LETTERS FROM VIDIN: A STUDY OF OTTOMAN GOVERNMENTALITY AND POLITICS OF LOCAL ADMINISTRATION, 1864-1877

DISSERTATION

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This dissertation focuses on the local administrative practices in Vidin County during 1860s and 1870s. Vidin County, as defined by the Ottoman Provincial Regulation of 1864, is the area that includes the districts of Vidin (the administrative center), 'Adliye (modern-day Kula), Belgradçık (Belogradchik), Berkofça (Bergovitsa), İvraca (Vratsa), Rahova (Rahovo), and Lom (Lom), all of which are located in modern-day Bulgaria. My focus is mostly on the post-1864 period primarily due to the document utilized for this dissertation: the copy registers of the county administrative council in Vidin. Doing a close reading of these copy registers together with other primary and secondary sources this dissertation analyzes the politics of local administration in Vidin as a case study to understand the Ottoman governmentality in the second half of the nineteenth century.

The main thesis of this study contends that the local inhabitants of Vidin effectively used the institutional framework of local administration
in this period of transformation in order to devise strategies that served their interests. This work distances itself from an understanding of the nineteenth-century local politics as polarized between a dominating local government trying to impose unprecedented reforms designed at the imperial center on the one hand, and an oppressed but nevertheless resistant people, rebelling against the insensitive policies of the state on the other. Without denying that a certain level of violence was prevalent, I argue, first, that the distinction between the state and society was not as clear as presumed, second, that the local administrative branch of the state was not a monolith body of state agents and third, that the society was not always oblivious and rebellious to the reform policies.
Dedicated to my mother, Nurcan Kaygusuz
and to my wife, Heather Almer
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CHAPTER 1

INTRODUCTION

This dissertation focuses on the local administrative practices in Vidin County (*liva* or *sancak*) during the 1860s and 1870s. Vidin County, as defined by the Ottoman Provincial Regulation of 1864, is the area that includes the districts of Vidin (the administrative center), 'Adliye (modern-day Kula), Belgradcık (Belogradchik), Berkofça (Bergovitsa), İvraca (Vratsa), Rahova (Rahovo), and Lom (Lom), all of which are located in modern-day Bulgaria. My focus is mostly on the post-1864 period primarily due to the document utilized for this dissertation: the copy registers of the county administrative council in Vidin where the council kept a copy of its correspondence with the provincial capital. In 1864, an Ottoman imperial provincial regulation outlined an administrative framework, the center of which was the administrative councils.
This regulation and the infrastructure it introduced will be discussed further in Chapter 3. These councils were established at the province, county, and district levels and handled certain local tasks, such as collection of taxes, overseeing the planning and securing the financing of infrastructural constructions, administering the payment of stipends for government employees and the like. Among the significant tasks of this council was to report the local events to the government offices in the provincial capital and to convey the orders from the provincial government to the district governments that were under the administrative reach of the county government.

Therefore, the county administrative council’s correspondence can provide valuable information on local administrative practices of the Ottoman Empire in this period. However, following the correspondence of the county administrative body from the imperial archives can provide only a limited perspective of such practices because of two reasons: First, several issues were resolved at the provincial capital without reaching the imperial center. Second, cases that were sent to the imperial center were not accumulated in a single place but were distributed to different offices. While such correspondence was recorded to the “provincial incoming-outgoing ledgers” (vilayat gelen-giden defterleri) at the imperial capital, tracing and locating them is a daunting task—if not entirely
impossible—because the records of certain significant offices are still not available to researchers.

One way to avoid these limitations is to analyze the copies of this correspondence that were kept at the local level. This dissertation analyses Vidin County administrative council’s copy registers with other documents available at the archives in Bulgaria and Turkey to get a better understanding of the institutional environment that produced these documents. The purpose of this analysis is to get a better perspective on how local inhabitants in this particular county responded to the policies and reforms of the modern Ottoman state.

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The main thesis of this study contends that the local inhabitants of Vidin effectively used the institutional framework of local administration in this period of transformation in order to devise strategies that served their interests. This work distances itself from an understanding of the nineteenth-century local politics as polarized between a dominating local government trying to impose unprecedented reforms designed at the imperial center on the one hand, and an oppressed but resistant people, rebelling against the insensitive policies of the state on the other. Without denying that a certain level of violence was prevalent, I argue, first, that the distinction between the state and society was not as clear as presumed, second, that the local administrative branch of the state
was not a monolithic body of state agents and third, that the society was not always oblivious to and rebellious against the reform policies.

A perspective that presumes a state-society split at the local level easily lends itself to an unhealthy coalescence of theories on Ottoman decline and Bulgarian romantic nationalism. See, for example Duncan Perry’s summary of the second half of nineteenth century in Ottoman controlled Bulgaria:

Throughout the course of the nineteenth century, the Ottoman Empire continued its downward spiral to ultimate dissolution, interrupted by one important era of progressiveness, set off in part by the military reforms of Sultan Selim III (1789-1807). These reforms were followed by more than a half-century of change from 1839 to 1880, known as the Tanzimat, which involved major reorganization in the military, administrative, and educational spheres of the Ottoman enterprise. In 1864, Midhat [Paşa], a Pomak (that is, a Bulgarian Muslim whose forbears had converted to Islam), was made governor of [the Danube] Province that included most of Bulgaria. His territory prospered while he rooted out and quashed all revolutionary activity. But in general, reforms were not faithfully or fully implemented or sustained in the Balkans, and when Midhat [Paşa] was transferred [in 1868], his reforms eroded. However, for the increasing number of educated Bulgarians, even the imperfectly enacted reforms of this era provided a foretaste of liberty and fed their desire for still more.1

The “decaying Ottoman administration” was functional only long enough (Perry does not note that Midhat Paşa’s administration lasted only four years) to stimulate “the increasing number of educated Bulgarians.”

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Michael Palairet, who elaborately argued that “although the most rapid phase of expansion was probably concluded in the late 1860s, the output of the Bulgarian lands [...] was at or near its peak at the time of the liberation [1877], soon challenged Perry’s statements regarding the state of the economy in nineteenth-century Danube Province. Ottoman rule in Bulgaria was extinguished at the high tide of its prosperity.”

Palairet concluded by rejecting “the contention that the collapse of the Ottoman rule in Bulgaria was the political counterpart to the collapse of its economy.” As invaluable as his work is for a better understanding of the Balkan economies in the nineteenth century, Palairet does not focus too much on the political transformation in this period. His analysis, however, encourages us to ponder further into the validity of claims regarding the impacts of “decaying Ottoman administration” in Bulgaria.

State-society relations in the Ottoman provinces have been a topic of interest to scholars of the Ottoman Empire particularly in the last decade. Through such works, not only do we have a better idea about

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2 M. R. Palairet, *The Balkan Economies, 1800-1914: Evolution without Development* (New York: Cambridge University Press, 1997), 41-84, the quotation is from p.84.

3 While some historians focus on the seventeenth and eighteenth centuries—such as Jane Hathaway, *The Politics of Households in Ottoman Egypt: The Rise of the Qazdağlıs* (New York: Cambridge University Press, 1997).—others focus primarily on the nineteenth century. See for example Mahmoud Yazbak, *Haifa in the Late Ottoman Period, 1864-1914: A Muslim Town in Transition* (Leiden: Brill, 1998); Eugene L. Rogan, *Frontiers of the State in the Late Ottoman Empire: Transjordan, 1850-1921* (Cambridge: Cambridge University Press, 1999); and Jens Hanssen, *Fin De Siècle Beirut: The Making of an Ottoman Provincial Capital*
how provincial administration in the Ottoman Empire was a highly
politicized arena, but also a better sense of how the boundaries of what
constitutes the state at the provincial level constantly change, including
and excluding certain members of the local community.

Such works, however, focused predominantly on regions to the
east of Istanbul excluding Ottoman Bulgaria. In this dissertation, I
focus on the politics of local administration in the second half of the
nineteenth century in an Ottoman county in modern-day Bulgaria to
emphasize that the *Tanzimat* reforms were not necessarily imposed on a
stagnant society that was excluded from the way the Ottoman state
functioned.

While this is an attempt to understand the dimensions of
nineteenth-century transformation of the Ottoman Empire at the local
level, its primary focus is on how the local notables and peasants utilized
Ottoman local institutions to further their interests. An essential
component of this process is the local administrative councils and the

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4 A recent and welcome exception to this is Frederick F. Anscombe, ed., *The
Ottoman Balkans, 1750-1830* (Princeton, N.J.: Markus Wiener Publishers,
2006).
reports written by them. It is important to analyze the ways in which correspondence written to the provincial or imperial capital was being drafted. This is a political process and unless we understand what goes into the writing of these reports, we cannot understand the breadth of political participation in the Ottoman administration during this period.

***

The focus of Chapter 2 is the transformation of the Ottoman Empire in the context of the nineteenth-century. This transformation, as also argued in the last chapter, cannot be reduced to a series of reforms that were simply imported from the European countries. Instead, we need to understand the reforms of the nineteenth century, particularly the *Tanzimat* era, as a consequence of the dynamics that were inherent to the Ottoman Empire. Chapter 2 uses certain aspects of Habermas’s discussion of legitimation crisis and the formation of liberal-capitalist societies as a model to explain the transition of the Ottoman Empire in a broader context.

The following chapter focuses more on one particular aspect of these reforms: the provincial administration. An analysis of the provincial regulations of 1864 and 1871 introduces the provincial administrative model designed primarily by Midhat Paşa in the course of his governorship in the region. After briefly explaining the administrative structure, I focus on the administrative and judicial councils at the
county level and begin examining these councils in Vidin County. This chapter underlines the importance of local notables in these councils and discusses the politics of election in the context of these councils.

Chapter 4 continues the analysis of the provincial institutional framework by focusing more on how these councils functioned. An examination of what appears to be the attendance patterns of the council members reveals some irregularities in the way these councils operated. By looking at different institutions related to these councils, this chapter further elaborates the complexity of the institutional framework in Vidin.

Chapter 5 examines a number of case studies selected from the copy register of Vidin’s county administrative council in light of information gathered from other sources to reveal the political process behind the council’s reports. A close reading of some reports reveal interesting patterns in the ways that these reports were written. By comparing the information included in these reports with other sources, I argue that the local administrative practices of the Ottoman modern state constitute an aspect of Ottoman “governmentality” to which different agents of the state and society could participate. Chapter 6 summarizes my conclusions and explains some of the limitations of this research.

***
In the 19th century, Vidin developed as an important economic center stimulated by navigation on the Danube. The changes in the political arena reflected this change as well. One of the better-known ayans of the whole empire, Pasvanoğlu Osman Paşa of Vidin, died in 1807 giving a sense of “relief” to the Balkans. His successor in Vidin, Molla Idris, did not cause much trouble for the imperial administration and was the last ayan that “controlled” the region. From 1814 onward, the region’s administrator was directly appointed from the imperial

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7 Robert W. Zens, "The Ayanlık and Pasvanoğlu Osman Paşa of Vidin in the Age of Ottoman Social Change, 1791-1815" (Ph.D. Dissertation, University of Wisconsin, 2004), 189-90. According to Zens, Pasvanoğlu died, not in the hands of Ottoman officials, but because of gangrene, he developed from an injury to his hand: Zens, "The Ayanlık and Pasvanoğlu Osman Paşa," 187. Another recent work regarding this prominent figure notes that he died “probably of influenza.” See Rossitsa Gradeva, "Osman Pazvantoğlu of Vidin: Between Old and New," in The Ottoman Balkans, 1750-1830, ed., Frederick F. Anscombe, (Princeton, N.J.: Markus Wiener Publishers, 2006), 123. The Encyclopedia of Islam article, on the other hand, notes only that “his health was rather poor as a result of too great mental strain; ambition led him to aim at independence, as evidence of which we have the coins struck by him and known as Pazvančeta.” See The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Paswanoghlu" (by F. Bajraktarević), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-6096> (accessed 06/05/2007). It is ironic that the death cause of clearly the most prominent Vidiner and undoubtedly one of the most significant ayans in the Ottoman history seems so vague.
center. “When one looks at Vidin in the years following the death of
Pasvanoğlu” notes Zens, “there is very little evidence that the city was
home to one of the most notorious ayans in the Ottoman state, apart
from buildings and other public works that bore his name.”8 Gradeva,
on the other hand, notes that “it was among the Janissaries and the
rank-and-file Muslims that [Pazvanoğlu] earned his real and lasting
fame. They created and circulated songs for him in which he emerges as
a true hero. The age of nationalism had set in the Balkans.”9 Neither of
the interpretations provides a framework that could foresee the uprising
that happened only a few decades later in 1849.

While there are some differences in the way that scholars have
explained the reasons behind the 1849 uprising in Vidin, overall they
seem to agree that “the land tenure regime and the highly exploitative
relations between cultivators and landlords in the Vidin area”10

9 Gradeva, "The Ottoman Balkans," 149.
10 Erden Attila Aytekin, "Land, Rural Classes, and Law: Agrarian Conflict and
State Regulation in the Ottoman Empire, 1830s-1860s" (Ph.D. Dissertation,
State University of New York-Binghampton, 2006), 36. Aytekin’s dissertation is
the most recent work on this topic. However, his discussion of the 1849 uprising
relies mostly on Halil İnalcık, Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50.
Yılı (İstanbul: Eren, 1992). While Aytekin analyzes the uprising predominantly
by focusing on issues involving land ownership, İnalcık emphasizes the
influence of Serbian nationalists as well as the Russians and the British. See
İnalçık, Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50. Yılı, 58-74. Hüdai
Şentürk, who focuses on the rebellion and its aftermath as well, takes İnalcık’s
emphasis on nationalist movements a little further and argues that these
uprisings should be seen as the origins of the Bulgarian independence
movement. See Hüdai Şentürk, Osmanlı Devleti’nde Bulgar Meselesi (1850-
instigated a lot of discontent particularly among non-Muslims. At the center of this problem were the large estates (çiftlik) owned by the “landlords” (gospodar—Bulgarian for “master”). Large estates did not emerge in the nineteenth century. As early as seventeenth century such estates became common in the Balkans and Western Anatolia.11 In Vidin, the political-military developments contributed to the formation of these large estates. Svetlana Ivanova summarizes the developments in the seventeenth and eighteenth centuries as follows:

Until the mid-16th century, [Vidin County] was part of the Ottoman frontier line [...] against Transylvania, the Banat, Wallachia and Hungary, and from the 17th century onwards (when it was attacked, taken and destroyed), against Austria and Serbia. During the war with the Holy League, the Austrians captured the city on 13 October 1689 and held it for 10 months. Under the peace treaty of Passarowitz in 1718 the Ottoman empire lost the northwestern parts of the Vidin [county ....] Vidin became again part of the [frontier line]. Towards the end of the 18th century Vidin became the seat of Othman Pazwandoglu [Pasvanoğlu Osman Paşa] and the centre of one of the most important secession movements and ayan rule in Rumeli.12

For Vidiners, as inhabitants of a highly militarized zone, these two centuries meant gradual accumulation of usufruct in the hands of a

1875) (Ankara: Türk Tarih Kurumu, 1992), 101-24, 82-99. Regardless of the differences they attribute to role of nationalist movements and foreign powers, all three authors agree that the existing land regime in Vidin instigated a lot of discontent particularly among the non-Muslim populations.


12 Ivanova, "Widin."
military class, which, during the military reforms of Selim III, chose to ally with Pasvanoğlu Osman Paşa against the imperial administration.\textsuperscript{13} Thus, the particular land regime that led to the uprisings was established much earlier then the nineteenth century, worked, for the most part, to the benefit of the military class, and was further intensified during Pasvanoğlu’s rule in Vidin when the Janissaries supported him in his resistance.\textsuperscript{14}

The complaints around this land regime centered around three districts in Vidin (‘Adliye, Belgradçıkl, and Lom).\textsuperscript{15} According to the 1874 provincial yearbook, there was a total of 161 villages in these districts; among these, only three had mixed Muslim and non-Muslim populations and twenty-five had only Muslim populations; the remaining villages had

\textsuperscript{13} Strashimir Dimitrov, \textit{Vustanieto ot 1850 godina v Bulgariia} (Sofia.: BAN, 1972), 13-28.

\textsuperscript{14} Gradeva, "The Ottoman Balkans," 120.

\textsuperscript{15} These three districts are noted in Prime Ministry Ottoman Archives (Hereafter, BOA) İ. DH. 13733, 13880, 15361, 15382, 16091, 17158, 19124. In a report that he submitted to the Supreme Council of Judicial Ordinances to explain the origins of the \textit{gospodarlik} system, the governor of Vidin Zarifi Paşa limited the places in which this system was prevalent to a few villages in these districts: BOA İ. DH. 15687 dated June 26, 1852 (8 N 1268). In fact, in one document the Supreme Council of Judicial Ordinances notes that this regime was limited to these three districts only (\textit{yalnız mezkur üç nahiyenin kadim ahalişi olan Hristiyanların arazi tasarrufu müsa’adesinden mahrumuşetleri layık ve münasib olamayacağından [...]}): Sts. Cyril and Methodius National Library, Oriental Section (hereafter NBKM) VD-96-38 dated May 13, 1863 (24 ZA 1279). For more on the details of how this issue was resolved, see Aytekin, "Land, Rural Classes, and Law", 39-59.
entirely non-Muslim populations. The villages in these districts, not unlike the others, were highly segregated along religious lines. For the most part, the Muslim landlords were not living in the same villages with the actual cultivators.

While the land was becoming “increasingly mobile” in the eighteenth and early-nineteenth centuries, recent studies indicate that by the mid-nineteenth century, increasing costs of farm-labor and diminishing returns made these estates less profitable. This meant that, particularly after the Land Code of 1858, more of these estates were “sold” to the cultivators, some of whom had been living on those lands. The Vidin uprising happened in the middle of this institutional transformation.

Following the uprisings, when this land regime (gospodarlık) was abolished, “the usufruct of the lands was transferred to the state” so that they could be sold to the cultivators for a lump sum payment for the title deed. A decree from the Supreme Council of Judicial Ordinances


19 “hukuk-i tasarrufiyeleri canib-i miriye alnarak” (NBKM) VD-96-38.
sent to Vidin on May 13, 1863 indicates that even after 15 years, cultivators refused to pay money to “buy” the land they had been tilling. After not having been able to receive a lump sum, the Supreme Council decided that it would be easier to get the money from the cultivators by dividing it into small increments that would not exceed the amount of rent they used to pay to the gospodars. As the old right-holders lost their claims on usufruct, the cultivators in the region became \textit{de facto} owners of land.

The period of the nineteenth century prior to 1864 witnessed a significant transformation of the socioeconomic structure in Vidin County. As Pasvanoğlu and his supporters lost their political might during the first decades of the century and the gospodarlık regime was gradually abolished in the immediate aftermath of the 1849 uprising, Vidin became a relatively more stable county with a different composition of the political elite, within which land ownership was still one of the more problematic issues. This problematic nature of land ownership was further intensified with the migrations of the Circassian and Tatar populations into the region in the 1860s in the wake of the Crimean War. In this highly charged environment, who took part in the politics of local administration and how they did so became a very important issue, and this dissertation focuses on this participation process.

\footnote{20 (NBKM) VD-96-38}
CHAPTER 2

THE TANZIMAT: THE IMPERIAL CONTEXT

Turkey was not a corpse, but a body paralyzed: it revived as soon as the enlightenment of the present generation recalled it to life, and the rare and interesting spectacle is presented of a country having totally altered its political condition in the short space of sixteen years, through the spirited and patriotic exertions of a few individuals, while that salutary change promises to be permanent, because the system will be continued by the pupils and imitators of those few eminent Statesmen, each of whom is surrounded by a chosen band of disciples brought up in their principles.21

Such were the optimistic words of Sir George Larpent, who extended and published the memoir of his grandfather, Sir James Porter, in 1854, fifteen years after the beginning of a period that would be known as Tanzimat. Sir George Larpent recounts vividly the event that marks “the beginning” of this era, the reading of the imperial decree of Gülhane on November 3, 1839, soon after sixteen-year-old Sultan Abdülmecid came to power (July 1, 1839). These words reflect what appears to be a prevalent way—at least among the foreign observers—of

interpreting these reforms: an enlightened recall to life, a sudden re-
awakening of a seemingly paralyzed body with the efforts of a few
“spirited” individuals. Such unsubstantial interpretations of the
*Tanzimat* era as “western inspired reforms imposed from above” in a
declining empire prevent us from seeing a long process of transformation
that began much earlier than the “long nineteenth century” (1789-1922).

This chapter looks at the *Tanzimat* era in order to understand the
imperial framework behind the politics of local administration. A
temporally and spatially broader framework is necessary to put the local
experience of the Vidin County from 1864 to 1877 into perspective.
However, the *Tanzimat* era is not conceptualized as a western-inspired
brief series of reforms that unexpectedly transformed a stagnant empire.
Instead, in the first of this chapter’s two sections, I frame the *Tanzimat*
era as a period of socioeconomic crisis that coincided with the
culmination of a long-term transformation begun in the seventeenth and
eighteenth centuries.22 After explaining why the long-nineteenth century
was a period of crisis for the Ottoman society, in one of the subsections
of this first section, I focus on the formation of tax-collection councils

22 Here, the “crisis” refers to what Jürgen Habermas defines as the “legitimation
crisis” (discussed below). It should be noted that the Ottoman Empire suffered
through concurrent military and political crises throughout the nineteenth
century. This chapter is limited in the sense that it does not analyze these
crises in detail. For a good analysis of the military, political, financial, and
demographic problems of the empire in the *Tanzimat* era see Findley, *Turkey:
Islam, Nationalism, and Modernity.*
early in the *Tanzimat* era. I do so because these councils are good examples to explain the transformation of Ottoman society; furthermore, they established the basis for some of the institutions discussed in the following chapters. Another subsection focuses on the emergence of the “liberal-capitalist social formation”23 in the course of the *Tanzimat* era and afterwards. My goal in this is not to give a detailed account of this era and the reforms; however, a broad overview of this period as part of a long-term transformation is helpful in putting into context the provincial administrative institutions that this dissertation analyzes. After following the trajectory of the Ottoman Empire at the imperial level in the first section, the second section of this chapter focuses on the local aspects of this transformation in the *Tanzimat* era.

Since this chapter focuses on the nineteenth century reforms and the local councils in the Ottoman Empire, it might be appropriate to explain how these relate to each other briefly. The Ottoman scribal service “grew tremendously during the nineteenth century in size, complexity, and, at times, in power.”24 The central government expanded

23 This is the first of the two stages of capitalist social formation (liberal-capitalist and advanced-capitalist) as defined in Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), 17 and passim.
significantly with the addition of several ministries and equivalent organizations. In addition, this was the period when a multi-tiered system of local administration was established under the leadership of the new civil bureaucracy. Among these other organizations were the consultative assemblies including the Supreme Council of Judicial Ordinances (Mesclis-i Vala-yı Ahkam-i ‘Adliye, founded in 1838), which eventually turned into the Council of State (Şura-yı Devlet) in 1868. Furthermore,

The Tanzimat also witnessed an unprecedented proliferation of smaller, specialized councils that continued to supplement the regular bureaucratic apparatus where it remained thinly developed. The clearest example of this is the local administrative councils, first created in 1840 and ultimately known as meclis-i idare. They included not only the local officials and religious leaders, but also indirectly-elected representatives of the notables. These councils were thus the first Ottoman governmental institutions to include representatives of the people as a matter of system. Since they exercised not only administrative functions, but also local responsibility for cases tried under the new legislation of the Tanzimat, they also represented the starting-point of an important organizational development of a different kind: the emergence of what eventually became the distinct system of nizamiye [state] courts.

The “provincial administration” in the context of the *Tanzimat* was determined through two related regulations issued in 1840s and 1860s. The first regulation, issued in 1842 divided the imperial domains into provinces (*eyalet*), counties (*sancak* or *liva*), and districts (*kaza*) and appointed civil officials to serve both as full-time administrators of those districts and as heads and *ex officio* members of councils that would handle administrative, financial, and (some) judicial matters.27 This division was expanded with the second regulation in 1864 to include villages (*karye*) as the smallest administrative unit; the corresponding fourth tier of administrative unit in towns and cities was the sub-district (*nahiye*).

While the administrative council that I examine in this dissertation was established by the provincial administration regulations of 1864, the initial attempts at such bodies date back to the formation of tax collection councils (*muhasıllık meclisi*) in 1840 (both the regulation and these councils are discussed below). The connection is significant because it explicates how the transformation of the local administrative sphere coincided with a transformation of the taxation scheme and the technologies of assessment and collection of the new taxes.28


28 See nn. 105 and 106 in this chapter.
of the tax collector proved to be a failure and was abrogated in 1842,\textsuperscript{29} the councils remained functional under a different title, local councils \textit{(memleket meclisleri)}, until 1849.\textsuperscript{30} A regulation in 1849 altered the composition of these councils slightly and changed its name to provincial councils \textit{(eyelet meclisleri)}. Until the provincial regulation of 1864, however, these councils remained as primary provincial offices that dealt not only with the administrative cases but also with judicial cases.\textsuperscript{31}

Accompanying this restructuring of the provincial administrative sphere after 1840 were a series of land and revenue surveys carried out to assess the base for the new tax system. In 1839 a “collectively assessed tax” \textit{('an cema’atin virgū'ı)} replaced other taxes, accumulating multiple tax claims under one title, for which, surveys were conducted in 1840 and 1845 to determine the tax base.\textsuperscript{32} Local councils assumed a significant responsibility in the collection of the new taxes. A survey of 1860 was used to convert the collectively assessed tax to equal-incidence proportional tax on property and income in certain provinces.\textsuperscript{33}

\begin{flushright}
\begin{footnotesize}
\begin{itemize}
\item[29] Ibid., 210.
\item[30] Ibid., 215.
\item[31] Ibid., 219. It is important to note that these councils were not the only judicial institutions. As discussed below, the shar’i courts remained active albeit with restricted jurisdiction.
\item[32] See n. 105 below.
\item[33] Abdüllatif Şener, \textit{Tanzimat Dönemi Osmanlı Vergi Sistemi} (İstanbul: İşaret, 1990), 105-08.
\end{itemize}
\end{footnotesize}
\end{flushright}
As the state’s claims over its subjects’ income and resources were becoming more direct, its dependence on provincial administrative cadres staffed by civil officials was becoming more significant. In fact, as a recent study points out “the expansion of civil officialdom into the provinces, where it staffed the new administrative posts, must surely be the biggest single factor in the civil officials’ numerical growth in this period.”34 Starting as tax collectors (muhassils) in 1840, with the provincial administrative models introduced in 1842 and 1864 these administrative posts evolved into provincial governors (valı), county sub-governors (mutasarrıf), district head officials (kaymakam), village aldermen (muhtar) and sub-district administrators (müdür). Through a series of personnel policy reforms in the nineteenth century starting in the 1830s—such as creating a new hierarchy of civil ranks or the abandoning the annual appointment system—the Ottoman imperial administration created career paths for these administrators that involved civil service appointments in different localities over time.35

Local councils, as well as other offices of provincial administration, that flourished in the context of the Tanzimat reforms served to extend the administrative capacity of the professional administrators and bring elements of the local population into implementation of the reforms. In

34 Findley, Turkey: Islam, Nationalism, and Modernity.
35 Findley, Bureaucratic Reform in the Ottoman Empire, 142-47; Findley, Ottoman Civil Officialdom, 211-253.
this context, they were involved with two complementary aspects of a complex relationship between state and society. On the one hand, the agencies of local administration were designed to allow the Ottoman state to administer its provinces more systematically and monitor its subjects (their wealth as well as their security) in a continuous fashion; on the other, those agencies, specifically the councils, served as places where the subjects could participate in politics of local administration at different levels. In this context, local councils should be seen as one of those instruments that evolved in the nineteenth century to make local administration more effective.

The Ottoman state showed a concerted effort to emphasize the significance of the *Tanzimat*'s application in the provinces, as noted below, this proved to be not only financially challenging, but also politically problematic as the reforms were often met with opposition at the local level.\textsuperscript{36} In 1840, inspectors were sent from Istanbul to oversee the application of reforms at the provinces.\textsuperscript{37} In 1845, select Muslim and Christian notables from different provinces were invited to Istanbul to hear the main problems regarding the application of *Tanzimat* and consequentially “temporary development councils” (*geçici imar meclisleri*)

\textsuperscript{36} Problems associated with provincial application of Tanzimat reforms have been studied by many scholars. See n. 133 for some of them.

\textsuperscript{37} Coşkun Çakır, *Tanzimat Dönemi Osmanlı Maliyesi* (İstanbul: Küre Yayınları, 2001), 101-29.
were established to determine the infrastructural needs and to maintain security of the subject populations. The Council of Police (Zaptiye Müşirliği) was founded in 1845 as another mechanism to extend the Tanzimat reforms to the provinces and to help civil officials (appointed as provincial administrators) in maintaining local security. While the provincial police forces were appointed from the imperial center, at the provinces, these forces reported to the provincial administrators and helped them in preserving law and order.

While the local councils were an essential part of the Ottoman state’s effort to apply the Tanzimat era reforms, it is important to note that these councils, with their state-appointed civil officials embodied the general professionalization of Ottoman administration in the provinces. the general professionalization of administration in the empire. In fact, at the heart of the general transformation of the imperial rule during the Tanzimat era, we see a change in the structure of bureaucratic cadres which increased significantly in this period. As Carter Vaughn Findley noted:

From 2,000 scribes to 35,000 civil officials, the changes were qualitative as much as quantitative. Nothing expresses this fact better than the evolution of personnel policy. The eighteenth

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38 Çadırcı, *Tanzimat Döneminde Anadolu Kentleri’nin Sosyal ve Ekonomik Yapısı*, 200-02.
39 Ibid., 317-23.
40 Ibid., 254.
century scribal service scarcely had any such policy, except as defined by custom and personal discretion of those in high places. On the nineteenth century this changed markedly. [...] With growing use of the term mülkiye to refer to local administration (the basic associations of the terms are with both landownership and sovereignty), [...] it became common to refer to the former [...] “gentlemen of the offices” [...] as civil officials.41

The councils with their civil officials can be understood as one part of this general process through which an Ottoman civil officialdom was created. This imperial transformation made use of an institutional framework42 that was promulgated via the development of personnel policies of the imperial administration,43 continual restructuring of the provincial administrative structure via provincial regulations, provincial and imperial yearbooks that reiterated this institutional framework in each edition and collections of rules and regulations published in different volumes as reference works on the norms and policies of this framework.44

41 Ibid., 25-6.
42 As discussed further in this chapter (see n. 196 and passim), Anthony Giddens refers to this institutional framework as “the textually mediated organization of the ‘public sphere’ of administration.” See Anthony Giddens, The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism (Cambridge: Polity Press, in association with Basil Blackwell, 1985), 179.
43 Findley, Ottoman Civil Officialdom, 25-39.
44 See the discussion below on different compilations of rules and regulations (Düstur) published in the course of nineteenth century.
It would not be wrong to consider the local councils as a step in establishing a means of communication between the imperial center and provinces. Local councils and other offices of the provincial administration functioned in a broader framework that related the formation of an Ottoman civil officialdom, the transformation of the tax structure and the establishment of the infrastructure for the modern Ottoman state in the course of the nineteenth century in general and the Tanzimat era in particular. These themes are developed further in the rest of this chapter, where the Tanzimat era is analyzed as a period of crisis and transformation.

1.2.1 – The Tanzimat Era: Marking a Crisis and a Transition

In order to analyze the nature of the transformation of the Ottoman state and its technologies in the course of the Tanzimat era, first, it is necessary to understand Ottoman society in the context of the long-nineteenth century. Jürgen Habermas’s taxonomy of “social formations” is particularly suited to such a broad analysis because it allows us to focus on the institutional reconfiguration of the long nineteenth century as a process instigated not by exogenous factors in a
brief period but as a transformative course motivated primarily by internal factors.\textsuperscript{45}

In his \textit{Legitimation Crisis}, Habermas distinguishes four social formations: primitive, traditional, capitalist, and post-capitalist, the last three being characteristic of “class societies.”\textsuperscript{46} This chapter argues that the Tanzimat era in the Ottoman Empire corresponds to a phase where we see the crisis of the traditional social formation and the emergence of a capitalist formation. Before focusing on the reforms, a brief section is due on what is meant by a “social formation” and how it gets into a “crisis”

“Social formation” refers specifically to the complex set of relations—economic, political, and ideological—that determines the mode of production and all other aspects of social life. This is a structuralist understanding of society that emphasizes the significance of the dominant mode of production in determining individuals’ actions. Habermas acknowledges this structuralist tendency to a certain extent when he notes that “socialization processes shape the members of the system into subjects capable of speaking and acting.”\textsuperscript{47} However, his

\textsuperscript{45} Habermas, \textit{Legitimation Crisis}, 17-31.
\textsuperscript{46} Ibid., 17.
\textsuperscript{47} Ibid., 9.
structuralist analysis does not lead to economic reductionism. Instead, Habermas defines socio-cultural reproduction as a function of “outer nature” (the resources of the non-human environment) and “inner nature” (the organic substratum of the members of the society). The survival of social systems depends on successful adaptation of both the outer and inner nature to the needs of the system. Social systems utilize the elements of the “outer nature” through forces of production (system integration), and they adjust “inner nature” to society (social integration) with the help of normative structures “in which needs are interpreted and actions licensed or made obligatory. [...] Social systems accomplish the integration of inner nature through the medium of norms that have need of justification.” A system’s survival, therefore, depends not only on forces of production but also on a set of “discursively redeemable and fundamentally criticizable claims” legitimizing the

48 Louis Althusser conceived the concept of social formation first; Althusser, a structuralist Marxist, is often criticized for reductionism in his emphasis on economic relations.

49 “Social integration’ refers to the principles by which individuals or actors are related to one another in a society; ‘system integration’ refers to the relationships between parts of a society or social system. Despite the use of the word ‘integration’ there is no assumption that the relationships so described are harmonious. The terms social integration and system integration can embrace both order and conflict, harmony and contradiction;” see A Dictionary of Sociology, 3rd ed., John Scott and Gordon Marshall eds., (New York: Oxford University Press, 2005), s.v. "System Integration and Social Integration."

50 Habermas, Legitimation Crisis, 9-10.
existing social order. That is how “legitimation”\textsuperscript{51} becomes an essential part of a system that is otherwise explained mostly through “means of production.”\textsuperscript{52}

The defining economic and social features of social formations constitute their “principles of organization.” The principle of organization in “traditional social formation” is “class domination in political form.” In the “liberal-capitalist social formation,” the principle of organization is the relationship of wage labor and capital, which is anchored in the system of bourgeois civil law. Transition from one social formation to another, therefore, indicates a transformation of the principles of organization because of a period of crisis. Therefore, crisis is an essential part of the transformation in this perspective.

Habermas borrows the term “crisis” from General Systems Theory:

Crises arise when the structure of a social system allows fewer possibilities for problem solving than are necessary to the continued existence of the system. In this sense, crises are seen

\textsuperscript{51} The OED definition of the term is “The action or process of rendering or authoritatively declaring (a person) legitimate.” Habermas’s use of the term seems to confer with this definition; although, it is not “a person,” but the ruling authority that is declared legitimate in this context.

\textsuperscript{52} Marx defines “means of production” as follows: “If we examine the whole process from the point of view of its result, the product, it is plain that both the instruments and the subject of [labor], are means of production, and that the [labor] itself is productive [labor].” Karl Marx, \textit{Capital: A Critique of Political Economy}, eds. Friedrich Engels and Ernest Untermann, trans. Samuel Moore and Edward Aveling, First Modern Library ed. (New York: The Modern library, 1936), 201.
as persistent disturbances of *system integration*. ... Disturbances of system integration endanger continued existence only to the extent that *social integration* is at stake, that is, when the consensual foundations of normative structures are so much impaired that the society becomes anomic. Crisis states assume the form of a disintegration of social institutions.\textsuperscript{53}

By attributing the collapse of “system integration” to a paralysis of “social integration,” Habermas implies that a crisis in the institutional harmony of a system is caused by a disintegration of the principles by which individuals or actors are related to one another in a society. This is where the legitimacy of a certain hegemonic order becomes crucial. So long as the hegemonic domination of a certain class remains unchallenged in the system, institutional problems can be kept under control. How, then, does the “traditional social formation” experience a crisis, and how do the “dominant classes” respond to it?

