received a conditional manumission tied to the death of his master; the above-mentioned Hasan Čelebi died. Belkis

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claimed now that the statement be taken as true and that he receive his freedom." The result of the court examination was to uphold the claim by the slave and he was freed.⁹

From the Sicils of Bursa, one finds the case of "Yusuf b. Abdallah, previously slave of Al-Hac Tanrivermiš, who asserted in our presence one day before his death to the effect that he emancipated his slave Ayas b. Abdallah, of Russian origin, weaver of velvet. And he declared in his will that Ayas be given in his possession the loom for velvet with some silk and other pertinent things."¹⁰ Another from Bursa, Timurtaş b. Abdallah, freed all of his slaves (fourteen males and one female) on his death.¹¹

The third form of manumission, and apparently the most common, was that of contractual arrangement (*mukataba*), which usually involved a payment (*i'taak*) of one sort or another. This manumission could result from a financial arrangement between the slave and owner in which the slave agreed to pay a set sum for his freedom; or it could result from an agreed-upon period of labor or even of a certain amount of production as, for example, the weaving of a certain amount of cloth.

In the published Sofia Sicils, there are at least several dozen such *Mukataba* arrangements described. It is interesting to note that virtually all of the slaves freed in this way, in Sofia, appear to have been converts to Islam, as they are recorded as sons or daughters of Abdullah.¹² These agreements were both personal and economic. It seems that most of the slaves manumitted by contract retained some personal relationship with their former owner. Some of the cases indicate in fact the assignment of housing for the freedperson by the former owner, often on his estate, or on property belonging to him in the city. That a majority of these latter slaves were female suggests a continuation of the pre-manumission relationship with the owner. There may in fact have been children involved which these court records do not mention.¹³

The published Sicil records for Ankara are more explicit about the *mukataba* relationships and contracts. In the years 1583-4 and 1588-9 several dozen such arrangements were recognized by the Ankara court. For example, one slave was given the promise of freedom after his payment of 5400 akçes. In this particular case, however, the slave could after two years produce only 3000 akçes, and the owner asked that the agreement be broken. The court agreed, but only on condition that the money be returned to the slave.¹⁴

In another case before the Ankara court, an Arap (black) slave was freed with the agreement to continue to serve his master for two and a half years longer. Again, another case involved a slave who received a certificate of manumission for the payment of 4000 akçes. Finally, there were two cases in which the slaves agreed both to pay money and to provide a certain term of service in return for freedom: one of fifteen years' service and 1000 akçes, a second of four years and 2700 akçes.¹⁵

Professor Barkan has published several examples of *mukataba* contracts from the Edirne region which turned up in court hearings on inheritances. The first read, "Ali Čavuš, an inhabitant of the quarter of Hadim Balaban in the city of Edirne declared before the court concerning his slave Geyvan b. Abdallah, of Croatian origin, of medium height, blue eyes, blond hair, that after three years' service from the date of the registration he will be freed completely." Another stated that "Resul b. Ramazan, who lives in Yeni Yaya, declares that Mahmud, formerly in his service, a Bosnian slave, a Muslim, will receive freedom after two years' service from the date of registration."¹⁶

A similar case comes from the Bursa Sicils. "Kwace Sinan had previously agreed to emancipate his slave Sirmerd b. Abdallah, a Slav, upon the completion of the weaving for him of ten brocades known as *kemha-i gulistani*. Now that he has completed the work, he has become free."¹⁷ One very interesting

entry in a list of estates is that of a certain Hacı Timurtaş b. Abdallah, died in 1509, who left to his heirs a number of slaves who had not completed their contracts for manumission. A value is ascribed to the remainder of the contracts as follows: Salir, slave girl, owes four years' service, 1500 akçes; Hidr, slave, remainder of contract, 400 akçes; Süleyman, slave, remainder of contract, 800 akçes; Yusuf, slave, four years' service, 1600 akçes; Ferhad, slave, four years' service, 3000 akçes.¹⁸ Clearly some were more skilled than others, and Süleyman's debt exceeds by far the average cost of purchasing a slave on the markets at that time.

