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TUMAČENJE ANDRIĆEVE DISERTACIJE KROZ TEORIJU HISTORIJSKOG INSTITUCIONALIZMA**

SAŽETAK: Andrićeva doktorska disertacija pod nazivom „Razvoj duhovnog života u Bosni pod utjecajem turske vladavine” je do sada inicirala mnoge diskusije koje su se većinom bazirale na kritiku metodologije koju je Andrić koristio u navedenoj disertaciji, ali također, mnoge kritike su se odnosile na osporavanje naučnog karaktera same disertacije. U ovom radu autor se fokusira na sasvim drugi segment Andrićeve disertacije koje prijašnje analize i kritike Andrićeve disertacije nisu obradile. Tu govorimo o problemu korupcije u Osmanskom carstvu, a svakako i o problemu korupcije u Bosni kao dijelu Osmanskog carstva. U radu se analizira naučna osnovanost Andrićevih tvrdnji u disertaciji o sveprisutnosti korupcije u Osmanskom carstvu i mogući utjecaj korupcije osmanskih institucija na razvoj institucija u Bosni i Hercegovini. Autor u radu teorijom historijskog institucionalizma objašnjava važnost Andrićeve disertacije za bolje razumijevanje problema korupcije u funkcionisanju institucija Bosne i Hercegovine.

Ključne reči: Ivo Andrić, korupcija, Osmansko carstvo, historijski institucionalizam, vladavina prava

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UVOD

Doktorska disertacija Ive Andrića pod nazivom „Razvoj duhovnog života u Bosni pod utjecajem turske vladavine” je do sada inicirala brojne kritike, koje su se većinom zasnivale na kritici nedostatka naučnog karaktera same disertacije. Tako Vedad Spahić piše da Andrićeva disertacija predstavlja „kulturološko-historijski pamflet”.¹ Osim Spahićeve kritike, Andrićeva disertacija ali i njegova druga književna djela su inicirala brojne, većinom književne kritike.² Zanimljivo je da Andrićeva disertacija, osim književnih kritika, nije inicirala značajnije kritike sa pravnog aspekta s obzirom da se Andrić u samoj disertaciji bavi i kritikom osmanskog načina vladanja. Andrić je svojim pisanjem dobio epitet ideološkog evrocentriste bliskog rasizmu.³ Duraković, slično kao i Spahić, osporava naučni karakter Andrićeve disertacije, navodeći da u samoj disertaciji dominiraju jaki ideološko-emotivni zaključci neutemeljeni na faktografskoj ili historiografskoj građi.⁴ Konačno, Andrićeva disertacija je probudila brojne kritike a čega je i sam Andrić bio svjestan pa je i izbjegavao da svoju doktorsku disertaciju objavi, a objavila ju je Zadužbina Ive Andrića 1982. godine, sedam godina nakon Andrićeve smrti, u malom broju primjeraka.⁵

Disertacija je odbranjena u Gracu 1924. godine.⁶ Također, bitno je navesti radi boljeg razumijevanja disertacije, da je Andrić pripadao generaciji jugoslo-

¹ Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 51.

² O tome pogledati u: Rizvić, M. (1995). Bosanski muslimani u Andrićevu svijetu. Sarajevo: Ljiljan i Duraković. E. (1997). Andrićevo djelo u tokovima ideologije evrocentrizma. *Znakovi vremena – Časopis za filozofiju, religiju, znanost i društvenu praksu*. Tako, na primjer, Esad Duraković piše: „Andrićevo djelo pripada onoj vrsti literature koja se sredstvima umjetnosti angažira u moćnoj ideologiji koja se danas u svijetu imenuje kao evrocentrizam a čiji su strateški ciljevi evidentni u djelimično uspelim naporima da se Orijent i orijentalna duhovnost, prvenstveno orijentalno-islamska duhovnost u cjelini, negativizira do mjere kada taj svijet i ta duhovnost postaju osmišljen i 'opravdani' predmet negativnog tretmana moćnih evrocentrističkih sila. Evrocentrizam djeluje u humanističkim naukama, u mnogim domenama kulture ali i u umjetnosti čiji egzemplar je upravo Andrićevo književno djelo koje je zbog svoga vrlo uspjelog ideološkog angažmana, prije nego zbog umjetničke vrijednosti, dvostruko nagrađeno: okrunjeno je Nobelovom nagradom za književnost te je istovremeno i prirodno institucionalizirano kao obavezna lektira u svijetu evrocentrističkih vrijednosti – dakle, i u zemljama bivše socijalističke Jugoslavije – pri čemu tako institucionaliziranje ima naročit značaj za Bošnjake koji su predmet Andrićeve umjetničke negativizacije.” Duraković. E. (1997). *Op. cit.*

³ *Ibid.*

⁴ *Ibid.*

⁵ Spahić, V. (1999). *Op. cit.*, 52.

⁶ Dragić, M. (2003). Doktorska disertacija Ive Andrića. *Motrišta*, glasilo Matice hrvatske u Mostaru, 26.

venske nacionalne omladine koja je sa negativnošću gledala na prošlost, što je doprinjelo da sama disertacija bude negativno orijentisana prema vladavini Osmanlija u prošlosti.⁷ Osnovna kritika Andrićeve disertacije, ali i drugih njegovih radova, se odnosi na njegov antiislamski ili antiturski stav. Pa tako Ahmed Aličić ističe da je kod Andrića urođena ideja negativnog odnosa prema svemu što je strano, tursko, bilo ono dobro ili ne.⁸ Spahić tvrdi da Andrić ima izrazito antiislamski stav pozivajući se na citat iz Andrićeve disertacije:

„Ovo mesto kao i sva ostala mesta u ovoj raspravi u kojima se govori o uticaju turske vladavine ne bi trebalo shvatiti kao kritiku islamske kulture kao takve, već jedino kao kritiku posledica do kojih je došlo usled njenog prenošenja na hrišćanku zemlju.”⁹

Spahić u vezi s tim zaključuje da prema Andriću islam predstavlja neuni-verzalnu religiju, koja donosi mrak.¹⁰ I poznati historičar Noel Malcolm (Malcolm) Andrićeve disertaciju karakteriše kao antimuslimansku, navodeći da Andrićeva tvrdnja da je „Učinak osmanlijske vladavine bio apsolutno negativan”, pokazuje slijepe predrasude kod Andrića.¹¹ U ovom radu se nećemo baviti pitanjem karaktera same disertacije. Fokus ovog rada će biti korupcija u Osmanskom carstvu i njezin utjecaj na budući institucionalni razvoj Bosne i Hercegovine. Analizom Andrićevog djela pokazat ćemo gdje Andrić ispravno detektuje posljedice osmanskog osvajanja Bosne, ali ćemo također pokazati kako na pogrešan način detektuje uzroke tih posljedica, te ćemo tumačenjem Andrićeve disertacije kroz teoriju historijskog institucionalizma objasniti moguće uzroke korupcije u Bosni i Hercegovini.

Prije početka analize zadane teme, definisati ćemo pojam historijskog institucionalizma, iako ćemo se navedenim pojmom detaljnije baviti u nastavku. Historijski institucionalizam ne predstavlja puko proučavanje historije. Za razliku od proučavanja historije, historijski institucionalizam proučava uloge institucija u strukturiranom ponašanju. Najkorištenija definicija za pojam institucija je set pravila. Glavna poenta historijskog institucionalizma je da odluke koje su donesene u prošlosti utječu na budućnost. Drugim riječima, određene institucionalne postavke u prošlosti utječu na budući razvoj institucija.¹²

⁷ Djilhyang, K. (2010). *Andrićeva doktorska disertacija u svjetlu odnosa Istoka i Zapada*. Etnografski institut SANU, LVIII/2010.

⁸ Aličić, S. A. (1999). *Književno djelo Ive Andrića i historijska stvarnost*. Tuzla: Andrić i Bošnjaci, 12.

⁹ V.: Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53–54.

¹⁰ *Ibid.*

¹¹ Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 196.

¹² Steinmo, S. (2008). Historical institutionalism. D. Porta, M. Keating (Ed.), *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective* (118–139. ss.).

SAVREMENO VALORIZIRANJE ANDRIĆEVE DISERTACIJE

U prethodnom djelu rada smo iznijeli stajališta različitih autora koji Andrića ocjenjuju kao antiislamskog i antiturskog autora. Takve kritike su u većoj ili manjoj mjeri opravdane. Problem Andrićeve disertacije je što islam poistovjećuje sa Osmanskim carstvom, dok, također, miješa i pojmove kao što su „turski”, „osmanski”, ili u drugom slučaju termini „Turčin” i „musliman”. U prvom redu ovdje ćemo objasniti razlike između pojmova „turski” i „osmanski”. Često se u južnoslavenskoj historiografiji miješaju pojmovi „Osmansko carstvo” i „Turska” iako je riječ o različitim pojmovima. Osmansko carstvo predstavlja carstvo koje je postojalo u period od kraja XIII stoljeća pa sve do 1922. godine kada formalno prestaje postojati. Turska je bila sastavni dio Osmanskog carstva, a nakon 1922. godine i formalnog prestanka postojanja carstva, Turska nastavlja postojati kao nezavisna država. Tako da unutar carstva su živjeli mnogi narodi, uključujući i turski narod, ali također narodi Balkana, Armeni, Grci i dr., su bili sastavnim dijelom Osmanskog carstva, tako da je nepravilno, ali i nepravedno Osmansko carstvo poistovjećivati samo sa jednim narodom – Turcima. Iako su Turci predstavljali esenciju postojanja Osmanskog carstva, oni nisu bili jedini narod koji je živio unutar navedenog carstva. Također, pojam „Turčin” i „musliman” se miješaju kod Andrića, iako je riječ o suštinski različitim pojmovima. „Musliman” je osoba koja prakticira vjeru islam i može uključivati osobu bilo koje etničke pripadnosti, dok termin „Turčin” u vrijeme Osmanskog carstva je označavao pojedinca koji je pripadnik turskog naroda, dok danas taj termin označava državljanina Turske. U daljem dijelu teksta ćemo objasniti zašto Andrić u poistovjećivanju islama i Osmanskog carstva griješi.

Spahić se dalje u kritici Andrića poziva na citat iz njegove disertacije koji glasi:

„Od odlučujućeg je značaja to da je Bosnu, u najkritičnijem trenutku njenog duhovnog razvoja, u doba kada je previranje duhovnih snaga dostiglo vrhunac, osvojio jedan azijski ratnički narod čije su društvene institucije i običaji značili negaciju hrišćanske kulture i čija je vjera – nastala pod drugim klimatskim i društvenim uslovima i nepodesna za svako prilagođavanje – prekinula duhovni život zemlje, izobličila ga i od tog života načinila sasvim osobeno.”¹³

Cambridge: Cambridge University Press, 123–128.

¹³ Vidi u: Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

Andrićev zaključak oslikava intenciju Andrića da kroz doktorsku disertaciju prikaže negativni utjecaj osmanske vlasti na budući duhovni razvoj u Bosni i Hercegovini.