What holds the “traditional social formation” together as a system, according to Habermas, is the legitimation of the political-administrative system. At the intersection of the “system integration” and “social integration” in a traditional society,

lies the legal order that regulates the privilege of disposition of the means of production and the strategic exercise of power, which, in turn, requires legitimation. [...] With private ownership of the means of production, a power relationship is institutionalized in class societies, which in the long run threatens social integration [...] Of course, within the framework of a legitimate order of authority, the opposition of interests can be kept latent and integrated for a certain time. This is the achievement of legitimating world-views or ideologies. They remove [normative structures’] counterfactual validity claims [...] from the sphere of

\textsuperscript{53} Habermas, *Legitimation Crisis*, 2.
public thematization and testing. The order of authority is justified by falling back on traditional world-views and a conventional civic ethic.\textsuperscript{54}

The language of the imperial decree of Gülhane and the reaction of some contemporaries imply that Habermas’s point regarding the “justification of authority” is relevant for our analysis of the Ottoman Empire in this period. The two paragraphs below are from the beginning and the end of the decree of Gülhane as translated and recounted by Sir George Larpent, who actually witnessed the reading of the decree in Istanbul:

\begin{quote}
It is well known that during the early ages of the Ottoman monarchy the glorious precepts of the Koran and the laws of the empire were ever held in honor. In consequence of this the empire increased in strength and greatness and all the population, without exception, acquired a high degree of welfare and prosperity. For 150 years, a succession of incidents and various causes have checked this obedience to the sacred code of the law, and to the regulations, which emanate from it, and the previous internal strength and prosperity have been converted into weakness and poverty; for in truth an empire loses all its stability when it ceases to observe its laws.

[…] The enactments thus made, being a complete renovation and alteration in ancient usages, this Imperial rescript will be published at Constantinople and in all the towns of our empire, and will be officially communicated to all the Ambassadors of friendly Powers residing in Constantinople, in order that they be witnesses of the concession of these institutions, which, with the favor of the Almighty, will endure for ever.\textsuperscript{55}
\end{quote}

\textsuperscript{54} Ibid., 19.

\textsuperscript{55} Porter and Larpent, \textit{Turkey}, 17 and 21. Rodeic Davison refers to this apparent conflict as “split personality” in comparing the reform edict with its successor, the reform decree of 1856. See Roderic H. Davison, \textit{Reform in the Ottoman Empire, 1856-1876} (Princeton: Princeton University Press, 1963), 55. For another English translation of the 1839 decree see Foreign Office, "Firman Promulagting the Hatti-Sheriff of Gulhané of 3rd November 1839," \textit{British Foreign and State Papers}, Session (1842-1843) 31: 1242. An Ottoman version of
Porter claims that the imperial decree appears to be somewhat puzzling as it “starts by imputing the decline of the state principally to the transgression of the old laws, and then proceeds to adopt new regulations in the state, and then ends by praising the restoration of old manners and customs, as the sole means of salvation: still,” he explains, “there were numerous parties to be pleased in Constantinople, and ... it was necessary to satisfy the demands of the Reformers, without outraging the feelings of the old Turkish party.”56 Porter’s amusement at the seemingly contradictory message of the decree, which both advocates civic reform and seeks to restore traditional world-views, and his explanation of this swing with reference to by the demands of opposing parties are echoed by several other contemporary observers of the reform movement.57 The partially “confusing” decree wherein the Ottoman

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56 Porter and Larpent, _Turkey_, 17, 24.

authorities not only introduced reforms but also fell back on “traditional world-views” would signal a crisis of the traditional Ottoman social formation that will leave its imprint on the Tanzimat era.

2.1.A – The Ottoman Social Formation and the Tanzimat

Is it fair to call the Ottoman social formation in the pre-Tanzimat period “traditional”? Was there, in other words, a legal order that regulated “the privilege of disposition of the means of production and the strategic exercise of power”?58 In the Ottoman Empire land was the most significant means of production and a dominant element in the distribution of wealth and income well into mid-nineteenth century.59 In the legal framework of the sixteenth century, the land was “de jure the property and de facto under the control of the sultan ... [who] distributed it as fiefs.”60 This legal framework changed in the nineteenth century. By giving the individuals the right to alienate their property, the Land


58 Habermas, _Legitimation Crisis_, 19. This definition of the “traditional social formation” is strictly limited to the taxonomy used by Habermas and discussed above.


Code of 1858 signaled the culmination of a change that spanned roughly two centuries prior to the Tanzimat era and led to increased mobilization of land and other means of production. It also marked a restructuring of different rights on land. This section analyzes the disposition of land (and other means of production) in the pre-1858 Ottoman Empire to understand particularly the final period of the traditional Ottoman social formation.

Prior to 1858, the privilege of disposition of land was regulated with a different set of rules within which agricultural lands, woods, and open steppe were considered the “property” of the state. As discussed below this did not mean ownership in the modern sense. The Ottoman state distributed use rights and tax rights of land as part of its negotiations with different groups in the society and a complex legal system of tax, usufruct, and possession rights regulated various claims of different groups on land. A leading Islamic jurist of sixteenth century,

63 See n. 80.
64 For a good account of different ways the Ottoman state distributed land particularly prior to the seventeenth century see İnalçık, An Economic and Social History of the Ottoman Empire, 115-30, 141-42.
Kemalpashazade (Shams al-Din Ahmad bin Sulayman bin Kamal Pasha),
summarized how this system functioned as follows:

Leasehold land (*hauz*) and royal demesne (*aradi al-mamlaka*) are lands where no one knows from whom they were seized at the time of the conquest, or to whom they were given, or whose owners have died out. Because the status [of the lands] and [their] owners are unknown, they were taken for the treasury.

When the Sultan’s agents registered the provinces, they assigned the land as fiefs (*iqta*). The right to settle on and enjoy the usufruct of the fiefs was given to cavalrymen (*sipahi*) in the form of *timar* revenue. In these realms, this category of land is called *miri*. The holder of the fief (*timar*) is entitled to the right of settlement by letters patent (*berat*) or license (*tezkere*). He sells the use of this land to his peasants (*re’aya*) and cultivators, taking from them his customary dues and canonical taxes.

Since neither, the fief-holders not the occupiers own the essence (*asl*) or the substance (*raqaba*) of the land, sale, gift, and conversion to trust are not permissible, although lease and loan are.

Nevertheless, in accordance with the feudal law (*qanun*), sale and inheritance by male children has been permitted.

This pattern prevailed throughout the seventeenth and eighteenth centuries; however, “the application of officially promulgated rules in the seventeenth and eighteenth centuries was less clear-cut than had—
mostly—been true in the 1500s.”65 Those who tilled the land could claim different forms of rights on land prior to 1858. Increased mobilization of land in the seventeenth can eighteenth centuries within the framework of these alternative forms of rights prepared the institutional background for the Land Code that promulgated individuals right to alienate their property. As noted in the above section, the social integration in a traditional society is threatened by tensions that are provoked by private ownership of means of production. The system of private ownership introduced by the Land Code signals the crisis of the traditional Ottoman social formation evoked by the tensions that relate to conflation of the increased mobility of land and private ownership of means of production. It is in the face of this threat that the Ottoman state fell back on “traditional world-views” in the course of Tanzimat. Particularly in the context of the Land Code, the drafters “shunned all talk of a revolutionary change in property rights but were adamant in pointing to the fact that their task had been simply one of compiling and codifying old regulations and not introducing any new ones.”66 The rest of this section focuses on different arrangements of property relations that were prevalent at eve of the Land Code.

65 Faroqhi, "Rural Life," 381.

It has long been established that “free alienability” is not a precondition for ownership. Different rules and regulations protected the usufruct of those who work on state (miri) lands in the Ottoman Empire even if they did not have the right to dispose of “their” land. An imperial decree dated 23 April 1847, for example, guaranteed the inheritance rights of daughters on their parents’ land—i.e. miri lands that


68 Colin Imber argues that the basic principles of the pre-1858 land tenure system were inherited from the late Byzantine Empire and its successor principalities in the Balkan peninsula and western Anatolia. First the Seljuk sultanate and then the Ottomans retained this system with certain modifications. The annexation of Hungary in 1541 gave the necessary impetus to systematize Ottoman land tenure. This was done by Ebu’s-su’ud Efendi—then the military judge of Rumelia, a member of the Imperial Council, and one of the most powerful Ottoman legal scholars of his time. Imber summarizes what Ebu’s-su’ud Efendi did as follows: “From a mass of often localized custom, he isolated the basic common elements in the system of feudal tenure and taxation. Having done this, he described the legal relationship between the taxpaying occupants of the land, the fief-holders and the Sultan in terms which he borrowed from the Hanafi tradition. The clarity of the resulting statements gives the impression that he was simply expounding the law as it had existed from time immemorial, concealing the fact that he was, in reality, creating a legal fiction. Feudal tenure as it existed in the Ottoman Empire was a system which divided the interest in the land between the Sultan, the fief-holders and the peasant occupiers, but where there were no real owners.” Imber, Ebu’s-Su’ud, 136. Imber argues that the new system included elements of the Hanafi tradition but was different from it in toto. For a similar argument see Halil İnalçık, "Islamization of Ottoman Laws on Land and Land Tax," in Essays in Ottoman History, (İstanbul: Eren Yayınıcılık, 1998). For a more detailed analysis of the Hanafi tradition see Baber Johansen, The Islamic Law on Land Tax and Rent: The Peasants’ Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods (New York: Croom Helm, 1988).
were cultivated by their fathers or their mothers. Aside from the miri lands, usufruct of which could be inherited by holders, another category of land in the Ottoman Empire was privately owned mülk lands. The owners of these lands could transform their holdings into pious endowments [waqf].

As Doumani points out, the institution of pious endowments constituted another “flexible tool at the disposal of individuals who wished to customize ... their property transmission strategy.” In theory, God owned the waqf lands, and their revenues were used to fund the activities of the endowment. Yet in practice, the status and the boundaries of such foundation lands changed frequently as waqfs

69 “Evlad-ı enasın zira’at familyası teşkil edeceklerine mebni babalarından arazi intikal eylemesi nizami sureti” Mecmu’a-yı Kavanın (Düstur) (İstanbul: Takvimhane-i ’Amire 1851 [1267]), 40-42. For rights inherited from mother: “Kezalik analarından dahi intikal eylemesi sureti” Mecmu’a-yi Kavanın (Düstur), 42. See also Ali Himmet Berki, Eski Hâdiselerde Tatbiki Lâzımgelen Írs ve Intikal (Ankara: Hapishane Matbaasi, 1938), 10-12. Barkan notes that this code was revolutionary for the female inheritors (Ömer Lütfi Barkan, "Türk Toprak Hukuku Tarihinde Tanzimat ve 1274 (1858) Tarihli Arazi Kanunnamesi," vol. 1 of Tanzimat ed., (Komisyon) (İstanbul: Milli Eğitim Bakanlıği, 1999), 360). Prior to this law, in theory, the widows and the daughters of deceased males could inherit the usufruct only in the absence of a son. Margaret Meriwether provides an interesting account of the theory and practice of inheritance of property in Ottoman Aleppo: Margaret Lee Meriwether, The Kin Who Count: Family and Society in Ottoman Aleppo, 1770-1840 (Austin: University of Texas Press, 1999), 153-77.


provided a legal framework for land transfers. The patterns of property transmission in such endowment lands were by no means uniform since they responded to the differences in their political economies and cultural environments. However, the following quotation, from the American naturalist James E. DeKay’s account of his travels in the Ottoman Empire in early 1830s, represents the general pattern and explains the commonality of such property transmissions.

Real estate is held in this country whether as military feoffs or in fee. When property is held in fee, it is often converted into what is called *vakooof* [i.e. *waqf*], which is generally done in the following manner. The intention is to put the property beyond the rapacity of judges or pachas, or the profligacy of heirs. The estate is vested in a trustee who may be either the proprietor himself or a stranger. He designates how it shall be inherited for ever by his descendants, leaving a part of it to a mosque for pious or benevolent purposes. There are many forms of [*waqfs*]. Sometimes an estate is thus placed for three years, when it reverts entirely to the original heirs, but it is oftener perpetual. The most usual form of [*waqf*] is the following.

The owner of an estate worth $10,000 gives it to a mosque and receives in lieu of it $1,500. He then holds his estate from the mosque, and pays it a certain interest upon the money actually advanced. In default of heirs the entire property reverts to the mosque. Foreigners can hold real estate in the name of their wives, if these latter are born in Turkey. They may also dispose of their property in [*waqf*] even to a Christian church, and the government will only interfere at the request of the legal heirs. The Turks appear to have something analogous to the statute of mortmain, for no legacy or donation made by a sick person is valid except to one-third of the amount bequeathed.


The funds arising from these [waqfs] are enormous, and are managed by a particular department. In times of emergency, the surplus is loaned to the sultan, who is solemnly pledged to repay it.

Notwithstanding the apparent fairness of their courts of law, and the thorough training which all the judges must receive, it is a striking commentary upon the insecure tenure of property when we see so much of it conveyed to mosques in order to obtain protection. It is supposed that more than one-half of all the property, particularly in the large cities, is thus held under the power of the [ulema]. The church, in fact, is a great mont de pieté, or pawn-brokers shop, with this difference, that she holds not only all the goods and chattels, but a great part of the real estate, of the empire under her control. The reigning sultan is fully aware of this rotten part of his institutions, and has [labored] to correct the evil. Let us hope that his efforts may prove successful.”

Not all institutionalized practices regarding property transfers conformed to this legal framework. Although the right to alienate land was not associated with usufruct prior to 1858, some scholars point out that the Ottoman peasants did dispose of state lands to which they held usufruct.76 There are also questions regarding the courts’ institutional authority in resolving land disputes. Recent works pointed out that


76 Doumani, *Rediscovering Palestine*, 157-65. and Kenneth M. Cuno, *The Pasha's Peasants: Land, Society, and Economy in Lower Egypt, 1740-1858* (New York: Cambridge University Press, 1992), 77-84. Cuno also notes that some Muslim jurists were supporting peasants’ claims to private ownership of land. Although both of these works focus on the modern period, the selling of miri lands was not a problem limited to late eighteenth and early nineteenth centuries. Another scholar points to the earlier roots of the problem: “As Ebu’s-su’ud indicated, and as court records attest, miri lands became the subject of sale among people. Although it was extremely difficult to sell a piece of miri land ... there were loopholes and legal devices by which the law, however, could be circumvented” İnalçık, "Islamization of Ottoman Laws on Land and Land Tax," 160; cf. Suraiya Faroqhi, "Rural Life," 381-83.
peasants did not necessarily go to court for all disputes. Indeed, the rigidity of Islamic rules regarding property transmission does not change the fact that “the application of these rules, in reality, was often the last resort for families and individuals; that is, property transmission was often a conscious and strategic social act, not an automatic, passive, or formulaic process.”

The details of the property relations—with respect to land—in the Ottoman Empire prior to the Tanzimat era cannot be discussed within the confines of this chapter. However, it should be noted that the

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77 Boğac A. Ergene, Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744) (Leiden: Brill, 2003), 170-88.


preference for state ownership of land in Ottoman law, in contrast to legal systems favoring private ownership in freehold, does not signify the lack of legal protection of use rights on state land and even recognition of ownership in freehold over certain types of agrarian resources (buildings, trees, gardens). In this regard, Huricihan İslamoğlu raises a relevant point regarding pre-1858 property relations:

Orderings of property relations were, in fact, inseparable from the differentiated and particularistic claims over revenues of different groups, on the one hand, and from the claims of subsistence producers to land use, on the other. The title to land (raqaba) generally lay with the ruler (or the treasury). This did not represent a title of ownership in the modern sense but an ability on the part of the ruler, or the central government, to distribute rights to revenues from land and, in so doing, to negotiate with different groups or individuals the conditions of their allegiance.80

For land, there was a legal order—albeit consequential to particularistic negotiations of the government with its allegiants—that regulated usufruct rights, tax claims, and the right to dispose of land. In the context of the pre-Land Code Ottoman Empire, the mere absence of a


land code does not imply the absence of a “privilege of disposition.”\footnote{Usufruct rights, tax claims, and the right to dispose of land are different “resources” that may be owned by different individuals. (For this particular conceptualization see Jeremy Waldron, \textit{The Right to Private Property} (New York: Oxford University Press, 1988), 38-39). While in general the peasant owns the first, and the tax collector the second, the last belongs to the state for the most part. Although these are gross over-simplifications they suggest a useful way to approach the Land Code of 1858. In theory, the Land Code of 1858 combined the first and the last resources—usufruct rights and the right to dispose of land—in the hands of the “title holder.” Consolidation of these rights was paralleled by a gradual consolidation of tax claims as well. See below for a discussion of tax reform. While the imperial decree of 1839 mentioned the transformation of the taxation system and guaranteed lives, honor, and the property of all Ottomans, another decree in 1856 did not fail to mention that it was renewing and enlarging the reforms of 1839 (Roderic H. Davison, “Turkish Attitudes Concerning Christian-Muslim Equality in the Nineteenth Century,” \textit{The American Historical Review} 59, no. 4 (1954): 847-48, and Davison, \textit{Reform in the Ottoman Empire, 1856-1876}, 3). It is therefore, not a coincidence that the standardization of claims on property was paralleled by a similar movement on tax claims by the end of 1850s. This reforms, however, does not negate the fact that there was a legal order that regulated the disposition of landed property prior to 1858.}

There is, however, a clearly noticeable change in the frequency of regulations issued regarding land ownership in the nineteenth century. The \textit{Külliyat-ı Kavanin} collection, a compilation of Ottoman laws and regulations,\footnote{Karakoç, Sarkiz, \textit{Külliyat-ı Kavanin: Kavanin ve Nizamat ve Feramin ve Berevat ve İradat-ı Seniyye ile Mu‘ahedat ve ‘umuma ‘a’id Mukavelati Muhtevidir.} Unpublished manuscript in the Türk Tarih Kurumu Yazma Eserler Kolleksiyonu, Ankara.} lists only eight imperial decrees regarding landed property prior to 1800. While this fact alone does not prove that no more such decrees were issued before that date, the increase in the number of the decrees in the first half of the next century is worth noting. In the nineteenth century, 20 imperial decrees were promulgated on issues pertaining to landed property up until the Land Code of 1858. Even the
promulgation of the Land Code did not seem to reduce the government’s attention to land disposition. There were seven regulations in the four years between the Land Code and the imperial decree of February 21, 1862, that ordered a survey of all the land in the Ottoman Empire and the collection of declarations of lapsed tenure due to the death of the title owner without a legal heir (*arazi-i mahlule*) by the surveyors.83

Regulating and standardizing the claims on landed property were clearly a priority of the *Tanzimat* reforms. There were similar reform attempts concerning other means of production such as buildings and trees. Ownership of buildings and trees and the owner’s right to alienate them were considered separately from the land on which these means of production stood. Therefore, the limits on disposition of land did not necessarily apply to buildings and trees. The state was the guarantor of ownership rights, and, as if to confirm this, the third section (*fasl-i salis*) of the new penal code, issued after the imperial decree of *Gülhane* in 1839, opens with a statement banning confiscation of the “properties and possessions” of anyone in the empire.84 Confiscation of property as

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83 *Memalik-i ‘Osmaniye’dede arazinin umumen tahriri ve yoklamasının icra’sı ve zuhur edecek arazi-i mahlule ihbarYESinin me’murin-i tahriiyeye terki hakkında irade-i seniyye.* A mere quantitative analysis of decrees does not say much about the nature of these decrees or a change in the processes that produce these decrees. Nevertheless, the abundance of regulations indicates that topic of land tenure occupied the legislative institutions in Istanbul for a significant amount of time.

84 *Mecmu’a-yı Kavanin (Düstur)*, 153.
means of collecting debts, especially tax debts, was a concern for the empire.\textsuperscript{85}

Free disposition of buildings was an established practice that involved agents even prior to 1858. The December 1, 1838, issue of the Ottoman official newspaper \textit{Takvim-i Vekayi}, for example, announced a ninety percent reduction in the commission taken by the brokers or public criers (\textit{dellal}) for the sale of inns and real property (\textit{menazil ve emlak}) belonging to orphans and to the insane, mentally incompetent, or missing persons (\textit{eytam, mecnun, ma'tuh ve ga'ib}).\textsuperscript{86} Shops, inns, workshops, mills, and barns could be bought and sold more easily than the land on which these structures were built. In the comprehensive individual income and property surveys of 1840 and 1845, such buildings were categorized as revenue-producing assets. Similar surveys from 1875 include not only these revenue-producing assets but also estimated values of the houses in which people were living.\textsuperscript{87}

\textsuperscript{85} In April 23, 1858, two days after the Land Code was promulgated, a new imperial decree imposed strict measures on sale of land as a means of debt repayment as well.

\textsuperscript{86} \textit{Takvim-i Vekayi}, December 1, 1838 (14 N 1254). The rate was reduced from 2\% of the sale to 0.2\%.

\textsuperscript{87} This establishes a value on “the home” of an individual. In that sense what is assessed is the wealth of an individual, which is different from a calculation of the revenue from rented property. The shift reflects an increase in the awareness of one’s own house as capital that can be liquidated. I do not wish to make a general statement for the whole empire. Such awareness might be because Istanbul ordered building of houses for the large number of immigrants settled in the region. Some reports and telegrams indicate that there were times when construction of new houses could not be completed before winter.
individual could buy, sell, or rent a whole building, or just hold shares of it.\textsuperscript{88} Disposition of buildings was well institutionalized prior to the Tanzimat era.

A similar system operated for trees. In a paper that he read at the May 28, 1889, meeting of the Anthropological Institute of Great Britain and Ireland, Hyde Clark, the former vice president of the Imperial Land Commission in Asia Minor, briefed the members of the institute on the “ancient institution” of property rights in trees.\textsuperscript{89} In the course of his tenure (1860-1867), Clark had the chance to observe this “ancient institution” of property rights in trees.

This delay, more often than not, led to settlement of immigrants in the spare rooms, and at times, houses of relatively wealthy families. Such settlements might have rendered necessary the recording of house values in this region alone. It is difficult to tell if this was the case for the rest of the empire because the surveys of 1875 are not available to researchers at the Prime Ministry Ottoman Archives in Istanbul. There are surveys at the National Library in Sofia that are mostly incomplete and scattered throughout different collections. The available few pieces, however, provide insight into the refinement in the compilation methods of such surveys. Not only are the categories used in these new surveys more detailed; they are also inked in pre-printed registers. On the header of each page in the registries that I examined is a note that reads “\textit{Beher adamın vergisi ve emlaki ve temettu’atı yazılıp karyelerde bulunacak hulasadır}” ([this is] a summary [account] in which the tax and property and income of each man will be written and will be kept in the villages). The note suggests that a copy of the survey was kept in the village in question while another copy must have been sent to higher-level administrative centers. The copy remaining in the village could serve as a registry for the cash values of village houses. Similar registries, providing information regarding the size and value of property, existed for agricultural land.

\textsuperscript{88} Especially in the nineteenth century, the Ottoman government wanted to tap into these lease contracts by requiring all such contracts to be drafted by local administrators and to be written on official paper. See “\textit{Taşralarda Kontrato Nizamı Sureti}” in \textit{Mecmu’a-yi Kavanın (Düstur)}, 42-45, and in \textit{Düstur: I. Tertib}, vol. 1 (İstanbul: Matba’a-yi ‘Amire, 1872-3 [1289]), 263-67.

\textsuperscript{89} Hyde Clark, ”The Right of Property in Trees on the Land of Another, as an Ancient Institution,” \textit{The Journal of the Anthropological Institute of Great Britain and Ireland} 19 (1890): 199-211.
institution” in detail. At one point, he suggests, “property in trees may ... be conceived to precede property in land.”90 Clark’s observation is understandable considering the fact that his observations were done in the wake of the Land Code’s promulgation; in comparison, the freehold status of trees—and their associated alienability—has been a part of the Ottoman legal system longer. The fatwas of sixteenth century jurists clearly portray that a very complex system of ownership existed much earlier than the nineteenth century. For example, not all trees had undisputed freehold status, but only “wild trees onto which a cultivator had grafted new stock.”91 The separation of the ownership of land from the structures and trees on it was not a practice unique to the Ottomans. Sabrina Joseph notes that a similar system existed in the eighteenth-century Lower Brittany.92

In the nineteenth century Palestine, freehold over the olive trees appears to have been a component of peasants’ capital accumulation

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90 Ibid.: 201. Although what constitutes “ancient” in Clark’s account is not very clear; it is safe to assert that property rights on trees dates much earlier than nineteenth century. For a detailed account of how the Ottoman jurists of sixteenth and seventeenth centuries conceptualized these rights see Colin Imber, “The Status of Orchards and Fruit Trees in Ottoman Law,” Tarih Enstitüsü Dergisi 12 (1982), 763-74. Cf. İnalcık, An Economic and Social History of the Ottoman Empire. 155.


process. Elizabeth Anne Finn, wife of the British Consul of Jerusalem and a contemporary of Mr. Clark, relates the story of a mid-nineteenth century Palestinian peasant that confirms the frequency of this practice. Beshara Doumani quotes Ms. Finn’s story of how the peasant’s father-in-law “pledged his olive trees for 500 piasters and wrote a bond upon himself to pay fifteen jars of oil” to a local merchant.93

To conclude, prior to the Land Code of 1858, there was a legal order that regulated the disposition of the means of production and the strategic exercise of power over those means. While building and trees were alienable much earlier than 1858, the ordering of property relations on land was based mostly on Sultan’s distribution of land that was owned by the treasury.94 This structure allowed for an “institutional framework”95 that regulated the way men and women related to land. Increased mobilization of land in the seventeenth and eighteenth centuries gradually transformed this institutional framework and culminated in the Land Code of 1858, which established the singular

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93 Doumani, *Rediscovering Palestine*, 143. This case, as Doumani elaborately argues, has wider implications. The particular quotation is located in a chapter that focuses on the political economy of olive oil production (pages 131-181). The *salam* money-lending contracts, as exemplified here, facilitated accumulation of capital in the hands of particular classes in olive-based villages. *Salam* is an Arabic term, whence the Turkish form *selem* is derived: Findley, *Turkey: Islam, Nationalism, and Modernity*.

94 Imber, *Ebu’s-Su’ud*, 121.

claim of ownership by the titleholder. How did the traditional Ottoman social formation change with the Tanzimat reforms?

The Tanzimat era marked a crisis of the “traditional social formation,” out of which a “liberal-capitalist social formation” eventually emerged. Because this was an era of “restructuring,” institutions of the old social formation coexisted with those of the emergent new social formation. Consequently, the Tanzimat era was one of transformation as much as crisis. For the purposes of this study, it is important to emphasize this transitional character of the Tanzimat era. How did the crisis and transformation manifest themselves? We can see the “legitimation” crisis of the traditional Ottoman social formation in the societal discontent with the reforms introduced by the state.

The crisis of the “traditional social formation,” according to Habermas, is a consequence of the contradiction that exists “between validity claims of systems of norms and justifications that cannot explicitly permit exploitation, and a class structure in which privileged appropriation of socially produced wealth is the rule.” The imperial decree of 1839 announced a “system of norms and justifications that cannot explicitly permit exploitation” by extending guarantees of “life,

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honor, and property” to all the Ottomans. However, as Carter Findley emphasizes,

> the empire had essentially nothing of the kind of secular legal system that would be required to make the guarantees meaningful. ... Egalitarianism—like other westernizing reforms—would therefore require massive reassertion of the state’s legislative power and its use in ways incompatible with the sharī’a to create common standards applicable to the sultan’s subjects without regard to religion. Bringing this need to the fore more dramatically than any other measure, the egalitarian promises of Gülhane launched the reformers into a trackless domain to pursue the paradoxical goal of legal westernization (and therefore secularization) in an explicitly Islamic state.⁹⁹

The decree and other reforms that followed it challenged the empire’s legal authority and the existing political order that privileged certain groups over others. In an earlier volume, Findley identified three sources of legal authority: “the Islamic religious-legal tradition, custom and the will of the sovereign.” The Gülhane Decree, with its secular and egalitarian emphasis, was unevenly reliant on the third source, despite its rhetoric of turning back to the glorious days of the empire.¹⁰⁰ The decree’s introduction, quoted above, praises “the early ages of the Ottoman monarchy,” when “the glorious precepts of the Koran and the laws of the empire were ever held in honor.” However the palace concluded by acknowledging the true dimension of the change: “The enactments thus made, being a complete renovation and alteration in


¹⁰⁰ Findley, *Bureaucratic Reform in the Ottoman Empire*, 165-67.
ancient usages..." The decree of 1839 officially initiated a period of challenge for the traditional Ottoman social formation. One place where this challenge became explicit was taxation.

2.1.B – From Tax Farmers to Tax Collectors

In 1838, Sultan Mahmud II established a ministry for financial affairs as he turned the “chief treasurer” into a “minister.” He established the ministry while he was reconfiguring the structure of the Ottoman administrative complex, the “Sublime Porte,” in the final years of his reign. The restructuring of the imperial financial office at the imperial center coincided with a more drastic change in tax categories and collection methods. These changes had a ripple effect in the Ottoman provinces. Prior to 1839, tax farmers (mültezim) administered the assessment and collection of a vague bundle of customary (örfi) and shar‘i taxes. This order was abolished when the former group of taxes

101 See n. 55 above.

102 Yavuz Cezar, Osmanlı Maliyesinde Bunalım ve Değişim Dönemi: 18. Yüzyıldan Tanzimat’a Mali Tarih (Istanbul: Alan Yayıncılık, 1986), 264; Findley, Bureaucratic Reform in the Ottoman Empire, 140; Şener, Tanzimat Dönemi Osmanlı Vergi Sistemi, 25-27. For an analysis of this transformation in the context of Ottoman financial administration see Çakır, Tanzimat Dönemi Osmanlı Maliyesi, 35.

103 For a proper definition of “Sublime Porte” see Findley, Bureaucratic Reform in the Ottoman Empire, 5. Although they were established simultaneously, the Ministry of Finance was not a part of the Sublime Porte: Ibid., 140-147

104 Tax farming, as a mode of collection, intensified in the first half of the seventeenth century as a solution to the liquidity crisis of the central state Genç, "Osmanlı Maliyesinde Malikane Sistemi."; V. J. Parry, "Materials of War in the Ottoman Empire," in Studies in the Economic History of the Middle East:
was consolidated under the title “collectively assessed tax” (’an cema’atīn
virgū),105 a new category that was based on regular surveys, conducted
by appointed tax collectors (muhassil).106 This transformation led to
serious discontent and was met with resistance in various parts of the

University Press, 1970); Halil Sahillioğlu, "Sviş Year Crises," in Studies in the
Economic History of the Middle East: From the Rise of Islam to the Present Day,
was the mukata’a which was a single or combination of tax base(s) representing
a certain amount of tax revenue usually known or estimable to the finance
office. The procedure adopted was one of public auction to prospective tax
farmers (mültezim) The highest bidder was given a certificate (tahvil) that
entitled him to the title of ‘tax farmer’ of a particular mukata’a for one to three
years. The duration of the contract could be extended up to twelve years
through re-appointment via the same bidding procedure, but initially it was not
a life-term contract. The múltezim, after paying the amount specified in the
contract, could save the remaining part of the tax which he collected as his
profit in accordance with the laws. Genç, "Osmanlı Maliyesinde Malikane
Sistemi," 233-35; Salzmann, "An Ancien Régime Revisited: 'Privatization' and
Political Economy in the 18th Century Ottoman Empire," 398-401. Profit
concerns of the tax farmers pressured by the bankers who lent them purchase
money resulted in the overexploitation of the peasants and a deterioration of
the physical conditions of economic activity subsequently leading to social
upheavals in the seventeenth century.

105 The emphasis here is on the collective responsibility for paying the tax
burden of a communal unit: the village or the neighborhood. The assessment of
the amount of tax to be paid by each unit was done through surveys Süleyman
Südi, Defter-i Muktesid, vol. 1 (Istanbul: Mahmud Bey Matbaası, 1888 [1306]),
78-84; Tevfik Güran, Tanzimat Döneminde Osmanlı Maliyesi: Bütçeler ve Hazine
Hesapları, (1841-1861) (Ankara: Türk Tarih Kurumu, 1989), 12-13; Şener,
Tanzimat Dönemi Osmanlı Vergi Sistemi, 94-102; Çakır, Tanzimat Dönemi
Osmanlı Maliyesi, 48-55.

106 Çakır, Tanzimat Dönemi Osmanlı Maliyesi, 41-48. A partial transliteration of
the imperial decree that explains the rationale behind abolishing the tax-
farming system and introducing the new administrative organization and its
amendments that were distributed to the tax collectors can be found in Çakır,
Tanzimat Dönemi Osmanlı Maliyesi, 285-300. Also included in this study is a
list of the 50 tax-districts (muhasililik) that were established as part of the 11
provinces (eyalet) where the Tanzimat reforms were being implemented Çakır,
Tanzimat Dönemi Osmanlı Maliyesi, 239-47. For the full texts of these decrees,
see Kaynar, Mustafa Reşid Paşa ve Tanzimat, 226-54.
empire since it aimed to reconfigure the ways socially produced wealth was appropriated.

This section will focus more on the design that the Ottoman state attempted to introduce than on the success or failure of this attempt. The position of *muhassıl* was abrogated only two years after its introduction. The failure of this experiment had to do with the fact that the empire lacked the administrative and financial capacity to make the shift from fiscal decentralization to fiscal centralization.107 Local administrative practices, however, did not revert to their status prior to the introduction of these agents. For the purposes of this analysis, it is important to understand the introduction of *muhassıls* and even their “failure” as part of a transition.

The term *muhassıl* is derived from the Arabic verb *hassala* which literally means “to cause something to happen.”108 Thus the derived noun *muhassıl* literally means “one who makes [something] happen.”109

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108 The term was used by the Anatolian Saljuks and Ottomans for revenue collectors, however “it acquired special significance amid extensive Ottoman financial reforms of 1838-9.” Ibid.

This literal definition seems, in fact, appropriate when one considers the full responsibility of the *muhassils*.

Together with the officials working underneath them and the “local tax-collection councils,” the tax collectors were the key agents of the Ottoman state at the local level.\(^{110}\) Tax collection was their main duty, primarily because the rest of the tasks relied heavily on the expected revenues from the newly-transformed tax collection methods. In the context of this transformation, the tax collectors were also responsible for surveying the income and properties of the local populace. Due to their central position in terms of the local money flow, they were responsible for supervising the postal services, contracting infrastructural projects (such as maintaining the bridges and irrigation canals), and keeping an account of the annuities sold by the Ottoman treasury (*esham*). In addition, they were required to recruit a local police force that would guarantee the safety and property of the inhabitants.\(^{111}\) A regulation governing the tax-collection councils’ members described their responsibilities as handling significant financial, policing, and infrastructural issues of the provinces.\(^{112}\)


\(^{112}\) The opening of the text, “The Requirements of the Council Members’ Appointments” (*Meclis A’zalarının İcab-ı Me’muriyetleri*) in *Mecmu’a-yi Kavanin (Düstur)*, 33-35; is as follows: “Meclislerin vaz‘ ve te’sisinden maksud
The transformation of the tax collection methods, due to introduction of the tax collectors, complemented the simplification of the tax categories. With the elimination of the tax-farmers, the assessment, apportionment, and collection of the taxes was left to the tax-collection councils (muhasilık meclisleri), which would employ indirectly elected local notables and other appointed members in addition to the tax collectors. The assessment of the tax base obligated the tax collectors to survey the countryside with their aides. Once completed, these surveys would be used to determine the amount of annual tax to be paid by each village.

The 1845 surveys of some districts in Anatolia reveal a particular pattern indicative of how the tax-collection councils apportioned such communally assessed taxes. A single household’s share in the communally assessed tax for the village was roughly equal to its share in the total revenue of the village. Thus, within each village (or neighborhood), the households would be required to contribute to the

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113 The composition and the rules of election to these councils are explained in Kaynar, Mustafa Reşid Paşa ve Tanzimat, 254-64; and Efe, "Muhasilık Teşkilatı", 72-78.

114 Ibid., 30.

115 Mehmet Safa Saraçoğlu, "A Snapshot of the County of Kafirni through the Surveys of 1845" (Master’s Thesis, Middle East Technical University, 1998), 48-54.
communally assessed tax burden in relation to their share in the total wealth of their community.\textsuperscript{116} Such communally assessed tax was often referred to as “collected among neighbors” (*komşuca alınan vergiler*).\textsuperscript{117}

The tax burden, then, was determined—and negotiated—on two levels: the communal and the individual. Each community’s tax burden was determined on the basis of the surveys, and once that amount was set, the communal burden would be distributed among the community members in a collaborative manner.

The peasants could—and did—dispute the total amount of tax assessed for their villages and ask for reassessment. At this point, the tax collectors and the tax-collection councils would get involved in the process of assessment. They were responsible for conducting the surveys that determined the tax base and noting if there were external factors (such as drought, leading to a bad harvest) that should be considered in reassessing a particular village’s communal tax burden. As a result of the process of reassessment and negotiation, a new communal burden would be determined. The new tax burden would be decided by the Supreme Council of Judicial Ordinances (*Meclis-i Vala-yi*...

\textsuperscript{116} These results are based on the surveys of 1845 and do not necessarily reflect the reality. Nevertheless, they are useful in understanding the logic of tax apportionment and what was considered a “just” tax load.