Despite the fact that one Turkish historian says that the contract "was binding on both sides so that the owner could not change its conditions at the expense of the slave," and further that "the owner might [only] make modifications favorable to the slave, such as to shorten the period of service or to give up the work due,"¹⁹ certain cases appear in the Sicil records which seem to indicate the opposite. From the published decisions of the Şeyhülislam Ebessuud Efendi it is clear that occasionally problems did arise in the fulfilling of mukataba contracts. It is difficult to determine from these decisions exactly how the problems arose, for they are often couched in moralistic terminology. For example, the slave "suddenly acts in a sinful way" thus voiding his right to freedom. One can only suspect, however, that the owner merely changed his mind after the initial contract had been made and wished to find a way of voiding it in court. Perhaps the value of the slave had increased, or the owner found it important to retain the former relationship.²⁰

A fourth route to freedom was that called *umm-i veled*, or the birth of a child of a slave mother and free father. According to Islamic law and much of the theoretical writing about Islamic slavery, this was one of the most common ways for a slave to achieve manumission. In such cases, both mother and child were supposed to be freed. Yet in those court records which have been studied and published, only a few such cases emerge. Indeed it appears that the major obstacle for this form to take effect was the requirement that the father admit his parentage of the child.

While Barkan has produced one example from the Edirne records of an "*umm-i veled*" procedure, "Uftade, a slave girl of mine, who gave birth to my child, has converted to Islam; thus I have decided to set her free,"²¹ it remains unclear whether the owner is freeing her for her religious conversion or for her giving birth to his child. In any case, it appears that he is free to do so or not, thus implying that it was not a requirement of law. A second case emerges from the Edirne records in which a slave girl who had three children by her master was sold together with the children for 25,000 akçes. A final case involves a master's denying parentage of a child, charging instead that one of his own slaves was the father. "Thus the child of Rahime Hatun, the slave girl, is also a slave."²²

The last form of legal manumission appearing in Ottoman court records was that effectuated by court order. Examples of this type include the case of a female slave married to a free man who later had children from the marriage. The husband subsequently tried to sell the children. Upon the wife's complaint, the court ordered these sales voided, and certificates of manumission issued. Another concerns a slave from Moldavia who claimed that after he had been freed by his master, but before his work contract had expired (obviously a mukataba arrangement), the master violated the agreement and offered the slave for sale. The court's response was to require the owner to grant the slave immediate freedom.²³

In the Sofia court records one finds the following instances of court-ordered manumission. In most of them the court had found some level of impropriety in the behavior of the owner that warranted the court's confiscation of his property and the award of freedom to the suffering party. In 1550 the court discovered that a slave owned by a local dignitary was in fact a freeborn Muslim from Anatolia who had been enslaved illegally. The court ordered him freed with some financial compensation. In 1611 the court

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ordered the manumission of a slave who had apparently been promised freedom by his master on the latter's death, but whose son had broken this promise. Again, in 1611, the court freed a slave, converted to Islam (Mara b. Abdullah), who belonged to a Jewish owner in violation of the law.²⁴

Finally there appear to be cases of "self-manumission" (ibak), or just running away. Here there was no problem for the judge; in every case the slave, if caught, was treated severely, and often sentenced to death, with the government's making some economic restitution to the owner. For in such cases, the court had no choice but to uphold the basis for Ottoman law and the social system. In one case, in Ankara, it was reported that a Russian slave who had been purchased for 6200 akçes had run away. The owner claimed some refund from the original seller of the slave; the court agreed and the money was returned.²⁵

Slaves who were the property of the state could also achieve manumission. There are numerous examples of palace slaves being freed by the sultan either individually or in large groups on the occasion of some important event. These often were the circumcision of a son, a military victory, a recovery from an illness. Government slaves in lesser positions too were occasionally freed, especially those serving on the galleys or in the naval arsenal.

Baron Wratislaw reports of the practice of manumitting such slaves during his captivity in the arsenal as follows:

"After ten years, when anyone wishes to ransom himself, or earn his liberty, since no Turk promises for a Christian, he must produce as security ten or twenty other Christian slaves; that is to say, should he during that time escape before he has earned his liberty, or should a captive who is ransoming himself not bring his price by a certain day, then these, his sureties, become liable, one to have an eye struck out, a second to have an ear, a third to have his nose, a fourth to have the thumbs of both his hands and the toes of both his feet cut off, or the teeth on one side of his jaw knocked out."²⁶

Leaving aside the rather gruesome details of such punishments for his "sureties" it is clear that it was possible for such galley or arsenal slaves to make financial arrangements for manumission in the same manner that slaves of ordinary Ottoman owners could. In one sense, this was another form of mukataba contract. In both cases, the slavery was considered and measured almost entirely from the economic perspective. The slave was worth so much. If that sum could be found, his freedom could be purchased, and presumably another slave bought with the money to take his place.