Ovakav zaključak u savremenom razumijevanju historije razvoja institucija u različitim civilizacijama je u naučnom smislu djelomično osnovan. Djelomična naučna osnovanost Andrićevog zaključka se nalazi u iskazu gdje navodi da je Bosnu u „najkritičnijem trenutku osvojio jedan azijski ratnički narod”¹⁴. Sličnu tvrdnju iskazuje Mehmed Begović, koji u vezi sa osmanskim osvajanjem Bosne i dolaska islama u Bosnu tvrdi:

„Mi primamo islam u XVI i XVII veku upravo u najmračnije doba u istoriji islama, u vreme kada se islamska zajednica nalazi u opadanju. Mi smo primili islam preko Turaka, naroda koji je bio na istoj visini kulture i civilizacije kao Arapi. To je bio jedan narod koji je imao jako urođene vojničke sposobnosti i čiji je ideal bio da zavlada i silom podvrgne narode islamskoj zajednici. Turska se nije brinula da mase koje su prešle na islam izобрази u poznavanju vere i verskih principa, njoj je dovoljno bilo da ovi novi muslimani s vanjske formalne strane daju izgled vernika. Iz ovog se dakle može razumeti ona pojava što Turci nisu nikada mogli uživati naročito poštovanje poislamljenih masa a kamoli da ih asimiluju kao što je to slučaj kod Arapa koji učiniše od potčinjenih naroda ne samo muslimane nego i Arape.”¹⁵

S tim u vezi, Osmansko carstvo je zaista predstavljalo ratničku državu koja je svoje prihode najviše zasnivala na ubiranju ratnog plijena. Kako objašnjava Ahmet Kuru, vojna zvanja koja su se dodjeljivala ulemi i državnim službenicima ukazuju na vojni karakter osmanske državne strukture. Glavni sudija Anadolije, kao i suda na Balkanu, zvao se *kadıasker* (vojni kadija), iako je bio civil i član uleme. Slično, guverneri i neki drugi visokopozicionirani službenici mogli su dobiti titulu *paşa* (general) čak i ako su zapravo bili civili.¹⁶ U tom kontekstu ustrojstvo Osmanskog carstva nam govori da je osmanska država bila ratnička država, odnosno država koja je funkcionisanje zasnivala na konstantnim ratovima. Andrić u ovom kontekstu neispravno turski narod ili osmanski narod identificira kao ratnički narod. Tu se može primjetiti da je Andrić pisanju doktorske disertacije pristupio kao književnik i on ovakav zaključak izvodi više kao književnik nego kao historičar, što ga ne abolira od pogrešno donesenih zaključaka. Ponašanje ili afinitete jednog naroda određuju institucije, te određeni narod *per se* ne može biti ni ratnički niti miroljubiv

¹⁴ Vidi u: Spahić, V. (1999). *Hljeb od javorove kore: Ogled o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

¹⁵ Begović, M. (1931). *O položaju i dužnostima muslimanke prema islamskoj nauci i duhu današnjeg vremena*, Beograd: Planeta, 64–65.

¹⁶ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 182.

nego institucije unutar kojih narod živi i djeluje mogu stimulisati na ratničke ili miroljubive aktivnosti.

Daron Ačemoglu (Daron Acemoglu) i Džejms Robinson (James Robinson) ističu kako različite institucije mogu uzrokovati različita ponašanja kod istog naroda na primjeru Sjeverne Koreje i Južne Koreje. Koreanci predstavljaju jedan narod sa istim jezikom, kulturom, etničkom pripadnošću, ali Južna Koreja predstavlja jednu od najbogatijih država na svijetu, dok je Sjeverna Koreja jedna od najsiromašnijih država na svijetu. Razlika između ove dvije države je što u Južnoj Koreji postoje inkluzivne institucije koje narod podstiču na napredak, dok u Sjevernoj Koreji postoje ekstraktivne institucije koje demotiviraju bilo kakav vid napretka.¹⁷ Primjer Južne i Sjeverne Koreje pokazuje da narod nije taj koji je predodređen da bude ratnički ili miroljubiv, ili napredan ili nazadan, nego su institucije te koje podstiču određeno ponašanje naroda. Tako da institucije države mogu biti ratničke, ali nikako ne i narod, a institucije Osmanskog carstva su svakako bile ustrojene, kako smo već pokazali, na ratničkom nivou te zbog toga je Andrić samo djelomično u pravu u ovoj konstataciji.

Dalje, Andrićeva tvrdnja „čije su društvene institucije i običaji značili negaciju hrišćanske kulture”¹⁸ je pogrešna, jer institucije Osmanskog carstva nisu bile ekskluzivno bazirane na islamskim principima. Preciznije, Osmansko carstvo je funkcionisalo na osnovu šerijata i kanuna. Grubom podjelom bismo mogli reći da kanun predstavlja sultanov zakon koji sultan donosi dekretom, a šerijat vjerski zakon koji je u tom smislu vječan i nezavisno postoji od ljudskih radnji. Tumačenje šerijata je vršila ulema i s tim u vezi donosile su se fetve (pravna mišljenja) o nekim pitanjima koja su bila sporna. Također, Osmanlije su dopuštale da se običaji koje su zatekli na osvojenom području nastave primjenjivati kako bi izbjegli nemire unutar te zajednice.¹⁹

U Carstvu su se brojna pitanja, većinom iz oblasti upravnog, krivičnog, međunarodnog prava, rješavala kanunima. Također, u ovom periodu se razvila praksa izdavanja zbornika kanuna (kanunname).²⁰ Iako je, generalno, sultanov kanun morao biti usklađen sa šerijatom, postojali su periodi u vladavini Osmanskog carstva kada su kanuni jednostavno potiskivali šerijat.²¹ Tako da

¹⁷ Asemoglu, D., Robinson, J. (2014). *Zašto narodi propadaju: Poreklo moći, prosperiteta i siromaštva*. Beograd: Clio, 70.

¹⁸ V.: Spahić, V. (1999). *Hljeb od javorove kore: Ogled o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

¹⁹ Inaldžik, H. (2003). *Osmansko carstvo: Klasično doba 1300–1600*. Beograd: Utopija, 111.

²⁰ Memišević, E. (2019). *Sudovi: komparativna studija*. Sarajevo: Centar za napredne studije, 167.

²¹ *Ibid.*

u Osmanskom carstvu su postojala dva izvora prava, sultanovi kanuni i šerijat koji se primjenjivao na osnovu tumačenja uleme. U tom smislu, kako tvrdi Halil Inaldžik (Halil Inalçik) osmanske institucije nisu bile nikakva novina, te ih u tom smislu lišava autentičnosti, odnosno osmanske institucije su samo primjer upotrebe bliskoistočnih, u prvom redu abasidskih, perzijskih i bizantijskih tradicija.²² Tako su i dvije bazične institucije Osmanskog carstva – robovski i timarski sistem, zapravo proizvod višestoljetne bliskoistočne državne prakse. Timarski sistem, u tom smislu, predstavlja nastavak i modifikaciju bizantijske institucije pronije.²³

Iz navedene argumentacije vidimo da Osmansko carstvo nije funkcionisalo striktno na bazi islamskih pravnih izvora. Štaviše, Osmansko carstvo je funkcionisanje državnih institucija baziralo na tradicijama koje nisu islamske, kao što je bizantijska, stoga argument u Andrićevoj disertaciji da su društvene institucije i tradicija značile negaciju hrišćanske vjere nije validan. Jer, ako je hrišćanstvo moglo postojati unutar Bizantijskog carstva, ne postoji razlog zašto bi takav sličan sistem koji je postojao u Osmanskom carstvu značio negiranje hrišćanstva, te stoga ova Andrićeva konstatacija je pogrešna. Također milet sistem koji je postojao u Osmanskom carstvu negira navedeni zaključak Andrića.

Na kraju, dio zaključka koji glasi „čija je vjera – nastala pod drugim klimatskim i društvenim uslovima i nepodesna za svako prilagođavanje”²⁴ je naučno neosnovana. Naravno, ovdje Andrić misli na islam i, kako Spahić navodi, ovdje se može primijetiti antiislamski stav kod Andrića. Andrić u ovom kontekstu griješi kada negira mogućnost prilagođavanja islama zbog toga što je, kako ističe, islam nastao pod drugačijim klimatskim i društvenim uslovima. Ovdje Andrić u Veberovom stilu pokušava prikazati islam kao religiju koja nije podobna za tlo Evrope, te je u tom smislu pokušava prikazati u određenoj mjeri kao ratničku religiju. Kako navodi Ahmet Kuru, islam kao i druge monoteističke religije nije ratnička niti *per se* miroljubiva religija, ali tumačenja religije mogu biti radikalna ili miroljubiva.²⁵ U tom kontekstu, Andrić pogrešno detektuje islam kao religiju koja se ne može prilagoditi tlu Evrope dok, istina je, da osmanski način vladanja nije bio prihvatljiv za duhovni i intelektualni razvoj društva i države. Ovdje prvenstveno govorimo o omogućavanju slobodnog razvoja nauke. Kako ćemo u nastavku pokazati

²² Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko carstvo*. Zagreb: Političke perspektive, 103–104.

²³ *Ibid.*, 103–104.

²⁴ V.: Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

²⁵ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 21–22.

Osmansko carstvo nije bilo država koja je omogućavala slobodu i kreativnost u nauci, što je svakako na negativan način utjecalo na duhovni i intelektualni razvoj društva i države.

Tako Inaldžik tvrdi da je proučavanje nauka u Osmanskom carstvu bilo sputavano ortodoksnim shvatanjem islama, čija je ulema učenje o vjeri smatrala jedinim pravim znanjem i čiji isključivi cilj je bio razumijevanje Kur'ana.²⁶ Kur'an i sunet su bili osnova ovog učenja, dok je korištenje razuma bilo zanemareno. Takav način razumijevanja religije islama je okovalo islamsku misao unutar Osmanskog carstva, te je muslimanskim misliocima bilo nemoguće uvesti bilo kakve novine.²⁷ Savez između uleme i države, koji je postojao u Osmanskom carstvu je blokirao inovativni pristup tumačenja islama.²⁸ Pokazatelj koji na najbolji način oslikava intelektualnu zaostalost Osmanskog carstva za Zapadom je primjer štampanja knjiga. Prva knjiga na Zapadu je štampana 1455. godine, dok je Osmansko carstvo dopustilo štampanje knjiga 1727. godine, a prvu knjigu štamvalo tek 1729. godine.²⁹ Stoga Andrićev zaključak koji kritikuje Spahić, ali i mnogi drugi, u neku ruku jeste antiislamski, ali je u isto vrijeme djelomično tačan, uz pogrešno poistovjećivanje islama sa Osmanskim carstvom a, kako smo pokazali, institucije Osmanskog carstva nisu ekskluzivno bile bazirane na islamskim propisima pa iz tog razloga Andrić pogrešno pronalazi problem u islamu, a stvarni problem je bio u načinu vladanja Osmanlija.³⁰ Definitivno, Andrić u ovom zaključku, prepoznaje posljedice, ali ne prepoznaje uzroke tih posljedica jer u neku ruku Andrić krivi islam kao religiju koja nije podobna za prilagođavanje, a istina je da način vladanja Osmanskog carstva ili bolje kazano način tumačenja islama u Osmanskom carstvu nisu bili pogodni za intelektualni i duhovni razvoj. Stoga Andrićeva disertacija, možemo reći, na ispravan način identificira posljedice osvajanja Bosne od strane Osmanskog carstva, ali na pogrešan način pronalazi uzroke tih posljedica.

²⁶ Inaldžik, H. (2003). *Osmansko carstvo: Klasično doba 1300–1600*. Beograd: Utopija, 269.

²⁷ *Ibid.*

²⁸ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 169–185.

²⁹ Diner, D. (2015). *Zapečaćeno vrijeme: o zastoju u islamskom svijetu*. Sarajevo: Šahinpašić, 79–92 i Kuru, A. T. (2019). *Op. cit.*, 207.

³⁰ Npr. Andrić navodi kako je kanunom bilo ograničeno ispovijedanje vjere hrišćanima i Jevrejima, ali kanun predstavlja zbirku propisa Osmanskog carstva, a nikako ne pravila islama kao religije. Pogledati u: Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Beograd: Ethos, 38–40.

KORUPCIJA U OSMANSKOM CARSTVU U ANDRIĆEVOJ DISERTACIJI

Korupcija u Osmanskom carstvu se skoro kroz cijelu Andrićevu disertaciju prožima, pa tako na osnovu Andrićeve disertacije možemo zaključiti da je korupcija bila osnovni način funkcionisanja u Osmanskom carstvu. Tako Andrić kada piše o negativnom utjecaju *devşirme* (danka u krvi), navodi na koji način su hrišćanski roditelji izbjegavali da predaju djecu osmanskim vlastima:

„Razumljivo je da su roditelji hrišćani svim mogućim sredstvima nastojali da svoju decu spasu i zadrže kod sebe. Obično sredstvo beše podmićivanje komesara, koji je parama bio naveden da umesto jednog deteta uzme drugo; ovo je i bio razlog što su se sultanovi dvorski službenici otimali o tu misiju.”³¹

Dalje, Andrić se prilikom objašnjavanja načina funkcionisanja osmanskih institucija uvijek dotiče problema korupcije.