\textsuperscript{117} Şener, *Tanzimat Dönemi Osmanlı Vergi Sistemi*, 95-96; Çakır, *Tanzimat Dönemi Osmanlı Maliyesi*, 49.
Ahkam-ı Adliye) and issued as an imperial decree.\textsuperscript{118} Among the particular collection of imperial decrees issued by this council, there are more than 40 decrees for the year 1841\textsuperscript{119} that concern readjusting the communal tax burden in various parts of the empire.\textsuperscript{120}

Eventually, in 1859, a fixed-rate property and income tax replaced the collectively-assessed tax. By that time, however, the office of the tax collector had been defunct for seventeen years. Findley explains the process that led to the abrogation of the system as follows:

[T]he new system proved a failure. Collection rates in different districts proved inconsistent. The local councils became hotbeds of contention and abused their authority. Local opposition led to at least one muhassil's death. As a result, an important part of the revenues for 1839-40 could not be collected. The leading proponent of the reforms, [Mustafa Reshid Pasha] fell from the grand vizierate in [...]
March 1841; conservative interests assumed power; the muhassils were abolished; and tax-farming was restored.\textsuperscript{121}

The collectors’ fate, however, was not shared by the councils and other administrative institutions at the provincial level that constituted the backbone of local administration in the Tanzimat era. Among other factors, the early disappearance seems to be related to common complaints about the collectors’ application of the tax reforms.

\textsuperscript{121} Findley, "Muhassil," Cf. Şener, \textit{Tanzimat Dönemi Osmanlı Vergi Sistemi}, 44; Mustafa Nuri, \textit{Netayic ül-Vukuat: Kurumları ve Örgütleriyle Osmanlı Tarihi}, ed. Neşet Çağatay, vol. 2 (Ankara: Türk Tarih Kurumu Basimevi, 1992), 289; Engelhardt, \textit{Tanzimat ve Türkiye}, 58. Although we know that the method of tax collection reverted to auctioning to tax farmers, there is not much research on the power potential of the tax farmers in the second half of the nineteenth century. This is an important detail that requires more attention than this dissertation can provide. Before readily accepting the argument regarding the re-emergence of the tax farmers, however, one needs to look at the change in the composition and number of those who were involved with local administration in the provinces. The Tanzimat era marked a turning point in establishing a “hegemony of the civil-bureaucratic patricians” (Findley, \textit{Bureaucratic Reform in the Ottoman Empire}, 152-220). The Ottoman Empire, with a body of scribal officials estimated around 2,000 in 1790, had about 70,000 civil officials working a century later. This increase partially had to do with the fact that the scribal officials were not involved with local administration at the turn of the nineteenth century (Findley, \textit{Ottoman Civil Officialdom}, 22-23). The Tanzimat and the tax reforms that were part of it changed the patterns of local administration by inserting civil officials in the provinces. Even after the abrogation of the tax collectors, tax-collection councils employed civil officials. The auctioning of tax farms did continue in the course of the Tanzimat era; however, we need to keep in mind that the procedures of communally assessed tax burden (discussed above) gave the tax-collection councils leverage in challenging the authority of the tax-farmers. Coşkun Çağır indicates this leverage was essential in opposing the muhassils prior to their abrogation: Çağır, \textit{Tanzimat Dönemi Osmanlı Maliyesi}, 121-26. In that regard, there is no reason for us to assume that tax farmers were able to maintain their powers, especially after the 1864 provincial regulation.
The problems regarding the tax reforms are indicative of a crisis of the traditional Ottoman social formation. According to Habermas the crisis of the “traditional social formation” is related to the means of production. Land, as noted earlier, was the chief means of production in the Ottoman Empire. Claims on tax revenues constituted a significant element of the bundle of rights over land. In fact, the articulation of the relationship between taxation and the title deeds was very significant for the post-1858 political administration of the new property rights.

The taxation system’s transformation in the early 1840s was at the center of the reconfiguration of property relations in the Ottoman Empire during the second half of the nineteenth century. By introducing tax collectors, the Ottoman state tried to eliminate the rights of a politically advantaged class of tax farmers and other administrators over the revenues from the chief means of production.

The power vacuum which followed this transformation made the socioeconomic impact of the tax reforms rather overwhelming for the societal order in the empire’s provinces. The tax collectors, as agents of a new Ottoman state, were supposed to announce the egalitarian reforms

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122 İslamoğlu, “Property as a Contested Domain,” 17-18.
123 Martha Mundy, "Village Authority and the Legal Order of Property (the Southern Hawran, 1876-1922)," in New Perspectives on Property and Land in the Middle East, ed., Roger Owen, (Cambridge, MA: Harvard University Press, 2000), 64.
124 Nuri, Netayic ül-Vukuat, 283-88.
of the empire and to oversee their application, as their title, *muhassil*, suggests. Their success, some scholars argue, became identical with the proper application of the reforms that the empire wanted to introduce.\textsuperscript{125} It was, perhaps, these high expectations that made the transformation problematic at the local level. The tax collectors were burdened with serious responsibilities and endowed with a significant amount of power. They were responsible for the proper functioning of the administrative structure at the local level and, perhaps more importantly, for the determination of the communally assessed tax amount in the provinces. This put them in the position of serving as intermediaries in the negotiations between the state and the local inhabitants regarding the tax claims on land and produce.

Despite their powerful position, the tax collectors were far from being authoritarian administrators in the region. The provinces and the counties were administered by field marshals (sing. *müşir*) and divisional generals (sing. *ferik*)\textsuperscript{126} who were supposed to serve as the chair of the

\textsuperscript{125} Cezar, *Osmanlı Maliyesinde Bunalım ve Değişim*, 282; and Efe, "Muhasıllık Teşkilatı", 8. Thus, their failure, it follows, represented the failure of the tax reforms. More caution, perhaps, is needed in identifying the abrogation of the rank of tax collectors with a general failure of the transformative attempts by the Ottoman State (see n. 121 above).

\textsuperscript{126} Nuri, *Netayic ül-Vukuat*, 293; and Findley, *Bureaucratic Reform in the Ottoman Empire*, 59. Musa Çadırçı notes that these military titles were introduced during the 1836 reforms of the militia (*redif*) as the field marshals and divisional generals took over the duties of the governors (*valı*) and sub-governors (*mutasarrıf*) briefly (until 1839). The restructuring of the militia also led to creation of a new provincial division based on military requirements. See
tax-collection councils between 1836 and 1839. These councils included the tax collector (muhassıl) with two clerks (katıb) as his aides (one for financial matters and the other for population and property surveys,) the judge (hakım), the muftı, a military officer (‘asker zabıtı), and four local notables who were “shrewd and honest in their manners” (dirayetkar ve müstakim al-etvar). If there were Christians in the region, then these councils would also include the metropolitan and two people among their chief elders (metropolit ve kocabaşılardan dahi iki nefer), bringing the total number of members to 13. Although the tax-collection councils were a novelty introduced in 1840, the participation of local notables in local administration was not. The councils did serve

Çadırcı, Tanzimat Döneminde Anadolu Kentleri’nin Sosyal ve Ekonomik Yapıları, 14-23 and 63. This intense military restructuring followed the destruction of the Janissary corps in 1826.

127 Kaynar, Mustafa Reşid Paşa ve Tanzimat, 238-39.


129 A detailed regulation concerning what kind of men these local notables should be, and how they should behave in the meetings is summarized in “The Requirements of the Council Members’ Appointments” (Meclis A’zalarının İcab-i Me’muriyetleri) in Mecmu’a-yi Kavanın (Düstur), 33-35. Also included in Düstur, 1st ed. (İstanbul: Matba’a-yı ‘Amire, 1863 [1279]), 484-86.

130 Çadırcı, Tanzimat Döneminde Anadolu Kentleri, 212; Efe, "Muhasıllık Teşkilatı", 72; İnalcık, Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50. Yılı, 6; Kaynar, Mustafa Reşid Paşa ve Tanzimat, 238; and Ortaylı, Tanzimat Devrinde Osmanlı Mahalli İdareleri, 34.

131 For brief summaries on the role of local notables in local administration, see İnalcık, Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50. Yılı, 83-107; and Çadırcı, Tanzimat Döneminde Anadolu Kentleri, 10-38. Understanding the history of local notables and the politics of households is significant in understanding the traditional social formation in the Ottoman Empire. For a
as a means to prevent accumulation of administrative power in the hands of the tax collectors and the local notables alike.

As an institution that involved different powerful agents (from religious leaders to the judge, from local notables to the tax collector), the councils constituted a suitable arena for the politics of local administration. The tax reforms designated the tax collectors as key figures in surveying the provinces and determining the tax base; however, the powers of the tax collectors were often challenged by the councils. Despite this—or perhaps because of this—there were several complaints about the newly appointed tax collectors in the years following the tax reforms. As the impact of the abolition of tax farms

more detailed study see Hathaway, The Politics of Households in Ottoman Egypt: The Rise of the Qazdağlis; Yuzo Nagata, Muhsinzâde Mehemed Paşa ve Âyânlık Müessesesi (İzmir: Akademi Kitabevi, 1999); and Zens, "The Ayanlık and Pasvanoğlu Osman Paşa". However, it is important to note that in Vidin there were no significant ayans after the powerful Pasvanoğlu Osman Paşa who controlled the region with his own armed forces until the first decade of the nineteenth century. The notables who were influential in Vidin in the second half of the nineteenth century were lesser elites similar to those analyzed by Michael Meeker: Meeker, A Nation of Empire, 224-25.

132 Cf. Çadırcı, Tanzimat Döneminde Anadolu Kentleri, 217-18; Kaynar, Mustafa Reşid Paşa ve Tanzimat, 264-82; and Ortağlı, Tanzimat Devrinde Osmanlı Mahalli İdareleri, 41-42.

altered the socioeconomic structure within the provinces through the power vacuum it created, different groups competed to carve out positions of power for themselves. The old tax farmers were no exception to this hegemonic process. Although with the introduction of tax collectors and the tax-collection councils (and the related rise of civil bureaucracy) it became increasingly difficult for the tax farmers to maintain their power, the rapid return to tax farming practices in two years allowed them to remain as powerful actors in the local politics.\textsuperscript{134}

The transformation in the taxation structure became problematic not because it was a very complex reform on paper, but rather because it involved a major change in the socioeconomic structure of the provinces. Taxation, in the framework suggested by Habermas, would be a “steering mechanism” with which the central authority related the political administrative system to the economic system. Habermas notes that problems with the “steering mechanisms” of political-administrative systems turn into a full fledged systems crisis “if (and only if) they cannot be resolved within the range of possibility that is circumscribed by the organizational principle of the society.”\textsuperscript{135} Thus, the tax reforms of the Tanzimat era did not remain an isolated problem, but became an

\begin{flushleft}
\textsuperscript{134} Çakıır, \textit{Tanzimat Dönemi Osmanlı Maliyesi}, 47-48.
\textsuperscript{135} Habermas, \textit{Legitimation Crisis}, 5-7.
\end{flushleft}
essential component of the crisis of the Ottoman “traditional social
formation.”

As outlined above, the change in the socioeconomic structure of
the provinces was triggered by a power vacuum formed when the empire
attempted to put an end to the tax farms. In addition to other
institutions (such as the shar’i courts), tax farms corresponded to a legal
order that regulated “the privilege of disposition of the means of
production and the strategic exercise of power” in the traditional
Ottoman social formation. Politically defined class relations (an integral
part of these institutions) constantly reproduced and maintained the
system until 1839, when the egalitarian declarations of the empire
shattered the legitimacy of such politically privileged classes. This crisis
of legitimacy related closely to the primary means of production, the
land, and claims over it.

The extended period of the crisis of the traditional Ottoman social
formation and the emergence of a liberal-capitalist formation spanned the
entire Tanzimat era (1839-1871) and beyond. This study does not aim to
establish a specific date for the end of the crisis. It is, however, essential
to understand that the crisis spanned the entirety of the period under
examination. Knowing this helps us understand the reasons why
problems pertaining to the means of production—issues of land, tax,

136 Ibid., 19.
forests, and the like—appear so frequently in local correspondence. It allows us to incorporate a background of transformation when analyzing local reports. Understanding this temporal and imperial background is essential to avoid an anachronistic perspective on the councils\textsuperscript{137} and in understanding what Rifa’at 'Ali Abou-El-Haj refers to as the “transitoriness” of the historical phenomenon.\textsuperscript{138} An analysis of the liberal-capitalist Ottoman social formation is necessary in order to provide a perspective on what was emerging out of the crisis.

\textbf{2.1.C – Liberal-Capitalist Ottoman Social Formation}

The Tanzimat era reforms transformed how people related to the means of production in ways that were not necessarily welcome by everyone. Disintegration of the old political classes in the Ottoman Empire did not begin with, nor was it limited to, the abolition of the tax farming. Nevertheless, tax farming was a relatively early stage in the process, and the institutions that evolved because of the tax reforms, tax-collection councils, established the basis for the judicial and administrative bodies on which this work focuses. The period, nevertheless, was a formative one, as well. A brief analysis of certain

\textsuperscript{137} On the problems of such anachronistic treatment of Ottoman society see Rifa’at 'Ali Abou-El-Haj, \textit{Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries} (Albany: State University of New York Press, 1991), 8 and passim.

reforms undertaken by the Ottoman state will help us understand the nature of this transformation, the emergence of the liberal-capitalist Ottoman social formation, and the role the modern Ottoman state played in the new system.

The principle of organization in the “liberal-capitalist social formation,” according to Habermas, “is the relationship of wage labor and capital, which is anchored in the system of bourgeois civil law.”139 The new system requires a disintegration of the political class structure that characterized the “traditional social formation.” “An anonymization of class domination” parallels this “depoliticization of the class relationship” while the modern state complements the functioning of the self-regulative market commerce with civil law.

In explicating how the modern state functions within the “liberal-capitalist social formation,” where economic exchange is the dominant steering medium, Habermas identifies particular limits to the power of the state. Following the establishment of a capitalist mode of production, the exercise of the state’s power is limited

(a) to the protection of bourgeois commerce in accord with civil law (police and administration of justice) (b) to the shielding of the market mechanism from self-destructive side effects (for example legislation for the protection of labor) (c) to the satisfaction of the prerequisites of production in the economy as a whole (public school education, transportation, and communication); and (d) to the adaptation of the system of civil law to needs that arise from the process of accumulation (tax, banking and business law). By

fulfilling these four classes of tasks, the state secures the structural prerequisites of the reproduction process as capitalistic.140

In the course of the Tanzimat era, the Ottoman state focused on all of these tasks. Below is an analysis of the state’s actions:

• **The protection of bourgeois commerce in accord with civil law:**

In April 28, 1927, during one of the three lectures that he delivered at University College, London, Count Léon Hrabia Ostrorog, until recently judicial advisor to the Ottoman government141 and a lecturer in Islamic law and Turkish land law at the University of London, remarked that “the Ulemas [the religious scholars]142 considered [commercial quarrels] as being, rather than theirs, the business of tradesmen, between themselves, or of their guilds, to settle.”143 After the turn of the nineteenth century, some commercial disputes were resolved in commercial tribunals that included Ottoman and foreign merchants and operated under the authority of the controller of the customs house (gümrük emini).144

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140 Ibid., 21.
141 Findley, *Bureaucratic Reform in the Ottoman Empire*, 322.
142 Who were “custodians of the religious value system that provided the state with its major source of law and legitimation” (Ibid., 14).
In 1847, following the formation of the Council of Trade and Agriculture in the wake of the Anglo-Ottoman Commercial treaty of 1838, the commercial tribunal in Istanbul was restructured in agreement with the European powers holding capitulary privileges. The Tribunal consisted of ten Muslim and ten non-Muslim Ottoman subjects, and ten

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145 Sedat Bingöl, *Tanzimat Devrinde Osmanlı’da Yargı Reformu: Nizamiyye Mahkemelerinin Kuruluşu ve İşleyişi 1840-1876* (Eskişehir: Anadolu Üniversitesi Yayınları, 2004), 113-31; Sami Zubaida, *Law and Power in the Islamic World* (New York: I.B. Tauris, 2003), 130. It is important to understand the scope of international interest in this transformation. Carter Findley notes that “the Council on Trade and Agriculture was in a curious way an outgrowth of the Foreign Ministry, as well as the first step in creation of a Ministry of Trade and Agriculture, which emerged later in this period. Reflecting the economic concerns surrounding the negotiation of the Anglo-Ottoman Commercial Convention of 1838, the council was founded under the auspices of Mustafa Reşid Paşa, then foreign minister, with his undersecretary as its first chairman” (Findley, *Bureaucratic Reform in the Ottoman Empire*, 176). The deferring of trade-related disputes to the commercial tribunals was closely watched by the British and the Russian empires and other foreign states. It is, therefore, understandable that these tribunals and the Council on Trade and Agriculture were affiliated with the Foreign Ministry. Conventional analysis of this international aspect of the Ottoman reforms has over-emphasized the role of the British Empire in transforming the Ottoman legal-commercial sphere following the Anglo-Ottoman Commercial Convention of 1838; see, for example, Mürşid S. Kütükoğlu, *Osmanlı-İngiliz İktisadi Münasebetleri* (Ankara: Türk Kültürü Araştırmaları Enstitüsü, 1974). Maria Todorova, however, points out that the British did not play a decisive role in the Ottoman economic transformation in the pre-1853 Tanzimat era. Instead of analyzing the British influence from a bilateral perspective, Todorova compares British and Russian interest in the Ottoman reforms and points out that the British were more anti-Russian than pro-Ottoman in their interest in the Ottoman Empire up until the Crimean war of 1853 (Mariia Nikolaeva Todorova, *Angliia, Rusiia i Tanzimatut* (Sofia: Nauka i Izkustvo, 1980), 72-172. In that sense, it would be wrong to presume that the legal-commercial transformation within the Ottoman Empire occurred for the most part due to the pressure of foreign powers. In fact, through a very detailed analysis of Nablus merchants in the eighteenth and nineteenth centuries, Beshara Doumani proves that the Ottoman merchants were not as vulnerable and passive as the supporters of the conventional “integration into the world economy” would argue (Doumani, *Rediscovering Palestine*, 236-45).
foreigners. Following this, a new Commercial Code was issued in 1850.\textsuperscript{146} The new code was based on the French code of 1807. The administration allowed those involved with the commercial courts a year in Istanbul and a year and a half in the provinces to study the new code prior to its application.\textsuperscript{147} Until 1861, commercial courts were established in the provinces on the basis of need; only after the issuing of a supplement\textsuperscript{148} to the commercial code (which explained the organizational principles and the structures of such courts vis-à-vis the provincial administrative structure did a systematized network of standardized commercial courts emerge.\textsuperscript{149} Here is what the British jurist Sir Travers Twiss had to say about the formation of the commercial courts in the context of the \textit{Tanzimat} reforms:

\begin{quote}
The [T]anzimat, which organized the reforms introduced by the Sultan Mahmoud II., and which professed to accomplish a return to a purer order of State-policy, which had been corrupted by time and by the evil influence of the Janissaries[,] was established shortly after the promulgation of the [\textit{Hatt-i Şerif}] of [Gülhane], and from that time forward the Government of the Sublime Porte has steadily pursued a system of improvement in its judicial institutions, some of which deal with questions in which the subjects of foreign powers are plaintiffs against Mussulman defendants and others with questions in which the subjects of foreign powers may be either plaintiffs or defendants against Mussulmans. The latter class of tribunals may fitly demand our attention in the first place.
\end{quote}

\textsuperscript{146} A copy of the code can be found in \textit{Düstur: I. Tertib}, 375-466.
\textsuperscript{147} Bingöl, \textit{Tanzimat Devrinde Osmanlı’da Yargı Reformu}.
\textsuperscript{148} \textit{Düstur: I. Tertib}, 445-65.
\textsuperscript{149} For an analysis of these provincial councils and their standardization see Bingöl, \textit{Tanzimat Devrinde Osmanlı’da Yargı Reformu}, 132-50.
The institution of this latter class of tribunals dates from the month of April, 1847, when a memorandum was addressed by the Ottoman Government to the Foreign Legations at Constantinople (10 April, 1847). An endeavor had been made about two years before to reorganize the ancient Chambers of Commerce (tidjaret), in conformity with the rules of procedure adopted in the French Code, but the definitive organization of these tribunals was not completed until the month of April, 1847. It was not, however, until 1850 that a Commercial Code was promulgated, framed very closely after the text of the French Code de Commerce. A memorandum was thereupon addressed by the Ottoman Minister of Foreign Affairs to the Legations at Constantinople, of the date of 6th November, 1850, with a request that the Ambassadors would bring to the attention of their fellow-countrymen the promulgation of the new Code, and would engage them to pay attention to its provisions where they might concern them. This Code, which consists of 315 Articles, is published in the collection of laws entitled ‘Législation Ottomane,’ from a text in the archives of the Ottoman Minister of Commerce. An Appendix to this Code was promulgated in 1860, which treats of the organization of the commercial tribunals, their competence, their internal service, and the establishment of a Court of Appeal at Constantinople; and, further, a new Code of Procedure for these tribunals was promulgated in 1862. These commercial tribunals have one great advantage over the ordinary civil tribunals, inasmuch as they have authority to carry into execution their own [judgments], whereas the ordinary civil tribunals have to report their decisions to the Governor-General of the Province, who, if he approves the same, directs the Minister of Police to give effect to them.\footnote{Sir Travers Twiss, \textit{On Consular Jurisdiction in the Levant and the Status of Foreigners in the Ottoman Law Courts (Read at the Eighth Annual Conference of the Association for the Reform and Codification of the Law of Nations Held in the Hall of the National Council at Berne)} (London: William Clowes and Sons Ltd., 1880), 11-12.} 

\[I\]n the capital city of each province there is a High Court of Commerce, distinct from the High Court of Justice. The High Court of Commerce has its special President, Vice-President, and certain perpetual members, who are nominated by an imperial ordinance on the recommendation of the Minister of Commerce. In addition to these there are certain elective members, whose term of office lasts for one year, and who are not at liberty to refuse to accept their election by an assembly of the chief merchants of the place. These courts hear appeals from the
commercial courts of the Sandjak [county], and it may be fairly said that they perform their functions in a satisfactory manner.\textsuperscript{151}

The formation of the Ottoman commercial courts was a significant component of the judicial system’s general transformation. These courts set precedents for the state (Nizami) courts that were established following the Provincial Regulation of 1864.\textsuperscript{152} Formation of a secular judicial system for commerce, with its codes and courts to protect bourgeois commerce, was the first step in the overall secularization of the Ottoman judicial system in the 1860s and 1870s.

- **The shielding of the market mechanism from self-destructive side effects:** In discussing this task I will first focus on legislation that was promulgated after the Tanzimat era owing to the fact that this legislation’s relation to Habermas’s argument is perhaps more obvious than the following discussion on the Ottoman state’s attempts at preventing overburdening of peasants in the Tanzimat era. In the early days of October 1908, only months after the beginning of the second constitutional period,\textsuperscript{153} the Reform Legislation Section (Tanzimat Dairesi) of the Council of State (Şura-ye Devlet) discussed a bill submitted by the ministry of Trade and Public Works.\textsuperscript{154} As a result of their

\textsuperscript{151} Ibid., 17.

\textsuperscript{152} Bingöl, *Tanzimat Devrinde Osmanlı’da Yargı Reformu*, 145.


deliberations, the Council issued a by-law in October 8, 1908 that constituted the backbone of the Ottoman Strike Law. The Chamber of Deputies (*Meclis-i Mebusan*) began discussing the actual bill of law half a year later in April 1909 and agreed upon a final version after four months of deliberation. The law was initiated by a wave of strikes in different railway companies in 1908 and was designed to prevent the workers of public services from forming a labor union. It established a procedure in which the unsatisfied members of the work force were required to elect representatives to express their demands in bilateral talks with the representatives of the company. The Ministry of Trade and Public Works would also appoint an official to oversee the talks as a third party.

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155 For a full text of their discussions followed by the law see Ibid., 14-113.

156 Virtually the entire Ottoman railway network was paralyzed by these strikes. See Yavuz Selim Karakışla, "The Emergence of the Ottoman Industrial Working Class," in *Workers and the Working Class in the Ottoman Empire and the Turkish Republic, 1839-1950*, eds., Donald Quataert and Erik Jan Zürcher, (New York: Tauris Academic Studies in Association with the International Institute of Social History, 1995), 33.

157 Article 8 specifically banned unionization of workers in “institutions of public service” (‘Umuma müte’allik hidemat ifa eden mü’essesatda sendika teşkili memnu’dur): Ökçün, *Ta’til-i Eşgal Kanunu, 1909: Belgeler, Yorumlar*, 112. These were not the first strikes in the empire. In 1863, coal miners in Zonguldak staged a walkout, and in 1872 the telegram workers in the Beyoğlu post office in Istanbul went on strike. Nor were they the last. Karakışla points out that even those workers working at the institutions of public service later went on strike. The strike wave of 1908, however, marked the culmination of all the worker discontent prior to the constitutional revolution. The demands of the workers included immediate payment of their delayed stipends, eight-hour working days and recognition of unions. At that time there were no labor laws regulating the work and the workplace. In response to this, the political
Although this was the first general law regulating the rights of workers in the workplace, there were earlier attempts to prevent overburdening of the peasants by the governors in the provinces. In looking at the delayed introduction of labor laws in the Ottoman Empire, one should also bear in mind that the empire’s early industrial establishments, which emerged in the late 1830s, exclusively served the newly-founded Ottoman army, and that these factories used soldiers in place of paid workers. This, however, does not mean that there was no labor force with class consciousness. Instead, as Donald Quataert suggested in a recently edited volume, “it is to the small-scale character of most manufacturing activities we must turn in order to understand more fully the character and evolution of the labor force and its influence on state and capital. Many historians of Ottoman, republican Turkish and modern Arab labor, in their different ways, have erred either in ignoring small-scale manufacturing or in assuming it was a dead-end program of the Committee of Union and Progress included an article that promised to regulate employer-employee relations. The by-law on strikes was issued only four days after the CUP program. Although far from what the CUP promised in its program, it was still the first regulation that guaranteed the attention of the state in negotiations between employers and employees.

158 Prevention of corvée labor was a priority for the Ottoman government in the early Tanzimat years. Forcing the provincial populace to work on infrastructural projects was banned by an imperial decree in 1840 (Ortaylı, Tanzimat Devrinde Osmanlı Mahalli İdareleri, 87). The empire, however, was not able to enforce the decree, and this became an issue of provincial discontent: İnalçık, Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50. Yılı, 37 and passim.

159 Karakışla, “The Emergence of the Ottoman Industrial Working Class,” 19.
phase of development that otherwise should lead to big factories and optimally effective working class organizations.”160 Two recent works on Palestine and the Balkans point at how policies of local ayans and the Ottoman state helped boost the small-scale industrial production at the local level.161 This task is beyond the scope of this study. Even at the imperial level, however, it would not be wrong to state that in the first decade of the twentieth century, the Ottoman state began to establish a legal framework to regulate the employer-employee relationship.

- **The adaptation of the system of civil law to needs that arise from the process of accumulation:** Contemporaneous with the developments in regulating the sphere of commerce was the formation of the Agricultural Credit Fund (Menafi-i 'Umumiye Sandığı) of the Danube Province in 1863, under the administration of Midhat Paşa.162 The rationale behind the introduction of this fund was to extend credits to

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160 Donald Quataert, "Introduction,"Ibid., 16-17.

161 This is a major shortcoming of Habermas’s analysis. Although his model works at the imperial level, as discussed in more detail below, it is not very sensitive to provincial realities. Beshara Doumani’s work on Palestine, published in the same year as Quataert’s “Introduction” above, provides a very detailed analysis of capital accumulation by small-scale manufacturers: Doumani, *Rediscovering Palestine*. Palairet points out that industrial production in Ottoman Bulgaria seems to have increased during the nineteenth century. Palairet, *The Balkan Economies, 1800-1914*, 36-57, 63-84.

farmers in need. At the end of 1867, the total accumulation of the Agricultural Credit Fund in the Danube Province was 20 million kurş,\textsuperscript{163} the equivalent of £178,571.4.\textsuperscript{164} This corresponded to approximately ten percent of the total amount that the Ottoman state collected in taxes and fees from this province in the solar financial (\textit{Rumi}) year of 1283 (13 March, 1867-13 March, 1868), and to roughly a quarter of the tithe from the agricultural produce in that year.\textsuperscript{165} The rapid increase in the amount collected might be partially related to the economic upswing in Bulgarian agriculture in the 1860s.\textsuperscript{166} Regardless of the reasons for this upsurge in its capital, the success of the Agricultural Credit Fund in the Danube Province led to its spread throughout the empire.\textsuperscript{167} The agricultural credit funds were “not only a first attempt to organize agricultural credit in the Ottoman Empire but also one of the first such

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\textsuperscript{164} Calculated with an exchange rate of 112 kurş for £1 Sterling (Public Record Office, "Report by Mr. Vice-Consul Blunt on the Manufacture in the Vilayet of Adrianople in the Year 1867," February 20, 1868, \textit{Accounts and Papers, Commercial Reports}, Session (19 November 1867-31 July 1868) LXVIII: 169-74).
\end{quote}

\begin{quote}
\textsuperscript{165} \textit{Salname-i Vilayet-i Tuna}, vol. (Def’a) 1 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1868-69 [1285]). The yearbook does not explicitly state that the tax figure cited belongs to the solar financial calendar year. However, most likely this was the case as the taxes were collected according to the solar financial calendar.
\end{quote}

\begin{quote}
\textsuperscript{166} Palairet, \textit{The Balkan Economies, 1800-1914}, 62.
\end{quote}

\begin{quote}
\textsuperscript{167} Güran, \textit{19. Yüzyıl Osmanlı Tarımı Üzerine Araştırmalar}, 151. The largest of these funds belonged to the Edirne and Danube provinces.
\end{quote}
attempts in Europe.”168 These funds served as early banks and did, in fact, provide the nucleus of the Agricultural Bank (Zira‘at Bankası) established in 1888.

An integral part of the Ottoman state’s attempt to institutionalize banking was the establishment of Orphans’ Funds. The Hanafi tradition holds that an orphan “who has not yet reached puberty but who is clearly of rational judgment, may, if his guardian so authorizes him, enter into commercial transactions.”169 This tradition gave significant leverage to the guardians, who are most likely to be the relatives of the orphans; and thus, limited the availability of the inheritance money to other potential debtors.

When the first yearbook of the Danube Province was published in the late 1860s, the Orphans’ Funds (together with the Agricultural Credit Funds) were standard components of the provincial administrative structure.170 They were established as provincial extensions of the Authority for the Supervision of Orphans’ Properties (Emval-i Eytam Nezareti). Similar to the Agricultural Credit Funds, the Orphan Funds


170 Salname-i Vilayet-i Tuna, vol. (Defa) 1.
were intended to act as banks, into which the inheritance monies of the orphans “and other physically and mentally challenged persons” would be deposited and managed, until the guardianship over the orphan’s goods ceased. The money deposited in the Fund could be lent to borrowers at interest rates set forth in the procedures governing the funds.\textsuperscript{171}

The case of Crete’s Orphans’ Funds is a good example of how the modern Ottoman state was trying to regulate capital accumulation process through these funds. In a report dated January 22, 1873, the British consul Humphrey T. Sandwith noted that “the trade of Crete during the year 1872 has been in a languishing condition, owing chiefly to the indifferent olive crop gathered in during the latter months of 1871. […] The island has not had the good fortune to secure a prolific crop since its prosperity received the terrible blow inflicted by the last prolonged insurrection [1866-1869]. That unhappy event left the islanders plunged in debt, which each succeeding year has rather added to than diminished.”\textsuperscript{172} Consul Sandwith adds that the debt rendered the peasants “insolvent” and left them “paralyzed.” Facing the possibility


\textsuperscript{172} Public Record Office, "Report by Consul Sandwith on the Trade of Crete for the Year 1872," January 22, 1873, Accounts and Papers, Commercial Reports, Session (6 February-5 August 1873) LXIV: 628-29.
of losing the property they mortgaged for their loans, the peasants requested help from the local Administrative Council. Eventually the issue was discussed in the Council of State. In their report to the Grand Vizierate, the Council informed the former that the Orphans’ Fund of Crete had 20 million kuruş,\textsuperscript{173} and the Agricultural Credit Fund 6 million. The Council suggested lending these funds to the villagers to pay back their debt; however, it found the twelve percent interest rate too high and deemed it more appropriate to halve the rate to six percent.\textsuperscript{174}

As it was trying to encourage borrowing from these early creditor institutions, the Ottoman state was also trying to block the way of other unofficial institutions such as the salam money-lending contracts\textsuperscript{175} by referring to them as “illegal.”

- **The satisfaction of the prerequisites of production in the economy as a whole:** Henry C. Barkley, a British civil engineer who lived in the Danube Province for seven years (1864-1870) while he worked in the construction of the Ruse-Varna railway, noted the

\textsuperscript{173} See n. 164 for an approximate exchange rate. The Istanbul price index between 1860 and 1900 had been rather stable. See Findley, *Ottoman Civil Officialdom*, 367-69; Şevket Palu, *Osmanlı İmparatorluğu İktisadi Tarihi: 1500-1914* (İstanbul: İletişim Yayınları, 2005), 182-83.

\textsuperscript{174} BOA A. MKT. ŞD. 18/69, dated January 1, 1874 (12 Za 1290). Following the suggestions of the Council of State, the Grand Vizierate issued the necessary orders to the Crete Province BOA A. MKT. ŞD. 19/25, dated February 7, 1874 (19 Z 1290) and a special regulation was issued on how the Orphan Funds of Crete should operate to resolve the issue. See BOA A. MKT. ŞD. 20/10, dated April 17, 1874 (29 S 1291).

\textsuperscript{175} See n. 93 on Beshara Doumani’s analysis of these contracts in Jabal Nablus.
following regarding the general conditions of the roads in the Danube Province:

I have said there were no macadamized roads in Turkey, but perhaps I ought to have said in the parts of Turkey I have visited, for lately I have seen it mentioned in a letter from a special correspondent, that there is an excellent macadamized road leading out of [Vidin], made by Midhat [Paşa] when he was governor of the Vilayet [Province].

Midhat Paşa arrived at [Ruse] soon after we commenced the railway, and at once set about making a chaussée from that town to Varna...

Besides the five miles of good road out of [Ruse], Midhat [Paşa] also made a fairly good macadamized street through the Bulgar quarter, which he continued for one mile out of the town in the direction of [Silistra], and I believe scratched a little at a road towards [Vidin].176

The commendatory words of Midhat Paşa’s son, Ali Haydar Midhat Bey, echo Barkley’s relatively more cautious remarks on the beginning of these infrastructural projects in the newly-formed Danube Province:

“Roads were now being laid out in every direction, and bridges constructed over the Morava and other rivers, so as to meet the requirements of an agricultural population, and facilitate the outlet for their produce.”177 He then adds that some 3000 kilometers (approximately 1864 miles) of roads were built in the four years that Midhat Paşa was governor of the province.178 Midhat Paşa promoted entrepreneurial initiatives further by founding a coach company for mail

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176 Henry C. Barkley, *Bulgaria before the War During Seven Years' Experience of European Turkey and Its Inhabitants* (London: J. Murray, 1877), 94 and 97.


178 Ibid., 38.
and travelers and a steamer service on the Danube.\textsuperscript{179} Midhat Paşa’s
efforts were representative of the increased systematic attention on the
part of the Ottoman state to the prerequisites of capitalist economic
production.

Reforms in education coincided with infrastructural investments in
transportation during the \textit{Tanzimat} era.\textsuperscript{180} Eighteenth-century
educational institutions, even in the imperial capital, were not organized
for efficient use; they employed mostly ill-qualified teachers and
practiced a pedagogy that emphasized memorizing instead of
understanding.\textsuperscript{181} The first modern military schools were founded in the
1770s, and were followed by the first civil secular schools in the
1830s.\textsuperscript{182} Most of these early modern schools focused on professional
formation. In 1842, a girls-only school for midwives was founded; there
Muslim and non-Muslim students studied under the supervision of two
European midwives. This was one of the earliest significant educational


\textsuperscript{180} For a general account of the interplay between the traditional cultural agents
and western influence in the nineteenth-century education reforms in the
Ottoman Empire compare Benjamin C. Fortna, \textit{Imperial Classroom: Islam, the
State, and Education in the Late Ottoman Empire} (New York: Oxford University
Press, 2002), 1-43; Findley, \textit{Ottoman Civil Officialdom}, 131-51; and Selçuk
Akşin Somel, \textit{The Modernization of Public Education in the Ottoman Empire,
1839-1908: Islamization, Autocracy, and Discipline} (Boston: Brill, 2001), 1-13
and 271-77.

\textsuperscript{181} Findley, \textit{Ottoman Civil Officialdom}, 51-56.