A very different sort of evidence for manumission appears in the eighteenth century, documents showing emancipation held by the freedmen. All of the evidence given so far, from the Ottoman courts, comes from the sixteenth and seventeenth centuries. What is clear from this additional evidence is that the practice of manumission continued unabated in the eighteenth century, at a time when the supply of slaves from abroad had been cut sharply.

Found in the state archives in Vienna, and recently published, these documents deal only with the form of manumission resulting from the payment of a certain sum either by a slave or his benefactor. Unlike the court records from the earlier period, these documents indicate the price paid for freedom as well. Some examples of the documents are these: the Croatian slave Janos, in 1706, for 300 kuruš, owned by the slave merchant Hasan Čelebi; two ships' slaves in 1733, of Spanish nationality, from the ship captain Mehmed Suleyman; six ships' slaves in 1734 for 400 kuruš each; a German slave Leonardo, for 200 kuruš, in 1740; twelve slaves on the island of Rhodes in 1741; the slave Jako, a German Christian, for 265 kuruš in Ankara, in 1741; and two German slaves in Konya in 1756 for 200 kuruš each.²⁷

In both the prevalence of manumission and in the role of manumitted slaves in society, the Ottoman Empire and Islam in general were quite different from slave systems in Western Europe and the Americas. In his studies of the growth of industry in the Ottoman Empire, Professor Inalcik has shown the important role which freed slaves played, often continuing the activities which they had pursued while still in the "households" of their former owners. His studies concentrated on the Bursa region, which was a center of silk and textile production. While it seems that freedmen enjoyed the same rights and privileges as did freemen, they were separately identified in most official documents, and were called *atik*.

Court records from Bursa for the inheritance of deceased members of the upper class indicate that in the late fifteenth century approximately fifteen percent were freed slaves. What is most interesting about these *atiks* is that they included some of the most wealthy individuals in Bursa. For example, Mukbil, a merchant of mohair, and a freed slave formerly owned by a certain Saltuk, left an inheritance worth 224,900 akçes, which included five slaves (three male and two female). Another, Yusuf, a freed slave formerly owned by Ali, left an estate of only 14,331 akçes, yet including two male and one female slaves.²⁸ That the first is a considerable fortune is borne out by the fact that only three percent of all estates exceeded 50,000 akçes and only rarely were they more than 200,000.²⁹

In one case a freed slave was able to participate, on an equal footing with a freeman, in a business partnership which required a total investment of 545,000 akçes.³⁰ At the end of the sixteenth century Hacı Ibrahim b. Abdullah, from Edirne, left an estate of 350,000 akçes. He was formerly the slave of a certain Hacı Yusuf; in his estate was included "a rich library and a large house worth 110,000 akçes."³¹ Hacı Handan, a former slave and later a merchant from Edirne, left an estate of 64,900 akçes which included two slaves. Former owners also often seem to have left to their freed slaves considerable sums of their own estates. For example, Süleyman Beg, from Edirne, left to four of his former slaves such an inheritance. To one of his freed slave girls, he bequeathed one hundred florins (approx. 45,000 akçes).³²

Numerous other records indicate the presence of freed slaves throughout the empire and at all times of its history. In its earliest period, when the empire was still in the process of formation, freed slaves were utilized in political and military functions to a greater extent than later. At that time the Ottoman hierarchy was short of manpower, and theoretically virtually all of the new subjects were initially slaves of the Sultan. In a very early census of the province of Albania, freed slaves show up frequently, and include people occupying the highest administrative posts in the province.³³

There can be no question that manumission of slaves in the Ottoman Empire served both to limit the total slave population at any one time and to provide a means of joining Ottoman society for the large number of foreign slaves who were imported into the Empire. It both caused and reflected Ottoman views toward slaves, that their slave status was only a legal and juridical one, that it could be changed, voided, just as easily as it could be created. Most Ottoman slave owners seem to have considered their slaves as complete human beings, even as members of their own households. They left them portions of their estates. They granted them freedom for various reasons. Indeed, the very fact that slaves, once freed, usually retained some measure of contact and relationship with their former owners gives some indication of the nature of their servile status.

NOTES

1. For the first of these studies see A. Fisher, "The Sale of Slaves in the Ottoman Empire: Markets and State Taxes on Slave Sales, Some Preliminary Considerations," in *Boğaziçi Üniversitesi Dergisi (Beşeri Bilimler)*, VI (1978), pp. 149-174. The author wishes to acknowledge aid from the American Council of Learned Societies which permitted extensive research in Istanbul during the year 1976-7.