Pa tako o načinu primjene propisa koji su ograničavali djelovanje hrišćana i Jevreja, Andrić piše:

„Ne podleže nikakvoj sumnji da u praksi nije svaki od ovih propisa tačno i doslovno primenjivan, kao što je sasvim izvesno i to da su hrišćani i Jevreji – što će se u nastavku bliže razmotriti – umeli bilo podmićivanjem bilo lukavstvom da zaobiđu ili izigraju mnoge tačke ovog kanuna.”³²

Vidimo da je podmićivanje, kako Andrić navodi, bilo normalna pojava u djelovanju osmanskih vlasti. Naravno, ako je postojalo izigravanje vlasti metodom podmićivanja, može se očekivati da je postojala i zloupotreba moći od strane vlasti. S tim u vezi Andrić u disertaciji u vezi sa ubiranjem poreza navodi da je porez ubiran na nepravedan i nedostojan način.³³ Porez za nemuslimane se ubirao za svakog nemuslimana koji je napunio četrnaest godina života, a iznosio je jedan dukat godišnje. Problem u vezi sa ubiranjem ovog poreza je bio u tome što se u Osmanskom carstvu nije vodio registar rođenih pa su sakupljači poreza kanapom mjerili obim glave i širinu vrata kako bi utvrdili starost djeteta. O zloupotrebi prilikom ubiranja poreza Andrić piše:

„Zloupotrebom, koja se brzo odomaćila, dogodilo se da je u posljednjem stoljeću turske vladavine svako muško dete bez razlike na uzrast bilo podvrgnuto plaćanju harača.”³⁴

³¹ Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Beograd: Ethos, 36.

³² *Ibid.*, 40.

³³ *Ibid.*, 42.

³⁴ *Ibid.*, 42.

Svakako, osmanski sistem u kojem nije postojao registar rođenih je omogućavao zloupotrebe prilikom ubiranja poreza.

Ono što je omogućavalo korupciju unutar pravnog sistema Osmanskog carstva je sasvim centraliziran sistem u kojem je sva vlast pripadala sultanu. Pa tako Andrić u disertaciji piše kako su franjevci 1762. godine poslali izaslanike u Istanbul kako bi kod sultana izlobirali dozvolu za obnovu krovova tri samostana.³⁵ Dalje, ono što je omogućavalo korupciju unutar Osmanskog carstva, prema riječima Andrića jeste način finansiranja i način dolaženja na sudske i upravne funkcije. U tom kontekstu Andrić u disertaciji piše:

„U vezirovoj pratnji redovno se pod najrazličitijim titulama nalazilo mnoštvo činovnika i sluga koji su živeli jedino od podmićivanja i globe. Ni upravni ni sudski činovnici (muselimi i kadije) nisu primali stalnu platu, već su morali dati znatne sume od plate kako bi došli do svog položaja: od globa i od mita, međutim, oni su podmirivali sve izdatke za životne potrebe i uz to nastojali da izvuku i ono što su platili za svoj položaj.”³⁶

Ovakav sistem koji, prema riječima Andrića, nije garantovao finansijsku sigurnost zaposlenima u upravnoj i sudskoj vlasti je neminovno vodio ka korupciji. Ono što je sporno u Andrićevoj disertaciji vezano za korupciju je što on korupciju smatra inherentnom turskom narodu, pa s tim u vezi navodi:

„Podmitljivost koju su, kako izgleda, Turci kao porok svoje rase ispoljili već pri prvoj pojavi, vremenom se tokom opadanja njihove moći, sve više povećavala šireći svoj štetan i razoran uticaj u zemlji.”³⁷

Ovakva tvrdnja Andrića, osim što je netačna, također je i rasistička. Određeni narod ne može biti sklon korupciji nego su institucije te koje kreiraju povoljnu klimu za korupciju. Institucije unutar Osmanskog carstva su bile predodređene za korupciju zbog svoje ekstraktivne prirode, kako navodi Čorbić,³⁸ te kako smo već vidjeli, nedostatak finansijske sigurnosti zaposlenih u upravnim i sudskim organima ali i izrazito formalistički i centralistički način vladanja su neminovno vodili ka korupciji. To potvrđuje i Noel Malcolm koji tvrdi da korupcija nije bila posljedica općeg moralnog propadanja nego pogreški u političko-upravnom sistemu.³⁹

³⁵ Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Beograd: Ethos, 44.

³⁶ *Ibid.*, 56.

³⁷ *Ibid.*, 57.

³⁸ Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko carstvo*. Zagreb: Političke perspektive, 106–108.

³⁹ Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook 191.

HISTORIJSKA TAČNOST ANDRIĆEVIH TVRDNJI O KORUPCIJI U OSMANSKOM CARSTVU?

Postavlja se pitanje da li su Andrićeve tvrdnje o korupciji u Osmanskom carstvu historijski i naučno istinite ili su one plod njegovog negativnog stava prema osmanskoj vlasti. Ovdje ćemo pokušati dati odgovor na to pitanje analizirajući relevantne radove koji su se bavili pitanjem korupcije u Osmanskom carstvu. Aličić, kao historičar, tvrdi da je Andrić izvanredno poznao historijsku literaturu i putopise o Bosni, te je stoga za očekivati da su tvrdnje o korupciji u disertaciji istinite.⁴⁰ Halil Inaldžik u svojoj knjizi *Osmansko carstvo: Klasično doba 1300–1600* piše da je korupcija bila jedan od uzroka pada Osmanskog carstva.⁴¹ S tim u vezi Inaldžik piše:

„Tragajući za uzrocima opadanja, turski pisci su shvatili da su se institucije starog osmanskog poretka iskvarile ali su tu činjenicu pripisivali ograničavanju i rasparčavanju sultanove vlasti. Tvrđili su da je u prošlosti jedino veliki vezir predstavljao sultanov apsolutni autoritet ali da su slabi sultani docnije prenosili svoja ovlašćenja na neodgovorna lica, te da je zbog toga osmanska administracija izgubila jedinstvo. Pojedinci su počeli da koriste sultanov autoritet i u svoje lične svrhe, te su mito i korupcija zabrinjavajuće rasli. Po njihovoj oceni, mito je bio jedan od glavnih uzroka slabljenja državne organizacije i administracije.”⁴²

I kako sam Inaldžik tvrdi da su turski pisci ovdje pogrešno detektovali uzrok korupcije u Osmanskom carstvu, bitno za ovaj rad je da ustanovimo da li je korupcija zaista bila na toliko visokom nivou kako Andrić tvrdi u disertaciji. Dalje, Inaldžik objašnjava:

„Pa ipak, birokrati nisu uvek postupali u skladu s najboljim interesima države. Od kraja šesnaestog veka mito se bilo zacarilo čak i među najvišim slojevima činovništva. Krivotvorenje fermana kažnjavalo se odsecanjem šake ili pogubljenjem, ali je uprkos tako strogim merama, krupan uzrok poremećaja u državnom sistemu bila činjenica što su pisari u naknadu za mito, za jedan isti zemljišni posed izdavali više povlastica.”⁴³

Također, prikaz korupcije u Osmanskom carstvu daje Fajns Morison (Fynes Morison) koji je tokom boravka u Istanbulu zapisao da nijedan sudija, niti

⁴⁰ Aličić, S. A. (1999). *Književno djelo Ive Andrića i historijska stvarnost*. Tuzla: Andrić i Bošnjaci 13.

⁴¹ Inaldžik, H. (2003). *Osmansko carstvo: Klasično doba 1300–1600*. Beograd: Utopija, 73.

⁴² *Ibid.*

⁴³ *Ibid.*, 161.

jedan privilegovani čovjek neće ništa učiniti za drugoga bez poklona, pa tako Morison nastavlja, navodeći da su sudovi osmanskih vlasti iskvareni podmićivanjem.⁴⁴ Kako navodi Mecoli (Mezzoli), u Osmanskom carstvu je postojala neorganizovana administrativna struktura, gdje su se službenici osjećali ovlaštenima da se međusobno takmiče u zloupotrebi vladinih propisa kako bi stekli određenu korist. Iz ove percepcije, nastavlja Mecoli, čini se da su zloupotrebe od strane osmanskih zvaničnika u Bosni bile gotovo prirodna posljedica nefikasne administrativne strukture Osmanskog carstva koja je ostavljala veliki prostor za nezakonito djelovanje službenika.⁴⁵ Sir Džejsms Porter (James Porter), engleski diplomata, je zapisao da: „Politika svakog osmanlijskog ministra ima za prvi cilj samog sebe.”⁴⁶ Marina Tkalec u istraživanju koje je sprovedla istražujući institucionalni utjecaj Vojne krajine na moderne institucije u Hrvatskoj, navodi da ljudi koji su došli sa istoka u Vojnu krajinu su sa sobom donijeli kulturu Istoka i Osmanlija, i kako Tkalec dalje obrazlaže, budući da Osmanskim carstvom, za razliku od Habsburškog, nije vladao zakon, ne iznenađuje da se podmićivanje na tim prostorima duže održalo.⁴⁷ Na ovakvu tezu uslijedio je odgovor društva turkologa i historičara koji su osporili tezu Tkalec da u Osmanskom carstvu nije vladao zakon. Kako se navodi u tom odgovoru:

„Osmansko je carstvo u XVI stoljeću, kada većina hrvatskih teritorija dolazi u dodir s Osmanlijama, nesumnjivo jedna od najbolje organiziranih državnih tvorevina, potpuno oblikovano društvo s razrađenim upravno-pravnim sustavom. Pravni sustav Osmanlija počivao je na islamskom vjerskom pravu (šerijatu), svjetovnim zakonima (kanunima) koje je donosio sultan te na običajnom pravu pokorenih naroda koji su nastavili vrijediti i dalje, ako nisu bili u očitoj suprotnosti sa šerijatom.”⁴⁸

U daljem dijelu teksta u navedenom odgovoru, u vezi sa prethodnim dijelom se navodi:

„Stoga je zaključak da Osmanskim carstvom nije vladao zakon neutemeljen, a donesen je bez konzultiranja ijednog od brojnih djela iz povijesti pravnih institucija Osmanskog carstva, ijedne sinteze osmanske povijesti i

⁴⁴ V.: Mezzoli, E. (2020). *Chapter 7 Trade, Diplomacy, and Corruption in Seventeenth-Century Ottoman Bosnia: The Ragusan Experience of a Complex Relationship*. K. Gábor (Ed.), *Tributaries and Peripheries of the Ottoman Empire (161–187. ss.)*. Leiden: Brill, 185–186.

⁴⁵ *Ibid.* .

⁴⁶ V.: Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 191.

⁴⁷ Tkalec, M. (2020). *History matters: development and institutional persistence of the Habsburg Military Frontier in Croatia*. *Public Sector Economics*, 44 (1), 14.

⁴⁸ Korupcija kao osmansko pravno nasljeđe u Hrvatskoj?. Dostupno na: <https://historiografija.hr/?p=26369>. (Pristupljeno 1. 8. 2021).

povijesti hrvatskih zemalja pod osmanskom vlašću ili pak studije iz ekonomske i političke povijesti Osmanskog carstva.”⁴⁹

Definitivno, Tkalec griješi u tvrdnji da u Osmanskom carstvu nije vladao zakon. Odnosno, Tkalec griješi u terminologiji jer u Osmanskom carstvu nije postojala vladavina prava, dok se vlast definitivno zasnivala na zakonima, kako je navedeno u odgovoru na tvrdnju autorke. U tom kontekstu značajno je objašnjenje Avi Rubin koja ističe da u Osmanskom carstvu nije postojala vladavina prava u substantivnom smislu, odnosno, nije postojala ustavna vladavina koja bi ograničavala vladarevu moć, naročito za vrijeme autokratske vlasti Abdulhamida (Abdülhamita) II (1876–1909),⁵⁰ ali postojala je formalna vladavina zakona gdje su sudovi funkcionisali, podjela vlasti i sistem odgovornosti su bili implementirani u rad osmanskih institucija. U vezi s tim Avi Rubin ističe da je u Osmanskom carstvu postojala *thin* ili formalna vladavina prava ili bolje kazano postojao je *rule by law* sistem.⁵¹ S tim u vezi, netačna je tvrdnja Tkalec da u Osmanskom carstvu nije vladao zakon ali također nije postojala ni vladavina prava koja bi garantovala pravedno vladanje. Stoga, nakon konsultovanja literature koja obrađuje korupciju u Osmanskom carstvu, možemo zaključiti da su Andrićeve tvrdnje o korupciju u Osmanskom carstvu i samim time i u Bosni, naučno i historijski istinite.