\textsuperscript{182} Ibid., 132.
reforms targeting Ottoman women. Another significant step in educational reform was the establishment in 1845 of a plan for a generalized system of schools, as opposed to independent separate institutions. The three-tiered system consisted of Qur’anic elementary schools, upper elementary schools known as Rüşdiye, and universities. The Ministry of Public Education “was founded in 1857 due to the need of coordinating the increasing number of government schools more effectively.” The implementation of the 1845 plan, however, took a rather long time. The first university suggested in the plan finally opened in Istanbul in 1900, and by 1918, there were only eleven lycées. These reforms suggest that the Ottoman state was concerned with establishing a modern education system during and after the Tanzimat era but couldn’t implement its plans efficiently.

Roads, railways, steamer and coach lines; a modern education system that emphasized secular as well as religious values; and

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184 Findley, Ottoman Civil Officialdom, 134. Cf. İlber Ortaylı, İmparatorluğun En Uzun Yüzyılı, 16th ed. (İstanbul: İletişim Yayınları, 2003), 187. Ortaylı gives this date as March 1, 1846 without citing a source for it. Findley refers to Osman Ergin, İstanbul Mektepleri ve İlim, Terbiye ve Sanat Müesseseleri Dolayısıyla Türkiye Maarif Tarihi (İstanbul: Osmanbey Matbaası, 1939).
185 Somel, The Modernization of Public Education in the Ottoman Empire, 8.
186 Findley, Ottoman Civil Officialdom, 134.
improvements in the postal services and communication techniques\textsuperscript{187} (most notably with the introduction of the electric telegraph)\textsuperscript{188} are among what Habermas refers to as the “structural prerequisites of production.” The Ottoman state focused on these prerequisites in the course of the \textit{Tanzimat} era and afterward. Following the imperial decree of \textit{Gülhane} in 1839, the Ottoman Empire entered a period in which the modern state’s role was increasingly directed toward complementing the functioning of self-regulative market commerce. The modern Ottoman state did not begin to limit its intervention in the economy immediately through the four classes of tasks briefly analyzed above. The transformation to “liberal-capitalist social formation” did take time. As the discussion above indicates, the \textit{Tanzimat} era marks a period when the collapse of the “traditional social formation” was being felt at the same time that the building blocks of the “liberal-capitalist social formation” were being established. As the crisis of the “traditional social formation” was related to the means of production, one would expect to find that problems pertaining to control over those means of production would dominate the general disputes related to the transformation.

\textsuperscript{187} Mardin, Şerif, "Some Notes on an Early Phase in the Modernization of Communications in Turkey," \textit{Comparative Studies in Society and History} 3, no. 3 (1961): 262 and passim.

2.2.2 –CRISIS AND TRANSFORMATION AT THE LOCAL LEVEL

Although useful in understanding the imperial context behind the focus of this study, Habermas’s taxonomy of social formations cannot address the details of the local dynamics behind this transformation. This section will focus on the tools of the Ottoman state for maintaining its legitimacy and control at the local level in the course of the crisis of the “traditional social formation” and the rise of the liberal-capitalist one. In the course of this problematic period, the Ottoman state had to maintain its authority over its subject populace, since it was trying to limit its interference in the economic sphere through the four tasks listed above. This section argues that the Ottoman bureaucracy (both at the central and the provincial level) and the information flow related to that bureaucracy were essential for the Ottoman state to maintain its legitimacy at the local level.

In 1972, Kemal Karpat noted this central role of the bureaucracy at the imperial level as follows:

A socioeconomic order based on private property and free trade would necessitate the formation of a rational (interest motivated) legal order in which the bureaucracy plays special roles [...] The establishment of a modern capitalist order and of a rational bureaucratic system seemed to depend on the liquidation of the old social order, on the development of new, differentiated social and political structures, and on the assumption of power by new social groups through revolution, evolution, or war. The emergence of a new political order, either through internal social changes or international pressures as in the case of colonial countries, in which various social groups could coalesce and share common political beliefs, may facilitate the establishment of harmony between the economic and administrative structures.
But in the Ottoman Empire the basis of the old political system was preserved despite social changes. The state formally never losing sovereignty, tried to preserve its multi-national character, and remained opposed to Turkish nationalism almost to the end of World War I. However, prior to the rise of Turkish nationalism, the intellectuals in the Ottoman bureaucracy developed their own statist ideology and tried unsuccessfully to impose it on society as a whole. The bureaucracy maintained the view that it was the foundation of the state, much in the spirit of the traditional Ottoman view of society. But if one considers the emerging modern Ottoman bureaucracy not from an ideological viewpoint but a functional one, then one may distinguish a certain orientation which developed towards functionalism and professionalization.\textsuperscript{189}

How did the bureaucracy manage to maintain the legitimacy of the Ottoman state in such a period of drastic change? To answer this, we need to look at the relationship between printing and politics.\textsuperscript{190} In his analysis of the formation of the “modern Western state,” Anthony Giddens considers printing the first major step in the mechanization of communication. Giddens relates the nineteenth-century rise in the amount of cheaply available printed materials directly to the “enlargement of the sphere of the political”:

The growth of a ‘public sphere’ of state administration is inseparable from textually mediated organization. The discursive arena thereby opened up is quite mistakenly described if it is regarded as one in which ‘free speech’ is in principle possible. It is not primarily speech which is at issue, however important


debating chambers might become. Rather it is the ‘intertextuality’ of the exchange of opinions and observations via texts that are ‘freely available’ [...] that marks the decisive shift in the lurch towards a new form of state.\textsuperscript{191}

Although their “freely available” nature can be questioned, the \textit{Tanzimat} era witnessed a boom in official publications of the Ottoman Empire. In February 17, 1851, the imperial printing house (\textit{Takvimhane-i ‘Amire}), established eight years before the imperial decree of \textit{Gülhane}, published a 142-page volume of codes and regulations, which appears to be one of the earliest attempts by the imperial government to collect its codes and regulations in printed, bound volumes during the \textit{Tanzimat} period.\textsuperscript{192} Almost a decade later in 1863, a larger volume of 586 pages came out under the title \textit{Düstur}.\textsuperscript{193} Immediately following the table of contents, a cover page explains that the title’s meaning is “a collection that comprises laws and regulations” (\textit{Kavanin ve nizamatin münıderic}

\textsuperscript{191} Giddens, \textit{The Nation-State and Violence}, 179.

\textsuperscript{192} \textit{Mecmu’a-yi Kavanin (Düstur)}. The only copy of this volume of which I am aware is in the private library of Musa Çadır. I would like to thank him for lending this volume to me and for directing me to other prototypes of the \textit{Düstur} series mentioned here. This early volume does not have a title page or an introduction; nor is there a name printed on the leather binding of the copy. The later volumes of \textit{Düstur} (in 1863 and 1866), however, give reference to a similar volume published at this date (see nn. 194 and 195) and mention that the later volumes are extended reprints of this earlier volume. Furthermore, in his \textit{Külliyat-i Kavanin}, Sarkiz Karakoç refers numerous times to this earliest volume as \textit{Mecmu’a-yi Kavanin}, (A Collection of Laws) and to the later two volumes as \textit{Düstür-i atık, sene 1279} and \textit{Düstür-i atık, sene 1282} (“The Old Düstur,” years 1863 and 1866 respectively). What Karakoç gives as the title of the earliest volume is actually mentioned in the cover of the later volumes as the description for the term \textit{Düstur}.

\textsuperscript{193} BOA İ. MVL. 462/20854, dated February, 20 1862 (20 Ş 1278), is the imperial decree that orders the printing of this edition.
olduğu mecmu’aya zamm-i dal ile düştür denilir) and notes that the particular volume is an extended version of the previous volume from 1851. The next extended edition took only three years; a much larger, 904-page Düstur came out in April 17 1866. Seven years later, Düstur became a regularly published series of volumes of Ottoman laws. The modern Turkish Republic adopted the title and is still publishing Düstur series as officially published volumes of laws today.

Acknowledging Max Weber’s emphasis on the codification of law in state formation, Giddens adds that “laws had long been in some part written but in the preceding scribal culture their influence was necessarily limited and diffuse. Printed codes of law, within an increasingly literate culture, made for the increasing integration of ‘interpreted’ law within the practice of state administration and for a much more consistent and direct application of standardized juridical procedures to the activities of the mass population.” The case of the Ottoman Empire was no exception. As official lawbooks, Düstur had a character of referability. It was designed to compile the new laws and regulations and amendments to the existing ones after the beginning of the Tanzimat reforms in 1839. All the prototypical volumes of 1851,

194 Düstur, 1st ed.
195 Düstur, 2nd ed. (Istanbul: Matba’a-yı ‘Amire, 1866 [1282]). BOA İ. MVL. 529/23729, dated April 11, 1865 (15 Za 1281), is the imperial decree that orders the printing of this edition.
196 Giddens, The Nation-State and Violence, 179.
1863, and 1866, and the first volume of the regularly published official lawbooks (1872) had the imperial decree of Gülhane as their first text. The closing of the definition on the cover page of the 1863 volume emphasizes that the referable character of the compilation was going to be maintained, since the future laws and regulations would be added to future editions of this volume (bundan sonra mızakere-i kavanin ve nizamata me’mur olan daire-i kavanin ve nizamat ma’rifetiyile yapılacak kavanin ve nizamat dahi bu düstura ilhak olunur). The Ottoman state not only printed these volumes but also distributed them to different parts of the empire\textsuperscript{197} and had them translated into the languages of its minority populations.\textsuperscript{198}

Around the time of the publication of these early compilations, the Ottoman state ordered the publication of imperial yearbooks as well. The first imperial yearbook (salname) was published in 1847, only a few years before the publication of the first Düstur (1851), due to the efforts of higher-level bureaucrats who were involved closely with the Tanzimat

\textsuperscript{197} In February 20, 1880, thirty copies of the whole set of existing volumes were sent to the province of Yemen, to be distributed to its counties and districts. BOA DH. MKT. 1330/26, dated February 20, 1880 (9 Ra 1297).

\textsuperscript{198} In May 3, 1871, the editor of the newspaper, Konstantinopolis, D. Nikolaidis, was honored for translating Düstur into Modern Greek. BOA I. HR. 249/14805, dated May 3, 1871 (12 S 1288).
reforms. The purpose and the structure of the yearbooks were explained in the preface of this first volume as follows:

In order to aid all those working in clerical and other related work, individual lists have been compiled, these lists quoting the names and ranks of the ministers of our state, the [viziers] and officials in the provinces, and the foreign ambassadors within our nation. In order to provide information about the world abroad, the rulers and ministers of state in Europe have been presented along with a brief summary of the legal statuses of the respective nations. A calendar has also been added, and the holy days of the various religions listed. In addition to this a register of the fiscal incomes and expenditures of the European nation states has been added, together with the exchange rates of their currencies compared

199 Hasan Duman, *Osmanlı Salnameleri ve Nevsalleri*, vol. 1 (Ankara: Enformasyon ve Dokümantasyon Hizmetleri Vakfı, 2000), 22. Ahmed Cevdet Paşa and Ahmed Vefik Paşa (1823-1891) were among those involved with the printing of this first volume. When the yearbook was published, Ahmed Cevdet Paşa was in his second year of serving as the judicial advisor to the grand vizier Mustafa Reşid Paşa, mastermind of the imperial decree of Gülhane and a leading figure of the Tanzimat era. Cevdet Paşa served as the official court chronicler (vak'anüvis), the governor of different Ottoman provinces, a member of a commission appointed to reform the official newspaper Takvim-i Vekayi, and the president of the Council of Judicial Ordinances, in which position he supervised and was a driving force behind the official codification and consolidation of Ottoman law, known as the Mecelle. See The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Ahmad Djevdet Pasha," (by H. Bowen), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-0406> (accessed 06/05/2007); *Encyclopaedia Britannica*, s.v. "Cevdet Pasa, Ahmed," <http://search.eb.com.proxy.lib.ohio-state.edu/eb/article-9004149> (accessed 3/29/2006). Ahmed Vefik Paşa came from a family of interpreters and began serving at the translation office in 1837. He became the chief translator in 1847, the same year that the imperial yearbook was published. Aside from serving as the Ottoman ambassador to Persia and France, he was appointed as imperial commissioner in the Danubian principalities, and presided over the First Ottoman Parliament in 1876-1878. In 1879 he became the governor of Bursa, where he sponsored important reforms in sanitation, education, and agriculture and established the first Ottoman theatre: The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Ahmad Wafik Pasha," (by J. Deny), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-0426> (accessed 06/05/2007); *Encyclopaedia Britannica*, s.v. "Ahmed Vefik Pasa," <http://search.eb.com.proxy.lib.ohio-state.edu/eb/article-9004149> (accessed 3/29/2006).
with the Ottoman currency, as well as the rules and regulations concerning the state minting house have been listed. The land postal service operating within our state, and the steamboat routes, both international and domestic, as well as their running times have also been recorded. This [yearbook] will be printed and published every year. Although its quality may not be perfect this year, it is certain that in the future it will find itself a much sought after work.200

The yearbooks not only helped their readers to locate the Ottoman Empire in a comparative legal and financial framework with other states but also provided a wealth of details regarding the imperial administration, from the names of the people employed to the time-tables of important ferry-lines. “A time table,” as Giddens points out, “is a time-space ordering device, which is at the heart of modern organizations. All organizations, up to and including the world system today, operate by means of time tables, through which the sequencing of activities in time-space is choreographed.”201 This, obviously, does not mean that people necessarily relied on the yearbooks to check the times of the steamboats. However, the fact that such information was included, together with a preface explaining the rationale for it, implies that the empire was operating at what Giddens refers to as a “time-space convergence” and that it was supplying its bureaucrats and other citizens with certain tools to operate at that level as well.

200 Duman, Osmanlı Salnameleri ve Nevsalleri, 22. Translation by Christopher Bailey.

These yearbooks were sold at six kuruş per volume initially; eventually their price was reduced to five kuruş. Hasan Duman claims that this was an “extremely high price for that time.”202 However, on the annual subscription to Takvim-i Vekayi, the official weekly of the empire, cost 120 kuruş when it began publication on November 1, 1831.203 Another weekly, Tuna-Dunav, the official paper of the Danube Province, offered two options for subscription in its first issue of March 14, 1865: annual for 40 kuruş and semi-annual for 25.204 Compared with these subscription rates, the price of the imperial yearbook does not seem that expensive. With one kuruş in the Istanbul wholesale market of 1851, one could buy approximately 4 pounds of soft wheat the kind that was used for making bread.205 Apparently, the yearbook, with the wealth of information included in it, was not extremely expensive for those who wanted to have a reference copy.206

202 Duman, Osmanlı Salnameleri ve Nevsalleri, 22.
203 Beyazit Library, Ali Emiri Mecmua Collection no. 311
204 Beyazit Library, Ali Emiri Gazete Collection no. 267
205 Findley, Ottoman Civil Officialdom, 364-67.
206 The price cut and the continuous publication of these year books are indicative of the Ottoman State’s intention to publicize such information. This study, however, does not intend to make any claims on the demand for the yearbooks. To do that, one would need to know the actual number of copies that were printed and were actually sold. It would also be necessary to investigate how these figures have changed over time. It is also important to note that by comparing the prices of the weekly papers and these yearbooks I do not wish to assert that their readers would be the same. The exercise is only intended to point out that for an annual publication, the price of the yearbooks
In 1866, almost two decades after the first imperial yearbook, the first provincial yearbook came out. This first volume covered Bosnia Province. Two years later, Danube Province followed suit with a yearbook published in its capital, Ruse. The preface to this yearbook apologizing for possible errors in a work that the local government struggled to do perfectly, emphasizes the significance of publishing statistics. An extended list\textsuperscript{207} of the “significant days” (eyyam-i meşhure) of the year and the exact prayer times on these days follows this preface. As the prayer times are determined according to the position of the sun in the course of the day, the time of the five daily prayers in Ruse would be different in different seasons; they would also differ from the prayer times in any other place at a different longitude or latitude. The preface, not surprisingly, takes note of this. Stating exact latitude of Ruse (43° 5’ north), the preface warns readers that this reading is the basis for calculating the prayer times.\textsuperscript{208} Following the list of significant days is a chronological account of the history of humankind, with special emphasis on the Ottoman Empire. The chronology begins with the birth of the prophet Adam according to the lunar Muslim calendar (6216

does not seem to be as expensive as argued by Duman. I would like to thank Jane Hathaway for bringing the question of audience is to my attention.

\textsuperscript{207} The list is eleven pages and covers almost ten percent of the whole yearbook.

\textsuperscript{208} “Ruşçuk kırküç büyük arzında olduğundan zirde muharrer takvimdeki evkat ve sa’at arz-1 mezkura tatabikan yapıldığı ihtar olunur”: \textit{Salname-i Vilayet-i Tuna}, 3.
before the hijra) and continues up until 1846, when the Rüşdiye schools were founded. Curiously, the second entry in this chronological account is the birth of the prophet Adam according to the “European” (Avrupalilar) tradition (4581 before the hijra). These two tables are indicative of the efforts of the Ottoman state in creating the “homogenous, empty time” that Benedict Anderson emphasized as crucial in imagining communities.209

From 1868 to 1877, ten provincial yearbooks were published by the government’s printing house in Ruse. While there is little information on the price of the earlier volumes, the price of the 1871 (1288) Danube provincial yearbook (sold for 8 kurus) indicates that they were not very expensive.

Both the Düstur series and the yearbooks (imperial and provincial) were essential components of the “discursive arena” of state administration, to use Giddens’ phrase, which became increasingly public in the course of the Tanzimat era. The “textually mediated organization” of the modern Ottoman state was an essential component of the formation of the “liberal-capitalist social formation.” The comparative perspective presented through such judicio-administrative texts as the Düstur and the yearbooks contributed to the “legitimation” of

the modern state in the new social formation. Returning to Habermas, “the bourgeois ideologies” that dominate liberal-capitalist social formations “can assume a universalistic structure and appeal to generalizable interests because the property order had shed its political form and been converted into a relation of production that, it seems, can legitimate itself.”210 The Tanzimat era witnessed “the growth of a ‘public sphere’ of state administration [that was] inseparable from textually mediated organization.”211 And in that “public sphere of administration” the organization and the functioning of the modern Ottoman state was depicted in universal, generalized categories that made the Ottoman state comparable to those of “Europe.”

As the preface to the first imperial yearbook indicates, such texts were also designed as means for the new Ottoman bureaucracy (which “maintained the view that it was the foundation of the state”) for its development “towards functionalism and professionalization.”212 They served as manuals or reference books for the provincial administrators in order to remind them of what the modern Ottoman state was. At the same time, the statistics included in the yearbooks required input from local administrations for a universal textual description of the empire through numbers and procedures. If such “textually mediated

210 Habermas, *Legitimation Crisis*, 22.
212 Karpat, "The Transformation of the Ottoman State," 257.
organization” of the empire provided lenses for its people, then provincial administrations’ collection of statistical data and their standardized procedures forced people to look through those lenses, and to perceive and think about the empire that the empire provided.

3.2.3 – conclusion

In one of his lectures at the University of Vermont in 1982, Michel Foucault identified a new field of investigation for himself: “the way by which, through some political technology of individuals, we have been led to recognize ourselves as a society, as a part of a social entity, as a part of a nation or of a state.”213 The lecture was a part of Foucault’s broader, emerging focus on the political exercise of sovereignty by the state over its population.214 In investigating what he referred to as the “reason of state,” Foucault focused on the relation between politics as a practice and as knowledge, and argued for the possibility of a specific “political knowledge.” “Government is possible,” he noted, “only when the strength of the state is known: it is by this knowledge that it can be sustained. [...] The art of governing characteristic of the reason of state is intimately bound up with the development of what was called, at this moment,

214 Ibid., xxiii.
political ‘arithmetic.’” He added that this “political arithmetic” was nothing but statistics,

a statistics related not at all to probability but to the knowledge of state, the knowledge of different states’ respective forces. [...] Here we meet the problem I would like to analyze in some future work. The problem is this: What kind of political techniques, what technology of government, has been put to work and used and developed in the general framework of the reason of state in order to make the individual a significant element for the state?215

The significance of local administration becomes obvious in this perspective. The new Ottoman bureaucracy—again, one that was geared “towards functionalism and professionalization”—was involved heavily in the creation of this “political knowledge,” which in turn, made the government possible.216 It was those involved with the politics of local administration who created this “political knowledge.” The administrators, however, were not alone in this creative process; they were reliant on their informants, the people they counted and whose wealth they measured.

As the numbers and practices of the modern Ottoman state were being published in the official lawbooks, imperial and provincial yearbooks, and the official newspapers, the “reason of state” was becoming obvious to the bureaucrats and the subjects of the modern Ottoman state. This process was not initiated with the announcement of

215 Ibid., 407-10.

216 The significance of statistics and the relationship between keeping statistics and being modern was emphasized by the Ottoman state as well. See for example BOA DÜİT 37-2/18 (1) dated January 2, 1879 (8 M 1296).
the imperial decree of Gülhane. It did, however, intensify during the
Tanzimat era, which witnessed the dissolution of the “traditional social
formation” and the formation of the liberal-capitalist one.

Of course, there were those who did not want to participate fully in
the creation of political knowledge. The December 1, 1838, issue of the
imperial official newspaper, Takvim-i Vekayi, reported the sad story of a
Mehmed ’Ali, who attempted to conceal one of his dwellings from the
surveyor who was sent to the village. “With the divine wisdom of God,
may his name be exalted (Bi-hikmetillahi ta’ala),” the house of Mehmed
‘Ali was burned down while he and his household had to run out “stark
naked to save their lives” (çırpıplak tahlis-i can eylemiş). “As there had
not been a precedent of fire in the district up until [then]” the event
served as a “means of warning” to the others.217 Despite such “divine
warnings,” however, some subjects of the empire insisted on not
complying with the demands of an inquisitive state at all times.

Concealing information and armed resistance were among the
many different ways people chose to respond to the transformation of the
Ottoman social formation.218 Others’ reactions were more compliant;

217 “Kaza-i mezburda şimdiye kadar harik vuku’i mesbuk olmadığından bu
keyfiyet sa’ir ahaliye dahi mucib-i intibah olarak...”

218 Among the many published works the following are a few that focuses on
such frustrated local reactions to this transformation: Çadırcı, "Tanzimat’ın
Uygulanmasında Karşılaşılan Bazı Güçlükler." Çadırcı, Tanzimat Döneminde
Anadolu Kentleri. İnalcık, "Tanzimat’ın Uygulanması ve Sosyal Tepkiler." Ortaylı,
after all, the local populace and bureaucrats were a part of this transformation, as well, and adapting to the transformation of the Ottoman state’s technologies was more beneficial to these compliant groups. The information that these groups provided constituted the Ottoman “political arithmetic.” As will be discussed in Chapter 5, by incorporating the “reason of state” into their daily lives and their strategies, different agents were able to benefit from this transformation.

This chapter began by outlining the crisis of the traditional Ottoman social formation and the emergence of a liberal-capitalist one in the course of the Tanzimat era. As components of this social formation, local notables and other subjects of the empire were fully involved with this transformation. While Habermas’s model of transformation and crisis assumes a split between the state and society, I would argue that the clear boundaries of the state-society duality were elements of an image supported by the modern Ottoman state through “textually mediated organization” of the Ottoman social formation. The Düstur volumes supported the idea of a uniform legal structure that was used to govern the whole empire; the yearbooks categorized the personnel, resources, and the subject population of this structure, and the official newspapers told stories of “divine justice” supporting the new practices

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*Tanzimat Devrinde Osmanlı Mahalli İdareleri* Uzun, *Tanzimat ve Sosyal Direnişler*.

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of the state. It would be misleading to adopt the state-society split suggested by the imperial perspective. As the next chapter argues, local notables became a very strong component of the new provincial judicio-administrative sphere.

In order to assess fully the transformation of the Ottoman social formation we need to analyze this local judicio-administrative sphere. The modern Ottoman state of the emerging “liberal-capitalist social formation” utilized “textually mediated organization” to establish its “legitimation” and to explain a “reason of the state.” Essential for the dissemination of this “reason of state” was the information flow. This flow of information not only constituted the state’s “political arithmetic,” but also gave the local agents the means to protect their interests by incorporating themselves to the information flow through petitions and requests. Because the crisis of the traditional Ottoman social formation was related to rights over means of production, a large majority of the disputes that were discussed within the confines of the textually mediated organization of this new state focused on means of production. In order to understand the politics behind the correspondence between the provinces and the center we need to understand the structure and the transformation of the local administrative framework. The following two chapters will focus on some of the institutions that produced and
conveyed this particular kind of information to the state and thereby introduce us into the politics of local administration.
CHAPTER 3

SITTING TOGETHER: LOCAL COUNCILS AND THE POLITICS OF ADMINISTRATION IN THE COUNTY OF VIDIN

This chapter focuses on the nineteenth-century Ottoman administrative unit known as a *liva* or *sancak*, equivalent to a county. Moving from a general analysis of its structure to a specific analysis of the local institutions within Vidin County, I examine the politics of administering such a unit. Local administration constitutes a set of practices in which local agents and appointed officials negotiate within a set of bureaucratic roles. Rules and regulations issued by a central government define the ideal forms of these roles. Analyzing the interaction of local agents with the administrative and judicial

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219 Cf. Huricihan İslamoğlu, "Politics of Administering Property: Law and Statistics in the Nineteenth-Century Ottoman Empire," in *Constituting Modernity: Private Property in the East and West*, ed., Huricihan İslamoğlu, (New York: I.B. Tauris, 2004), 277, where she points out that “separation of administration from the local or the political detracts from the understanding of the political processes which characterize the legal and administrative constitutions of social reality.”
institutions of the modern Ottoman state is important for three reasons. First, situating the local notability within the administrative structure helps to reveal the political nature of local administration. Second, it allows us to question the supposed separation of the “administrative” and “judiciary” spheres of the modern state, as well as the “state vs. society” split. Third, focusing on the agency of local notables brings to the fore the aspects of local administration that transcend narratives of “national formation.”

In the first two sections, I give an outline of the structure of the county. My primary sources for this are the provincial regulations of 1864 and 1871. The third section uses these regulations to focus on two particular institutions, the county administrative council (liva idare meclisi) and the council of appeals and crime (meclis-i temyiz-i hukuk ve cinayet). Following this introduction, a theoretical discussion in the fourth section analyzes how the politics of the councils was expressed in their reports to the higher administrative center in Ruse. The fifth section of the chapter focuses on the ways in which the local notability participated in these councils through elections. In delineating the politics behind this ambiguous process of participation, I rely mostly on the official yearbooks and copy registries of the administrative council’s outgoing correspondence (i.e., registers that contain the reports and letters written by the administrative council to Ruse and the districts of
Vidin County). The election lists in these sources and other Bulgarian sources give insight about the important figures of local administration in Vidin County. Finally, I analyze the environment in which local correspondence regarding the judicial and administrative issues of the county was drafted. This analysis provides a basis for the following chapters, in which I provide a close reading of the texts produced in these councils.

3.1 – The Many Parts of the Imperial Dominions: The County as an Administrative Unit

In order to understand the functional range of the county administrative and judicial councils, we need to look at how the regulation that introduced these councils conceptualized a county. The provincial regulation of 1864, which defined the “county” as the basic unit in the new administrative geography, opens as follows:220

The many parts of the imperial dominions are divided into various circumscriptions according to the relationships among [their constituent] counties (livad), and each circumscription shall be known as a province (vilayet).

Article one: The general administration of each circumscription is entrusted to the administrative organization that is specified in the following articles, and this administration is established at a single center.

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220 The regulation, issued on November 7, 1864 (7 C 1281), is titled “Teşkilat-i Vilayet Nizamnamesi” in Ottoman-Turkish and it was published in the first volume of Düstur in 1872-3 (1289). See Çadircı, Tanzimat Döneminde Anadolu Kentleri, 250; Ortaylı, Tanzimat Devrinde Osmanlı Mahalli İdareleri, 53; Şentürk, Osmanlı Devleti’nde Bulgar Meselesi, 169. The full text of the regulation can be found in Düstur: I. Tertib, 608-24.
Article two: Each circumscription being divided into counties (livalara) including the county (sancak) that is the administrative center, in every county there will be an administration of a sub-governor (mutasarruf); and the principal city will be the seat of authority.\(^{221}\)

The terms *liva* and *sancak*, respectively the Arabic and Turkish words for “flag” or “banner,” in these articles (and in general) referred to the same administrative unit, the county, and were used interchangeably. Just as each province was divided into counties, each county was divided into districts and each district into villages. In the cities and towns, every 50 houses constituted a neighborhood that was considered the same as a village in this administrative hierarchy of settlements.

The Danube province was somewhat exceptional in this otherwise seemingly unvarying system. Within this framework, territories of the Ottoman Empire in Europe were divided into ten provinces and 44 counties. The whole empire had 27 provinces and 123 counties.\(^{222}\) In Ottoman Europe each province contained an average of 4.4 counties; for the empire as a whole, the average was 4.5. The Danube province

\(^{221}\) *Düstur: I. Tertib*, 608. The original is as follows:

“Memalik-i mahruse-i şahanenin kita’at-i müte’addidesi livaların münasebatına göre devair-i müte’addideye taksim ile her da’ire vilayet ismiyle yad olunacakdır.

Birinci madde: Her dairenin idare-i umumiyesi mevadd-i atiyede mu’ayyen olan hey’et-i idareye muhavvel ve bu idare bir merkezde mukarrerdır.

İkinci madde: Her daire idare-i merkeziyyeyinin bulunduğu sancakla beraber livalara münkäsim olarak her bir sancakda bir mutasarrıftık idaresi olub, re’s-i liva olan şehir makarr olacakdır.”

exceeded this average with its seven counties: Ruse (the administrative center), Vidin, Varna, Tulcha, Sofia, Tarnovo, and Nish.\textsuperscript{223} Moreover, as the province was the first one to be established under the Tanzimat, the regulation of 1864 was almost a verbatim copy of the unique regulation drafted for this province only a month earlier.\textsuperscript{224}

This prototypical model for the Danube province, with separate administrative, judicial, and commercial councils at different levels, was prepared primarily through the efforts of Midhat Paşa.\textsuperscript{225} His successful governorship of the troubled province of Nish during the years 1861-1863 entitled him to more than his second imperial decoration. The administrative model he devised in the course of his service set the blueprint for the provincial regulation of 1864. Furthermore, he was designated the first governor of the first province, the Danube province.

On the surface, Midhat Paşa’s model emphasized a separation of administrative, judicial, and commercial aspects of governance. Different

\textsuperscript{223} Teplov, Materialy Dlia Statistiki Bolgarii, Frakii i Makedonii, 3.

\textsuperscript{224} Hüdai Şentürk dates the regulation for the Danube province October 13, 1864 (12 C 1281) based on the date of the imperial decree that announced the regulation (BOA, İ. MM, no 1245). There is a transliterated copy of both regulations—for the Danube province and for the whole empire—in Şentürk, Osmanlı Devleti’nde Bulgar Meselesi, 253-71. He transliterated the whole text for the former, and marked the changes in the latter regulation as footnotes. The changes, with one notable point regarding the number of elected council members, are stylistic, such as changing “this province” to “all provinces.” I discuss the issue regarding the number of elected members below.

\textsuperscript{225} Todorova, “Midhat Paşa’s Governorship,” 115; Şentürk, Osmanlı Devleti’nde Bulgar Meselesi, 170.
councils that were made up of local representatives and appointed clerks were to handle these issues relatively independently of each other. The model fit into the general framework of the emergence of the modern Ottoman state. Within this framework, the power potential of the local notables and sharʿi judges was meant to be taken over by a newly emergent structured bureaucracy, regulations, and a codified legal system. In little more than six years, a new regulation further crystallized the institutional framework that the 1864 regulation aimed to introduce.

3.2 – THE REGULATION OF 1871: THE COUNTY AS A REFLECTION OF THE PROVINCE

The structural division of administrative units, introduced by the provincial regulation of 1864, constituted the basis for a new regulation that would further specify the bureaucratic layout of the administrative and judicial councils. The new provincial regulation, issued on January 22, 1871, “annulled” the regulation of 1864 without necessarily altering it altogether. It specified each administrative division’s power potential and responsibilities. The new provincial regulation is more organized and structured than its 1864 counterpart. The tasks of each provincial unit, starting with the province and continuing down to the village, are

226 Düstur: I. Tertib, 625-51. The new regulation appears right after the 1864 one in this volume. The regulations of the Danube and Nish provinces are not included in the Düstur.
defined together with the titles of the employees who were to perform those tasks. The new regulation was a tune-up, focused on the administrative sphere of the existing system.\textsuperscript{227} It also aimed to emphasize the separation of the judicial institutions from the administrative ones. The attempt to separate the legal sphere from the administrative one is noticeable at the very beginning of the text: “Special regulations for the state courts (\textit{mehakim-i nizamiye}) having been put in place, these regulations do not discuss the administration of the courts but rather define the duties of the administrative officials, the administrative and municipal councils and the sub-district administrations.”\textsuperscript{228}

The provincial regulations of 1864 and 1871 shaped not only the administrative structure but also the geographical boundaries of Vidin County. When established by the regulation of 1864 as a county, Vidin served as the administrative center for the districts of 'Adliye (modern-}

\textsuperscript{227} In the regulation of 1864 the administration of the counties is explained in two sections titled “civil affairs (\textit{umur-i mülkiye})” and “legal affairs (\textit{umur-i hukukiye}).” In these sections the regulation introduces the responsible offices and officers for a number of administrative tasks. This separation-by-affairs changes into separation-by-personnel by 1871, indicating a refinement of the tasks of already appointed personnel. The section titles change “the duties of the sub-governor (\textit{mutasarrıf}),” “the duties of the county accountant (\textit{muhasebeci}),” “the duties of the chief surveyor (\textit{tahrirat müdürü}) of the county,” etc.

\textsuperscript{228} Ibid., 625. Transliteration of the original text is: “\textit{mehakim-i nizamiye} için nizamname-i mahsus va'ız ve te’sis edilmiş olduğuundan işbu nizamname idare-i mehakimden bahs etmeyip yalnız me’murin-i icra’iye ve meclis-i idare ve belediyenin ve nevahi idarelerinin veza’İfini ta’yın eder.”
day Kula), Belgradcık (Belogradchik), Berkofça (Bergovitsa), İvraca (Vratsa), Rahova (Rahovo), and Lom (Lom); within these districts there were 461 villages. Prior to 1864, Vidin was the seat of a sub-governor (mutasarrıf) for a wider county extending further east along the Danube. Perhaps the new administrative division’s geographic limitation did allow for better supervision; nonetheless, it would be difficult to argue that it meant more powers for the sub-governor.

The regulations of 1864 and 1871 restricted the power potential of sub-governors by making them clearly secondary to the governors (valı) appointed from the imperial center. Their subordination is reflected in the organization of the new regulation as well. In the 1871 regulation, the first sixty of the 130 articles define the officials at different levels and the remaining articles discuss the councils. In both parts, the lion’s share of articles pertains to the highest level of local representation of the Ottoman state: the province. The first 34 articles deal with the duties of the personnel employed at the provincial level. The eight articles

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229 Sts. Cyril and Methodius National Library, Oriental Section (hereafter NBKM), VD 93-36, VD 96-44.

230 For a list of the districts controlled by the governor of Vidin in 1841, refer to Çakır, Tanzimat Dönemi Osmanlı Maliyesi, 246.

231 Düstur: I. Tertib, 625-51. The 60 to 70 division into two parts, in terms of articles, is roughly paralleled by a similar division in pages. Starting at page 625, the first part goes up until page 639; the second part, beginning at the same page, concludes at page 651. The articles of the second part are relatively shorter in general but it would not be misleading to say that the two parts of the regulation of 1871, one focusing on appointed members and the other on partially elected bodies of provincial administration, are comparable in length.
following these focus on the county. Articles 35 and 36 of the 1871
regulation explain the duties of the sub-governors as follows:

Article 35: The county sub-governors are responsible for the
administration of the civil, financial, and constabulary affairs, and
for the proper application of criminal and civil laws (ahkam-ı
cezaiye ve hukukiye). They share responsibility with the governors
for the parts of the administrative duties that are defined in Part
Two (Bab-ı Sanî) as pertaining to the county administration. Also
among the requirements of the duties of the sub-governors are the
determination, subject to the governor’s approval, of the meeting
times of the district councils; and the granting of permission for
the execution, among the decisions of that council, of the
important matters, which require approval requested through the
district head officials (ka’imakam), and implementation according
to [the instructions] obtained from the province level, and of the
[other] matters that pertain to the general regulations and to
county administration, [which can be implemented] with the
decision of the county administrative council.