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2. According to a firman of 1479 which regulated taxes for official acts, thirty-two akçes was levied on each registered manumission (thirty for the kadi, one each for the naib and the secretary). See M. Lefebvre, "Quinze firmans du Sultan Mehmed II le conquérant," *Revue des études islamiques*, XXXIX/1 (1971), p. 162.
3. O. Barkan, "Edirne Askeri Kassamı'na ait Tereke Defterleri," *Belgeler*, III/5-6 (1966), p. 25.
4. G. Galabov, *Die Protokollbücher des Kadiamtes Sofia* (Munich, 1960), pp. 26, 37, 58, 181.
5. H. Ongan, *Ankara'nın 2 Numaralı Şer'iye Sicili* (Ankara, 1974), p. 109.
6. M. Düzdağ, *Şeyhulislam Ebussuud Efendi Fetvaları* (Istanbul, 1972), pp. 124-5.
7. Düzdağ, *op. cit.*, pp. 126-9.
8. Barkan, *op. cit.*, p. 25.
9. *Ibid.*
10. H. Inalcik, "Servile Labor in the Ottoman Empire," in T. Halasi-Kun and A. Ascher (eds.), *Mutual Impact of the Judao-Christian and Muslim Worlds* (New York, 1979), p. 28.
11. K. Liebe-Harkort, *Beiträge zur sozialen und wirtschaftlichen Lage Bursas am Anfang des 16. Jahrhunderts* (Hamburg, 1970), p. 275, note.
12. Galabov, *op. cit.*, pp. 104, 154, 209-11, 257-8, 281, 289, 295, 298, 321, 330, 332-6, 370. Censuses for Bulgarian areas from the mid and late fifteenth century indicate the presence of many such manumitted slaves who retain a close tie to their former owner. See D. Bojanić-Lukać, *Fragmenti Zbirnot Popisa Vidinskog Santsaka Uz 1466* (Beograd, 1973), pp. 117-8; and N. Todorov and B. Nedkov (eds.), *Turski Izvori za B'lgarskata Istoriia*, vol. II (Sofia, 1966), *passim*.
13. Galabov, *op. cit.*, p. 86, assignment of a residence for his freed slave Hairice b. Abdullah in the quarter of Kara Danişmend in Sofia; p. 168, the Kadi assigns his freed slave Fatima b. Abdullah a house worth 6000 akçes in Sofia; R. Mantran, *Istanbul dans la seconde moitié du XVIIe Siècle* (Paris, 1962), p. 109, speaking of practices in Istanbul, points out that a freedperson usually "continued to live in the home of his former master."
14. H. Ongan, *Ankara'nın 1 Numaralı Şer'iye Sicili* (Ankara, 1958), p. 32.
15. Ongan, II, *op. cit.*, pp. 9, 48, 108, 109.
16. Barkan, *op. cit.*, p. 26.
17. Inalcik, *op. cit.*, p. 28; the contract might read as follows: "(Name of slave) bedel-i kitabet-ten baci 4000 akçe..."; or "Merhum (name of owner) fi hal hayati (name of slave) elli mesdud kesmiş yirmi mesdud istemiş baci otuz mesdud kalmış 3000 akçe"; as cited by Liebe-Harkort, *op. cit.*, p. 132.
18. Liebe-Harkort, *op. cit.*, pp. 347-53.

19. Inalcik, *op. cit.*, p. 29.
20. Düzdağ, *op. cit.*, pp. 125-6.
21. Barkan, *op. cit.*, p. 26.
22. *Ibid.*
23. Ongan, I, *op. cit.*, p. 115.
24. Galabov, *op. cit.*, pp. 82, 167-8, 209.
25. Ongan, II, *op. cit.*, p. 104; Düzdağ, *op. cit.*, pp. 130-1.
26. A. H. Wratislaw, *Adventures of Baron Wenceslas Wratislaw of Mitrowitz* (London, 1862), p.
126.
27. K. Jahn, *Türkische Freilassungserklärungen des 18. Jahrhunderts* (Naples, 1963), pp. 35, 37,
39, 51, 65, 71, 80-1, 115.
28. Inalcik, *op. cit.*, p. 31.
29. H. Inalcik, "Capital Formation in the Ottoman Empire," *Journal of Economic History*, XXIX
(1969), p. 109.
30. *Ibid.*, p. 110.
31. Barkan, *op. cit.*, p. 28.
32. *Ibid.*, pp. 29-30.
33. H. Inalcik, *Hicri 835 Tarihli Suret-i Defter-i Sancak-i Arnavid* (Ankara, 1954), pp. 6, 18, 59-
60.