UTJECAJ KORUPCIJE U OSMANSKOM CARSTVU NA RAZVOJ INSTITUCIJA U BOSNI I HERCEGOVINI – TEORIJA HISTORIJSKOG INSTITUCIONALIZMA

Loundes (Lowndes) navodi da historijski institucionalizam

„...proučava kako institucionalni odabiri koji su izvršeni u ranoj fazi razvoja određenog područja javnih politika kasnije ograničavaju odluke o politikama.”⁵²

⁴⁹ Korupcija kao osmansko pravno nasljeđe u Hrvatskoj?. Dostupno na: <https://historiografija.hr/?p=26369>. (Pristupljeno 1. 8. 2021).

⁵⁰ V.: Akyol, M., (2021), *Why as a Muslim I Defend Liberty*. Washington: Cato Institute, 51. Kako navodi Akiol, pozivajući se na Rut Ostin Miler (Ruth Austin Miller), Osmansko carstvo je prošlo put od islamske jurisprudencije do fašizma, odnosno, termin fašizam Miler koristi kako bi označila glorificiranje države i instrumentalizaciju prava od strane države.

⁵¹ Rubin, A. (2017). *Was there a rule of law in the late Ottoman Empire?*. British Journal of Middle Eastern Studies, 16.

⁵² Lowndes, V. (2005). *Institucionalizam*. D. Marsh, G. Stoker (Ed.), Teorije i metode političke znanosti. Zagreb: Fakultet političkih znanost, 97.

Daglas Nort (Douglass North), jedan od vodećih teoretičara ove teorije u vezi sa bitnošću historije za budući razvoj navodi:

„...sadašnjost i budućnost su povezane sa prošlošću kontinuitetom društvenih institucija. Današnje i sutrašnje izbore oblikuje prošlost.”⁵³

Daron Ačemoğlu i Džejms Robinson također se vode tezom da historija utječe na razvoj institucija. U vezi s tim, ova dva autora navode:

„Na pojedinačne događaje tokom ključnih skretnica utječe historijsko naslijeđe jer postojeće ekonomske i političke institucije određuju ravnotežu moći i političke mogućnosti. Ali njihovi ishodi nisu historijski predodređeni, već su nepredvidivi. Kojim smjerom će se institucije u tim periodima razvijati zavisi od toga koja će od suprotstavljenih sila biti uspješna, koje grupe će biti u prilici da formiraju efikasne koalicije i koji lideri će biti sposobni da događaje okrenu u svoju korist.”⁵⁴

Na tom osnovu se može pronaći razlog dekadencije muslimana naspram Zapada jer, kako Kuru objašnjava, na početku muslimanski učenjaci su uživali slobodu i nezavisnost jer su se finansirali ili se samofinansirali od trgovačke djelatnosti,⁵⁵ ali pohodima Mongola sa istoka i Križara sa zapada, muslimani se prestaju osjećati sigurno i sve veće povjerenje ukazuju državi pa tako osnivanjem Osmanskog carstva trgovci kao klasa gube moć, te samim tim prestaje mogućnost finansiranja učenjaka ili uleme od strane trgovaca. Tako ulema dolazi u savez sa državom, kada gubi suštinsku nezavisnost i jednostavno ulema prestaje biti generator razvoja i počinje biti sredstvo za legitimiziranje postupaka vlasti u Osmanskom carstvu.⁵⁶

U tom smislu dolazi do promjene osnovne ideje u funkcionisanju države kod muslimana. Karakteristika ranog islamskog identiteta je bila, između ostalog, snažna posvećenost vladavini prava.⁵⁷ Ulema sklapanjem saveza sa državom, a u ovom slučaju sa Osmanskim carstvom, gubi suštinsku nezavisnost te iz institucije koja treba biti kritički korektiv vlasti, postaje sredstvo za legitimiziranje postupaka vlasti. Tako da ideja o pogrešivosti države i obavezi funkcionisanja u interesu građana prestaje, te se javlja ideja o nepogrešivosti

⁵³ V.: Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 64.

⁵⁴ Asemoglu, D., Robinson. J. (2014). *Zašto narodi propadaju: Poreklo moći, prosperiteta i siromaštva*. Beograd: Clio, 124.

⁵⁵ 72,5 % muslimanskih učenjaka između osmog do polovine jedanaestog stoljeća su bili trgovci ili su radili u industriji, ili su im porodice radile na tim poslovima.

⁵⁶ Kuru, A. T. (2019). *Op. cit.*, 203.

⁵⁷ *Ibid*, 89.

države koja funkcioniše u vlastitom interesu, a ne u interesu građana.⁵⁸ Razvoj takve ideje je uzrokovalo održavanje ekstraktivnih institucija u Osmanskom carstvu, iako se kasnije raznim reformama stanje u Osmanskom carstvu pokušalo popraviti, ali zbog svoje površnosti takve reforme nisu dale rezultate.⁵⁹

Zašto je ovo bitno za Bosnu i Hercegovinu? U prethodnom dijelu rada smo ustanovili da je korupcija bila kontinuirana pojava u Osmanskom carstvu, pa tako i u Bosni kao njegovom dijelu. Postavlja se pitanje postoji li poveznica između korupcije koja je postojala u Osmanskom carstvu i korupcije koja danas postoji u visokom stepenu u Bosni i Hercegovini. Čorbić, u kontekstu korupcije kao naslijeđa Osmanskog carstva, navodi:

„Složena birokratska praksa praćena korupcijom ostala je glavno institucionalno naslijeđe svih država postosmanskog prostora, što nas upućuje na ranije navedenu kategoriju ekstraktivnih institucija.”⁶⁰

No, postavlja se pitanje kako korupcija koja je postojala u Osmanskom carstvu može djelovati na Bosnu i Hercegovinu. Kuru to objašnjava terminom „začarani krug”, a kako ističe Robert Putnam, korupcija i nepovjerenje u državne institucije su dva elementa „začaranog kruga”.⁶¹ Nastavak postojanja ekstraktivnih institucija Ačemoglu i Robinson objašnjavaju „ukletom spiralom”.⁶² Da li se onda korupcija u Bosni i Hercegovini može objasniti postojanjem ekstraktivnih institucija, kao što Čorbić objašnjava korupciju u Osmanskom carstvu? Izvještaj stručnjaka o pitanjima vladavine prava u Bosni i Hercegovini (Izvještaj) koji je napravljen krajem 2019. godine nam može pomoći u odgovoru na to pitanje. Pa tako u Izvještaju se navodi:

„Realizacija vladavine prava je nedovoljna, često uslijed lošeg upravljanja ljudskim resursima, političkog uticaja i manjka kulture odgovornosti i transparentnosti. Kada se uvede neka promjena, njena provedba i redovno sistematsko praćenje nerijetko izostanu.”⁶³

⁵⁸ Dokaz tomu je i tvrdnja Inaldžika da su osmanski pisari na totalno pogrešan način razumijevali uzroke korupcije, jer su se vodili pogrešnom idejom da sva vlast pripada vladaru, što je u totalnoj suprotnosti sa idejom vladavine prava. Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Beograd: Utopija, 73.

⁵⁹ O neuspjehu reformi unutar Osmanskog carstva pogledati u: Mujadžević, D. (2000). *Osmansko carstvo u tranziciji: Osmanski neuspješni put k modernitetu*. *Diskrepancija*, 1 (1).

⁶⁰ Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko carstvo*. Zagreb: Političke perspektive, 107.

⁶¹ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 61.

⁶² Asemoglu, D., Robinson, J. (2014). *Zašto narodi propadaju: Poreklo moći, prosperiteta i siromaštva*. Beograd: Clio, 358–429.

⁶³ Izvještaj stručnjaka o pitanjima vladavine prava u Bosni i Hercegovini (2019). Dostupno na: http://www.fcjp.ba/analize/PRIEBE_Izvjestaj.pdf (pristupljeno 1. 8. 2021).

Dalje, u Izvještaju se navodi:

„Nedovoljno je razvijena kultura transparentnosti i odgovornosti. Sudije i tužioci ne postupaju uvijek sa dovoljnom dozom transparentnosti. Presude nisu dovoljno obrazložene. Sudski postupci, kao i same pravosudne institucije, nisu dovoljno otvoreni za javnost i medije. Potrebno je bez odlaganja dovršiti, usvojiti i provesti dugoočekivanu komunikacijsku strategiju.”⁶⁴

Rezultat takvog rada institucija neminovno vodi ka korupciji, a kako se u Izvještaju navodi:

„U predmetima korupcije na visokom nivou su uočene neobjašnjive profesionalne i pravne greške, nemar, zloupotreba postupka i upitne sudske odluke. Pored toga, kako se čini, za te greške niko ne odgovara.”⁶⁵

Na pitanje da li Bosna i Hercegovina ima ekstraktivne institucije kao što je Osmansko carstvo imalo, nakon uvida u dijelove sadržaja Izvještaja, jasno je da je odgovor potvrđan. Bosna i Hercegovina se nalazi u „začaranom krugu” ili u „ukletoj spirali” i zbog toga reforme kojima se pokušava otkloniti korupcija ne daju rezultate. Problem, u smislu otklanjanja korupcije u Bosni i Hercegovini, je što se na korupciju gleda kao na uzrok, a u stvari ona je posljedica postojanja ekstraktivnih institucija. Institucije u Bosni i Hercegovini ne funkcionišu u interesu građana, nego u interesu samih sebe. Stoga citat da „Politika svakog osmanlijskog ministra ima za prvi cilj samog sebe”⁶⁶ primjenjiva je i danas u Bosni i Hercegovini, što objašnjava kako „ukleta spirala” opstanka ekstraktivnih institucija djeluje. Naravno, osmanske institucije nisu jedine u smislu „uklete spirale” utjecale na stvaranje ekstraktivnih institucija u Bosni i Hercegovini, nego je „ukleta spirala” od Osmanskog carstva nastavila da postoji u institucionalnoj historiji Bosne i Hercegovine, od Austrougarske do prve i druge Jugoslavije, pa sve do nezavisne Bosne i Hercegovine.

ZAŠTO JE ANDRIĆEVA DISERTACIJA BITNA I KAKO SE IZVUĆI IZ „UKLETE SPIRALE”?

U radu smo izanalizirali bitnije dijelove Andrićeve disertacije, na osnovu koje možemo zaključiti da je institucionalno obilježje osmanskih institucija bila korupcija. Iako je Andrićeva disertacija napisana s antiislamskim i antiturskim

⁶⁴ Izvještaj stručnjaka o pitanjima vladavine prava u Bosni i Hercegovini (2019). Dostupno na: http://www.fcjp.ba/analize/PRIEBE_Izvjestaj.pdf. (pristupljeno 1. 8. 2021).

⁶⁵ *Ibid.*

⁶⁶ V.: Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 191.

motivom, pokazali smo da je Andrićevo pisanje o korupciji u Osmanskom carstvu bilo naučno istinito. Stoga Andrićeva disertacija ima značaj za kritičko sagledavanje historije, kako bi se bolje razumijevala prošlost i kako bi se pronašla eventualna rješenja za budućnost. Iako Andrić nije u to vrijeme razumijevao značaj institucija te je, kako smo pokazali, korupciju pogrešno pripisivao turskom narodu a ne institucijama Osmanskog carstva, njegova disertacija je značajna za razumijevanje institucionalne historije Bosne i Hercegovine. Osmanske institucije su na području Bosne i Hercegovine djelovale skoro pola stoljeća,⁶⁷ što je u smislu „uklete spirale” razvoja ekstraktivnih institucija imalo značajan utjecaj. Stoga korupcija u Bosni i Hercegovini nije uzrokovana samo trenutnim sistemom, nego i historijskim naslijeđem Bosne i Hercegovine. U tom smislu postavlja se pitanje kako se izvući iz „uklete spirale” i početi razvijati inkluzivne institucije. Trenutno, formalne i površne promjene karakterišu Bosnu i Hercegovinu u borbi protiv korupcije. Ono što najviše ometa borbu protiv korupcije je, kako smo istakli, pogrešno razumijevanje korupcije kao uzroka a ne kao posljedice. Ekstraktivne institucije su te koje uzrokuju korupciju, te Bosni i Hercegovini je potrebna cjelokupna reforma koja će je izvući iz „uklete spirale” ekstraktivnih institucija.