Article 36: The county sub-governors will not only apply the orders
and instructions they receive from the governor but also oversee
the course of [the application] of the laws and the overall behavior
of the officials in the county; whenever anyone acts contrary to law
and regulation, they will report to the governor their observations
on the degree of the problem and its remedy; likewise, they will
continually report to the governor their investigations and
inspections concerning public works and those of the governor’s
duties that pertain to the administration of the county.\textsuperscript{232}

\textsuperscript{232} Ibid., 634. The original text is:

“Otuzbeşinci madde: Liva mutasarrıfların umur-ı mülkiye ve maliye ve zabtiyênin
idaresine ve ahkam-ı cezaiye ve hukukiyenin me’zuniyet-i nizamiyesi
da’iresinde icra’atına me’mur olup bab-ı sanide ta’yin kilınan veza’iﬁn idare-i
livaya ta’lik eden kısmında vülat ile mes’uliyetleri müşterekdir ve nevahi
mecalisinin valî-i vilayetden bi’l-listizan ta’yin-i zaman-ı icma’tı ve meclis-i
mezkure kararlarından kaza’ ka’imakamları vasıtasıyla istizan olunacak mevadin
mühim olanlarının taraf-ı vilayetden alacağı me’zuniyet üzerine ve nizamât-ı
umumiye ile idare-i livaya ‘a’id olanlarının lade’-l-hace meclis-i idare-i liva
kararıyla icrasına me’zuniyet i’tası dahî mutasarrıfların veza’iﬁ iktizasındadır.

Otuzaltıncı madde: Mutasarrıflar validen alacakları evamir ve ta’limati infaz
edeceği gibi kavanının cereyanına ve ‘ale’-l-umum me’murin-i livanın harekatına
nezaret ederek kanun ve nizama muhalif hareket edenler olduğunda öyle bir
halin derecesini ve İslahi hakkında olan mütala’asını ve umur-ı naﬁ’ada ve
The above two articles not only explicate the limitations on the power potential of sub-governors at the county level but also reveal, at least partially, the logic behind the organization of the first part of the 1871 regulation. The county, as a provincial unit, did not have a unique administrative style that allowed for civil, executive, or legislative independence. All such affairs, at the level of the county, made sense as a part of a more powerful unit, the province. The sub-governors were supposed to make sure that the general principles of administration defined for the province were effective at the county level, at least on paper. They “shared the responsibility of the governor” at the county level and “reported back to him” if there was anything wrong. Only the regular tasks required to achieve those predetermined goals could be performed at the discretion of the sub-governor, and that had to happen “with the required decision of the county administrative council.” In theory, councils and local administrators were to provide checks and balances for the modern Ottoman bureaucratic order.

veza‘if-i vülätin idare-i livaya ta’lik eden cihetleri hakkında tedkikat ve teftişat-ı mütevaliyesini valiye teblïğ eder.

233 The permission to perform only the less significant tasks and the obligation to report anything that was of importance was not unique to the sub-governors. The governors had to perform within such ambiguous limitations as well. In such unclear terms, the regulation is far from defining a standard of relationship between a higher and lower-ranking administrator in the provinces. A risk-averse lower-ranking administrator might report more than a risk-taking one; or a stricter higher-ranking administrator might ask for more say in lower-level provincial affairs.
3.3 – Councils: Inevitable Dynamism?

One of the biggest novelties introduced by the provincial regulations of 1864 and 1871 was the system of administrative councils and councils of appeals and crime. Together they served as a means to limit accumulation of administrative power in the hands of a single administrator—a governor, a sub-governor or the district head official—and the shar'i judge. They also served other functions, as I will emphasize later in this section, through their mediating role between the districts and the province. Before discussing their functions, I will summarize their structures and procedures.

At the county level both councils were composed of appointed and “elected” members. The county administrative councils, as defined in the 1864 regulation, were chaired by the sub-governors of the counties

234 The tax collection councils, discussed in the previous chapter, set the precedent for the latter two councils. Yet, administrative councils and councils of appeals and crime were more sophisticated than their predecessors in the organization of their subdivisions (discussed further in the next chapter); and in the ways they commanded the judicio-administrative sphere in provincial administration. The tax collection councils did control the administrative sphere, but they had very limited power over the judicial sphere. The simultaneous introduction of these councils opened the way for Ottoman “governmentality” to penetrate into the provinces. Foucault gives three interrelated meanings for “governmentality.” Here I refer to Foucault’s first definition of the term as “the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.” The other two definitions are consistent but not necessarily related to the context of this particular study. See Michel Foucault, "Governmentality," in The Foucault Effect: Studies in Governmentality, eds., G. Burchell, C. Gordon, and P. Milier, (Chicago: University of Chicago Press, 1991), 102-03.
(mutasarrif-i liva). The appointed members were the judge of the shar‘i court (hakim al-şer‘), the religious leader(s) of the region (müftü-i belde for the Muslims and re‘is-i ruhani for the non-Muslims), the accountant (muhasebeci), and the director of correspondence (müdür-i tahrirat). Complementing these appointed members were an equal number of “elected” ones (a‘za): two Muslims and two non-Muslims. The council of appeals and crime, on the other hand, was chaired by the judge of the shari‘a court and had six “elected” members.

The balance between the appointed and “elected” members in these councils changed over time. The new county administrative councils’ appointed members were identical to those specified in the Provincial Regulation of the Danube Province, which was issued in October 13, a month earlier than the 1864 regulation suggested. Curiously, however, there was a decline in the number of “elected” members. In the Danube Province Regulation, there were six “elected” members—three Muslims and three non-Muslims—from the region as opposed to four. The elected members, representing the local interests, constituted the majority in this prototypical body; in addition, the leader of each major religious

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235 Şentürk, Osmanlı Devleti’nde Bulgar Meselesi, 168.
community sat on the council ex officio.\textsuperscript{236} The regulation of 1864 eliminated this advantage by changing the ratio to four to four.\textsuperscript{237}

Typically, majority ruled in these councils; therefore, this play in numbers significantly challenged the power potential of the elected members in the decision-making process as against the appointed members representing the Ottoman state. The number of elected members in the council of appeals and crime (meclis-i temyiz-i hukuk ve cinayet), however, remained at six until 1873 and was reduced to four after that.

What were the officially defined duties of these councils? Following the First Part on the central administration of the province, Part Two (Bab-i Sanî) of the 1864 regulation focuses on the county (İdare-i Umur-i Livaiye) and has two subsections: Civil Affairs (Umur-ı Mülkiye) and Legal Affairs (İdare-i Livanın Umur-ı Hukukiyesi). Article 34 of the first subsection explains the administrative council’s responsibilities as follows:

\textsuperscript{236} It is difficult to include the local religious leaders in either of these groups. Their composition and patterns of tenure varied from one county to another, reflecting local religious composition. There were complaints that not all religious groups were equally represented in these councils (Ortaylı, \textit{Tanzimat Devrinde Osmanlı Mahalli İdareleri}, 75). Even when they were all included, we have very limited information on how influential they were in the decision-making process. In Vidin, for example, the Metropolitan did not participate in all the meetings (See Chapter 4).

\textsuperscript{237} The same thing happened in the provincial administrative councils as well. For the county administrative councils, compare articles 32 of the provincial regulation of the Danube province with article 30 of the empire-wide regulation of 1864: Şentürk, \textit{Osmanlı Devleti’inde Bulgar Meselesi}, 259.
The administrative council will be in charge of implementing matters pertaining to civil and financial affairs, police, revenue-collection, public works, property transfer, and agriculture, and will not interfere with legal affairs.\textsuperscript{238}

The first article in the second subsection, Article 37, defines the judge (\textit{hakim}) as the judicial authority on the secular and Shar'i courts.\textsuperscript{239} Article 40 explains the duty of the council of appeals and crime as a “secular” institution:

This council of appeals is charged with the investigation, hearing, and supervising of suits that can be separated and identified as legal (\textit{kanuni}) and regulatory (\textit{nizami}) cases apart from [the following]: first, the particular cases that pertain to Muslims and thus need to be heard in Shar'i courts and likewise cases that pertain to non-Muslims and are heard in their spiritual administrations; and second, issues that relate only to commercial affairs and are heard at the council of commerce.\textsuperscript{240}

The provincial regulation of 1864 marked a significant point in secularization and compartmentalization of the judicial sphere in the provincial administration. In this regulation, the judge of the county is referred to as \textit{hakim}; in contrast, in the Provincial Regulation of the Danube Province, the judge is referred to by the traditional term for a

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\textsuperscript{238} Düstur: I. Tertib, 614. “\textit{Meclis-i idare, umur-i mülkiye ve maliye ve zabtiye ve tahsiliyeye ve na'ıa ve mu’accelat ve tapu ve zira’ate da’ır mevaddın icraatına aid olan umura mé’mur olup, umur-i hukukiyyeye Müdahale etmeyecekdir ...}”

\textsuperscript{239} Ibid., 615.

\textsuperscript{240} Ibid. “\textit{İşbu meclis-i temyiz evvela ahali-i İslamiyyeye aid olup mehakim-i ser’iyiyyede rü’yeti lazım gelen ve kezalik ahali-i gayr-i Müslümaneye aid olup idare-i ruhaniyyelerinde görülen deavi-i mahsusadan ve saniyen sirf umur-i ticarete müte’alik olub mecalis-i ticaretde rü’yet olunan hususdan gayr kanuni ve nizami fasl ve hasm olunacak de’avinin rüyet-i tedkikatına memurdur}.”
\end{flushright}
Shar'i judge, namely, *kadi*.\(^{241}\) This shift in terminology occurs alongside an attempt by the Ottoman state to secularize the judicial process.\(^{242}\)

Also noticeable is the distinction the regulation of 1864 makes between commercial suits, and civil and criminal ones. The commercial code served as a blueprint for the reorganization of the legal system along secular lines prior to the 1864 regulation.\(^{243}\) True to this legacy, the 1864 regulation confirms that commercial affairs lie outside the authority of the *hakim*. By isolating the religious courts and relating their judicial authority to the spiritual needs of the community, the

\(^{241}\) The 41st article (pertaining to the structure of the county council of appeals) of the Provincial Regulation of the Danube Province reads as follows: “Re’s-i sancağın meclis-i temyiz-i hukuku kadının riyaseti tahtında olarak suret-i intihablârî beşinci babda beyan olunacak olan mümeyyîz namyle üçü Müslüman ve üçü gayr-ı Müslüman a’zadan mûrekkeb olacakdîr ve işbu mectisde umur-ı hukukiyyeye vakfî, taraf-ı devleten mansub bir me’mur-ı mahsus bulunacakdîr.” Şentürk, *Osmanlı Devleti’nde Bulgar Meselesi*, 261; emphasis mine. The term “*hakim*” replaces “*kadı*” in the corresponding article of the Provincial Regulation of 1864, which begins “Re’s-i sancağın meclis-i temyizî hakimin riyaseti tahtında olarak...” (*Düstur: I. Tertib*, 615; emphasis mine).


\(^{243}\) See the report of the commission engaged in drawing up the Ottoman civil code (*Mecelle*) to the grand vizier on March 10, 1869, in W. E. Grigsby, *The Medjelle or Ottoman Civil Law* (Nicosia: Herbert E. Clarke, 1895), i-x. See also Cevdet Paşa’s undated manuscript “Duties of the Legal Branch of the Court of Appeals,” most likely written shortly after February 10, 1869, following the publication of the internal regulation of the Imperial Council of Judicial Ordinances (*Divân-ı Ahkâm-ı ‘Adliye*). The manuscript is located in the Atatürk Kitaplığı in Istanbul (Muallim Cevdet Yazmaları O.0006). Cf. Fatmagül Demirel, "Adliye Nezaretinin Kuruluşu ve Faaliyetleri (1876-1914)" (Ph.D. Dissertation, İstanbul University, 2003), 22 and passim; and Bingöl, *Tanzimat Devrinde Osmanlı’da Yargı Reformu*, 110-44.
regulation limited the power of religious authorities over judicial practices. Although article 40 does not specify what constitutes “the particular cases that pertain to Muslims and thus need to be heard in Shar’i courts and likewise cases that pertain to non-Muslims and are heard by their spiritual administrations,” several cases of conversion to Islam recorded in the registries of the Vidin Administrative Council indicate that even such religious cases fell under the authority of these new councils.244

In addition to handling some local administrative tasks, the administrative council and council of appeals and crime served as mediators in transferring a local issue or a dispute to the imperial center. Land disputes, issues pertaining to taxation and administration, and criminal cases were within the jurisdiction of these two councils. Through a chain of such councils at different administrative levels, civil cases were separated from criminal ones: the administrative councils in the provinces, counties, and districts focused on civil cases, and the councils of appeals and crime dealt with criminal cases. A similar two-council structure operated at the district level. District administrative councils (idare meclisi) and councils of litigation (de’avi meclisi) would report on and transfer “cases of significance” and appeals to the relevant councils at the county level. Likewise, the councils at the county level

244 These cases are discussed in Chapter 5.
would transfer the cases to the provincial center and from there to
Istanbul. From 1864 to 1868, cases coming from these local councils
to Istanbul were sent to different departments of the Supreme Council of
Judicial Ordinances (Meclis-i Vala-yı Ahkam-i 'Adliye).

The complicated election process in these councils allowed the
necessary space for the local politics of administration. The term
“elected” for council members is somewhat problematic because the

245 What constitutes “cases of significance” here seems ambiguous. Cevdet
Paşa notes, for example, that local councils of commerce were not allowed to
reach a final decision on cases involving sums greater than 5000 piastres (see
his “Duties of the Legal Branch of the Court of Appeals”). For a better
description, see Sedat Bingöl, Hırsıova Kaza Deavi Meclisi Tutanakları: Nizamiye
Mahkemesi Tutanaklarından Bir Örnek (Eskişehir: Anadolu Üniversitesi
Yayınları, 2002), 15. Bingöl notes that district litigation councils could reach a
final decision on cases that involved prison sentences of up to a month, and the
councils of appeals and crime in the counties could finalize prison sentences of
up to a year. Longer sentences would have to be referred to the appropriate

246 For more information on the structure of the Supreme Council see
Seyitdanlioğlu, Tanzimat Devrinde Meclis-i Vala. In 1868 the Supreme Council
was divided into two: the Council of State (Şura-yı Devlet) and the Council of
Judicial Ordinances (Divân-ı Ahkâm-i 'Adliye). The former was chaired by
Midhat Paşa and the latter by Cevdet Paşa. Correspondence from the provinces
was recorded in the Provincial Correspondence Registries (Vilayet Gelen Giden
Defterleri), then delivered to the Supreme Council of Judicial Ordinances or
after 1868 to the Council of State or the Council of Judicial Ordinances. These
imperial institutions would hear the cases and issue detailed reports on them.
These reports would then be delivered either to the office of the Grand Vizier
(Sadaret) or to the Sultan. Only these two offices had the right to issue orders
to the provinces. Correspondence between these institutions and the office of
the Grand Vizier can be found at the Prime Ministry Ottoman Archives.
Because the Council of Judicial Ordinances debated and reached a decision on
criminal disputes coming from the provinces, and because the documents of
this council are not available to researchers yet, the possibility of tracing the
course of the criminal disputes referred from the provinces to Istanbul is fairly
limited.
election was a two-stage process, in which candidacy depended on nomination by a special committee.

The example of the election of the administrative councils demonstrates the specifics of the process. The 1864 regulation defines the initial election of the four members of the county administrative council. The appointed members of the council—the judge of the shari'a court, the religious leader(s), the accountant, and the director of correspondence—constituted the nominating committee (*meclis-i tefrik*) for the elected members of the council. At least for Vidin County, the members of this committee, and hence the appointed members of the administrative council, were from the region. Local knowledge and experience were valued for positions such as director of correspondence. The nominating committee selected three times the number of appointed members as candidates for election (3x4=12). Theoretically, in these nominations, maintaining a fifty-fifty ratio of Muslims to non-Muslims was important. The names of these twelve candidates were then distributed to all the district administrative councils in the county. Members of each council picked two-thirds of

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247 *Düstur: I. Tertib*, 622-23.

248 “Local” here refers not strictly to Vidin County but to the Danube province as a whole. All the appointed clerks who appear in the register of Vidin County in 1871, including those who were appointed at the district level, were from the Danube province ((NBKM) VD 107-16).

249 This ratio depended on the actual composition of the population. In places where there were few or no members of either population, it was not observed.
these twelve candidates—i.e., eight members and reported their names to the nominating committee. After receiving the responses from all the districts, the nominating committee determined the four candidates who had received the most votes among the various district administrative councils and sent their names to the sub-governor. The sub-governor then picked two of the names and sent the final list to the governor for approval.\textsuperscript{250}

The sub-governor’s selection concluded the first election, which determined all four members who were to serve in the first year the council was established. Every year, through the same complicated process, half of the existing members were replaced at the county administrative councils. In these subsequent elections, the initial list sent to the districts contained only six names, as opposed to twelve. The district administrative councils selected four out of these six. The county administrative council then determined the four candidates who had received the most votes among the various district administrative councils. Finally, the sub-governor chose two names out of the four to submit to the province for approval. Re-election of those who completed

\textsuperscript{250} At the province level the final list would have to be approved by Istanbul. Such an elaborate “election” system guaranteed that those who were not desired by the center were not elected at the province level. Yet, at the county level, the imperial government did not have a direct say. Istanbul could influence the “election” process only through the leverage of its governors.
their terms was permitted. This seems to have allowed for some stability in the composition of the councils’ “elected” members.

A member’s re-election, however, was not a simple process. He had to be re-listed by the county nominating committee, selected by the district administrative councils, and favored by the sub-governor, who selected the final two council members. Finally, he had to receive the governor’s approval. In a county like Vidin, with six districts, even when an ex-member’s name appeared on the initial list, the chances of his being chosen as one of the top four at the county level were fairly low. Moreover, he would still need to be selected by the sub-governor and approved by the governor. This complex mechanism made the re-election of council members difficult and threatened the stability of any two-party alliance between the sub-governor and elected members. It limited the power potential of members and sub-governor alike, since the sub-governor could not guarantee that a member he considered an “ally” would be selected by the district administrative councils. Thus, theoretically, one might expect a high level of turnover in the membership of these councils due to the difficulty of remaining an elected member.

Another factor that contributed to change over time in the composition of these councils was the rotation of their appointed members. The 1871 register of the Vidin County administrative council
is replete with reports of clerks within the region being reassigned from one post to another.\footnote{This register ((NBKM) VD 107-16) is a copy of the communication sent from the Vidin administrative council.} The frequent replacement of appointed Ottoman officials was partially due to resignations caused by low pay, bad working conditions, and work overload.\footnote{Such problems, especially the low salaries, were not unique to the provincial administration. For an analysis of the scope of the problem among Ottoman civil officials and its consequences, see Findley, \textit{Ottoman Civil Officialdom}, 292-333.} To make matters worse, an appointed member had to be replaced by someone with experience in a similar post whenever possible. Often, this resulted in the vacation of another post, since those who had the required experience to be appointed member were usually office-holders.

Two examples from the register of the administrative council in Vidin help to clarify how these appointments were determined. The first concerns Osman Efendi, the registrar of title deeds (\textit{tapu katibi}) in the district of Lom. He was fired from his position after an investigation into claims that he had been unlawfully asking for money from deed holders (\textit{mugayir-i nizam olarak eshab-i tapudan para aldığı vuku’bulan ahbar üzerine ‘ind-el-tedkikat anlaşılmasına mebni}).\footnote{Report dated 19 M 1288 in (NBKM) VD 107-16.} Osman Efendi’s continuation in his post was considered “impermissible” (\textit{rehin-i cevaz olamayacağından}), and he was replaced by Mahmud Efendi, the land registrar of the district of Vratsa (\textit{İvraca kazası arazi katibi}), who seemed
to have sufficient ability to fill the post (kitabet-i mezkureyi hüsni-i ifaya ehliyeti derece-i kifayede görünen). A certain Mustafa Efendi from Vratsa was hired to replace Mahmud Efendi. All these appointments were made by the county administrative council, and the clerks had to provide a guarantor who would vouch for them (meclis-i acızanemizde bi-’l-tensib kefalete rabt olunarak).

It is curious that Mustafa Efendi from Vratsa was hired because apparently, he had not served as a registrar anywhere else. A month later the same administrative council refused to allow Hacı İlyas Ağazade Mehmed Bey to replace Yeter Bey, the land registry clerk in the district of Vratsa (İvraca tahrir-i emlak katibi), who had resigned due to a recent cut in his stipend, on the grounds that the former did not have previous experience. The council was concerned that someone who had not been employed in land registry might throw the survey procedures into disorder (umur-i tahrir[ие]de istihdam olmayan bir adamın tahrir kitabetine ta’yini halinde muamele-i tahririyyeyi teşvişe düşüreceği). In their report to the Danube Province,254 the council referred to a decree of the governor and noted that whenever one land registry clerk resigned, someone with knowledge and experience in that capacity should be

254 These reports are mostly directed to the provincial administration. Occasionally they were directed to the imperial treasury or different military offices, but ordinarily the header reads, “To the greater province of Danube (Tuna Vilayeti celilesine)”. Both reports mentioned in this case were directed to the province.
appointed in his place (tahrir katiblerinden biri istifa eylediğiinde yerine bu hizmetde istihdam olunmuş ve muameleye kesb-i ma’lumat eylemiş olanlardan birisinin ta’yını muktazası irade-i vilayetpenahilerinden bulunmuş). The district administrative council in Vratsa reported that no one was available in the district who could replace Yeter Bey and asked the county to dispatch a replacement.

The shifting pattern of employees created a constantly changing body of clerks within Vidin County. Regardless of the seemingly inconsistent attitude of the administrative council toward the appointment of Mustafa Efendi and Hacı İlyas Ağazade Mehmed Bey, these two cases provide valuable insight into the status of clerks in Vidin by early 1870s. In 1871 alone, there were more than fifty cases of shifting appointments due to resignations or expulsions from state service. Most of the resignations are related to insufficient pay, a decrease in salary, or excessive workload. Cases of bribery and resignation suggest a general dissatisfaction on the part of the clerks with demanding working conditions and insufficient pay.256

This dissatisfaction was matched by a suspicious administration that not only required clerks to provide guarantors for their performance but also insisted that these guarantors be checked and verified as alive and

255 Record 160 in (NBKM) VD 107-16.
256 See n. 252 above.
still valid twice every year.\textsuperscript{257} This high turnover rate, as discussed below, contributed to the accumulation of power in the hands of select local notables. By shifting their position in the local administrative ranks, certain notables remained a part of the politics of local administration. Before discussing how notables retained their influence, however, I will comment on the nature of the reports written by these councils in order to emphasize the advantages of being affiliated with the councils.

3.4 – Councils: Conveying or Constituting Local Reality?

How should we conceptualize the relationship between the reports of these councils and the local events to which they refer? Two cases exemplify the ambiguous nature of the information regarding local social and political realities. In one, a certain Şakir Efendi, claiming to represent the Christians of the district of Rahovo in Vidin, complained about high taxes. “Upon investigation,” it turned out that not only was there no excessive taxation; but Şakir Efendi had not been chosen as community representative. Apparently, Şakir Efendi, using the authority of his former position as state clerk, coerced the inhabitants of the region into signing a petition. Another case concerning Rahovo was brought to the attention of the council in the same month. Upon receiving the news

\textsuperscript{257} Record 151 in (NBKM) VD 107-16.
that 200 people took a certain Mustafa from the district prison by force, the council appointed someone “to investigate” the issue. Again, “upon investigation,” no such use of force was found. Apparently a chief clerk who was in dispute with the governor of the district fabricated the story to get Mustafa out of prison. These cases and several similar ones demonstrate how the instability of appointments hindered information-gathering at the local level and thus hindered state-society dialogue.

Instead of accepting the results of these investigations at face value, I propose to question the authority of our source of information. Both cases were “investigated” by a certain Marin Ağa from the region. More important than Marin Ağa’s findings is his institutional role in constituting a “local reality” of Vidin County. Administrators in Vidin, which had to serve as the source of local information for the Danube Province and, eventually, Istanbul, had to rely on imperfect information. This created a vacuum that Marin Ağa, who also served as an “elected” member of the council, filled as the “informant” for Vidin. The reports of the administrative council were located at the very center of this imperfect information system. Despite the administrative council system’s deficiencies, the province and Istanbul were forced to rely on its information.

258 Ibid. Records 154 and 205 respectively.
How should we approach these reports to render the politics beneath them visible? Jack Goody refers to writing as a “technology” that “has a particular kind of internal influence, since it changes not only the way we communicate but the nature of what we communicate, whether to others or to ourselves.” It is with this understanding of writing as a technology that I would like to approach the register of 1871.

The communication from the county administrative council to the provincial administrative center, I argue, is a political domain that can be seen as a technology of modern Ottoman “governmentality,” since it is a procedure aimed at establishing the authority of the Ottoman state over its population. At the same time, this correspondence—reports, petitions, letters and the like sent to the provincial center—served as a

259 Goody uses the term “technology” as defined by the National Academy of Sciences: “codified ways of deliberately manipulating the environment to achieve some material objective.” Jack Goody, The Power of the Written Tradition (Washington: Smithsonian Institution Press, 2000), 132. I would like to thank Boğaç Ergene for bringing Jack Goody’s work to my attention.

260 Ibid., 136.

261 See n. 234 above for a definition of this term. It crucial to note the difference between the “Ottoman government” and “Ottoman governmentality.” While the former is limited to the institutions of the modern Ottoman state and the local notability affiliated with those institutions, the latter involves all members of the society who, through their choices of action, agree to be a part of this complex power network. A Circassian immigrant, for example, might never be a part of the “Ottoman government;” nevertheless, he would contribute to “Ottoman governmentality” by agreeing to be “registered” by the local council to receive a weekly allowance from the government. In that way that particular immigrant (and his family) would become part of the measured “population” which is the target of Ottoman governmentality.

262 I elaborate more on how such procedures constitute a part of Ottoman governmentality in Chapter 4.
means of resistance and negotiation for the local populace since it gave them an opportunity to participate in how social reality was being reconstituted in those documents. It gave the inhabitants the limited means to oppose the Ottoman government even if this required them to become a part of Ottoman governmentality. This practice of report-writing, in other words, serves as the ground for what Anthony Giddens aptly calls the “dialectic of control”:

All strategies employed by superordinate individuals or groups call forth counter-strategies on the part of subordinates. This phenomenon represents what I call the dialectic of control in social systems, something that connects back directly to the theme of human agency.... To be an agent is to be able to make a difference to the world, and to be able to make a difference is to have power (where power means transformative capacity). No matter how great the scope or intensity of control superordinates possess, since their power presumes the active compliance of others, those others can bring to bear strategies of their own, and apply specific types of sanctions.263

Therefore, the register in which these reports are recorded can be considered as a lens through which to observe how the dialectic of control functioned within Vidin.

This can be done by means of three interrelated strategies. By focusing on each strategy, we can delineate the dialectic of control informing the uses of the reports. First, these reports can be used to understand how the councils constructed the social reality of the county

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263 Giddens, The Nation-State and Violence, 10-11.
of Vidin for the empire. The register included information on the number of people and the taxes for which they were liable. It labeled certain practices “unacceptable” or “unlawful,” certain people as “exempt from taxes,” and certain people as “old” rather than “new” inhabitants. In short, the register was a compilation of reports that constituted a lens which rendered the countryside “visible” (to use James C. Scott’s term) to the gaze of the imperial administration. By endorsing categories used in such reports—such as “title deeds”—the modern Ottoman state was asking the council to perceive the social reality that the council members were to report from a particular angle. People’s “traditional” rights on certain previously communal lands, for example, became “illegal claims” since ownership was now defined in terms of possessing the title deed to a piece of land. Despite the authority of the “superordinate,” the modern Ottoman state, to impose a vocabulary that defined what was “legitimate,” the “subordinate” institutions, the councils, were able to use their authority to determine what to report and how to do so using the particular vocabulary provided by the Ottoman

264 I am not assuming that these reports were the only ways in which the imperial center was able to gather information regarding the provinces and the councils. Yet the authority given to these councils in handling and reporting local administrative and judicial cases rendered them the main source of information for the empire.

state. This dialectic becomes more apparent in the election process (discussed below).

Second, the reports of the administrative council and the council of appeals and crime provide a vague understanding of the negotiated settlements among the members of the council. It would be naïve to assume that the members of the councils worked in harmony on issues that related to distribution of land to immigrants or to the auctioning of the contracts to provision the armed forces. The difficulty in analyzing this particular dialectic of control, however, is identifying the “subordinate” and “superordinate” parties. I do not have access to the council minutes, which would provide insight into the shifting power balances within these bodies. Recent studies reveal that local notables who held governmental posts were also likely to belong to big families or certain interest groups. The power configuration within the county would have an impact on the ways in which these councils functioned, with alliances and oppositions forming among the members. The discussion of the election results below covers only a single aspect of these shifting power balances, namely, the struggle between the appointed and elected members.

266 In chapter 4, however, through a structural analysis of the administrative council registers for the county of Vidin, I attempt to reveal the patterns of participation.

267 Meeker, A Nation of Empire.
Third, the reports of these councils can show how the local populace incorporated and utilized the language of the modern Ottoman state in order to achieve their goals. For ordinary townsmen, these councils represented an authority whose object was “men as a population in relation to the state.” As an institution, the council served as an apparatus for what Foucault refers to as “marginalistic integration of individuals in the state’s utility.”268 By submitting their complaint letters to the councils, the inhabitants of Vidin County were agreeing to identify themselves as “individuals,” that is, as part of a social entity defined in relation to the modern Ottoman state. The presence of the council as an institution that organized and classified people and their possessions according to their potential benefit or harm to the state also forced the people to use similar terms in defining themselves and others in their communications with the councils.

Nonetheless, considering the council and its reports only as technologies of “governmentality” does not do justice to the situation in Vidin County in the second half of the nineteenth century. They also need to be viewed as a means of resistance to and negotiation over the

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268 Foucault, "The Political Technology of Individuals," 409. Foucault focuses on the “police,” broadly construed, and emphasizes that by the end of the eighteenth century “the aim of the police is the permanently increasing production of something new, which is supposed to foster the citizens’ life and the state’s strength. ... The true object of the police becomes ... the population; or, in other words, the state has essentially to take care of men as a population ... and its politics, therefore, has to be a biopolitics”: Foucault, "The Political Technology of Individuals," 415-16.
way in which social reality was being constituted. My argument on this second conceptualization is based on works by Huricihan İslamoğlu and Michael Meeker. In different works, these scholars argue that the modern state did not have an absolute power over its populations. İslamoğlu argues that the “Foucauldian perspective, while transcending the liberal separation of state and society, in reducing the state to its governmental practices, abstracts these practices from the context of power relations in which they are exercised.” Instead, she suggests utilizing a “constitutivist perspective” within which administrative orderings—and law—are conceptualized as hegemonic processes that are dynamic and reflective of the struggles of different groups. She calls for a more detailed analysis of the processes that generate the modern state.

The state, in İslamoğlu’s argument,

represents a hegemonic environment where a dominant group or groups seek to reconcile and mediate multiple interests, in the process eliminating some and including others. Hegemony, or state power, refers to those abilities of the dominant group or groups to affect the power configurations that would enable orderings of social reality (including property relations, which are responsible for allocation of resources) to achieve defined objectives.

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270 Meeker, A Nation of Empire.


Such a dynamic and negotiational conceptualization of the state as a hegemonic environment allows room for other actors to interfere with and challenge the “governmentality” of the Ottoman Empire at different levels. This conceptualization invites us to analyze the dynamic politics of what Foucault referred to as a “very specific albeit complex form of power.”

Michael Meeker’s elaborate analysis of the town of Of in the eastern Black Sea coast focuses on this negotiational coexistence of state and society at the local level. Meeker defines how “a single government of state officials and local elites” in the district of Of began to take shape in the course of eighteenth century:

The rise of local elites in the coastal districts of the province of Trabzon came about through the appropriation and adaptation of an imperial tactic of sovereign power. Individuals from the lower ranks of military officers formed interpersonal associations with their aghas, equals, and betters. With this development, the structure of political authority came to feature a distribution of sovereign power with both vertical and horizontal cleavages. State officials no longer enjoyed a monopoly of military force as they once had during the classical Ottoman period. They were

Princeton University Press, 1993), 12-13; Prasenjit Duara, *Rescuing History from the Nation: Questioning Narratives of Modern China* (Chicago: University of Chicago Press, 1995), 65-69; Florencia E. Mallon, *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley: University of California Press, 1995), 65; and particularly Antonio Gramsci, *Selections from the Prison Notebooks*, trans. Q. Hoare and G. N. Smith (New York: International Publishers, 1971), 52-53; where he notes that “among the subaltern groups, one will exercise or tend to exercise a certain hegemony through the mediation of a party; this must be established by studying the development of all the other parties too, in so far as they include elements of the hegemonic group or of the other subaltern groups which undergo such hegemony.”

Foucault, "Governmentality," 102-03.
everywhere confronted with local elites in the coastal districts who were able to mobilize armed followings. In the course of the nineteenth century, Meeker adds, “the local elites ... adapted themselves to the westernizing state system. The aghas and agha-families remained essential to the state system since they were still necessary for carrying out the most elementary governmental functions at the local level.” He also notes that, despite their functionality in local administration, prominent notables and district governors kept the provincial governors in the dark about certain matters. “All centralized bureaucracies work by filtering out information as it passes upward. Still, a centralized bureaucracy vertically segmented by tiered circles of interpersonal association could be expected to filter out information even more reliably and consistently.”

The significance of Meeker’s analysis lies in its explanation of how the local social structures adapted to and challenged the reach of Ottoman governmentality at the local level. The dynamism of the Ottoman state as a “hegemonic environment” was matched by different groups’ and alliances’ negotiations at the local level, where the boundaries of the modern state were not very clear. At times, local agents were very much a part of this hegemonic environment; at other

274 Meeker, A Nation of Empire, 185.
275 Ibid., 278.
276 Ibid., 260.
times, they were conspicuously absent from the imperial view.

Resistance to Ottoman governmentality, as Meeker points out, did not always fit into the categories defined by the institutions of local administration.

In conceptualizing the discrepancy between local realities and official categories, I would like to recall Giddens’ emphasis on the “coding of information” as an essential step in the formation of the “nation-states.” This is where Ottoman governmentality resides. The adoption of a modern state language by the “subordinates” implies utilization of a new code in the “dialectic of control” by both the superordinate and the subordinate groups. Without understanding the negotiations within the hegemonic environment in which this language is constructed, we cannot fully understand the relationship between the coding a modern state uses and its administrative power. This administrative power, Giddens argues,

is based upon the regulation and co-ordination of human conduct through the manipulation of the settings in which it takes place. Surveillance as the coding of information is an essential element of such power, because the mnemonic and distributional advantages it allows over purely oral culture are immense. But administrative power can only become established if the coding of information is actually applied in

277 For Giddens, a “nation” “exists only when a state has a unified administrative reach over the territory over which its sovereignty is claimed” (Giddens, *The Nation-State and Violence*, 119). This emphasis on “administrative reach” renders cultural and lingual uniformity and territorial unity instrumental but not necessary (see especially 172 and *passim*).
a direct way to the supervision of human activities, so as to
detach them in some part from their involvement with
tradition and with local community life.\textsuperscript{278}

Thus, the language of reports, a language that speaks of “title deeds” and
“income surveys,” codifies local realities to fit them into the yearbooks
and thereby detaches them from local community life. This, however,
does not imply that “the subordinates”—to use Giddens’ terminology—
were altogether pacified. Even in the context of this detachment, those
who were not a part of the Ottoman administration had the potential to
act as agents with “transformative capacity” over structures in the
dialectic of control taking place at the local level.\textsuperscript{279} The local notables
and the populace at large were able to integrate themselves into the
Ottoman governmentality by adopting the language and the practices of
the Ottoman administration.

In Vidin in the second half of the nineteenth century, it is not
possible to find a panopticon state, a “cold monster,” as Foucault would
have it, in opposition to a dominated society of different interests. As I
will point out in the following section, the election results for the
administrative council strongly suggest that local notables were able to
integrate themselves into the local mechanisms of administration. The
council did serve Ottoman “governmentality;” through its repeated

\textsuperscript{278}Ibid., 47.

\textsuperscript{279} For a brilliant analysis of peasants’ agency, see Mallon, \textit{Peasant and Nation}. 
procedures, it contributed to the “discursive dispersion”\textsuperscript{280} of the narrative of a powerful state. Yet, the local notables and other agents knew how to use the practices and the reports of the administrative council to filter out information and constitute a social reality readily visible to the eyes of the provincial administration. It is through this dialectic of control that the institutions of local administration of the modern Ottoman state were continuously challenged and reconstituted.

3.5 – Of Permanency and Change: The Politics of Election

The articles of the Ottoman provincial regulations of 1864 and 1871 and the reports of the county administrative council of Vidin reveal a high turnover rate among its appointed and elected members. Half the elected members were replaced every year, and several appointed members had to change posts due to existing policies of replacement. Who were the elected members of the administrative council? How long did they serve on the council? How did their elected status affect their interaction with the appointed members of the councils? All these questions relate to the election process and are significant in making visible the local politics of administration. This section focuses on the election—and re-election—of the members of these councils.