Do sada sve strategije i reforme koje su imale za cilj smanjenje stepena korupcije nisu dale suštinske rezultate.⁶⁸ Na barometru korupcije za 2020. godinu Transparency International-a Bosna i Hercegovina se nalazi na 111. mjestu od 180 država u kojima se analiziralo stanje korupcije.⁶⁹ Prema izvještaju stanja vladavine prava World Justice Project-a, Bosna i Hercegovina najslabije rezultate ostvaruje u oblasti korupcije, ograničenja moći vlasti i građanskog sudstva.⁷⁰ To definitivno pokazuje da Bosna i Hercegovina do sada, suštinski, ništa nije postigla u borbi protiv korupcije i da reforme koje se trenutno sprovede ne daju suštinske rezultate. U tom smislu se postavlja pitanje: Kako se izvući iz „uklete spirale” ekstraktivnih institucija? Dosadašnje iskustvo pokazuje da površne i formalne reforme ne daju rezultate. Djelomičan odgovor na ovo pitanje su dali Deron Ačemoglu i Džejms Robinson, te Ahmet Kuru. Ačemoglu i Robinson izlazak iz „uklete spirale” nazivaju „razbijanjem kalupa”, a ono se dešava stvaranjem šire koalicije koja će stvoriti uslove za

⁶⁷ Osmansko carstvo je *de facto* vladalo područjem Bosne i Hercegovine od 1463. godine do 1878. godine, a *de iure* do 1908. godine.

⁶⁸ Lee-Jones, K. (2018). *Bosnia and Herzegovina: Overview of corruption and anti-corruption*. U4 Helpdesk Answer 2018:2.

⁶⁹ Transparency International. 2020. Dostupno na: <https://www.transparency.org/en/countries/bosnia-and-herzegovina> (pristupljeno 1. 8. 2021).

⁷⁰ The World Justice Project Rule of Law Index 2020. Dostupno na: https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf (pristupljeno 1. 8. 2021).

stvaranje inkluzivnih institucija.⁷¹ Ovakav odgovor, jasno je, ne daje nam dovoljno precizno rješenje kako Bosna i Hercegovina može izaći iz „uklete spirale”. Zbog toga ponuditi ćemo jasniji odgovor na prethodno pitanje, koji daje Ahmet Kuru, koji navodi da institucije same po sebi nemaju legitimitet i da legitimitet institucija ovisi od ideja, na osnovu kojih dobivaju neophodni legitimitet. U tom smislu Kuru ističe da su ekskluzivne ili ekstraktivne institucije Osmanskog carstva bile plod neefikasnih ideja koje je promovisala ulema.⁷² U tom smislu, ekstraktivne institucije u Bosni i Hercegovini nisu nastavile da postoje samo zbog toga što su postojale u prošlosti, nego zato što su ideje na kojima su se zasnivale u prošlosti nastavile da postoje i u budućnosti iako je, formalno, Bosna i Hercegovina institucionalno napredovala. Danas Bosna i Hercegovina postoji kao ustavna država sa modernim institucijama sudstva, zakonodavstva, izvršne vlasti, uprave, ali ideje koje su postojale u prošlosti postoje i danas. Osnovna ideja koja je postojala u Osmanskom carstvu u funkcionisanju institucija, kako smo istakli, je bilo odsustvo ideje vladavine prava, a prisutnost ideje o vlasti na osnovu samovolje vladara. Zbog toga se država smatrala nepogrešivom, dok državni službenici nisu radili u interesu stanovnika tog carstva nego u vlastitom interesu i interesu vlasti. Ta ideja nepromijenjena danas živi u Bosni i Hercegovini, te zbog toga institucije države ne služe građanima nego samima sebi, te u tom smislu država ne predstavlja servis građanima nego plijen za političke stranke, kako bi osvajanjem vlasti stekle moć koju bi mogli koristiti bez ograničenja. Stoga, za promjenu institucija u Bosni i Hercegovini iz ekstraktivnih ka inkluzivnim, potrebna je promjena osnovne ideje a to je usvajanje ideje vladavine prava ili, drugim riječima, usvajanje ideje da institucije treba da funkcionišu u interesu građana a ne u interesu vladajućeg režima. Tek u tom slučaju Bosna i Hercegovina će „razbiti kalup” i izaći iz „uklete spirale”, što će omogućiti efikasniju borbu protiv korupcije.

ZAKLJUČAK

Iako Andrićeva disertacija sa sobom nosi određeni antiislamski i antitur-ski karakter, ona predstavlja koristan izvor saznanja o načinu funkcionisanja osmanskih institucija. Zbog toga Andrićevu disertaciju u kontekstu korupcije

⁷¹ Asemoglu, D., Robinson. J. (2014). *Zašto narodi propadaju: Poreklo moći, prosperiteta i siromaštva*. Beograd: Clio, 358–429.

⁷² Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 64–65.

treba tumačiti objektivno, jer Andrićevo pisanje o korupciji u Osmanskom carstvu je bilo naučno osnovano. Objektivno sagledavanje historije u Bosni i Hercegovini može pomoći u trenutnoj borbi protiv korupcije. U tom smislu, potrebno je istaći da se Bosna i Hercegovina trenutno nalazi u „ukletoj spirali“ održavanja ekstraktivnih institucija, te se iz tog razloga za problem korupcije ne može pronaći adekvatno rješenje. Osnovni razlog je što u borbi protiv korupcije Bosna i Hercegovina pokušava otkloniti posljedicu (korupciju), umjesto otklanjanja uzroka (ekstraktivne institucije). Razlog opstanka ekstraktivnih institucija je u tome što su ideje na kojima su osnovane i na osnovu kojih su legitimizirale osmanske institucije, nastavile da postoje i danas u Bosni i Hercegovini. S tim u vezi za djelotvorniju borbu protiv korupcije potrebna je promjena ideja na osnovu kojih funkcionišu institucije, što će u određenom vremenskom periodu dovesti do stvaranja inkluzivnih institucija, a što će konsekventno dovesti do značajnog smanjenja stepena korupcije.

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THE INTERPRETATION OF ANDRIĆ'S DOCTORAL DISSERTATION THROUGH THE THEORY OF HISTORICAL INSTITUTIONALISM**

ABSTRACT: Andrić's doctoral dissertation, titled "Development of spiritual life in Bosnia under the influence of Turkish rule," has so far initiated many discussions, mostly criticism of the methodology used by Andrić in this dissertation, but also many criticisms related to challenging the scientific character of the dissertation itself. In this paper, the author focuses on a completely different segment of Andrić's dissertation, which previous analyses and critiques of Andrić's dissertation have not covered. The problem of corruption in the Ottoman Empire shall be the subject of the analysis, and certainly the problem of corruption in Bosnia as part of the Ottoman Empire. The paper analyses the scientific basis of Andrić's claims in the dissertation on the ubiquity of corruption in the Ottoman Empire, and the possible impact of the corruption of Ottoman institutions on the development of institutions in Bosnia and Herzegovina. The author explains the importance of Andrić's dissertation for a better understanding of the problem of corruption

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in the functioning of the institutions of Bosnia and Herzegovina with the theory of historical institutionalism.

Keywords: Ivo Andrić, corruption, Ottoman Empire, historical institutionalism, the rule of law

INTRODUCTION

Ivo Andrić's doctoral dissertation titled "Development of spiritual life in Bosnia under the influence of Turkish rule" has initiated numerous criticisms so far, most of which were based on the lack of a scientific character of the dissertation itself. For instance, Vedad Spahić writes that Andrić's dissertation represents a "culturological and historical pamphlet".¹ Apart from Spahić's critique, Andrić's dissertation, but also his other literary works, have provoked numerous other, mostly literary critiques.² It is interesting that Andrić's dissertation, apart from literary critiques, has not caused more significant legal criticisms given the fact that Andrić also criticises the Ottoman governance system. Due to his writing, Andrić has received an epithet of an ideological eurocentric close to racism.³ Duraković, like Spahić, challenges the scientific character of Andrić's dissertation by claiming that it is dominated by strong ideological and emotional conclusions that are not based on factographical and historiographical data.⁴ Clearly, Andrić's dissertation attracted a lot of criticism, and he was aware of that, which is why he avoided publishing it, and

¹ Spahić, V. (1999). *Hljeb od javorove kore: Ogled o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 51.

² For more on this subject, see Rizvić, M. (1995). *Bosanski muslimani u Andrićevu svijetu*. Sarajevo: Ljiljan. and Duraković, E. (1997). *Andrićevo djelo u tokovima ideologije evrocentrizma. The Signs of Time – Journal for Philosophy, Religion, Science, and Social Practice*. Sarajevo. For example, Esad Duraković writes, "Andrić's work belongs to the kind of literature which employs artistic devices to promote a powerful ideology which, in the contemporary world, would be called eurocentrism and whose strategic goals are manifested in partially successful attempts to denigrate the Orient and oriental spirituality, primarily oriental Islamic spirituality as a whole, to the point where this world and this spirituality become a conceptualized and 'justified' subject of negative treatment by powerful eurocentric powers. Eurocentrism functions in the humanities, in numerous cultural domains, and in the arts, whose exemplar is precisely Andrić's literary work, which has been doubly rewarded primarily for its ideological engagement more so than for its artistic merit: it received the Nobel Prize for Literature and simultaneously it became an obligatory reading in the world of eurocentric values, including the countries of former Yugoslavia, whereby this institutionalization has special significance for Bosniaks who are the subject of Andrić's artistic stereotyping." Duraković, E. (1997). *Op. cit.*

³ *Ibid.*

⁴ *Ibid.*

it was published by the Ivo Andrić Foundation in 1982, seven years after his death in a small number of copies.⁵ The dissertation itself was defended in Graz in 1924.⁶ It is also important to mention for the purpose of understanding Andrić's dissertation better, that Andrić belonged to a generation of Yugoslav youth which viewed the past negatively, which contributed to the dissertation's negative orientation towards the history of Ottoman rule.⁷ The basic critique of Andrić's dissertation and his other works concerns his anti-Islamic and anti-Turkish attitude. In this vein, Ahmed Aličić stressed that Andrić had an inherently negative attitude towards everything that was foreign, Turkish, regardless of whether it was good or bad.⁸ Spahić claims that Andrić had a pronouncedly anti-Islamic attitude, citing a passage from his dissertation

“...this place, like all other places in this discussion which deal with the influence of the Turkish rule should not be seen as a critique of the Islamic culture as such, but only as a critique of the consequences that arose as a result of its expansion to Christian territory.”⁹

In relation to this quote, Spahić concludes that according to Andrić, Islam represents a non-universal religion which carries darkness.¹⁰ A famous historian, Noel Malcolm, characterizes Andrić's dissertation as anti-Muslim, by pointing out that Andrić's claim that the “effect of the Ottoman rule was absolutely negative” shows his blind prejudice.¹¹ In this article, we will not deal with the question of the character of the dissertation itself. The focus of the paper will be on the corruption in the Ottoman Empire and its effects on the future institutional development of Bosnia and Herzegovina. The analysis of Andrić's work will show where Andrić correctly identifies the consequences of the Ottoman conquest of Bosnia, but we will also show how he makes a mistake in detecting the causes of those consequences. Moreover, through the use of the theory of historical institutionalism in interpreting Andrić's dissertation, we will explain the potential causes of corruption in Bosnia and Herzegovina.

Before initiating the analysis of the subject matter, we will define the notion of historical institutionalism even though we will tackle this notion

⁵ Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 52.

⁶ Dragić, M. (2003). *Doktorska disertacija Ive Andrića*. Motrišta, glasilo Matice hrvatske u Mostaru, 26.

⁷ Djihyang, K. (2010). *Andrićeva doktorska disertacija u svjetlu odnosa Istoka i Zapada*. The Institute of Ethnography SANU, LVIII/2010.

⁸ Aličić, S. A. (1999). *Književno djelo Ive Andrića i historijska stvarnost*. Tuzla: Andrić i Bošnjaci, 12.

⁹ See: Spahić, V. (1999). *Op. cit.*, 53–54.

¹⁰ *Ibid.*

¹¹ Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 196.

in more detail later on. Historical institutionalism does not represent a mere study of history. In contrast to the study of history, historical institutionalism investigates the role of institutions in structured behaviour. The most widely used definition of the notion of institutions is that they are sets of rules. The basic point of historical institutionalism is that the decisions that are made in the past affect the future. In other words, certain institutional blueprints in the past affect the future development of institutions.¹²

CONTEMPORARY VALORISATION OF ANDRIĆ'S DISSERTATION

In the previous section, we presented the stances of various authors who characterize Andrić as an anti-Islamic and anti-Turkish author. Such criticisms are justified to lesser or higher degrees. The problem of Andrić's dissertation is that it identifies Islam with the Ottoman Empire while at the same time using terms such as "Turkish" and "Ottoman", or "a Turk" and "a Muslim" inconsistently. Here, we will make a primary distinction between the notions "Turkish" and "Ottoman". The terms "Ottoman Empire" and "Turkey" are often confused in South Slavic historiography even though they denote different notions. The Ottoman Empire represents an empire that existed in the period between the end of the 13th century until 1922, when it formally ceased to exist. Turkey was an integral part of the Ottoman Empire, and after 1922 and the formal dissolution of the Empire, Turkey became an independent country. Therefore, the Ottoman Empire contained various peoples, including Turks, but also the peoples of the Balkans, Armenians, Greeks, etc. In that sense, it is incorrect and unjustified to identify the Ottoman Empire with just one of its peoples. Even though Turks represented the essence of the Ottoman Empire, they were not the only people who lived in the territory of the Empire. Also, the notions "Turk" and "Muslim" are confused in Andrić's work even though they are fundamentally different. A Muslim is a person who practices the Islamic faith and can refer to a person of any ethnicity while the term Turk signified an individual who belonged to the Turkish people during the Ottoman Empire while today it refers to a citizen of Turkey. In the remainder of the text, we will explain why Andrić makes a mistake in identifying Islam with the Ottoman Empire.

In his critique of Andrić, Spahić further cites a passage from his dissertation that reads,

¹² Steinmo, S. (2008). Historical institutionalism. D. Porta, M. Keating (Ed.), *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective* (118–139. ss.). Cambridge: Cambridge University Press, 123–128.

“...it was of decisive importance that at most important moment of its spiritual development, the peak of its spiritual turmoil, Bosnia was conquered by an Asiatic war-like people whose social institutions and customs meant a negation of Christian culture and whose faith – created under different social and climate conditions and incapable of all forms of readjustment – interrupted the spiritual life of the country, deformed it and made that life completely unique.”¹³

This conclusion on Andrić’s part depicts his intention to portray the negative impact of Ottoman rule on the future spiritual development of Bosnia and Herzegovina.

In the contemporary understanding of the history of the development of institutions in different civilizations, this conclusion is partially supported. The partial support for Andrić’s conclusion is found in his statement that Bosnia was conquered by an Asiatic war-like people at the most critical moment.¹⁴ A similar claim was made by Mehmed Begović, who, in relation to the Ottoman conquest of Bosnia and the arrival of Islam, states,

“...we adopt Islam in the 16th and 17th centuries, precisely at the darkest time in the history of Islam, at a time when the Islamic community finds itself in decline. We adopted Islam through the Turks, a people who were at the same stage of cultural and civilizational development as the Arabs. It was a people with innate military capabilities whose ideal of governance was to conquer and subjugate peoples to the Islamic community by force. Turkey did not attempt to educate the masses that adopted Islam about the principles of this faith. It found it sufficient that these new Muslims appeared as believers formally and from the outside. From this, it is possible to understand the fact that Turks were never able to enjoy special respect of the islamized masses, let alone assimilate them as was the case with the Arabs who made the conquered peoples not only into Muslims but also into Arabs.”¹⁵

In this vein, the Ottoman Empire truly represented a warrior country which based its profits on the spoils of war. As explained by Ahmet Kuru, the military titles that were assigned to the *ulama* and state officials point out the military character of the Ottoman state structure. The main judge of Anatolia and the main judge of the courts on the Balkans, were called *kadiasker* (military *kadi*/judge), even though they were civilians and members of the *ulama*. Similarly, governors and other high officials could receive the title *paşa* (general)

¹³ See: Spahić, V. (1999). *Hljeb od javorove kore: Ogljed o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

¹⁴ *Ibid.*

¹⁵ Begović, M. (1931). *O položaju i dužnostima muslimanke prema islamskoj nauci i duhu današnjeg vremena*. Belgrade: Planeta, 64–65.

even if they were actually civilians.¹⁶ In that context, the structure of the Ottoman Empire tells us that the Ottoman state was a military state, that is, a state whose functioning was based on constant wars. In this context, Andrić mistakenly identifies the Turkish people or the Ottoman people as war-like people. Here, one can note that Andrić approached the writing of his doctoral dissertation as a writer and he makes this conclusion more as a literary author rather than a historian, which does not absolve him from his mistaken conclusions. The behaviours and dispositions of a people are shaped by institutions so a certain people cannot be warlike or peaceful per se. Instead, the institutions within which the people live and act can incentivize warlike or peaceful activities.

Daron Acemoglu and James Robinson point out how different institutions can cause different behaviours in one and the same people on the example of South and North Korea. Koreans represent a single people with the same language, culture and ethnicity, but South Korea is one of the richest countries in the world while North Korea is one of the poorest countries in the world. The difference between these two countries is that in South Korea, there are inclusive institutions that incentivize progress while in North Korea there are extractive institutions that disincentivize any form of progress.¹⁷ The example of South and North Korea shows that people are not predisposed to be warlike or peaceful or progressive or backward, and the institutions are those that incentivize the given behaviours in people. Therefore, state institutions can be warlike but not is people, and the institutions of the Ottoman Empire were certainly structured militarily, as we showed, which is why Andrić is only partially correct in this assertion.

Furthermore, Andrić's claim that "social institutions [of the Ottoman Empire] meant the negation of Christian culture"¹⁸ was wrong because the institutions of the Ottoman Empire were not exclusively based on Islamic principles. More precisely, the Ottoman Empire functioned on the basis of *sharia* law and the *qanun*. Roughly speaking, the *qanun* represented the sultan's law, which is passed by the sultan via decree, while *sharia* law is eternal in that sense and it exists independently of the actions of particular individuals. The interpretation of *sharia* law was performed by the *ulama* and they passed the *fatwah* (legal opinions) about some questions that were controversial. Also, the Ottomans allowed the customs that were encountered on the conquered

¹⁶ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 182.

¹⁷ Acemoglu, D., Robinson, J. (2014). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Belgrade: Clio, 70.

¹⁸ See: Spahić, V. (1999). *Hljeb od javorove kore: Ogled o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

territories to continue to exist in order to prevent disturbances within the given communities.¹⁹

In the Empire, numerous questions, primarily in the domains of administrative, criminal, and international law were resolved in the *qanun*. Furthermore, in this period, a practice of issuing collections of *qanuns* was developed.²⁰ Although, in general, the sultan's *qanun* had to be made compatible with *sharia*, there were periods in the history of the Ottoman Empire when *qanuns* simply suppressed the *sharia*.²¹ Therefore, in the Ottoman Empire, there were two sources of law: the sultan's *qanuns* and *sharia* which was applied on the basis of the *ulama*'s interpretation. In that sense, as pointed out by Halil Inaldžik (*Halil Inalçik*), the Ottoman institutions were not an innovation or purely authentic. Instead, they were an instance of the application of Middle Eastern, primarily Abbasid, Persian, and Byzantine traditions.²² That way, the two basic institutions of the Ottoman Empire – slavery and the *timar* system – were actually the products of a centuries-old Middle Eastern state practice. The *timar* system, thus, represents a continuation and a modification of the Byzantine institution of the *pronoia*.²³

From the argumentation outlined above, one can see that the Ottoman Empire did not function strictly on the basis of Islamic legal sources. Moreover, the Ottoman Empire based the functioning of its state institutions on traditions that were not Islamic, such as the Byzantine ones, which is why the argument from Andrić's dissertation that the social institutions and tradition meant the negation of the Christian faith is not valid. This is because if Christianity could exist within the Byzantine Empire, there is no reason why a similar system that existed in the Ottoman Empire meant the negation of Christianity. Consequently, this assertion from Andrić's dissertation is mistaken. Also, the *millet* system that existed in the Ottoman Empire contradicts Andrić's conclusion.

In the end, part of the conclusion that states that “the faith that emerged under different social and climate conditions and was incapable of any kind of readjustment”²⁴ is not scientifically supported. Of course, Andrić is referring to Islam here, and, as Spahić points out, here one can notice an anti-Islamic

¹⁹ Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Belgrade: Utopija, 111.

²⁰ Memišević, E. (2019). *Sudovi: komparativna studija*. Sarajevo: Center for Advanced Studies, 167.

²¹ *Ibid.*

²² Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko Carstvo*. Zagreb: Političke perspektive, 103–104.

²³ *Ibid.*

²⁴ See: Spahić, V. (1999). *Hljeb od javorove kore: Ogled o Andrićevoj doktorskoj disertaciji*. Tuzla: Andrić i Bošnjaci, 53.

attitude on Andrić's part. In this context, Andrić makes a mistake by denying Islam's capacity for adjustment based on the fact that Islam emerged under different social and climate conditions. Here, following Weber's lead, Andrić attempts to portray Islam as a religion that is not suitable for European soil and present it as a warlike religion. As was pointed out by Ahmet Kuru, like other monotheistic religions, Islam is neither a warlike nor a peaceful religion, per se; however, the interpretations of religion can be radical or peaceful.²⁵ In that context, Andrić mistakenly identifies Islam as a religion which cannot be adjusted to European soil, while it is true that the Ottoman way of ruling was not acceptable for the spiritual and intellectual development of the society and the state. Here we are primarily speaking about the enablement of the free development of science. As we will show in the remainder of the text, the Ottoman Empire was not a country that enabled freedom and creativity in science, which certainly had a negative impact on the spiritual and intellectual development of the society and the state.

In this vein, Inaldžik claims that scientific research in the Ottoman Empire was impeded by the orthodox interpretation of Islam, whose *ulama* considered religious study as the only real form of knowledge whose only goal was the understanding of the Quran.²⁶ The Quran and the Sunna were the basis of this teaching while the use of reason was neglected. This way of understanding the religion of Islam shackled the Islamic thought within the Ottoman Empire and made it impossible for the Muslim thinkers to introduce any kind of innovation.²⁷ The alliance between the *ulama* and the state, which existed in the Ottoman Empire, blocked an innovative approach to the interpretation of Islam.²⁸ The best indicator of the intellectual backwardness of the Ottoman Empire in comparison to the West is the example of printed books. The first book that was printed in the West came out in 1455 while the Ottoman Empire allowed book printing in 1727, while the first book was not printed until 1729.²⁹ Therefore, Andrić's conclusion, which Spahić and many other criticized, is to a certain extent anti-Islamic, but it is also partly correct but with a mistaken identification of Islam with the Ottoman Empire; whereas we have shown that the institutions of the Ottoman Empire were not based exclusively on the Islamic principles, which is why Andrić mistakenly identifies the problem with Islam,

²⁵ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 21–22.

²⁶ Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Belgrade: Utopija, 269.

²⁷ *Ibid.*

²⁸ Kuru, A. T. (2019). *Op. cit.*, 169–185.

²⁹ Diner, D. (2015). *Zapečaćeno vrijeme: o zastoju u islamskom svijetu*. Sarajevo: Šahinpašić, 79–92 and Kuru, A. T. (2019). *op. cit.*, 207.

while the real problem was in the governance system of the Ottomans.³⁰ Clearly, in this conclusion, Andrić recognizes the consequences but he does not identify the causes behind them because, in some sense, Andrić blames Islam as a religion which is not capable of adjustment, but the truth is that the form of government in the Ottoman Empire, or better yet, the way of interpreting Islam in the Ottoman Empire was not suitable for intellectual and spiritual development. Therefore, Andrić's dissertation, one can freely say, offers a correct view of the consequences of the conquest of Bosnia by the Ottoman Empire, but it fails to identify the causes behind those consequences.

CORRUPTION IN THE OTTOMAN EMPIRE IN ANDRIĆ'S DISSERTATION

The theme of corruption runs through Andrić's entire dissertation, and, consequently, on the basis of this dissertation, one could conclude that corruption was the main mechanism of functioning in the Ottoman Empire. In that vein, when Andrić writes about the negative impact of *devşirme* (the forcible recruitment of young boys from Christian regions into the sultan's army), he lists the ways in which Christian parents avoided handing their children over to the Ottoman authorities:

“It is understandable that Christian parents did everything they could to save their children and keep them in their families. The most common way of doing so was by bribing the commissar who was incentivized to recruit one child instead of another with money. This was the reason why the sultan's court officials fought to be sent on these missions.”³¹

Further, while describing the ways in which Ottoman institutions functioned, Andrić always touches upon the subject of corruption.