\textsuperscript{280} For a definition of the term, see Michel Foucault, \textit{The Archaeology of Knowledge and the Discourse on Language} (New York: Pantheon Books, 1982), 31-39.
Serving as a member of these councils meant having a certain level of authority in the local judicio-administrative sphere. Through re-election, local notables could stretch this authority over a longer period. In theory, however, a member’s chances of being reelected were rather low. There were several factors that determined whether a member’s name would be included on the initial list of candidates distributed to the districts. These included the member’s local reputation and relationship with the appointed members of the council who constituted the nominating committee, which determined the initial list. Even when a candidate’s name appeared on the initial list sent to the districts, the chances that his name would be on the list of the four submitted to the sub-governor were only twenty-two percent. In addition, even when the sub-governor chooses one member over the other on the final list, the governor had the option of disapproving the sub-governor’s choice.

Table 3.1 summarizes the candidate lists presented to the sub-governor in Vidin for the years 1871 to 1874. The elections were carried out in the first month of the hijri calendar, Muharram. The entries in the table are from two separate registries of the council’s reports to Ruse, which span the period from March 1871 to February 1874.281 Procedure required the sub-governor to decide on two names (a Muslim and a non-

281 (NBKM) VD 107-16 and VD 96-41. These are separate folders in the Oriental department of the Sts. Cyril and Methodius Library in Sofia. The earlier register’s coverage ends in March 1873.
Muslim) from the four on the list, and report them to the governor. This procedure, however, was not followed in Vidin in these years. Instead, the sub-governor reported all the names in the candidate list and left the choice directly to the governor, asking for the appointment of whichever two names the governor deemed appropriate.282

The list is informative in understanding the politics of the election process. Even more so are the added notes to the results (denoted by red boxes in the table) and the recurrence of particular names.283 For all the years but 1872 there are four names in the final list. In 1872, the resignation of the two top candidates left a third candidate as the lone Muslim member. ‘Ali Bey and Hacı Ömer Bey, both among the notables in Vidin, resigned for no apparent reason and Duhani Derviş Ahmed Efendi was elected as the new Muslim member of the council. Something similar happened in the following year, when Hacı Ömer Bey appeared as a candidate again but resigned “mentioning the excess of his personal affairs.”

282 “Bunların içlerinden kangısi nezd-i ‘ali-i vilayetpenahilerinde münasib görülür ise onlardan ikisinin meclis-i idare a’zalığına tayiniyle.”

283 The table is a compilation of the translations of the candidacy lists. The usual Ottoman titles, such as “eminent” (rifatlu), are translated—using James W. Redhouse, A Turkish and English Lexicon Shewing in English the Signification of the Turkish Terms (Beirut: Librarie du Liban, 1890).—not to make them sound exotic, but to provide an accurate translation of the actual document. These titles were not unusual in the period under examination, as were the titles “honorable,” “esquire,” etc., in the British Empire.
<table>
<thead>
<tr>
<th>Year</th>
<th>Candidate 1</th>
<th>Candidate 2</th>
<th>Candidate 3</th>
<th>Candidate 4</th>
<th>Candidate 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>1871</td>
<td>Administrative council member(^a) Ma’rufzade eminent Ahmed Bey</td>
<td>İvraniyelizade İsmail Efendi</td>
<td>Former member of the court of appeals(^b) eminent Sevastaki Ağa</td>
<td>Merchant Haci Todor Ağa</td>
<td></td>
</tr>
<tr>
<td>1872</td>
<td>([’Ali Bey] resigned although he won the majority(^d)) From the Vidin dynasty,(^c) eminent ’Ali Bey</td>
<td>From the Vidin dynasty, Hacı Ömer Bey</td>
<td>Duhani derviş Ahmed Efendi</td>
<td>Candle maker Kristo Ağa</td>
<td>Dye maker Marin Ağa</td>
</tr>
<tr>
<td>1873</td>
<td>([Hacı Ömer Bey] resigned mentioning excess personal affairs(^g)) From the notables(^f) of Vidin, Hacı Ömer Bey</td>
<td>From the notables of Vidin, Osman Bey</td>
<td>Member of the court of appeals Sefer Ağa</td>
<td>Vidin’li eminent Canko Ağa</td>
<td></td>
</tr>
<tr>
<td>1874</td>
<td>Ma’ruf Ağaazade eminent Ahmed Bey</td>
<td>Former member of the court of appeals Hacı Tahir Ağa</td>
<td>Former member of the administrative council Marin Ağa</td>
<td>Merchant Zayko Ağa</td>
<td></td>
</tr>
</tbody>
</table>

Source: VD 96-41 and VD 107-16

**TABLE 3.1: CANDIDATE LISTS FOR POTENTIAL MEMBERS OF VIDIN’S ADMINISTRATIVE COUNCIL (LOCAL REGISTER)**

\(^a\) Meclis-i idare-i liva a’zəsindən.
\(^b\) Sabık meclis-i təmiz mümmeyyizlərindən
\(^c\) Vidin hanədanndən.
\(^d\) Mir-i mumailiyə ekseriyət kazanmış ise de istifə eylemişdir.
\(^e\) Efendi-i mumailiyə mumailiyəhümə ’Ali və Ömer Beyərən iki re’y noksan kazanmış ise de mumailiyəhümənin vuku’-ı istifasına mebni aza-i mumailiyəhin icra-ı yı memuriyəti mütevakkif-tı re’y-i ’alidir
\(^f\) Vidin eşrafından
\(^g\) Mumailiyə umur zatiyesinin kesretinden bahsə istifə etmişdir.
In the original, a resignation is noted in a diagonal right above the name of the individual. In 1872, the resignations of ‘Ali Bey and Haci Ömer Bey are noted down without any explanation of why they resigned. Notices of their resignation, the circled areas in Figure 3.1, are translated in Table 3.1 above. The following year, in 1873, the note above his name attributes Haci Ömer Bey’s resignation to “the excess of his personal affairs.” Regardless of his reasons, Haci Ömer Bey helped guarantee the election of a Muslim candidate both years by resigning. The report of the election results of 1873 explicitly refers to the requirement that two of the four candidates, “one being a Muslim and one a non-Muslim,” be appointed with the approval of the provincial governor. Resignation seems to be a means of forcing the governor to accept election of a specific candidate.
Hacı Ömer Bey’s resignation in two consecutive years is rather puzzling. Because it is not clear how the initial candidate lists were composed and distributed to the districts by the nominating committee, it is not possible to know whether Hacı Ömer Bey, or any of the candidates on the initial list, wanted to be there. If, on the one hand, the list was composed without consulting the candidates, then the only way for a candidate to choose not to become a member would be resignation. But if Hacı Ömer Bey had the last say in determining whether his name would be included in the initial list, then his resignation should be explained as a result of his own calculations or of external forces.284 There is, however, no further information regarding the resignation of these members, no statements implying a deal among the members. Although one may ask other questions about these results, the answers would be speculative for the most part due to lack of direct evidence.285 One thing that is certain, however, is that the administrative council in Vidin did choose to report a single candidate. It presented the results of a local decision-making process at the county level to the provincial government as the only possible legitimate outcome.

284 That is, either Hacı Ömer Bey himself decided to step down for whatever reason or a more powerful notable or officer demanded his resignation directly. This, however, does not change the outcome: leaving only a single candidate for the seat of a Muslim member.

285 Why, for example, were all those who resigned Muslims? Why were they both members of the “Vidin dynasty?”
There are some irregularities in the ways the council reacted to the resignation of these elected candidates. When the two top vote-getters resigned in 1872, the council did not hesitate to substitute the man who ranked third in the vote, Duhani Derviş Ahmed Efendi. Nevertheless, the council did not feel the need to add the name of the fourth candidate. The resignation of two candidates should have required two additional names on the list, not just one. Furthermore, in 1873, when Hacı Ömer Bey resigned for the second year in a row and left another local notable (eşraf),286 Osman Bey, as the only candidate, the council could have added the name of a third candidate, just as it had a year previously, but it chose not to. This choice left a particular candidate’s name as the only viable option. It seems as if the council used the report, an official document, to legitimize the settled outcome of local power negotiations. There are more intricacies to the “election process” than just such irregularities.

A brief look at the lists reveals that certain names occur more than once in this short interval. Ma'rufzade Ahmed Bey, for example, was a candidate in 1871, and in 1874 he appears with a slightly different title,

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286 While in most cases this term refers specifically to purported descendants of the Prophet, “its pre-Islamic as well as its most basic use in Islamic cultures is to denote a free man who can claim a distinguished rank because of his descent from illustrious ancestors”: The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Sharif," (by C. van Arendonk), <http://www.brillonline.nl/subscriber/entry?entry=islam_COM-1041> (accessed 06/05/2007).
Ma’ruf Ağaçade Ahmed Bey. In fact, as mentioned in the report of
1871, Ahmed Bey had served as a member of the administrative council
prior to that date as well. In addition to Hacı Ömer Bey—who resigned
twice—Marin Ağa, dye maker and “former member of the administrative
council,” appears in 1872 and 1874. Furthermore, these people were not
candidates for only the administrative council.

Every year, in a similar procedure, together with two members for
the administrative council, the governor made the final decision on the
names that would replace half of the examining clerks (mümeyyiz) on the
council of appeals and crime (meclis-i temyiz-i hukuk ve cinayat). This
council, focusing mostly on judicial affairs within the county, was
another way for notables to penetrate the state. The lists of candidates
for the examining clerkships were reported together with the candidates
for the administrative council memberships. Their numbers were
different from those of the candidates for the council memberships. In
1871, there were eight candidates for the examining clerkships, in 1872
only six, and from 1873 onward, only four.

There were a total of 39 candidate positions for the two main
administrative and judicial institutions of local government in Vidin

287 The suffix –zade translates as “son of.” Thus Ma’ruf Ağaçade would mean
“son of Ma’ruf Ağa.”
County.288 The reports contain a total of 30 different names; 22 of these appear only once, and eight appear more than once. Moreover, some of the members appear to be from the same family groups.289 Table 3.2 lists the names of the candidates for the council of appeals and crime on the candidate lists submitted to the province. As in Table 3.1, certain names appear more often than others, indicating the significance of certain people in Vidin’s judicio-administrative sphere. This point becomes clearer when one considers those on the lists who were actually selected to serve.

288 There were four candidates for the administrative council in each of the four years; in 1872, a fifth candidate was added after the resignation of two others. This makes a total of 17 candidate positions. For the council of appeals and crime, there were 22 candidate positions.

289 Ahmed Beyzade Mahmud Bey, a candidate for clerk in 1871, for example, seems to be the son of Ma‘ruzade Ahmed Bey. Also Hacı Ömer Efendizade Remzi Bey, another member candidate in 1874, might be the son of the twice-resigned candidate Hacı Ömer Bey.
<table>
<thead>
<tr>
<th>Year</th>
<th>Candidate 1</th>
<th>Cand. 2</th>
<th>Cand. 3</th>
<th>Cand. 4</th>
<th>Cand. 5</th>
<th>Cand. 6</th>
<th>Cand. 7</th>
<th>Cand. 8</th>
</tr>
</thead>
</table>
| 1871 | Şerif 'alemdarzade Matyaş Ağa | Former district head official\(^a\) of Mecidiye eminent Mansur Bey | Ahmed Beyzade Mahmud Bey | From the Belgrad immigrants Kerim Bey | Tailor Çako Ağa | Hacı İlyazade Taso Ağa | Arslan oğlu Salamın Efendi | Yusuf Vagıtorə(?)
| 1872 | From the Vidin dynasty\(^c\) Ramiz Bey | Hacı ‘Ali Şah Efendizade Cafer Efendi | Hacı Todor Ağa | Rukail Bazırgan | Tailor Sado Ağa | İlyaco’s son-in-law\(^d\) Yako Efendi |
| 1873 | Member of the court of appeals\(^c\) eminent Mansur Bey | From the Belgrad immigrants eminent Şakir Efendi | Şaul Efendi from Vidin | Salamon Efendi from Vidin |
| 1874 | Hacı Ömer Efendizade Remzi Bey | Şerif 'alemdarzade Matyaş Ağa | Former member of the court of appeals\(^f\) Hacı Todor Ağa | Hacı İlya oğlu Taso Ağa |

Source: VD 96-41 and VD 107-16

**TABLE 3.2 – LISTS OF CANDIDATES FOR THE COUNCIL OF APPEALS AND CRIME IN VIDIN (LOCAL REGISTER)**

\(^a\) Kaymakam-ı sabık.
\(^b\) Belgrad muhacirlerinden.
\(^c\) Vidin hanedanından.
\(^d\) Damadı.
\(^e\) Temyiz hukuk müteyyazızlardan.
\(^f\) Sabık temyiz müteyyazızlardan.
### Table 3.3 – Members of the Administrative Council and the Council of Appeals and Crime in Vidin (Salname)

<table>
<thead>
<tr>
<th>Publication year</th>
<th>Elected Members of Vidin’s Administrative Council According to the Salnames</th>
</tr>
</thead>
<tbody>
<tr>
<td>1868-69 1285</td>
<td>Zayko Ağa</td>
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<tr>
<td>1869-70 1286</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>1871-72 1288</td>
<td>Zayko Ağa</td>
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<tr>
<td>1872-73 1289</td>
<td>Sevastaki Ağa</td>
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<td>1873-74 1290</td>
<td>Sevastaki Ağa</td>
</tr>
<tr>
<td>1874-75 1291</td>
<td>Osman Bey</td>
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<td>1875-76 1292</td>
<td>Ahmed Bey</td>
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<tr>
<td>1876-77 1293</td>
<td>Ahmed Bey</td>
</tr>
<tr>
<td>1877-78 1294</td>
<td>Ahmed Bey</td>
</tr>
</tbody>
</table>

**Source:** Tuna Vilayeti Salnamesi Def’a 1 (1285) to Def’a 10 (1294).
These lists do not tell us the governor’s final choices. Table 3.3 presents the names of elected members from the yearbooks (salname) of the Danube Province from 1868-69 (1285) to 1877-78 (1294). The lists were composed every year in the first month of the lunar calendar (Muharram) and provided the names of the potential members for the coming year. The yearbooks, however, give the names of local administrators of the previous year. The names in the 1868-69 (1285) yearbook belong to the council members of 1267-68 (1284). Combined with the candidate list in the local register, the information included in the provincial yearbooks, which were compiled to inform the center, allows for a more critical approach to the politics of election.

In analyzing Tables 3.2 and 3.3, the first thing to notice is the systematic reduction in the number of listed candidates for the council of appeals and crime: from eight in 1871 to six in 1872 to four the following year. The governor apparently selected four, three, and two members in those years respectively. The first drop in the judicial council’s candidates does not conform to the results given in the provincial yearbooks. The yearbook of 1874-1875 (1291) shows that in 1873, the members of the council declined from six to four (See Table 3.3).

290 In addition to the names of those employed in the provincial administration, the yearbooks provide statistical information regarding the number of soldiers, local population, forests, rivers, bridges, lakes, and the like. Their local publication and continuous nature render these yearbooks a useful source. I used all ten of the published yearbooks for the Danube province for Table 3.
However, no reason can be found in the yearbooks to explain why there were eight names in the candidate list of 1871. In the report accompanying this particular candidate list, the administrative council explains that the regular procedure has been followed to replace half the examining clerks of the council of appeals and crime:

Inasmuch as annual election of half the members, with provision for re-election of outgoing members, is among the requirements of the special article of the provincial regulation, eighteen persons were found appropriate in the nominating council (cem'iyyet-i tefrik) for the year '87 [1287] to replace half the members and the examining clerks of the administrative and appeals councils. Of the eighteen men who were nominated for election, as listed at the head of this report, four got the most votes, with unanimity of opinion, for membership in the administrative council and eight for the examining clerkship of the appeals council.291

The council concludes its lengthy report with a request that the governor of the Danube province “elect” half of these candidates for the councils without necessarily indicating why, in that year (1871), the number of the candidates was eight instead of six. Two years later, in 1873, the report accompanying the candidate list, sent by the council to the province, explains that an “imperial decree” had ordered a “reduction” of the number of the examining clerks of the council of appeals from six “to four from March of eighty-nine [1289, March

1873].” The date of the order corresponds roughly with the date on which the council sent the candidate list for the year, March 10, 1873 (10 M 1290). This explains the reduction, to four, in the number of examining clerks listed in the yearbook of 1874-1875 (1291). The question, however, remains: What happened in 1871? Why does the candidate list for that particular year have an extra name? Why is there an apparent mismatch between the local and imperial registries?

The eight names in the candidate list for the council of appeals and crime in 1871 (1288) imply a council with eight members, as four of the names in the candidate list were to replace half of the council members. We know from the yearbook, however, that this was not the case. The candidate list of 1871 corresponds to the line for 1872-73 in Table 3.3, and there are six elected examining clerks on the council of appeals and crime. Four of them—Mansur Bey, Matyaş Ağā, Salamon Efendi, and Çako Ağā—are different from the previous year’s members and are included in the candidate list of 1871. It appears that Persiyado Efendi

292 “…seksendokuз senesi Martından itibaren liva temyız hukuk mümeyyizlerinin dörde tenzili irade bulunduğundan…” (NBKM) VD 96-41, report dated 10 M 1290.

293 The local registries I use contain the copies of reports that were sent to Ruse; the registries themselves were not sent to Ruse or Istanbul. As I discuss below they served a purpose different from merely informing the center about the provinces. Their significance was at the local level. This, however, does not mean that the original reports were not drafted to inform the imperial center. That, indeed, was their main function. This was also the case for the provincial yearbooks. They provided valuable information for the imperial center; thus they were imperial registries. Their significance was at the imperial level.
began serving on the council a year before he had to leave his post, and a fourth elected member replaced him.

A similar irregularity in the tenure of the elected members appears in the first three lines of Table 3.3. All the names are the same for three consecutive years. The structure and contents of the yearbooks suggest that a typographical error is an unlikely explanation for this irregularity. For the first three years, the names of the elected members are the same in both councils while the names of other clerks change. Clearly, the compilers did not use the same information regarding members of these councils for the first three years. Tables of errors at each volume’s end say nothing that relates to this irregularity. And it is also unlikely that the information sent from the county was wrong for three consecutive years.

The presence of these names in the yearbooks may not necessarily mean that these people were actually serving. However, it is a public statement testifying to their positions in local governance, as these yearbooks were published by the government and were distributed to the counties and districts. If the recurrence of the same names for the three consecutive years was not due to a typographical error, or did not reflect an error in the information sent, what could be the explanation behind

294 Each examining clerk could serve for two years in a single term.
such an irregularity? A possible answer relates to another detail in Table 3.3.

The number of elected members for the administrative council in Table 3.3 increases to six for the year 1877. This appears to be the case for Vidin County alone. None of the other counties had administrative councils with six elected members. That this was not the general application in all counties might imply a certain change in the power configuration of Vidin County. Such details support the thesis that there were irregularities or peculiarities in the election process and the composition of these councils. It was possible to have a different number of elected members in similar administrative units in different counties, such as the councils mentioned above. It was also possible for a member to resign even after he was elected, or in the middle of his two-year term. As they were outcomes of the politics of local administration, such seeming irregularities reflect the particularities of the local power balance. Perhaps more important, the provincial government was aware of these irregularities. It did not hesitate to publish such irregularities in the yearbooks that were sent to different counties in the region as well as to Istanbul.

Table 3.4 lists the names of the elected members of these councils, together with when and where they served, in order to give a better sense of their total duration of service. The last column of the table indicates
how many times a candidate served in one of the councils. The table shows how certain local notables switched from one council to another and thus remained an integral part of the local judicio-administrative sphere. Despite possible inaccuracies in the yearbooks, the details of Table 3.4 are too striking to be ignored.

Table 3.4 makes it possible to reach some conclusions regarding the re-election process in these councils. On the one hand, through limiting the number of elected members from the local population and imposing a complicated election system that did not allow high chances of re-election, the imperial center tried to keep the power potential of the local notables under control. On the other hand, through local politics and resignations, local notables were able to maintain their presence in these councils. This becomes more obvious from the provincial yearbooks. Tables 3.3 and 3.4 above indicate not only that certain figures such as Ahmed Bey, Sevastaki Ağa, Hacı Tahir Ağa or Zayko Ağa served continuously for several years, but also that certain members served for three or five or seven years.
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Source: Tuna Vilayeti Salnamesi Def‘a 1 (1285) to Def‘a 10 (1294).
* MT = Council of appeals and crime (Meclis-i temyiz-i hukuk ve cinayet)
† IM = Administrative council (İdare meclisi)
‡ The last three digits of the lunar year of the yearbook (285 = 1285)

TABLE 3.4 – NAMES AND YEARS OF APPOINTMENTS OF VIDIN’S COUNCIL MEMBERS
The regulations required each member to serve for a two-year period. To achieve an odd number of years of service, one would resign (or be dismissed) in the middle of a two-year term. It was not possible for the provincial administration at Ruse to be unaware of such political occurrences. Instead of keeping Ahmed Bey from serving for nine years, the governors at Ruse kept him as a member of these councils. While Ahmed Bey was a member of one of the essential councils of local administration in Vidin for nine years from 1868 to 1877, the governor of Ruse changed ten times during this period. Through re-election, local notables were thus able to maintain their presence within the bureaucratic mechanisms of the Ottoman administration.

The provincial regulations of 1864 and 1871 define the nominating committees as composed of the appointed members of the administrative council of the county. The local registries confirm that indeed this was the case for Vidin. A rough draft of a report sent to the provincial administration on April 2, 1876, sheds light on problems with the

295 Sinan Kuneralp, Son Dönem Osmanlı Erkan ve Ricali, 1839-1922: Prosopografik Rehber (İstanbul: Isis, 1999), 41. After the relatively long-lasting administration of Midhat Paşa, the mastermind behind the empire’s provincial reforms and the first governor of the Danube Province (1864-1868), the governor of the province changed almost every year. Only Mehmed Asım Paşa served longer than a year (April 1874 to October 1876).

296 This draft is from a partial draft book of reports (NBKM) VD 98-13) sent by the administrative council to the provincial center at Ruse. Since it is a draft book, its shape and structure differ from the other two registries I used to analyze the candidate lists; it has several corrections marked for the final report, yet its content is similar.
election process. The report takes note of a dispute between two camps that were supposed to elect eight names out of the twelve that the nominating committee decided upon for each council. The nominating committee did not send the list to the district councils. Instead three to four members from the administrative and judicial councils (*idare meclisi* and *meclis-i de’avi*) of each district came to Vidin to elect two-thirds of these twelve candidates. These electors (*intihabci*) met the electors from the head district, Vidin. However, the lists of names offered by the district council members did not match those offered by the electors from Vidin. The gathering in the head district is not mentioned as an unusual incident in the report. This indicates that it might be a practice that was familiar, if not customary. However, since they could not agree on a common list, it was necessary to draft the report.

The report’s details present a clearer picture of the dispute. The number of electors in each group appears to be rather uneven. On the one hand, twenty-one electors from the districts, all of them members of the district councils, represented a larger body of electors in the districts. On the other, eight electors from the central district, Vidin, which served as the center of the whole county, represented 61 electors from the villages and towns around Vidin. There is no detailed explanation in the report of who these 61 electors are, only that they are from the neighborhoods and villages of Vidin district (*Vidin kazasi mahalleri ve*
It is likely that the 61 electors were notables from villages within the district of Vidin and that they agreed upon eight representatives in order to elect eight council members for that year. It is not possible to know the details of local politics in this election; nevertheless, it is clear that the eight representatives from Vidin had a significant influence on the process. Even the majority from the districts could not exert authority over the Vidin representatives. They were able to insist on a

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297 These crossed over parts are grammatical corrections made by the clerks on the report before it was finalized. Such errors give clues about how hasty the writing process might be. Corrections are quite common in drafts and they are not always due to grammatical errors. Sometimes clerks correct the draft in order to correct the material information regarding the case or to correct the order of events. As I will argue in more detail later, these corrections also serve as means to override the local vocabulary with the terminology of the modern state. Such “paraphrasing” did serve as what Giddens referred to as “coding” of social reality, which led to a detachment from the local context that it belonged to.


299 *Spis’k na Naselenite Mesta* (Sofia: Durzhavna Pechatnitsa (State Press), 1945), 20.
list different from the one supported by the other 21 electors, and this disagreement led to the report.

Based on their names, at least five out of these eight representatives were non-Muslims. Three of the five had the names of their villages clearly identified: Slanatruna karyeli Yovan (üşn) Ağa, Helvacı karyeli Karin Dimitri Ağa, and Bregova karyeli Yovan Orta (?). All three villages—Slanatruna, Helvacı, and Bregova—occupy a narrow strip to the north of Vidin. That some representatives used their village names together with their own names implies either that the other representatives were from the town of Vidin, or that they were familiar to the members of the administrative council to whom the report was addressed. Of the remaining five, Süleyman Efendi identified himself as the former Muslim religious leader of the region (müftü-i sabik). Another, Anastas Hacı İliya, was a member of the council of appeals and crime for three consecutive years between 1868 and 1871 (1285-87). A third representative not affiliated with a village, Aleksandri Nikolço Ağa (in fact, another entry indicates that he is from Vidin), also appears on the list made by the 21 council members from the districts.

300 Hacı İliya’s family members, his son and his son-in-law, were on the candidate lists for the same council a number of times in the following years, as well.
These details give some clues about the electors from the villages and neighborhoods of Vidin. The most essential criterion in the choice of electors seems to have been neither a geographically even distribution among all the villages, nor a candidate’s former involvement with the local administration. Knowing the general pattern of the results of the “election process” for the councils, however, one can safely assert that these representatives would be on good terms with some of the most frequently elected members of the councils in the county. It comes as no surprise, then, that the lists compiled by both groups have a number of names in common, including Ma’ruf Ağazade Ahmed Bey, who served in the councils for nine years beginning in 1868, and Zayko Ağa, who served for seven years during the same period. It should also be noted that the representatives’ list features one candidate from the village of Slanatruna and one from Helvacı. It appears that notables from these northern villages of Vidin district were prominent enough to make it onto the candidate lists.301

301 Based on the yearbook of 1873-74 (1290), Slanatruna (modern-day Slanotrûn) was located three hours’ distance from Vidin; it had a non-Muslim population of 40 households and 140 people and a Muslim immigrant population of 55 households and 225 people. Helvacı (Khalvazhi or modern-day Maior Uzunovo) was two hours distant from Vidin and had a non-Muslim population of 39 households and 143 people. Bregova (modern-day Briagovo) located at six hours’ distance from the center, was the most heavily populated village of Vidin according to both the yearbook of 1873-74 and the book of place names of 1945: 561 households and 5455 people. This is probably why a resident of this village was able to become a representative. The representatives from Slanatruna and Helvacı were perhaps there to support the candidates from their villages.
Getting elected and serving on the county councils were significant achievements in the politics of local administration. Council membership meant power for the local notables who were elected and were able to maintain their positions. The report on the above-mentioned dispute regarding the drafting of the candidate lists indicates that there was a relatively stable hegemonic domination by certain notables at the county level. The central district of the county and the other districts were expected to agree on certain names to represent the local interests in local administration. Yet, as this dispute and the analysis of the election process indicates, getting re-elected to these councils was rather difficult.

With a mathematically low likelihood of getting re-elected and the intricacies of local politics, how did people like Ma’ruf Ağazade Ahmed Bey serve for such long periods? In fact, a core group of local notables played key roles in regional politics well before the first imperial yearbook was compiled in 1868. The July 19, 1865, issue of the newspaper Dunav reports the establishment of an orphanage (ıslahhane) for orphans and poor children in Ruse. The donors from the region include not only Ahmed Bey but also Zayko Ağa. An interrogation report dated June 23, 1865,\textsuperscript{302} bears the seal of Sevastaki Ağa as an examining clerk at the council of appeals and crime, with three clearly identifiable letters, С И Г, \footnote{\textsuperscript{302} [NBKM] VD 123-17.}
representing his full name, Sevastaki Ivanov Gunzovyanov (Севастаки Иванов Гънзовянов).\textsuperscript{303} Even prior to the decree of 1864, the seals of Ahmed Bey and Zayko Ağə are prominent on a report regarding the bakers of the town and indicate their position as members of the tax collection council that preceded the administrative council.\textsuperscript{304}

The discussion here has been limited mostly to the last ten years during which the two councils were active. However, there were other opportunities besides the councils for local notables to participate in the activities of the Ottoman state. In addition to many other civilian and military members of local government, all volumes of the yearbooks except the first one list the members of a commission of surveys (\textit{tahrir komisyonu}). The dye-maker Marin Ağə, who reported many cases, including the two mentioned above, and who served as a council member for two years, was one of the four members of this commission for all nine years (1868-77) recorded in the yearbooks. In fact, it is possible to find many names that reappear over the years in various bodies, indicating a local judicio-administrative sphere that served as a means for local groups to wield influence by adapting themselves to the new institutions of the modern Ottoman state.

\textsuperscript{303} Genadi Vulchev, \textit{Deputatite Ot Vidinski Oblast} (Vidin: n.p., 2003), 32.
\textsuperscript{304} [NBKM] VD 91-14.
Sources other than the yearbooks further attest to the complicated relationship between these local notables and the modern Ottoman state. With a language that is typical of the pro-independence newspapers that were published outside the Ottoman Empire, the author of an anonymous article from the Bucharest-based newspaper *Svoboda* asks who should be blamed for the 500 years of Ottoman brutality: “Whom should we accuse? Who is to blame?” 305 The “Turcophilic” Sevastaki Ağa provides the author with a convenient representative of those “who wish to feed themselves alone, just like the Turks, and are ready to live comfortably [rahat—a word Bulgarians borrowed from Turkish].”

“Sevastaki,” our reporter continues, “has big mansions naturally full of wealth: silk curtains, velvet cushions and pillows, sultans’ portraits, etc.” *Svoboda* was one of several newspapers whose reporters associated regime change with the elimination of the local notability, the *chorbadzhia*, who worked with the Ottoman government. The regime change, however, did not eliminate the names that I have been discussing so far.

Genadi Vulchev’s recent work306 is helpful in explicating not only the family lineages of some of the prominent local notables mentioned so far but also the important role played by succeeding generations of these

families under the Bulgarian administration. A significant detail one cannot detect from the yearbooks and the candidate lists is that Sevastaki Ağa (Sevastaki I. Gunzovyanov, 1825-1898) was married to Efimia Shishmanova, who was a younger sister of Ekaterina Shishmanova, mother of Hacı İliya Efendi (İlia T. Tsanov, 1835-1901).307 Hacı İliya’s brother, Nako Ağa (Naicho Tomov Tsanov), was a member of the council of appeals and crime later. Their father, Tomaki Tsanov, worked for the Ottoman administration and died in exile in “Asia Minor.”308 The prominence of these individuals and families continued well after Bulgaria became independent in 1877. Zayko Ağa (Tseko Vanchov) represented Vidin in the Second General National Assembly (Obiknoveno Narodno Subranie) of the newly established Bulgaria in 1881.309 Both he and Ahmed Bey—with his name semi-Slavicized to Akhmed Beg Marufov—were members of the municipal council and among the 38 people who donated 8131 Leva (Bulgarian currency) to the municipality in 1883.310 The impact of these people on the local judicio-administrative sphere transcended the major changes of 1877. Not only did they retain their prominence after the regime change, but they were also able to integrate themselves into the new regime. Ma’ruf Ağaazade

307 Ibid., 32 and 158.
308 Ibid., 390.
309 Vulchev, Deputatite Ot Vidinski Oblast, 624.
310 Vidin State Archives, ф. 17 К оп 1 λ 30 гръб.
Ahmed Bey, who was not only affiliated with the former regime but also a “Turkish Muslim,” was appointed by the Russian imperial commissar Duke (Kniaz) Dondukov-Korsakov to the Constituent Assembly in Veliko Turnovo in 1879. Together with Hacı İliya Efendi, he was one of the 229 members who drafted the Turnovo Constitution that served Bulgaria from 1879 to 1947.

![Figure 3.2 – Some of the Prominent Members of the Councils in Vidin](image)

311 Vulchev, *Vidinskite Rodove*, 74.
312 Ibid., 622.
3.6 – Conclusion

The regulations of 1864 and 1871 were attempts by the modern Ottoman state to establish a dynamic administrative structure that functioned in communication with but separate from the judicial structure at the local level. Although local councils were not a novelty for the empire, it was only after the provincial regulation of 1864 that we see the establishment of a council of appeals and crime in every county. These were state courts (*mehakim-i nizamiye*) that allowed the participation of local notables. The provincial regulations of 1864 and 1871 focused mostly on the local administrative councils and put special emphasis on separating the structure and duties of these state courts. This attempt by the empire to separate the administrative sphere from the judicial one, however, appears to have failed in Vidin County. By moving from one council to another, the local notables, such as Zayko Ağa, Sevastaki Ağa, Ahmed Bey and Hacı İliya Efendi, established a link between these councils.

In addition to emphasizing relatively independent administrative and judicial councils, the provincial regulations of 1864 and 1871 established a deliberate procedure of election that aimed to prevent the local notables from serving long periods on these councils. Lists of members in the yearbooks indicate that this attempt did not succeed, either. Several notables managed to get reelected continuously for
extended periods. That these yearbooks were published by the province indicates that the imperial administration was aware of this situation. The details of the election process described above also prove that the provincial administration did not do much to prevent the re-election of certain candidates.

The design, duties, and functioning of these councils enabled local notables to participate in the local judicio-administrative sphere. The nature of this participation made getting elected—and reelected—a very important aspect of the politics of local administration. The information available about some of these council members indicates that they retained their prominence even after the collapse of the Ottoman administrative structure. In that sense, the local notables outlived the empire in the region as agents of a new Bulgarian governmentality. Surviving the crisis of the Ottoman traditional social structure, these agents were able to integrate themselves into the emerging modern social structure and be a part of Ottoman/Bulgarian governmentality despite the political turmoil in the region. Regime change, coming with the collapse of the Ottoman administrative structure in the region, did not lead to a dramatic rupture in the local socioeconomic institutional structure.

So far I have focused mostly on how the agents of this structure came to power and retained their agency. This, however, does not mean
that these councils functioned in unanimity, without any conflict. The next chapter extends this chapter’s focus on the politics of election by discussing how the members of the council might have interacted with each other.
CHAPTER 4

ONCE INSIDE THE CHAMBER...: PARTICIPATION IN THE POLITICS OF LOCAL ADMINISTRATION

The elections for the council of our city are at last at an end, and the new members have finally, this week, commenced convening. But this time, the matter was not terminated as simply as it used to be. For, ten days after the ballot boxes were opened the citizens of our city were still eagerly looking forward to see which side the balance would tip. And this is the matter: among our Muslim citizens there are two aristocratic families, whose genealogy goes back to the days of the establishment of Islam in the country, the families of Husaynī and Khālidī. And from olden times the competition among them is great, while the power of one of them is supreme, most important offices go to its sons, and it rules, while the other becomes weaker, until the balance is redressed in the opposite direction. And in our days now for many years the first family has the upper hand and the headship of the city council has been in the hand of its members almost from the day the municipality was established [...]. But this time, when the time has come for the head of the council to leave his office, the second family gathered all its strength and put up for election one of its most distinguished elders, and the other family nominated as candidate the son of the outgoing mayor, and one of its distinguished men. After a severe campaign, which lasted for a month and a half, all the three were elected, and along with them also one Muslim and one of our nation [Jewish], who is the son of the permanent Jewish member of the council [...] and so there remained only the question of the nomination of the head of the council which by law is at the hand of the city governor [...]. And so the list was sent to His Highness the Paşa, and all the great men of our city were looking forward to his decision. And after much
contemplation he at last decided in favor of the Khālidī family, and as head of the council he appointed Yāsin Efendi al-Khālidī.\textsuperscript{313}

As the above account of the Jerusalem municipal elections of 1898 and my analysis in the previous chapter indicate, the election process in the local judicio-administrative sphere proves to be politically charged. In general, election results for local councils reflect the existing relatively mutable power balance among the local notables. Furthermore, they delineate, to a certain degree, patterns of participation in a “single government of state officials and local elites” (to use Michael Meeker’s phrase)\textsuperscript{314} that reconstitute the social reality of the provinces for the higher administrative levels of the Ottoman state. The local notables’ ability to remain as significant members of this local judicio-administrative sphere depended as much on the existing provincial power structure as on their ability to be a part of Ottoman governmentality.\textsuperscript{315} The elected members operated as agents within Ottoman governmentality, in politically charged environments, where they had to negotiate with each other. As most local administrational and judiciary issues were dealt with in (and reported from) these councils, their meetings, the issues they debated and their reports


\textsuperscript{314} Meeker, \textit{A Nation of Empire}, 185.

\textsuperscript{315} For a definition of Ottoman governmentality and its difference from the Ottoman government see n. 234 Chapter 3.
constitute instances of participation in Ottoman governmentality. This chapter focuses on different aspects of participation in the judicio–administrative sphere of Vidin in the period under analysis. First, there is an analysis of the participation patterns of the Vidin administrative council’s members in the meetings and the report-writing process. Following that, the second section focuses on the yearbooks to display the general bureaucratic framework within which the administrative council and the council of appeals and crime functioned.

4.1 – SEALS: IMAGES OF PARTICIPATION?

Identifying the election patterns was relatively easy; nevertheless, we do not have much information on who attended the meetings of the administrative and judiciary councils. As the analysis in Chapter 3 indicates, being elected to these councils was important for the local notables, although the council members were not paid a good salary (if paid at all). Information regarding what happened in these councils

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316 The phenomenon of some notables’ domination in these councils was not limited to Vidin. The few monographs on the topic points to similar occurrences in other places such as Haifa (Yazbak, Haifa in the Late Ottoman Period, 1864-1914: A Muslim Town in Transition, 33-68); Jerusalem (Gerber, Ottoman Rule in Jerusalem, 1890-1914, 143-59); and different parts of Anatolia (Bingöl, Tanzimat Devrinde Osmanlı’da Yargı Reformu, 238-43).

317 I have not been able to reach conclusive evidence that these members worked for a salary. The preface to the Regulation of the Danube Province lists all the ex officio members of the councils (the appointed and the elected ones) and adds that “they” should be paid sufficient wages; however, the preface does not clarify whether the indefinite pronoun “they” refers to the appointed members or the elected ones (or both). Düstur, 516-17. Available works that I
following the elections is rather limited. It does not necessarily follow
from being elected that all the members would be in equal standing:
sitting together, in other words, does not imply working together in
harmony. Consider the following “interesting spectacle” from the
memoirs of Stanislas G.B. St. Clair and Charles Brophy:

A very interesting and edifying spectacle is a debate of the village Medjliss [council], or Rayah “Conseil Communal;” the “Mairie” is
the Tukhan [dükkan] or public-house, and “M. le Maire” is a
being remarkable by the dirt with which he is thickly encrusted,
and who is, moreover, three-quarters tipsy; he is as uneducated
as the rest of his colleagues, who differ from him in physical
appearance only by being a little more or less unwashed, and a
little more or less inebriated.

The whole council is seated on the ground alla Turca, or lying
about in any attitude they find convenient; smoking and drinking
go on uninterruptedly, for a Bulgarian Medjliss is always thirsty,
and the Bakal steps over the bodies of prostrate [honorable]
members to fill their glasses and give his opinion on the subject in
question.

The case undergoing discussion is as follows: an honest Turk has
captured a horse-thief in flagrante delicto, and as the horse belongs
to the village of Derekuoi he has delivered up thief and stolen
property to the “authorities” of the village; the culprit is sentenced

consulted on this issue either did not mention the issue at all or indicated that
these were not paid. Sedat Bingöl, Beshara Doumani, and Mahmoud Yazbak,
scholars who worked on similar local councils, kindly noted (in my private
correspondence with them on different instances) that they did not come across
with any explicit reference to the salaries for the elected members of the
administrative councils in this period. There is, however, information on the
salaries of the clerks and other state-appointed members of the councils. While
these members might be getting a certain sum to cover certain expenses—such
as those for their occasional trips to other districts—the lack of reference to
their salaries and the fact that these members had to be among the wealthier
members of the society leads to suggest that their salaries (if they were paid at
all) were not very significant with respect to their accumulated wealth. BOA, İ.
MVL, no 24362 notes that the elected members of the municipal council were
not paid. BOA, İ. MVL, no 24971 notes the same thing for the elected members
of the commercial courts. The clerks and appointed members in both
institutions were paid regular salaries.
in a corner of the Tukhan, drinking his mastics, and occasionally joining in the debate, as do also the village witch and various other women whom the gravity of the occurrence has attracted in the door of the public house. [in a footnote the authors add: “This scene is related as it really occurred”]

“What were we talking about” says M. le Maire, who has taken off his old sheepskin cap, and is engaged in a minute investigation of its recesses

“Kto snaje?” (who knows?) answers Vassili, pausing for a moment in his occupation of washing his feet with a penknife.

“You are an idiot, Vassili!” cries Nikolaki, his political opponent, an advanced Liberal who detests the old-fashioned Conservatism of Vassili.

Vassili replies by some strictly unparliamentary language, and Nikolaki continues—

“An idiot and nothing else! We were talking about the horse, and you are too great a fool to recollect even that!”

Hereupon ensues a free fight; but as everybody has been drinking too freely to be able to hit out, not much damage is done […] finally, order and harmony are restored.318

The words of St Clair and Brophy should be taken with caution since the purpose of their book was “to show the falseness of accusations of Turkish misrule.”319 The book was published in the midst of a heated debate on the role of Victorian Britain’s role in the world and was written mostly for British readers.320 Despite the authors’ bias against (if not

318 S. G. B. St. Clair and C. A. Brophy, A Residence in Bulgaria; or, Notes on the Resources and Administration of Turkey (London: John Murray, 1869), 380-81.
320 The debate about the role of Great Britain in the world revolved around the so-called “Eastern Question” among other things (from Britain’s involvement in Ireland to the colonization of India). “The Bulgarian atrocities” of 1876, Richard Shannon notes, “provoked the most convincing demonstration of the High Victorian public conscience; and the agitation can be understood only in relation to the development and refinement of that public conscience” (Richard
racism toward the non-Muslim population, their depiction of the “harmony” within the councils is not unfounded. St Clair and Brophy’s moderate contemporaries join them in noting that the administration of justice and other affairs in these councils were not without disputes and abuses of power.

Not only the foreign observers, but also the Ottoman Empire seems to have been aware of the problems regarding harmonious gatherings of the councils. The imperial decree on the council members’ duties in the tax-collection councils (which can be considered as the prototype for the councils established after 1864) required all the issues to be debated among the elected council members “without any resentment or


321 In fact, as Ludmilla Kostova summarizes, their message is “fairly clear: everywhere else in Europe at least a modicum of progress has been achieved; the Bulgarian alone have been left out of History’s grand scenario because of ‘racial’ deficiencies and general inferiority” Ludmilla Kostova, *Tales of Periphery: The Balkans in Nineteenth-Century British Writing* (Veliko Turnovo: Sts. Cyril and Methodius University Press, 1997), 116. Kostova devotes a whole chapter (pp.116-127) to St. Clair and Brophy’s book.


323 The term used here, a’za, generally stands for the “elected” members as opposed to the “appointed” ones (for whom the term clerk (me’mur) is used).
difficulty.” Despite the explicit instructions on how to discuss an issue in a council, following the provincial regulation of 1864, the Ottoman state felt the need to issue another order that regulated the precedence of the elected members over one another.325

In this new order, the emphasis was on the civil rank of the members;326 those with higher rank took precedence over the others. When the members’ ranks were equal, those who had served in the council longer would take precedence. This regulation intended to disassociate the religious affiliation of a member from his participation in the councils’ meetings. The opening of the text indicates that religious difference was one of the reasons causing council members’ precedence over one another to be non-uniform in different parts of the Empire. The regulation was issued “because matters of precedence among the ... non-Muslim members of the council” are handled differently everywhere, and

324 Düstur, 484. “Kaffe-i mesalih cümle meclis azaları beyinde garezsiz ve pürüzsüz müzakere olunub ve herkes hatırına geleni söyleyip bi-l-garez i’tiraz vuku’unda meclisi kandırıncaya bast-ı edille-i makal eylemesine mani olunmaya.”

325 “Regulation concerning the precedence of the [elected] members over one another” (Taşra meclisleri a’zalarının yekdiğere takaddümleri hakkında nizam) in Düstur: I. Tertib, 719. There is no date at the copy of the regulation included in this particular volume of Düstur. That it is not included in the previous volume in 1866 indicates that the regulation was issued sometime between 1866 and 1873.

326 The emphasis on a hierarchy of civil ranks was an essential component of the Ottoman civil bureaucracy’s development. Tables of equivalence and precedence, as Carter Findley notes, were among the things that “gave the scribal service a more ‘modern’ image and a more sharply delineated collective identity than it had ever before enjoyed” Findley, Bureaucratic Reform in the Ottoman Empire, 144.
“endless talk and complaints arise from this lack of regularity and order.” Such a regulation is a reminder that an elected member of the local councils had limits to his participation to discussions in these councils. Since we do not have minutes of the meetings, our understanding of the discussion environment in these councils is very limited.

The most important source of information that we have about the county administrative council and the council of appeals and crime in Vidin is the registers that contain copies of the council’s correspondence with the province and the other districts. These copy registers, however, are mostly quiet about the council members. Since the councils did not have to send these registers to the provincial capital at Ruse, the members of the councils did not have to sign under each item of correspondence. In what follows, I will analyze the general structure of copy registers of the Vidin administrative council, and focus on an unusual practice that occurs in these registers in order to understand the dynamics of participation to the meetings of this particular council.

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327 “Taşra meclislerinde milel-i gayr-i müslime [...] efradından a’za bulunanların yekdiğere takaddümleri her yerde bir başka tarzda cereyan etmekde bu ittirad ve intizamsızlık dan dolayı kil-ü-kal ve şikayet vuku’unun ardi kesilmemek de olmasıyla [...]” Düstur: I. Tertib, 719.

328 The actual letters that were sent to the provincial center or to the districts would have the seals of the members who were present at that meeting.
The members of the administrative council remain anonymous for the most part in the available registers (from March 24, 1871, to August 4, 1873) because we have only the titles of the elected and appointed members under each report (see the circled area in Figure 4.1). The members of the administrative council did not use their seals, which could have helped us to associate titles with the names inscribed on those seals.

**Figure 4.1 – Vidin Administrative Council Members’ Titles**

329 The date of the first record of the first register of Vidin administrative council (VD 107-16) that I use for this study.
The head of the council, the sub-governor of the Vidin County (Mutasarrıf-ı Liva-i Vidin), is at the left side of the row of titles. Following his title, we have (from left to right)\(^{330}\) the titles of the shar’i judge (\textit{hakim al-şer}), the region’s Muslim cleric (\textit{ufti-i belde}),\(^{331}\) the accountant (\textit{muhasebeci}), the director of correspondence (\textit{müdür-i tahrirat}), and the four “elected” members (\textit{a’za}). One thing that attracts attention here is the absence of a religious leader for the non-Muslim population. In fact, with the exception of the candidate list dated April 4, 1871, the titles of non-Muslim groups’ religious leaders are mostly missing from the reports in the first register. At the bottom of this candidate list, the titles “the metropolitan” (\textit{metropolit}) and “the chief rabbi” (\textit{haham baş}) are added to the other appointed members’ titles. It appears that the “election committee” (\textit{meclis-i tefrik}) included these religious leaders, whose titles do not appear in the council’s copy registers from March 24, 1871 to August 4, 1873. I discuss their brief appearances in another register below.

\(^{330}\) The ordering of these titles is done according to their ranks: the highest-rank member, the sub-governor, is at the left side of the row of titles, and the elected members are on the right side. Mūbahat S. Kūtukoğlu, \textit{Osmanlı Belgelerinin Dili: Diplomatik} (Istanbul: Kubbealtı Akademi Kütür ve San’at Vakfı, 1994), 33.

\(^{331}\) Mahmud Yazbak uses “jurisconsult” in translating “\textit{mufti}”; however, that translation does not seem to be proper to use here as the judicial functions of a \textit{mufti} was fairly limited at the time period. See Mahmud Yazbak, "Nabulsi Ulama in the Late Ottoman Period, 1864-1914," \textit{International Journal of Middle Eastern Studies} 29, no. 1 (1997): 73.
On August 4, 1873, the members began applying their seals under their titles (See Figure 4.2). This change coincided with another one reflected in the leftmost title under the reports: The sub-governor was replaced by the “deputy sub-governor of Vidin” (vekil-i mutasarrif-i Vidin, the lower circled area in Figure 4.2). A note on the top of the report indicated that this was the “time of the corresponding secretary, deputy sub-governor of Vidin (der zaman-i mektubcu efendi vekil-i mutasarrif-i Vidin, the upper circled area in Figure 4.2). What could have been the reasons behind this sudden appearance of seals in a register, which, after all, was not sent to the provincial center? Either the deputy decided to follow a different practice from that of the sub-governor and demanded the use of seals in this local register, or the sub-governor requested this change in practice himself as he was leaving his post temporarily. Regardless of the motivation, these seals provide information on the members’ participation in the council’s meetings.
Three things catch the eye in this very first report with seals in addition to the appearance of the deputy sub-governor’s title. One of the four “elected” members’ seal is missing, the titles and seals of the religious leaders (Muslim and non-Muslim) are not there at all, and finally the title of the shar'i judge changed from *hakim al-şer‘* to *na'ib al-şer‘*. Below is an analysis of these three irregularities (starting with the last one).
“Na’ib” literally means a deputy of a shari’i judge, kadi.332 Why was a deputy serving in place of the actual judge, hakim al-şerʿ in Vidin? Although na’ibs existed prior to the Tanzimat era, their roles and responsibilities in the provincial judicial system were restructured significantly following 1839. As part of a general reorganization of the Shar’i judiciary in the empire, certain regulations in the early-Tanzimat era concentrated on prohibiting the judges’ ability to delegate their duties to the na’ibs; however, more significant institutionalization of na’ibs—as a cadre of judges appointed from the center—came in only after the imperial decree in 1855 regulating the conduct and fees of the na’ibs and kadis (and accusing the na’ibs who were appointed directly by the kadis of excessive fee collection).333 A regulation in April 1855334 furthered the institutionalization of the na’ibs by organizing them into five classes (Articles 1 and 2), relating these classes to the sizes of the counties and districts (Article 4) and outlining durations of their tenure (Article 7). More importantly, this regulation explained the procedures of becoming a na’ib either through examination at the headquarters of the religious


333 Akiba, "From Kadi to Naib," 45-51.

establishment (*bab-i meşihat*), or through serving as an apprentice in the shar'i courts (Articles 11 and 12). The same regulations also defined procedures for investigating complaints against the *na‘ibs* in the local tax collection councils (Articles 9 and 10).

While the Regulation of 1855 systematized becoming a *na‘ib* and related this judicial network to the provincial administration, the Provincial Regulation of 1864 made the *na‘ibs* salaried ex officio members of the provincial administrative judicial and councils. As members of the new provincial order, the *na‘ibs* at the counties and districts were operating under the supervision of an inspector of judges (*müfettiş-i hükkam*) and a chief *na‘ib* (*merkez na‘ibi*) until 1871, when—due to financial difficulties—these two offices in the provinces’ principal cities were replaced by a single office: the *na‘ib* of the provincial center (*vilayet merkez na‘ibi*). Following the Provincial Regulation of 1864, therefore, the judge of the shar‘i court (*hakim al-şer*) in Vidin was a *na‘ib*—whence comes the interchangeable use of these titles.

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335 Sultan Mahmud II established *Bab-i Meşihat* in 1826. Bernard Lewis argues that “this step, taken simultaneously with the creation of an Inspectorate of *waqf* to centralize the supervision and control of *waqf* revenues, prepared the way for the bureaucratization of the *ulema*” *The Encyclopaedia of Islam*, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Bab-i Mashikhat," (by Bernard Lewis), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-0971> (accessed 06/05/2007). The centralization of the appointment of *na‘ibs* as salaried clerks seems to be a part of this bureaucratization. Cf. Findley, *Bureaucratic Reform in the Ottoman Empire*, 141.

336 Akiba, "From Kadi to Naib," 45-51.
The second irregularity in Figure 4.2 is the missing title of the religious leaders. The non-Muslim religious leaders’ titles were missing from this register in general; however, at the second register’s beginning (March 16, 1873)\textsuperscript{337} the Muslim religious leader’s title (müftü) disappears from the reports as well. The title and the seal reappear after eight days. In a couple of months, the müftü’s seal disappears for fourteen days while his title is still there. Such intervals of missing seals recur a couple of times more during the year, each lasting one to two weeks. Toward the end of the register, the seal of the Muslim religious leader, Hamdi el-Seyyid Mustafa, disappears—together with all the other seals—not to come back for four and a half months until the end of the second register.

There seems to be no obvious explanation for the missing title of the Muslim religious leader at the beginning of the second register. When a member of the higher councils at the imperial level—such as the Supreme Council of Judicial Ordinances or the Council of State—was unable to attend the meetings of the council, or if he disagreed with the council’s majority decision on an issue, his seal would not be present but his name would still be written next to the other seals with a note

\textsuperscript{337} All the reports with seal imprints belong to the second register, (NBKM) VD 96-41.
explaining his absence or noting his disagreement.  

Furthermore, his title is not the only one that appears and disappears irregularly.

On report number 754, dated September 27, 1873, there are only two titles and seals for elected members. The report is about replacement of the prayer leader of Muradiye Mosque in Vidin; it is not a case that requires a particular composition of council members. In addition, the following report, which belongs to the same day, has not only all the elected members’ titles but also a rather unusual one: the Metropolitan. The title of the Christian religious leader, which has been missing from the records in the first register, appears irregularly in the second one (and it is present in this particular report). The content of this particular report, however, explains why the title of metropolitan might be there: It is a case of conversion to Islam by Anika and Angel, who become Hatice and Mehmed and then marry. To convert to Islam, individuals had to “prove their sincerity” in front of the council and their

338 See for example BOA A. MKT. ŞD. 13/78 where some members are noted as “absent” (bulunamadi), BOA A. MKT. ŞD. 3/27 where a member is noted as “sick” (namizac), or BOA İ MVL. 23909 where a member is marked as “in Istanbul” (Dersa’adet’de). Even in the provincial councils there seems to be a concern to note if a member was absent due to a particular reason. In a letter from the Danube Province Administrative Council (chaired by Midhat Paşa) to the Supreme Council of Judicial Ordinances, one member is marked as having “passed away” (vefat eylediği) (BOA İ MVL. 24680).
religious leaders. This might have required the Metropolitan to attend the meeting.

There are, however, two problems with this explanation: first, we have the title but not the seal (if the aim was to prove the presence of a particular member then why is the seal not there?); second, there were cases of conversion in the first register as well, but the title of a Christian religious leader was not present in those reports. What can be the reason behind this change in practice?

This particular report regarding the conversion of Anika and Angel is not the first instance in which the metropolitan appears. On September 14, 1873, a little over a month after the candidates began using their seals at the administrative council chaired by a deputy sub-governor, we see the title Despot\textsuperscript{339} for the first time since the beginning of the second register. The case reports the transfer of a part of the animal tithe of the previous year to the provincial center. Procedure required the administrative council to supervise such transfers. The members counted the money, put it in leather sacks and submitted the sacks either to the post office in Vidin, or to a ferry going to Ruse.

The first register includes a number of other similar reports, but none includes the title of the Despot. The title is not present in the next

\textsuperscript{339} The titles \textit{Metropolit} and \textit{Despot} seem to be used interchangeably in these reports. Both are of Greek origin, and in Modern Greek both refer to the same position (metropolitan bishop).
report or in the following ones until September 23, 1873, when it appears
(as Metropolit) in a report regarding a district head official’s (ka’imakam)
appointment to the İvraca (Vratsa) District. The title is present—without
a seal—in the following reports until October 9, 1873, when, on another
routine administrative case, Metropolitan Kiril used his seal, which was
inscribed in Arabic letters (آﺮل). The seal disappears with the title, in the
next report, as the sub-governor Rifat Paşa returns to his post in
October 14.340

Can we assume that the presence in the register of the title and the
seal is related to one’s participation? All the cases noted above, which
seem to have initiated a change in the status of the Metropolitan’s title
(or the seal) in this register, seem to be significant in relation to the
religious leader’s authority and responsibilities. The first case was
regarding the collection of the animal tithe. Collection of taxes, as with
any other money transfer through the agency of the administrative
council, was a very sensitive topic for the provincial administration. The
members of the council were responsible for the proper handling of the
collected tax money.341 Some of the taxes were collected by the tax
farmers, who would then submit the amount they collected to the
administrative councils (and to the tax collection councils prior to 1864);

340 Although he returns to his post on the 14th, the first report is dated 18th
341 “Mülkiye Me’murlarının Mevad-t Maliye Hakkında Olan Veza’if-i Mahsuselerini
Mübeyyin Ta’limat” in Düstur, 366-77.
therefore, the councils would serve as intermediaries between the Empire and the tax farmer. In 1860, for example, based on the count in the Vidin tax collection council, the Supreme Council of Judicial Ordinances found tax farmer Hacı Tomaki Ağā (Tomaki Tsanov, the father of Hacı İliya Efendi [Ilia T. Tsanov] and Nako Ağā [Naicho Tomov Tsanov], mentioned in Chapter 3) to have a balance due from two districts’ tithe revenues.\textsuperscript{342} Tax counts in the councils were significant events that had implications for not only the council members, but also the local notables. Another case where the title of the Metropolitan appeared was the conversion of Anika and Angel, which required the approval of the their religious leader. Finally, the appointment of the district head official for the İvraca District might have been significant for the Metropolitan, inasmuch as İvraca’s population was predominantly Christian.\textsuperscript{343}

Following the return of the sub-governor in mid-October, the title “Metropolitan” appears regularly between the judge of the shar‘i court and the Muslim religious leader until May 14, 1874 when it disappears until the end of the register (March 10, 1875). Instead, the title “deputy Metropolitan” appears only in cases regarding a conversion or building

\textsuperscript{342} BOA İ MVL. 18708 dated January 7, 1860 (13 C 1276)

\textsuperscript{343} Salname-i Vilayet-i Tuna, vol. (Defa) 6, 193.
(or renovation) of a new church. These cases support the thesis that the changes in the titles and seals, in fact, relate to the participation of the members to the meetings of the council.

In addition to the change in the title of the shar'i judge and the absence of religious leaders’ titles, the third (and a relatively more noticeable) irregularity in Figure 4.2 is the missing seal of the elected member. The seal that has been missing since August 5 belongs to Marin Novinov, or as it appears on the candidate list of 1873: Dye Maker (Boyacı) Marin Ağa. His seal appears for the first time together with that of the sub-governor. It is difficult to say why these two seals reappeared together. The returning of the sub-governor is noted in the same way that his departure was done (a brief note just above the very first report with his seal); however, nothing in the reports suggests why Marin Ağa was not participating in the meetings of the council prior to the arrival of the sub-governor. The disappearance of another seal in the same register helps us further elaborate on the absence of Marin Ağa’s seal.

Almost half a year after the sub-governor’s return, director of correspondence Ramiz Efendi’s seal disappears in March 31, 1874.

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344 Interestingly, when it appears, the deputy metropolitan’s title is placed in between the elected members. The usual place for the metropolitan’s title, as noted above, is next to the Muslim religious leader, Mûfti. That the deputy metropolitan’s title was among the elected members indicates the significance of the placement of the titles. The deputy, in this case, might be someone among the local notables as opposed to an officially appointed replacement by the patriarchate.
While there was no explanation regarding Marin Ağa’s absence, a note under the title “director of correspondence” explains that Ramiz Efendi was sent to Berkofça on a special duty. There are other missing seals in the same report: those of the sub-governor, judge of the shar‘i court, and the metropolitan. Interestingly, however, no similar explanation is given for the other missing seals. The note explaining Ramiz Efendi’s absence leaves its place to his regular seal after six days. In fact, for the first couple of days of its appearance, the note is inked over what appears to be an erased version of Ramiz Efendi’s seal (see Figure 4.3 below). There obviously was a need to explain why the seal of Ramiz Efendi was missing for the six days in the spring of 1874; albeit the absence of some other seals remained unexplained. This might indicate a difference in the absence of the seals in the register and the original report sent to the Danube Province. That is, it is possible that the explanation regarding Ramiz Efendi’s absence was noted because it was also noted as such in the original document sent to the Danube Province; whereas the other seals were not absent in the original document but appeared as missing only in this register. It is also possible that Ramiz Efendi’s absence was noted because he was a rather prominent official. In 1874, Ramiz Efendi served as deputy to the sub-governor a number of

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345 “Me’muren Berkofça’da bulunduğu” (NBKM) VD 96-41 report dated March 31, 1874 (13 S 1291).
times while the latter was not there (See Table 4.1 below). Whatever might have necessitated the correction in the report; the presence of such a correction points to the significance of noting the absence of a member of the council and suggests that unexplained absences of the seals need to be considered as different from the unnoted ones—such as the seal of Marin Ağa discussed above.

Is there a pattern to the unexplained absences of the seals? Significant changes seem to coincide with the changes in the composition of the administrative council. As noted above the beginning of the practice of using the seals coincided with the deputy sub-governor Remzi’s coming
to power. The actual sub-governor Rif'at Halil's return to his post in 18 October 1873 marks the beginning of an extended period of full cadre appearance of all the seals but the chief rabbi's until the report of the new candidate list on 7 March 1874. A number of major changes in the seals appear following the election. The seals of the sub-governor, the judge of the shar'i court and the metropolitan disappear immediately following the election. The first report of the new administrative period with new elected members informs us that the judge of the shar'i court did not have any of the state property in his possession when he resigned from his job and that he served honorably in his post. There is, however, no information on why he resigned or who replaced him. The elections changed the composition of the Vidin administrative council not only by replacing some of the candidates but also by causing a shift in the non-elected members' participation patterns. This becomes more visible in Table 4.1 where the changes in the composition of the titles and the seals are marked for a period of a little over a year between the summer of 1873 and 1874.
<table>
<thead>
<tr>
<th>Date</th>
<th>Sub-Governor</th>
<th>Judge of the Shari' Court</th>
<th>Metropolitan Müftü</th>
<th>Account.*</th>
<th>Dir. of Corres.†</th>
<th>Mem ber</th>
<th>Mem ber</th>
<th>Mem ber</th>
<th>Mem ber</th>
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<tbody>
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<td>Remzi Bey (Deputy)</td>
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<td>Seko Ağa</td>
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<tr>
<td>17-Aug</td>
<td>Remzi Bey (Deputy)</td>
<td>Ahmed Rif'at Efendi</td>
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<td>Mustafa Hamdi Efendi</td>
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<td>Ramiz Efendi</td>
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<td>Remzi Bey (Deputy)</td>
<td>Ahmed Rif'at Efendi</td>
<td>(Despot)</td>
<td>Mustafa Hamdi Efendi</td>
<td>Mehmed Tevfik Bey</td>
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<td>Ahmed Ağa</td>
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<td>Mustafa Hamdi Efendi</td>
<td>Mustafa Hamdi Efendi</td>
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<td>(Metropolitan)</td>
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<td>Ahmed Ağa</td>
<td>Osman Bey</td>
<td>Seko Ağa</td>
</tr>
<tr>
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<td>Ahmed Rif'at Efendi</td>
<td>(Metropolitan)</td>
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<td>Mehmed Tevfik Bey</td>
<td>Ramiz Efendi</td>
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TABLE 4.1 – LIST OF CHANGES IN THE TITLES AND SEALs OF THE VIDIN ADMINISTRATIVE COUNCIL
<table>
<thead>
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<th>Date</th>
<th>Name and Position</th>
<th>Mehmed Tevfik Bey</th>
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<th>Mustafa Hamdi Efendi</th>
<th>Ramiz Efendi</th>
<th>Seko Ağa</th>
<th>Zayko Ağa</th>
<th>Line Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Aug</td>
<td>(Deputy despot)*</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>5-Aug</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>9-Aug</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>10-Aug</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>3-Sep</td>
<td>(Deputy despot) ‡</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td></td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>5-Sep</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>15-Sep</td>
<td>None</td>
<td></td>
<td></td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>17-Sep</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>22-Sep</td>
<td>None</td>
<td>Mustafa Hamdi Efendi</td>
<td>Ramiz Efendi</td>
<td>Hacı Tahir Ağa</td>
<td>Seko Ağa</td>
<td>Zayko Ağa</td>
</tr>
<tr>
<td>26-Sep</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Accountant
† Director of Correspondence
‡ Line Number
# and § (lines 34 and 38) In both cases the title appears for a single report and it is located in the middle of the members
In Table 4.1, the first column lists the dates of change in the composition of the titles or seal impressions at the end of the reports in Vidin administrative council’s register. Henceforth, each row identifies a change in the composition of the administrative council. The rest of the columns—except the last one—is arranged following the order of the titles at the end of the reports. The last column gives each row’s number for ease of reference. At times of change, the varying title or seal is highlighted to make it obvious. If a title was missing from a report, it is marked as “none”; if a seal was missing under a title the cell is left blank. Line 1 marks the date when the council members began using their seals at the end of the reports, and Line 43 marks the date when they stopped using their seals altogether.

As mentioned above the first major change in the configuration of the council happens following the return of the sub-governor Rifat Halil Paşa. The reports dated between October 18, 1873 and March 1 of the following year bear the titles and the seals of all the members listed above. This seems to be the most stable period of the council; for a period of 133 days between these dates, the composition of the titles and the seals do not change. The composition changes in the early days of March. Line 11 in Table 4.1 refers to the report with the lists of candidates sent to the province. Although chronologically it is after the report listed in Line 10, the candidates’ list (dated March 6) precedes the
report of March 1 in the register. In fact, Lines 10 to 12 refer to three consecutive reports. While the report on March 6 (Line 11) precedes the other two in the register, the last one, the report dated March 15, marks the beginning of a new section in the register (a new page for the new solar financial [Rumi] calendar year). It is confusing that we have the seals of Ahmed Bey and Zayko Ağa, who replaced Ahmed Ağa and Marin Ağa, under the report of March 1—a report that chronologically precedes the candidate list that included the names of the new members among other possible candidates for these positions. How could Ahmed Bey and Zayko Ağa begin serving in the council before getting elected?

Clearly, the report of March 1 was recorded later than the report of March 6 (the latter report precedes the former in the register); and either the candidates put their seals under this later addition by mistake, or it was (written but) not sealed until the new members were elected. Both possibilities raise doubts about the chronological preciseness of the reports and the seals.

A general temporal disorderliness is prevalent in the register. In many instances, a chronologically later report precedes one with an earlier date. Understanding the reasons behind such sequential oversight will help in furthering our understanding of the record-keeping

346 See the last row Table 3-1 in the previous chapter for the full list of candidates.
procedures of the administrative council and the participation of the
council’s members in them. These reports were not recorded as they
were discussed in the councils; instead, the council’s clerks kept rough
draft books where the outgoing correspondence was drafted, waiting to
be edited later on.\textsuperscript{347} The correspondence was sent\textsuperscript{348} after the editing
process and a copy of it was recorded in the register. Therefore, the time
of recording in the copy registers was different from the time of
discussions in the council. To understand the sequential discordance in
the administrative council’s registers, we need to focus on the rough
draft books kept in this council. Correspondence coming from the
districts to be forwarded to the province was glued in between the regular
pages of such draft books, causing these glued pages to be out of the
chronologic order.\textsuperscript{349} It appears that the council clerks kept the original
dates of such correspondence when they were copying from these draft
books leading to discordance in the chronology of the copy register.
Furthermore, the administrative council’s own correspondence was
recorded in the rough draft books with a consecutive numbering system;
however, the correspondence that the council was forwarding from the

\textsuperscript{347} (NBKM) OAK 88-01, VD 94-01, VD 96-35, VD 96-53, VD 98-13, VD 100-7,
VD 101-18 or VD 107-15 are some of the available rough draft books for the
administrative council in Vidin.

\textsuperscript{348} By 1874 there was a daily postal service between Vidin and Russe. (Personal
correspondence with Yakup Nakri, professional philatelist, and numismatist).

\textsuperscript{349} See for example the three reports that were placed between the reports No.
213 and 214 in (NBKM) VD 94-01.
districts to the provincial capital did not follow the same numbering system. A report written from the district of Rahovo to the provincial center in Ruse dated July 3, 1874 was glued (without a number) between the rough drafts numbered 213 and 214 (dated July 7 and July 8 respectively). Such disruptions, together with the delays that would arise from the editing of the correspondence, seem to have been responsible for the slight irregularity in Vidin administrative council’s register dates.

Another significant change that one notices in Table 4.1 is the disappearance of the sub-governor’s, the judge’s, and the metropolitan’s seals following the elections. This, however, does not necessarily imply that these council members were officially excused from their posts. Consider the two brief periods in April and July of 1874 where the director of correspondence served as deputy of the sub-governor (Lines 19-21 and 29-32 in Table 4.1). One of the rough draft books of the administrative council includes the dates when Ramiz Efendi served as the deputy the second time in July. Nothing in this particular rough draft book or in the register indicates why Ramiz Efendi was noted as a deputy in these dates. In the first period that he served as deputy, “deputy” was appended to the front of the title “sub-governor” with a different ink. This correction and the fact that Ramiz Efendi’s seal was

350 (NBKM) VD 94-01.
not under its usual location (under the title “director of correspondence”) but at the beginning of the titles indicate that there was a conscious effort to note that Ramiz Efendi was indeed serving as the deputy sub-governor for those brief intervals in the Spring and Summer of 1874.

I argued above for the thesis that council members’ seals mark their participation in the meetings of the Vidin administrative council. The seal of the sub-governor was not affixed to the reports after elections. Why, then, was there the need to specify that Ramiz Efendi was serving as the deputy sub-governor if the sub-governor was not there prior to and after those two periods? The answer is relevant for understanding how to interpret the missing seals, or lack of participation, of some members of Vidin administrative council following the elections in March 1874. I suggest that the seals in this register should be considered relatively independently from the titles. The composition of the text and the titles in the register reflected the structural design of the original correspondence written (or forwarded to) the provincial center. Therefore, when the sub-governor was officially excused from his post, the composition of the titles at the end of the reports would reflect that. Thus the deputy despot’s title appeared so, at the bottom of the reports that related to the Christian community of the region in particular (see Lines 34 and 38). Such particular issues required the presence of a metropolitan or despot as a member of the council. Since the
metropolitan’s title was not included (when he was officially absent) in
the reports from May 14 on (see Line 24 in Table 4.1) on issues when the
presence of a metropolitan needed—such as conversion—the title of a
deputy despot was added among the other titles at the end of the
relevant reports.

The seals, however, had an internal logic. They were used for
reasons that related to the council at the local level—after all, the register
was kept at the local level. Thus, regardless of which seals appeared on
the original correspondence, the specific seals in the copy register
indicated who read and approved the copy of the original
correspondence. I will revisit this claim after discussing the participation
of the elected members and some other visual aspects of the seals that
are not visible in Table 4.1 above.

Another noticeable thing in Table 4.1 is the almost continuous
appearance of some elected member’s seals. As noted above, following
the elections in March 1874, Zayko Ağa replaced Marin Ağa while Ahmed
Bey replaced Ahmed Ağa. The two non-Muslim elected members of the
Vidin administrative council, Zayko Ağa and Seko Ağa seem to have been
attending a great majority of the meetings of the council. Their
participation is clearly more persistent than that of Ahmed Bey, whose
seal appears intermittently at the end of the reports only until the end of
May when it disappears permanently from the particular copy register.
The disappearance of Ahmed Bey’s seal coincides with another unusual change: Hacı Tahir Ağa replaces the other Muslim member of the council, Osman Bey. Hacı Tahir Ağa’s name was in the candidate list, of March 6, 1874, together with Ahmed Bey, (see table 3-1); nevertheless, he was not chosen by the governor to serve as a council member. It is not clear what made Osman Bey resign from his post. Unlike the resignation of the judge of the Shar‘i court, Ahmed Rif‘at Efendi, Osman Bey’s resignation was not duly noted. Only three months after the elections, Hacı Tahir Ağa replaced Osman Bey and seems to have served at the council for the rest of the year based on the provincial yearbooks. The provincial yearbook of 1875 (1292) lists not Osman Bey, but Hacı Tahir Ağa as the member of the Vidin administrative council for the year 1874 and the following year (see Table 3-3).

In the 10-year period covered by the provincial yearbooks (1868-1877) Osman Bey appears to have served only for two years in the judicio-administrative sphere of Vidin (as a member of the administrative council in 1873 and as the head of the municipal council a year earlier); and his position in the administrative council was guaranteed thanks to the resignation of the other Muslim candidate for the position, Hacı Ömer Bey (see Table 3-1). Hacı Tahir Ağa, on the other hand, appears to have served for five years in the administrative council and two years in the council of appeals and crime. In addition to those, he was also the head
of municipal council in Vidin (an institution that is discussed below) for four years. Hacı Tahir Ağa was more prominent than Osman Bey in Vidin’s judicio-administrative sphere; yet he was not as prominent as the other candidate for the administrative council in 1874, Ahmed Bey. Regardless of whatever might have led to the resignation of Osman Bey, his departure led not only led to Hacı Tahir Ağa’s inclusion to the administrative council, but also coincided with cessation of two council members’ participation to the council meetings: Ahmed Bey and the accountant, Mehmed Tevfik Bey.