In relation to the application of rules that restricted the freedoms of Christians and Jews, Andrić writes,

“It is beyond any doubt that each of these rules was strictly and literally applied, just like it is perfectly clear that Christians and Jews – which

³⁰ E.g. Andrić states that *qanuns* restricted the practice of the Christian and Jewish religions, but the *qanun* represents the collection of Ottoman regulations and not the rules of Islam as a religion. See: Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Belgrade: Ethos, 38–40.

³¹ Andrić, I. (2017). *Op. cit.*, 36.

will be examined in more detail in what follows – were able to bypass many provisions of this *qanun* through bribery or cunningness.”³²

We can see that bribery, as Andrić claims, was a normal occurrence in the practice of the Ottoman authorities. Of course, if it was possible to bypass the rules by means of bribery, it is to be expected that there was also an abuse of power on the part of the authorities. In this regard, in his dissertation, Andrić states that taxes were collected unjustly and in an inappropriate manner.³³ The tax for non-Muslims was collected for each non-Muslim individual who was above 14 years of age, and it amounted to one ducat per year. The problem with the collection of this tax was that in the Ottoman Empire, there was no birth register and the tax collectors used ropes to measure the circumference of the head and the width of the neck in order to determine the age of a child. About the abuse during tax collection, Andrić writes,

“The abuse, which quickly became widespread, led to the situation in which in the last century of the Ottoman rule every male child regardless of age was subject to taxation.”³⁴

Certainly, the ottoman system in which there was no birth register enabled the abuses in tax collection.

What enabled the corruption within the legal system of the Ottoman Empire was the completely centralized system in which all authority belonged to the sultan. In this vein, Andrić writes in his dissertation about how in 1762, the Franciscans sent their emissaries to Istanbul in order to lobby the sultan for a permission for the renovations of the roofs of three monastery dormitories.³⁵ Further, what enabled the corruption in the Ottoman Empire, according to Andrić, was the manner of financing and the mechanisms of obtaining positions in the courts and in government. In this context, Andrić writes,

“...In the vizier's entourage, there regularly were numerous servants and officials with various titles who made their livings exclusively from bribery and extortion. Neither the government nor the court officials (kadis and musedims) received regular wages. Instead, they had to give significant portions of their wages in order to obtain positions. However, from bribery and extortion, they satisfied all their costs of living and managed to extract the sums that they paid for their positions.”³⁶

³² *Ibid.*, 40.

³³ Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Belgrade: Ethos, 42.

³⁴ *Ibid.*, 42.

³⁵ *Ibid.*, 44.

³⁶ *Ibid.*, 56.

This system, which, according to Andrić, did not guarantee financial security to the employees in government or in the courts unavoidably led to corruption. The part of Andrić's dissertation which is debatable in relation to corruption is that he considered corruption an inherent trait of the Turkish people, and in this regard, he claims,

“The venality that, as it seems, the Turks as a vice of their race already exhibited when they first appeared, grew more and more with the decrease of their power and it spread its harmful and destructive impact across the country.”³⁷

This claim on Andrić's part is, in addition to being wrong, also racist. A certain people cannot be inclined to corruption and it is the institutions that create a suitable climate for corruption. The institutions of the Ottoman Empire were predisposed for corruption because of their extractive nature as pointed out by Čorbić,³⁸ and the lack of financial security of the employees of the government and court organs as well as a highly formalist and centralized form of government unavoidably led to corruption. This was confirmed by Noel Malcolm who claims that corruption was not the consequence of a general moral decline but the mistakes in the political and governmental system.³⁹

THE HISTORICAL ACCURACY OF ANDRIĆ'S CLAIMS ABOUT THE CORRUPTION IN THE OTTOMAN EMPIRE?

The question that arises is whether Andrić's claims about the corruption in the Ottoman Empire were historically and scientifically true or were they the fruit of his negative stance towards the Ottoman Empire? Here, we will try to answer this question by analysing the relevant articles that have dealt with the issue of corruption in the Ottoman Empire. As a historian, Aličić claims that Andrić was exceptionally familiar with the historical literature and travel journals about Bosnia, which is why one can expect his claims about corruption to be true.⁴⁰ In his book titled *The Ottoman Empire: the Classical Age*

³⁷ Andrić, I. (2017). *Razvoj duhovnog života u Bosni pod uticajem turske vladavine*. Belgrade: Ethos, 57.

³⁸ Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko Carstvo*. Zagreb: Političke perspektive, 106–108.

³⁹ Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 191.

⁴⁰ Aličić, S. A. (1999). *Književno djelo Ive Andrića i historijska stvarnost*. Tuzla: Andrić i Bošnjaci, 13.

1300–1600, Halil Inaldžik writes that corruption was the cause of the fall of the Ottoman Empire.⁴¹ In relation to that, Inaldžik writes,

“Searching for the causes of decline, Turkish writers realized that the institutions of the old Ottoman order had become decadent, but they attribute that fact to the limitations and fragmentation of the sultan’s authority. They claimed that in the past, only the Grand Vizier represented the sultan’s absolute authority, but weaker sultans transferred their authorities to unaccountable persons, which is why the Ottoman administration lost its unity. Individuals started to use the sultan’s authority for their personal purposes, which is why bribery and corruption grew at worrisome rates. In their assessment, bribery was one of the main reasons behind the weakening of the state organization and administration.”⁴²

Even though Inaldžik claims that the Turkish writers mistakenly identified the causes of corruption in the Ottoman Empire, what is important for this article is to establish whether corruption was indeed at the level described in Andrić’s dissertation. Furthermore, Inaldžik explains,

“And yet, the bureaucrats did not always act in the best interests of the state. From the end of the 16th century, bribery took over even among the highest public officials. Forgery of the fermans was punished by cutting off the perpetrator’s hand or execution, but despite these strict measures, a major cause of the decline in the state system was the fact that the officials issued multiple benefits for the same estate in exchange for bribery.”⁴³

Also, Fynes Morison provides a portrayal of corruption in the Ottoman Empire by writing during his stay in Istanbul that no judge, nor any other privileged individual, will do anything for another person without a gift and continues to say that the courts of the Ottoman authorities were corrupted with bribery.⁴⁴ As pointed out by Mezzoli, in the Ottoman Empire there was an unorganized administrative structure, where officials felt empowered to compete with each other in the abuses of government orders in order to obtain certain profits. From this perception, continues Mezzoli, it seems that the abuses of the Ottoman officials in Bosnia were almost a natural consequence of the inefficient

⁴¹ Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Belgrade: Utopija, 73.

⁴² Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Belgrade: Utopija, 73.

⁴³ *Ibid*, 161.

⁴⁴ See Mezzoli, E. (2020). *Chapter 7 Trade, Diplomacy, and Corruption in Seventeenth-Century Ottoman Bosnia: The Ragusan Experience of a Complex Relationship*. K. Gábor (Ed.), *Tributaries and Peripheries of the Ottoman Empire (161–187. ss.)*. Leiden: Brill, 185–186.

administrative structure, which created a lot of space for the illegal actions of the officials.⁴⁵ Sir James Porter, an English diplomat, wrote that “the politics of every Ottoman minister has his own interests as the primary goal.”⁴⁶ In a research that focused on the institutional effects of the Military Frontier on the modern institutions of Croatia, Marina Tkalec states that people who settled in the Military Frontier from the east brought with them the culture of the East and the Ottomans, and, as Tkalec further explains, given that the Ottoman Empire, unlike the Habsburg one, was not ruled by law, it is not surprising that corruption held on for a longer period of time in those areas.⁴⁷ This thesis was responded to by a society of Turkologists and historians who disputed Tkalec’s claim that the Ottoman Empire was not ruled by law. As stated in the response,

“...In the 16th century, when the majority of Croatian territories came into contact with the Ottomans, the Ottoman Empire was one of the best organized state structures, a fully formed society with a legal and governance system. The legal system of the Ottomans rested on the Islamic religious law (the sharia), secular laws (qanuns) that were issued by the sultan and the customary law of the conquered people that continued to apply if they were not in contradiction with the sharia law.”⁴⁸

In the reminder of the text, it is stated that

“...therefore, the conclusion that the Ottoman Empire was not ruled by law is unfounded, and it was reached without consulting a single historical study of the legal institutions of the Ottoman Empire, a single synthesis of the Ottoman history and the history of the Croatian lands under the Ottoman rule or, for that matter, a single study of the economic or political history of the Ottoman Empire.”⁴⁹

Clearly, Tkalec is mistaken in her claim that the Ottoman Empire was not ruled by law. That is, Tkalec makes a terminological mistake because there was no rule of law in the Ottoman Empire, but power was clearly based on laws, as stated in the response to this author’s claims. In this context, Avi Rubin offered a significant explanation by pointing out that the Ottoman Empire did not

⁴⁵ See Mezzoli, E. (2020). *Chapter 7 Trade, Diplomacy, and Corruption in Seventeenth-Century Ottoman Bosnia: The Ragusan Experience of a Complex Relationship*. K. Gábor (Ed.), *Tributaries and Peripheries of the Ottoman Empire (161–187. ss.)*. Leiden: Brill, 185–186.

⁴⁶ See: Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 191.

⁴⁷ Tkalec, M. (2020). *History matters: development and institutional persistence of the Habsburg Military Frontier in Croatia*. *Public Sector Economics*, 44 (1), 14.

⁴⁸ Korupcija kao osmansko pravno nasljeđe u Hrvatskoj?. Available at: <https://historiografija.hr/?p=26369>. (Accessed on August 1, 2021).

⁴⁹ *Ibid.*

practice the rule of law in the substantive sense, i.e., there was not constitutional rule which would restrict the power of the ruler, especially during the autocratic reign of *Abdülhamit II* (1876–1909),⁵⁰ but there was a formal rule of law where the courts functioned and the division of power and systems of responsibility were implemented in the Ottoman institutions. In relation to this, Avi Rubin emphasizes that in the Ottoman Empire there was a *thin* or formal rule of law or, better put, there was a *rule by law* system.⁵¹ Therefore, Tkalec's claim that in the Ottoman Empire there was no rule of law is incorrect, but there was no rule of law that would guarantee just rule either. In sum, having consulted the literature that studies the corruption in the Ottoman Empire, we can conclude that Andrić's claims about the corruption in the Ottoman Empire and consequently in Bosnia are scientifically and historically accurate.

THE IMPACT OF CORRUPTION IN THE OTTOMAN EMPIRE ON THE DEVELOPMENT OF INSTITUTIONS IN BOSNIA AND HERZEGOVINA – THE THEORY OF HISTORICAL INSTITUTIONALISM

Lowndes states that historical institutionalism

“...studies the way in which institutional choices that were made in the early phase of the development of a particular area of public policy restrict policy decisions later on.”⁵²

Douglass North, one of the leading theoreticians in this field, in relation to the significance of history for future development, states that

“...the present and the future are linked to the past through the continuity of social institutions. Today's and tomorrow's choices are shaped by the past.”⁵³

⁵⁰ See: Akyol, M., (2021), *Why as a Muslim I Defend Liberty*. Washington: Cato Institute, 51. As stated by Akyol, citing Ruth Austin Miller, the Ottoman Empire went from Islamic jurisprudence to fascism, that is, Miller uses the term fascism to signify the glorification of the state and the instrumentalization of the law by the state.

⁵¹ Rubin, A. (2017). Was there a rule of law in the late Ottoman Empire?. *British Journal of Middle Eastern Studies*, 16.

⁵² Lowndes, V. (2005). Institucionalizam. D. Marsh, G. Stoker (Ed.), *Teorije i metode političke znanosti*. Zagreb: Faculty of Political Sciences, 97.

⁵³ See: Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 64.

Daron Acemoglu and James Robinson are also guided by the thesis that history influences the development of institutions. In relation to this, these two authors state:

“The outcomes of the events during critical junctures are shaped by the weight of history, as existing economic and political institutions shape the balance of power and delineate what is politically feasible. The outcome, however, is not historically predetermined but contingent. The exact path of institutional development during these periods depends on which one of the opposing forces will succeed, which groups will be able to form effective coalitions, and which leaders will be able to structure events to their advantage.”⁵⁴

On this basis, it is possible to find the reason for the decadence of Muslims in relation to the West because, as explained by Kuru, in the beginning, the Muslim scholars enjoyed freedom and independence because they were financed or self-financed from commerce,⁵⁵ but after the invasions of the Mongols from the East and Crusaders from the West, Muslims stopped feeling safe and they put more and more trust in the state so that through the creation of the Ottoman Empire, the mercantile class lost power and consequently the possibility of financing scholars and the *ulema* through commerce disappeared. In this way, the *ulema* entered into an alliance with the state and it essentially loses independence, so the *ulema* simply stopped being the generator of development and started being a means for the legitimation of the actions of the government in the Ottoman Empire.⁵⁶

In this sense, there was a change in the basic idea about the functioning of the state in the Muslim world. The characteristic of the early Islamic identity was, among other things, a strong commitment to the rule of law.⁵⁷ By forging an alliance with the state, in this case the Ottoman Empire, the *ulema* lost its basic independence and from an institution which was supposed to be a critical corrective of state power, it became a means of legitimizing the actions of the state. In this way, the idea about the fallibility of the state and the obligation of functioning in the interest of the citizens disappeared, and the idea about the infallibility of the state which functions in its own interest and not in

⁵⁴ Acemoglu, D., Robinson, J. (2014). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Belgrade: Clio, 124.

⁵⁵ 72,5% of Muslim scholars between the eight and the first half of the eleventh centuries were merchants or worked in the industry or their families were engaged in those activities.

⁵⁶ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 203.

⁵⁷ *Ibid.*, 89.

the interest of the citizens took its place.⁵⁸ The development of this idea caused the maintenance of extractive institutions in the Ottoman Empire even though later reforms made an attempt to improve this condition, but because of their superficial character, these reforms did not yield results.⁵⁹

Why is this important for Bosnia and Herzegovina? In the previous part of the article, we established that corruption was a continuous phenomenon in the Ottoman Empire and consequently in Bosnia as its part. The question that emerges is whether there is a connection between the corruption that existed in the Ottoman Empire and the corruption that is present to a high degree in Bosnia and Herzegovina? In the context of corruption as a legacy of the Ottoman Empire, Čorbić states,

“A complex bureaucratic practice accompanied by corruption has remained the main institutional legacy of all the countries in the post-Ottoman space, which directs us towards the category of extractive institutions mentioned earlier.”⁶⁰

However, the question that arises is how can the corruption that existed in the Ottoman Empire influence Bosnia and Herzegovina? Kuru explains this with the term “vicious circle”, and as emphasized by Robert Putnam, corruption and a lack of trust in state institutions are two elements of the “vicious circle”.⁶¹ The continued existence of extractive institutions is explained by Acemoglu and Robinson through the “cursed spiral”.⁶² Can the corruption in Bosnia and Herzegovina be explained by the existence of extractive institutions the same way that Čorbić explains the corruption in the Ottoman Empire? The expert report on the issues of the rule of law in Bosnia and Herzegovina (hereinafter: the Report) composed towards the end of 2019 can help us answer this question. The Report states:

⁵⁸ The proof of this is the claim by Inaldžik that Ottoman scribes mistakenly interpreted the causes of corruption because they were guided by the wrong idea that all the power belongs to the ruler, which was in total contradiction with the idea of the rule of law. Inaldžik, H. (2003). *Osmansko Carstvo: Klasično doba 1300–1600*. Belgrade: Utopija, 73.

⁵⁹ On the failures of the reforms within the Ottoman Empire, see: Mujadžević, D. (2000). *Osmansko Carstvo u tranziciji: Osmanski neuspješni put k modernitetu. Diskrepancija : studentski časopis za društveno-humanističke teme*, 1 (1). Zagreb: Filozofski fakultet Sveučilišta u Zagrebu.

⁶⁰ Čorbić, D. (2021). *Istorijski institucionalizam, Balkan i Osmansko Carstvo*. Zagreb: Političke perspektive, 107.

⁶¹ Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 61.

⁶² Acemoglu, D., Robinson. J. (2014). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Belgrade: Clio, 358–429.

“The realization of the rule of law is insufficient, often due to poor human resource management, political influence and the shortage of the culture of responsibility and transparency. When a particular reform is instituted, its implementation and regular systematic monitoring are often absent.”⁶³

Further, the Report states that

“The culture of transparency and responsibility is underdeveloped. The judges and the prosecutors do not always act with a sufficient level of transparency. The verdicts are not sufficiently well-argued. Court processes and the judicial institutions themselves are not sufficiently open to the public and the media. It is necessary to complete, adopt, and implement the long-awaited communication strategy without postponement.”⁶⁴

The result of this form of institutional functioning unavoidably leads to corruption, and, as stated in the Report,

“...in cases dealing with corruption in high offices, inexplicable professional and legal errors, neglect, violations of legal procedure and questionable court decisions were observed.”⁶⁵

Regarding the question whether Bosnia and Herzegovina has extractive institutions such as the ones in the Ottoman Empire, after the examination of the parts of the Report, it is clear that the answer is affirmative. Bosnia and Herzegovina finds itself in a “vicious circle” or “cursed spiral”, which is why the reforms designed to address and remove corruption do not yield results. The problem regarding the elimination of corruption in Bosnia and Herzegovina is that it is viewed as a cause while it is in reality a consequence of the existence of extractive institutions. The institutions in Bosnia and Herzegovina do not function in the interest of the citizens but in their own interest. Therefore, the quote that “the politics of every Ottoman minister has himself as the primary goal”⁶⁶ is applicable to Bosnia and Herzegovina today, which explains how the “cursed spiral” of the continued existence of extractive institutions manifests itself. Of course, the Ottoman institutions were not the only ones that acted in the manner of the “cursed spiral” to create the extractive institutions in Bosnia and Herzegovina. Instead, the “cursed spiral” remained in place from

⁶³ Izvještaj stručnjaka o pitanjima vladavine prava u Bosni i Hercegovini (2019). Available at: http://www.fcjp.ba/analize/PRIEBE_Izvjestaj.pdf (Accessed on August 1, 2021)

⁶⁴ Izvještaj stručnjaka o pitanjima vladavine prava u Bosni i Hercegovini (2019). Available at: http://www.fcjp.ba/analize/PRIEBE_Izvjestaj.pdf (Accessed on August 1, 2021).

⁶⁵ *Ibid.*

⁶⁶ See: Malcolm, N. (2011). *Bosna: kratka povijest*. Sarajevo: Buybook, 191.

the Ottoman Empire in the institutional history of Bosnia and Herzegovina to Austria-Hungary to the first and second Yugoslavia all the way to the independent Bosnia and Herzegovina.

WHY IS ANDRIĆ'S DISSERTATION IMPORTANT AND HOW TO ESCAPE THE "CURSED SPIRAL"?

In this article, we analysed the more significant parts of Andrić's dissertation, on the basis of which we can conclude that corruption was an institutional feature of the Ottoman institutions. Even though Andrić's dissertation was written with an anti-Islamic and anti-Turkish motive, we showed that his writing on corruption in the Ottoman Empire was scientifically accurate. Therefore, Andrić's dissertation has its importance for the critical evaluation of history in order to better understand the past and find potential solutions for the future. Even though Andrić did not understand the significance of institutions at the time and, as we showed, mistakenly attributed corruption to the Turkish people and not the institutions of the Ottoman Empire, his dissertation is significant for the understanding of the institutional history of Bosnia and Herzegovina. The Ottoman institutions functioned on the territory of Bosnia and Herzegovina for almost half a millennium,⁶⁷ which had a significant impact on the development of institutions in the sense of the "cursed spiral". Therefore, corruption in Bosnia and Herzegovina is not only caused by the contemporary situation, but also by the historical legacy of Bosnia and Herzegovina. In that sense, the question that arises is how to escape the "cursed spiral" and start developing inclusive institutions? At the moment, formal and superficial changes characterize Bosnia and Herzegovina's struggle against corruption. What disturbs the fight against corruption the most is, as we pointed out, the mistaken understanding of corruption as a cause rather than a consequence. Extractive institutions are those that cause corruption, which is why a wholesale reform needs to happen in Bosnia and Herzegovina in order to escape the "cursed spiral" of extractive institutions.

Up until now, all the strategies and reforms that had the goal of reducing the degree of corruption did not produce substantial results.⁶⁸ Transparency International's barometer of corruption for 2020 placed Bosnia and Herzegovina in the 111th position out of 180 countries in which the state of corruption

⁶⁷ The Ottoman Empire *de facto* ruled the territory of Bosnia and Herzegovina from 1463 until 1878 and *de iure* until 1908.

⁶⁸ Lee-Jones, K. (2018). *Bosnia and Herzegovina: Overview of corruption and anti-corruption*. U4 Helpdesk Answer 2018:2.

was analysed.⁶⁹ According to the report on the situation of the rule of law of the World Justice Project, Bosnia and Herzegovina is making the slowest progress in the areas of corruption, limitations of the power of the authorities and the civil judiciary.⁷⁰ This clearly shows that Bosnia and Herzegovina has not achieved any substantial results in the struggle against corruption and the reforms that are being carried out are not yielding significant results. In that sense, the question that emerges is how to escape the “cursed spiral” of extractive institutions. The experience so far has shown that superficial and formal reforms are not effective. A partial response to the question was given by Daron Acemoglu and James Robinson as well as Ahmet Kuru. Acemoglu and Robinson refer to the escape from the “cursed spiral” as “the destruction of the mould” and this happens through the creation of a broad coalition which will create the conditions for the development of inclusive institutions.⁷¹ This answer clearly does not provide a precise solution as to how Bosnia and Herzegovina can escape the “cursed spiral”. For this reason, we will offer a clearer answer to this question provided by Ahmet Kuru, who states that institutions are not legitimate by themselves and the legitimacy of institutions depends on the ideas on the basis of which they obtain the necessary legitimacy. In this sense, Kuru points out that exclusive and extractive institutions of the Ottoman Empire were the fruit of inefficient ideas which were promoted by the *ulama*.⁷² Therefore, the extractive institutions of Bosnia and Herzegovina did not continue to exist simply because they existed in the past but because the ideas that they were based on in the past continued to exist in the future, even though Bosnia and Herzegovina made some formal institutional progress. Today, Bosnia and Herzegovina exists as a constitutional state with modern judicial institutions, legislature, the executive branch, and the administration, but the ideas that existed in the past also exist today. The basic idea that existed in the Ottoman Empire in the functioning of the institutions, as we pointed out, was the absence of the rule of law and the presence of the idea about the supreme rule of the monarch. For this reason, the state was considered to be infallible while state officials did not work in the interests of the citizens of that Empire but in their own interests and the interests of the authorities. This same idea

⁶⁹ Transparency International. 2020. Available at: <https://www.transparency.org/en/countries/bosnia-and-herzegovina>. (Accessed on August 1, 2021.)

⁷⁰ The World Justice Project Rule of Law Index 2020. Available at: https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2020-Online_0.pdf. (Accessed on August 1, 2021.)

⁷¹ Acemoglu, D., Robinson. J. (2014). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Belgrade: Clio, 358–429.

⁷² Kuru, A. T. (2019). *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison*. New York: Cambridge University Press, 64–65.

still lives in Bosnia and Herzegovina, which is why state institutions do not serve the citizens but themselves so, in that sense, the state does not represent a service for the citizens but prey for the political parties to obtain unrestricted privileges by gaining power. Therefore, for the change of the institutions of Bosnia and Herzegovina from extractive ones to inclusive ones to happen, a change of the basic idea is necessary, which is the adoption of the idea of the rule of law, or, in other words, the adoption of the idea that institutions should function in the interest of the citizens and not in the interest of the ruling regime. Only in that case will Bosnia and Herzegovina “break the mould” and exit the “cursed spiral” which would enable the fight against corruption.

CONCLUSION

Even though Andrić's dissertation carries a certain anti-Islamic and anti-Turkish character, it represents a useful source of knowledge about the functioning of the Ottoman institutions. For this reason, Andrić's dissertation, as pertaining to issues of corruption, should be interpreted objectively because his writing about corruption in the Ottoman Empire was scientifically-based. An objective evaluation of the history of Bosnia and Herzegovina can help in the contemporary fight against corruption. In that sense, it is necessary to point out that Bosnia and Herzegovina currently finds itself in a “cursed spiral” in which extractive institutions are maintained, which is why the problem of corruption cannot find an adequate solution. The main reason is that the fight against corruption in Bosnia and Herzegovina attempts to remove the consequence (corruption), instead of removing the cause (extractive institutions). The reason for the continued existence of extractive institutions is the fact that the ideas on which they were founded are the ones that were used to legitimize the Ottoman institutions, and they continue to exist even today. In relation to this, for a more effective fight against corruption, it is necessary to change the ideas on the basis of which they function, which will lead to the creation of inclusive institutions and consequently to a significant reduction of the degree of corruption.

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