Table 4.2 is a table of all the seals that appeared from the first report that has seals to the last one. The physical appearance of some of the seals is as informative as their frequency in the register. With one exception, all the members have a single seal. Neofit Tseko (Seko Ağa) was one of the two members who had his seal inscribed in Cyrillic. Seko Ağa chose to use another seal from September 27 (1873) onward, one that was carved in the Arabic letters. Another member using a Cyrillic seal was Marin Ağa, whose seal was missing from the register until October 18, 1873 (Line 8 in Table 4.1 above).³⁵¹

³⁵¹ Marin Ağa was on the candidate list for the elections of 1874 but was not elected for another term and Zayko Ağa replaced him (See Tables 3-1 and 3-3).
<table>
<thead>
<tr>
<th>TITLE</th>
<th>NAME</th>
<th>SEAL 1</th>
<th>SEAL 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-governor</td>
<td>Rif'at Halil Paşa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy sub-governor</td>
<td>Remzi Bey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy sub-governor</td>
<td>Ramiz Efendi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judge of the shari'a court</td>
<td>Ahmed Rif'at Efendi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan</td>
<td>Kiril Efendi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Director of surveys</td>
<td>Ramiz Efendi</td>
<td></td>
<td>.</td>
</tr>
</tbody>
</table>

TABLE 4.2 – TITLES, NAMES AND SEALS OF THE ADMINISTRATIVE COUNCIL MEMBERS IN VIDIN IN 1873

Continued
Table 4.2 Continued

<table>
<thead>
<tr>
<th>Muslim religious leader of the region <em>(Müfti-i belde)</em></th>
<th>Mustafa Hamdi Efendi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant <em>(Muhasebeci)</em></td>
<td>Mehmed Tevfik Bey</td>
</tr>
<tr>
<td>Elected member <em>(A'za)</em></td>
<td>Osman Bey</td>
</tr>
<tr>
<td>Elected member <em>(A'za)</em></td>
<td>Ahmed Efendi</td>
</tr>
<tr>
<td></td>
<td>(Duhani Derviş Ahmed Efendi)</td>
</tr>
<tr>
<td>Elected member <em>(A'za)</em></td>
<td>Marin Ağa</td>
</tr>
<tr>
<td></td>
<td>(Marin Novinov)</td>
</tr>
<tr>
<td>Elected member <em>(A'za)</em></td>
<td>Seko Ağa</td>
</tr>
<tr>
<td></td>
<td>(Neofit Tseko)</td>
</tr>
</tbody>
</table>

Continued
<table>
<thead>
<tr>
<th>Elected member (A’za)</th>
<th>Ahmed Bey (Ma’ruf Ağazade Ahmed Beğ)</th>
<th><img src="image1.png" alt="Image" /></th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected member (A’za)</td>
<td>Tahir Ağa (Hacı Tahir Ağa)</td>
<td><img src="image2.png" alt="Image" /></td>
</tr>
<tr>
<td>Elected member (A’za)</td>
<td>Zayko Ağa (Tseko Vanchov)</td>
<td><img src="image3.png" alt="Image" /></td>
</tr>
</tbody>
</table>

Source: (NBKM) VD 96-41

On October 22, 1873, only six days after its initial appearance, Marin Ağa’s seal appeared upside down (Figure 4.4 below). The seal appeared in this form for most the time until the election.

![Image](image4.png)

**Figure 4.4 – The Seal of Marin Novinov, Upside Down**
It is not very likely that someone would insist on affixing his seal upside down. The register’s pages were big enough for a number of reports to fit on a single page. If Marin Ağa were to affix his seal upside down because of a mistake, he would have noticed this irregularity in one of the reports above on the same page. The continuous use of the seal upside down indicates that this was not the case. It seems as if it was not Marin Ağa who affixed the seal on these reports; furthermore, whoever used it, did not know the Cyrillic alphabet. Most of the seals have a date of carving included in the seal. The dates in the other seals with Arabic alphabet are below the name. The date of Marin Ağa’s seal, 1862, is above his name. In contrast, in his old seal in Cyrillic, Seko Ağa had the date, 1846, carved below. Seko Ağa’s seal does not appear upside down at all. Having the date carved below the name, following the pattern of the seals carved in Arabic, might have led to the proper application of the seal in this case. I believe clerks who did not know the Cyrillic alphabet but knew the general pattern of commonly used personal seals applied these seals. That a clerk functioning at a county with a predominantly non-Muslim population did not know up from down in the Cyrillic alphabet is telling about the hierarchy of languages in local administration. It also explains, to a certain extent, why Neofit Tseko might have his new seal carved in the Arabic alphabet.
The application of the seals by a clerk, instead of the members themselves, does not necessarily imply that the clerks were actually possessing the seals and applying in the absence of the council members. As much as they were images of participation in the politics of local administration, the seals were not used solely for that purpose. They served as official representations, symbols of individuals in many transactions such as payment of salaried state officials, soldiers, teachers, etc.; weekly subsistence payments to the immigrants;\(^{352}\) or assignments of benefices in land (tamar) and shares on annuities sold by the Ottoman treasury (esham).\(^{353}\) Sample impressions (tatbik mühürü) of local officials’ seals would be sent to the provincial centers and to Istanbul in order to inform the center of the link between the names and the seals.\(^{354}\) The material instrumentality of the seals made their loss a significant matter, and they became attractive items for theft. It is, therefore, unlikely that the members of the Vidin administrative council were not present when the clerks were placing their unique seals’

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\(^{352}\) The head of each “family” would apply his seal on a register in order to verify that he received a weekly allowance. See (NBKM) VD 98-10.

\(^{353}\) In the case of benefices and annuities, the recipients would send an impression of their personal seals that they would use to receive the payments. Recipients were to pay a fee, proportioned to the value of the payment, if they lost the seal. See report No. 891 in (NBKM) VD 107-16 dated December 25, 1871 (13 L 1288).

\(^{354}\) See for example BOA Maliyeden Müdevver Defter No: 9016, a register of the names and the seals of the members of the administrative councils and the district head officials in different provinces
impressions under the reports. However, the upside-down seal of Marin Ağä suggests that they probably were not paying much attention to how they were affixed.

The practice of using seals in this register ends by September 26, 1874, and there are no seal impressions until the end of the register in March 10, 1875. Unlike the beginning, where a deputy replaced the sub-governor, the end is not marked with a change in the cadres. Much as the curious disappearance of impressions prevents further investigation of the council members’ attendance patterns, it marks a point when the practice of using seals was re-evaluated and found unnecessary by the then-dominant group in the council. That is to say, the end of such a practice is either a sign of change in the hegemonic power composition of the council or in the institutional configuration that necessitated the use of the seals. Regardless, as the above analysis of the brief period with the impressions of the members’ seals indicates, being a member of the council did not guarantee undisputed participation in the local decision making process. Participation was related to but not solely explainable in terms of “election.”

As in the replacement of Osman Bey with Hacı Tahir Ağä, at times the election results were challenged by other factors uncontrolled by the modern state. The administrative council and the council of appeals and crime were not the only institutions through which the local notables
integrated themselves (and challenged) the Ottoman governmentality. The next section of this chapter focuses on these other institutional bodies within the judicio-administrative sphere of the Vidin County that operated in synchronization with the councils examined so far.

4.2 – Yearbooks: Reflections of the Judicio-Administrative Sphere.

The judicial, administrative, financial and the military institutions that functioned at the county level (and that the editors of the provincial yearbooks considered worthy of listing) occupied three pages per county in the yearbooks of the Danube Province. Each county was followed by its districts with their institutions summed up in one to two pages. Regardless of their inability to portray the intricacies of the judicio-administrative sphere within which Ottoman governmentality functioned, these pages reflected the modern Ottoman state’s acknowledgement of the personnel with whom it operated. A brief analysis of some of the institutions and the people involved in these institutions is necessary to understand the environment within which the two councils functioned.

The provincial yearbooks’ pages present structured information and thereby contribute to the creation of a “public sphere of state administration.”355 Through their pages, the yearbooks not only inform us about the names of people involved, but also contextualize those

355 Giddens, The Nation-State and Violence, 179.
names in a visual hierarchy. These pages present a many-tiered institutional structure. The first page in all the volumes is devoted to core institutions of the judicio-administrative sphere. The county administrative council and the council of appeals and crime are placed at the right and left sides of the first page, following the names of the sub-governor, judge of the shar‘i court, accountant and the director of correspondence. In the space for the administrative council, located on the right side of the page, a note, invariably right below the official (tab‘i) and elected members of the council, explains that the clerks of the administrative council functioned under the authority of the director of correspondence.356 The clerks and the interrogators (müstantık) of the council of appeals and crime are listed right below its elected members (mümeyyız), and are followed by the clerk of the Vidin shar‘i court. In the last three volumes (out of the ten available between 1868 and 1877) at least three shar‘i court clerks are listed each year separately from the state court, the council of appeals and crime.357 Concluding the first page, in all the volumes, are the head (re‘is), permanent and temporary (da‘imi and muvakkat) members and the clerks of the Vidin commercial court.

356 “Meclis-i idare kitabesi tahrirat müdürü idaresindedir.”

357 This seems to be the case for the Vidin County alone. For the other counties there is only one clerk listed for the shar‘i courts.
The second page is reserved for the financial and the scribal units that functioned in close connection with the core institutions listed in the first page. In the top row are the departments of accounting (right) and correspondence (left) that functioned under the supervision of the accountant and the director of correspondence. While these two departments functioned immediately under the authority of people involved in the administrative council and council of appeals and crime, the remaining departments listed on this page had their own directors. These departments included (in the order they were placed on the page) the municipal council (meclis-i daire-i belediye), agricultural credit funds (menafî-i ’umumiye sanidiği) and orphan funds (emval-i eytam sanidiği), commission of surveys (tahrir komisyonu), land office (arazi kalemi), and survey office (tahrir kalemi).

The last of the three pages that are used for each county would generally have the members of the artillery battalion council (kal’a topçu taburu meclisi) and the police battalion council (zaptiye taburu meclisi) on the top. Right below them there would be some less significant offices such as the office of customs (rûsumat), telegram (telgraf) and quarantine (karantina). Especially in the later years, the teachers of the advanced primary school (rüşdiye)\(^{358}\) would also be listed on this page. The school

\(^{358}\) For more on the rüşdiye schools see Fortna, *Imperial Classroom: Islam, the State, and Education in the Late Ottoman Empire*, 116 (n.72), 22.
in Vidin opened its door for new students in December 13, 1859;\textsuperscript{359} however, the information regarding its personnel is a part only of the last four volumes of the yearbooks (covering the period 1872-1877). The information regarding each county would be concluded by a list of the foreign nationals working in either consular or commercial (such as the ferry administration) posts.

This significant delay in relating information on an institution that had long existed (the rüşdiye schools) proves two related points regarding the yearbooks’ design: First, the pages devoted to Vidin did not necessarily reflect all of the existing offices in Vidin; second, there was a conscientious decision-making process, behind the order in these pages. It was decided, in 1872, that the public face of Ottoman provincial

\textsuperscript{359} Report No. 1110 (February 12, 1872 [2 Z 1288]) in (NBKM) VD 107-16 responds to the request by the provincial government for information on the dates that county and district high schools were founded, and the personnel were hired. The county high school did not begin its operation with full staff. According to Report No. 1110, a certain Şakir Efendi from the town of Vidin was the only educator at the school in its first year, which typically contains two or three teachers and a special instructor for writing (who would generally focus on the rik'a style that was being used in most of the official correspondence). Furthermore, a rik'a instructor did not begin working at the Vidin high school until nine years after its foundation. In Vidin, the availability of teaching faculty seems to have imposed the limits on the success of the educational reforms. Similar schools were established in Vidin's districts several years later: first in Lom (1868), then Belgradçık (1870), and then Rahova, Berkoçça and İvraca (1871). Among all the teachers employed in these schools only the highest-ranking teacher in the Vidin high school had former teaching experience; the rest were hired as teachers for the first time. The difficulty in finding teachers might have been related to the fact that their salaries were not paid regularly. In fact, the above report from 1872 concludes by noting that the clerks and the teachers in the Berkoçça and İvraca high schools and the writing instructor in Belgradçık had not received a salary since their official paperwork was yet to arrive at the time of the report.
administration, as portrayed in these yearbooks, should include the schools. Following the composition of the yearbooks year-by-year is almost akin to tracing the public image that the modern Ottoman state sketched for its provincial expanse. Below is an analysis of some significant offices’ cadres listed in these pages.
<table>
<thead>
<tr>
<th>Role</th>
<th>1285</th>
<th>1286</th>
<th>1287</th>
<th>1288</th>
<th>1289</th>
<th>1290</th>
<th>1291</th>
<th>1292</th>
<th>1293</th>
<th>1294</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head</td>
<td>İsmail Ağa</td>
<td>İsmail Ağa</td>
<td>İsmail Ağa</td>
<td>Matyaş Efendi</td>
<td>Matyaş Efendi</td>
<td>(ماموريات) Efendi</td>
<td>Zare (زاره) Efendi</td>
<td>Zare (زاره) Efendi</td>
<td>Zare (زاره) Efendi</td>
<td></td>
</tr>
<tr>
<td>Permanent Member 1</td>
<td>Mehmed Efendi</td>
<td>Mehmed Efendi</td>
<td>Mehmed Efendi</td>
<td>Cafer Efendi</td>
<td>Cafer Efendi</td>
<td>Hafız Hüseyin Efendi</td>
<td>Hafız Hüseyin Efendi</td>
<td>Boşnak Mustafa Ağa</td>
<td>Hafız Osman Efendi</td>
<td></td>
</tr>
<tr>
<td>Permanent Member 2</td>
<td>Kanço Ağa</td>
<td>Kanço Ağa</td>
<td>Kanço Ağa</td>
<td>Vanko Ağa</td>
<td>Vanko Ağa</td>
<td>Kanço Ağa</td>
<td>Boyaci Kanço Ağa</td>
<td>Boyaci Kanço Ağa</td>
<td>Boyaci Kanço Ağa</td>
<td></td>
</tr>
<tr>
<td>Temporary Member 1</td>
<td>Derviş Ahmed Ağa</td>
<td>Derviş Ahmed Ağa</td>
<td>Derviş Ahmed Ağa</td>
<td>Mehmed Efendi</td>
<td>Abdülrahim Efendi</td>
<td>Ibrahim Efendi</td>
<td>Edhem Efendi</td>
<td>Abdurrahman Ağa</td>
<td>Hacı Hasan Ağa</td>
<td></td>
</tr>
<tr>
<td>Temporary Member 2</td>
<td>Mutiş Ağa</td>
<td>Mutiş Ağa</td>
<td>Mutiş Ağa</td>
<td>Ali Molla</td>
<td>Hacı Kaşif Efendi</td>
<td>Kaşif Efendi</td>
<td>Other Ibrahim Efendi</td>
<td>Other Aziz Efendi</td>
<td>Hacı Hasan Ağa</td>
<td></td>
</tr>
<tr>
<td>Temporary Member 3</td>
<td>Çako Ağa</td>
<td>Çako Ağa</td>
<td>Çako Ağa</td>
<td>Hacı Yovanço Ağa</td>
<td>Hacı Todor Ağa</td>
<td>Şekerçi Yovan Ağa</td>
<td>Şekerçi Yovan Ağa</td>
<td>Refail Efendi</td>
<td>Yako Kapon</td>
<td></td>
</tr>
<tr>
<td>Temporary Member 4</td>
<td>Persiyado Efendi</td>
<td>Persiyado Efendi</td>
<td>Persiyado Efendi</td>
<td>Bahur Kohen</td>
<td>Yako Efendi</td>
<td>Yasef Denlore</td>
<td>Yasef Denlore</td>
<td>Aleksandri Ağa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Clerk</td>
<td>Ömer Efendi</td>
<td>Ömer Efendi</td>
<td>Ömer Efendi</td>
<td>Ibrahim Efendi</td>
<td>Ibrahim Efendi</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Clerk</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Tuna Vilayeti Salnamesi Def’a 1 (1285) to Def’a 10 (1294).

**TABLE 4.3 – MEMBERS OF THE VIDIN COMMERCIAL COURT AS LISTED IN PROVINCIAL YEARBOOKS**
The provincial commercial courts were established systematically following a regulation in April 30, 1860. These courts were supposed to have a primary and a deputy head (re‘is-i evvel and re‘is-i sani). No deputies are listed for the counties in the Danube Province. In addition to the heads there would be two permanent and four temporary members of the council at the counties; the head of the council and the permanent members would be appointed by the sub-governors for an indeterminate period (the ministry of trade’s approval was necessary on these appointments). The employees of the council were required to have superb understanding of commerce and they would be paid “an appropriate amount of salary.” A council of the local merchants would elect the temporary members to serve for a single year without pay.

Table 4.3 lists the names of the people associated with the Vidin commercial court based on the information from the yearbooks. The heading row of lists the lunar publication dates of the yearbooks that cover the ten years between 1868 and 1877. As it appears, the

360 For the regulation see Düstur, 262-84.

361 This post might have been annulled in order to avoid an additional financial burden on the provincial budgets. Another unrealized aspect of the regulation of 1860 seems to have been the formation of two separate councils as parts of the same commercial court (one dealing with maritime trade issues and the other with land trade). No such division is apparent in any of the counties within the Danube Province despite the significance of maritime trade for the province.

362 “Münasib bir mikdar ma‘as” is the exact expression used in Article 11 of the above mentioned regulation of 1860.
yearbooks have not been very consistent about listing the first and the second clerks every year. Most of the merchant members of the council, listed as permanent and temporary members, seem to have served for two to three years with a maximum of four years. However, it is difficult to comment on the tenure of the members of the council since I do not have the means to verify the accuracy of the information included in the yearbooks. Only few of the names listed in this table are familiar from the administrative council and the council of appeals and crime (Persiyado Efendi, Derviş Ahmed Ağa and Hacı Todor Ağa). Each of these three names appears to have served in the Vidin commercial court prior to serving in the other two councils of the county. This might indicate that there was some upward mobility from this council to the former two. The organization of the councils on the yearbook pages supports the thesis that the commercial courts were less significant than the other two councils discussed so far.

The municipal council of Vidin, another second-tier council body, presents a similar structure in terms of its member turnover. The first Ottoman municipal councils were established for the imperial capital, Istanbul, in 1857. A decade later, with a decree in 1867, the imperial

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center ordered establishment of these councils in every city.\textsuperscript{364} Article seven of this decree defined municipal councils’ primary function as overseeing the cleaning and organizing (\textit{tanzifat ve tanzimat}) of the urban living space. These councils were to operate with their own funds, which came from construction fees and a portion of the annual taxes, and were to bank their excess revenues with the provincial agricultural credit funds to collect interest.\textsuperscript{365} While the funds for the Vidin municipal council are not included in the first three volumes of the yearbooks, the remaining seven volumes list an average of 300,000 \textit{guruş} per year. The last five volumes indicate that a fixed amount of 200,000 was invested on the Ottoman treasury bonds. The decree of 1867 defined the municipal councils as consisting of a head, an assistant (\textit{mu’avin}) to the head and six elected members; furthermore, an engineer, a doctor and a unit of the police force would be at their service. The council’s six members would be elected by the town alderman councils and would serve for two years, while each year half of the members would be replaced in a process similar to the elections for the administrative and judicial councils of the county.

\textsuperscript{364} A copy of the regulation dated July 23, 1867, (23 RA 1284) can be found in \textit{Düстur: I. Tertib}, vol. 3 (İstanbul: Matba’a-yı ‘Amire, 1872-3 [1289]), 491-97.

\textsuperscript{365} Articles 5 and 9 of the regulation of 1867.
<table>
<thead>
<tr>
<th>Head</th>
<th>1285</th>
<th>1286</th>
<th>1287</th>
<th>1288</th>
<th>1289</th>
<th>1290</th>
<th>1291</th>
<th>1292</th>
<th>1293</th>
<th>1294</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hacı Tahir Ağa</td>
<td>Hacı Tahir Ağa</td>
<td>İsmail Ağa</td>
<td>Hacı Tahir Ağa</td>
<td>Hacı Tahir Ağa</td>
<td>Osman Bey</td>
<td>Mehmed Efendi</td>
<td>Hacı Yusuf Ağa</td>
<td>Hacı Yusuf Ağa</td>
<td>Hafız Mehmed Efendi</td>
</tr>
<tr>
<td>Member 1</td>
<td>Hüseyin Ağa</td>
<td>Hüseyin Ağa</td>
<td>Hafız Halim Ağa</td>
<td>Salih Ağa</td>
<td>Salih Ağa</td>
<td>Mahmud Bey</td>
<td>Mahmud Bey</td>
<td>Mahmud Bey</td>
<td>Mahmud Bey</td>
<td>Mustafa Ağa</td>
</tr>
<tr>
<td>Member 2</td>
<td>Mehmed Efendi</td>
<td>Mehmed Efendi</td>
<td>Minko Ağa</td>
<td>Minko Ağa</td>
<td>Minko Ağa</td>
<td>Minko Ağa</td>
<td>Yahya Efendi</td>
<td>Yahya Efendi</td>
<td>Yahya Efendi</td>
<td>Hacı Ömer Ağa</td>
</tr>
<tr>
<td>Member 3</td>
<td>Vanko Ağa</td>
<td>Vanko Ağa</td>
<td>Cercis Bey</td>
<td>Cercis Bey</td>
<td>Cercis Bey</td>
<td>Cercis Bey</td>
<td>Abdülrahim Efendi</td>
<td>Abdülrahim Efendi</td>
<td>Çelebi Ağa</td>
<td>Çelebi Ağa</td>
</tr>
<tr>
<td>Member 4</td>
<td>Hacı Yovanço Ağa</td>
<td>Hacı Yovanço Ağa</td>
<td>Flore Ağa</td>
<td>Aslan Efendi</td>
<td>Aslan Efendi</td>
<td>Aslan Efendi</td>
<td>Savo Ağa</td>
<td>Savo Ağa</td>
<td>Nako Ağa</td>
<td>Yovan Ağa</td>
</tr>
<tr>
<td>Member 5</td>
<td>Yako Efendi</td>
<td>Yako Efendi</td>
<td>Rufel Efendi</td>
<td>Gerge Ağa</td>
<td>Gorge Ağa</td>
<td>Gorge Ağa</td>
<td>Vulço Ağa</td>
<td>Vulço Ağa</td>
<td>Hacı Niko Ağa</td>
<td>Nako Ağa</td>
</tr>
<tr>
<td>Member 6</td>
<td>Mustafa Bey</td>
<td>Mustafa Bey</td>
<td>Mustafa Bey</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: *Tuna Vilayeti Salnamesi Def’a 1 (1285) to Def’a 10 (1294).*

**TABLE 4.4 – MEMBERS OF THE VIDIN MUNICIPAL COUNCIL AS LISTED IN PROVINCIAL YEARBOOKS**
Table 4.4 lists the members of the Vidin municipal council in the same way the previous table did for the commercial court. Again, we see certain names familiar from the administrative council and council of appeals and crime. Hacı Tahir Ağa, for example, is listed as the head of the municipal council and a member of the administrative council for two years between 1868 and 1870.²⁶⁶ Osman Bey serves in the same position for a year between 1873 and 1874 before quitting his post and serving as a member of the administrative council the following year (a position that he quits after one year, leaving his place to Hacı Tahir Ağa). Given that a couple of years earlier Hacı Tahir Ağa served as the head of the municipal council and as a member of the administrative councils at the same time, it is not clear why Osman Bey chose to resign from his municipal council post in the middle of his two-year term and went on to serve in the administrative council. While Hacı Tahir Ağa served for another two years at the same position, the names familiar from the administrative council and the council of appeals and crime remain limited to the two serving only as heads—appointed by the sub-governor—not as members. None of the municipal council members served longer than four years. This seems to be a common characteristic of the institutions that are less significant than the administrative council and the council of appeals and crime. No one

²⁶⁶ See the rows for 1285 and 1286 tables 3-3 and 4-4.
seems to have been able to serve in one particular institution as long as Zayko Ağa or Ahmed Bey did.

The only exception to this seems to be the commission of surveys, which was the last institution on which we will focus because it included members who served in the administrative and judicial councils as well (See Table 4-5). Initially, these commissions were established only at the provincial level, in 1860, in connection with the empire-wide population, property and the income survey. Similar commissions became a part of the county administrative structure in six years with an amendment to the regulation of 1860.

The main function of these commissions was to serve as experts in the surveys, responsible for proper registration of the wealth and the people of the empire. They would function in accord with similar bodies at the county, district and village level to guarantee the just appraisal of surveyed property, the correct numbering of the houses, appropriate distribution of the tax burden on households, etc. At the county level, these commissions were supposed to have a head and six members, one of whom would serve as the head. The sub-governor, the judge of the shar‘i court and the Muslim religious leader would elect the members of

367 In fact, their establishment is explained in the regulation regarding population and property survey dated November 27, 1860 (14 CA 1277). For a copy of this regulation see Düstur, 889-902.

368 “Tahrir nizamnamesine ek olunmak üzre fıkra-i nizamnamedir” dated January 13, 1866 (26 Ş 1282) included in Ibid., 904.
the commission (three Muslim and three non-Muslim); and each year one third of the members was supposed to be replaced by new members.\textsuperscript{369}

The first volume of provincial yearbooks does not contain any information on this commission. The names listed for the rest of the years are compiled in Table 4-5 below. The first column of the table lists the Hijri years of publication (covering a period that spans between 1869 and 1877), and each row lists the names included in that particular volume.

<table>
<thead>
<tr>
<th>Year</th>
<th>Head</th>
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<th>Member 2</th>
<th>Member 3</th>
<th>Member 4</th>
<th>Member 5</th>
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<td>1285</td>
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<td>—</td>
<td>—</td>
<td>—</td>
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<td>—</td>
</tr>
<tr>
<td>1286</td>
<td>'Ali Bey</td>
<td>Hacı Ali Bey</td>
<td>Mahmud Bey</td>
<td>Nako Ağa</td>
<td>Marin Ağa</td>
<td>'Aşir Efendi</td>
</tr>
<tr>
<td>1287</td>
<td>'Ali Bey</td>
<td>Hacı Ali Bey</td>
<td>Mahmud Bey</td>
<td>Nako Ağa</td>
<td>Marin Ağa</td>
<td>'Aşir Efendi</td>
</tr>
<tr>
<td>1288</td>
<td>Hursid Efendi</td>
<td>Mutiş Efendi</td>
<td>Molla İsma'ül</td>
<td>Hacı Petko Ağa</td>
<td>Boyaci</td>
<td>Marin Ağa</td>
</tr>
<tr>
<td>1289</td>
<td>Hursid Efendi</td>
<td>Mutiş Efendi</td>
<td>Molla İsma'ül</td>
<td>Hacı Petko Ağa</td>
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<td>Boyaci</td>
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<td>1291</td>
<td>Hursid Efendi</td>
<td>Mutiş Efendi</td>
<td>Molla İsma'ül</td>
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</table>

Source: Tuna Vilayeti Salnamesi Def'a 1 (1285) to Def'a 10 (1294).

\textbf{TABLE 4.5 – MEMBERS OF THE VIDIN COMMISSION OF SURVEYS AS LISTED IN PROVINCIAL YEARBOOKS}

\textsuperscript{369} Ibid., 894.
As the names listed above indicate, members of the commission served, for the most part, longer than a year; furthermore, the yearbooks do not contain the name of the fifth member after the third volume.\footnote{No members are listed in the first volume.}

Aside from such irregularities, there appears to be a major change in the composition of the commission circa 1870. The fourth volume of the yearbooks includes a new set of names for the commission (see the row that belongs to the 1288 volume in Table 4-5).\footnote{That is, if we consider Marin Ağa and Boyaci Marin Ağa were different people. Even if these two names referred to the same person (a thesis supported by the information listed in Table 3-1: Boyaci Marin Ağa was a “candidate” for the administrative council in 1872 and Marin Ağa was mentioned as a “former member” in the candidate list of 1874), the change is rather significant: while the member number of the commission is reduced by one, all but one of the members have changed.} If we consider the names listed in the yearbooks as accurate, such a drastic shift might be indicative of a shift in political power within the administrative structure. The same volume indicates also that two other influential names who are involved in choosing the members of the commission, the sub-governor and the shar’i judge of the county, have changed that year, although the new sub-governor lasted for two years and the new judge for only a year.

Following this shift, we see a relatively stable composition dominating the institution, which was supposed to affirm the veracity of the structured information regarding the inhabitants of the Vidin County. Familiar names such as Boyaci Marin Ağa or Hacı Petko Ağa (both members of the
Vidin administrative council for a year) seem to have served quite a long while in this commission.

4.3 – Conclusion: A Better Vision of the System?

Being a part of Vidin’s judicio-administrative sphere took more than merely being elected. What began as a curious practice of leaving impressions of the members’ seals on the administrative council’s copy register, following the county’s sub-governor’s departure in August 4, 1873, gave us an opportunity to look into the attendance practices of the members to the meetings. The register had nothing particularly unique about its design; with a pattern common to its contemporaries in different institutions, it was a uniform bureaucratic document with no personal traits but ordered spaces, which the clerks would fill in. Such modern registers, as Brinkley Messick observed, contrast starkly with pre-modern “official” documents.

Like the sale instruments of the period, old registers bore the personal mark of a particular katib [clerk] and displayed the artistry of his scribal craft. The text was suffused with the human presence, the haiba, the prestige, dignity and awe-inspiring quality of specific men who concretely embodied the state. [...] While the haiba of such a register was highly personalized, the authority of new bureaucratic texts is relatively de-personalized. Like that of the nation-state to which it pertains, a new register’s authority rests on its diffused formal abstractness, implemented through the standardized printed forms now available for all official acts.372

The impersonal, almost impenetrably abstract nature of the reports becomes more personal with the seals. The composition of the seals—from the way they were carved (in Cyrillic or in Arabic) to the particular order in which their impressions were left at the bottom of the reports—provides hindsight about the politics of power within the council, a perspective that cannot be easily acquired from the yearbooks.

The impressions, as analyzed in this chapter, indicate that not all members of the council attended the meetings together, some remained absent from the meetings for extended periods of time and at times certain significant changes in the composition of the council (such as a member’s resignation) were not reflected in the yearbooks. The politics of participation continued following the election to the councils, the meetings of the administrative council and the council of appeals and crime may not have had such a cacophonous nature as those described in the memoirs of St. Clair and Charles Brophy; however, there is little doubt that there was polyphony. The orchestration of this polyphonic structure becomes relatively more visible through the yearbooks.

Despite their limits in reflecting the dynamic nature of the local politics of administration, the provincial yearbooks relate valuable information regarding the general organization of the local judicio-administrative sphere through the institutions of the modern Ottoman state. The display of councils, courts, commissions and other
institutions in the three pages that were devoted to the county of Vidin gives a sense of the bureaucratic hierarchy designed for the local judicio-administrative sphere by the Ottoman Empire. The cadres of provincial administration were rank-ordered properly in these pages. The names of the individuals were matched with their honorifics and decorations.\textsuperscript{373} In a detailed fashion, the yearbooks categorized the information regarding the provincial judicio-administrative sphere.

Most importantly, the yearbooks allow us to see the interrelated nature of some of these offices. It is possible to notice that some names served in the municipal council, commercial court, and the commission of surveys in addition to the administrative council and the council of appeals and crime in Vidin. This gives us a better idea about the interconnected nature of the judicio-administrative sphere and helps us understand how certain local individuals remained significant figures, as part of the modern Ottoman state and its production of official information regarding its provinces. While the administrative and judicial councils of Vidin were very significant for the politics of local administration, they were not the only places for the members of the

\textsuperscript{373} We learn, for example, that Ahmed Bey and Sevastaki Ağa had the title “kapıcıpaşı,” which did not have a high rank according to the table of titles included in the provincial yearbooks. (See, for example, \textit{Salname-i Vilayet-i Tuna}, vol. (Defa) 10 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1877-78 [1294]), 26-28). Although the candidate lists did not include their “kapıcibaşı” title, these gentlemen were referred to as “eminent” (rifatlı) in those lists (see Table 3-1)—a reference used only for a limited group of titles including “kapıcibaşı.”
local population who were willing and powerful enough to become a part of the modern Ottoman state. It is in this context that we need to understand how Vidin’s administrative council and the council of appeals and crime functioned and wrote their reports to the province.

The reports sent from the institutions within the judicio-administrative sphere of Vidin are inevitably shaped by the politics of administration in Vidin. This is a curse and a blessing at the same time. It is a curse since it proves that reporting from the countryside was a highly politicized act; therefore, the letters that the provincial administration received from the judicio-administrative sphere in Vidin may not reflect the actual conditions of Vidin. As I discuss in Chapter 5, the distinction between reality and unfounded allegations was often very blurry. However, as I argued in this chapter, the registers used by the institutions in this sphere provide valuable insight about the politics of administration at the local level. In an environment where “the reality” is impossible to establish through documents, the political language used in official correspondence can be a blessing in our attempt to understand the formational process of the modern Ottoman social structure.
CHAPTER 5

WRITING POLITICS: OTTOMAN GOVERNMENTALITY AND THE LANGUAGE OF REPORTS

What would need to be studied now, therefore, is the way in which the specific problems of life and population were raised within a technology of government374

While the former chapters focused on the context in which the local councils in Vidin County were formed, the ways in which their members were elected, and the ways in which they functioned, this chapter focuses specifically on the reports that the administrative council wrote to the provincial capital, Ruse. It is essential to understand how local judicial officials and administrators reported events pertaining to the peoples of Vidin County, as we need to treat these reports as products of political processes centered around the judicio-administrative sphere at

the local level. My goal in this chapter is to underline the political aspects of writing reports by bringing to light how the politics of local administration might have influenced the way these reports were written, and thus how politics shaped what we learn about the events in Vidin County and how we learn it.

To achieve this goal, I focus on a number of case studies from the copy registers of Vidin’s administrative council. The first case is extensive and has to do with the alleged malfeasance of a district head official. A detailed summary of this lengthy case in the first section is followed by an analysis of other sources on the district to provide a better understanding of the parties involved in the case. In the third section, I analyze some structural aspects of the same case to clarify Ottoman governmentality. This particular case not only defines, in general terms, how different actors in the judicio-administrative sphere referred to their official duties while serving their personal interests, but also traces the reflection of their actions in the official correspondence.

Sections four and five expand the analysis beyond people directly involved with the judicio-administrative sphere. I provide examples of how local people participated in, and at times challenged, Ottoman governmentality. To do this, I analyze cases from the copy register of Vidin’s administrative council together with petitions written by the peasants and sent without the agency of the council. For the purpose of
comparison, I also look at other cases in the same copy register to get a better understanding of the council’s language. Through these close readings, I describe how Ottoman governmentality served as the domain where the politics of local administration took shape.

5.1 – “Several Times He had been Given Well-Intended Reminders”: A Case of Local Antagonism

On May 2, 1872, Vidin’s administrative council concluded a lengthy report of more than 3,500 words regarding problems involving the members of the administrative court in the district of Berkofça (Berkovitsa). This report listed some serious allegations against the district head official (kaymakam), Mustafa ‘Ali Bey, including negligence in a case that involved the beating of several villagers by the local police (zabtiye), verbal harassment of other council members and the forcible sodomizing of a shampooer in a public. In detailing how the case was handled, the extended report provides insight into the procedures of the administrative council and the politics of administration—the two interrelated themes of this chapter.

This particular report explains and extensively summarizes numerous communications focusing on these allegations, beginning with two telegrams that Halid Ağa, an elected member of the administrative council (meclis-i idare) in Berkofça district, sent on November 25 and

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375 Case No. 202, dated May 2, 1872 (23 S 1289), in (NBKM) VD-107-16.
In these, Halid Ağa intended to inform the Vidin County administrative council of Mustafa ‘Ali Bey’s wrongdoings. The first telegram reported that Mustafa ‘Ali Bey had ordered two representatives from the village of Draganiçe (Draganitse) out of the administrative council, to which they had come to complain about being subjected to the bastinado (falaka) by the local police forces (zaptiye); the second reported that he had reprimanded Halid Ağa and threatened him with incarceration for some “warnings” (ihtarat) the latter had given to the former.

In response to the pleas of Halid Ağa in his first telegram, the administrative council in Vidin reportedly discussed the matter and decided to send Matyaş Ağa, an elected examining clerk of the Council of Appeals and Crime, to investigate the issue further, as “the beating of the village inhabitants by the police is abominable conduct, almost like torture.” Matyaş Ağa returned from Berkofça with a memorandum from the “council for administration and litigation” (meclis-i idare ve de’avi hey’eti mazbatasi) that had the same date as the second telegram from Halid Ağa (December 1, 1871). According to the report of Vidin’s

376 I will discuss these communications in the same order in which the administrative council introduced them in their report: the two telegrams followed by a memo from an examining clerk, followed by an inquiry from Vidin and a lengthy response to that inquiry, and so on.

377 “Ahalinin zabtiyeler tarafindan darb edilmesi bahsi ‘adeta, bir nev‘ işkence gibi mu’amele-i keriheden bulunduğu cihetle [...]”
administrative council, this memorandum indicated that Mustafa 'Ali Bey’s current position was his first official post. To help him in his first assignment, “several times he had been given well-intended reminders, and when necessary, he had been directed to the regulations and details of legal articles.” Nevertheless, Mustafa ‘Ali Bey apparently considered such suggestions “disagreeable;” instead, he relied mostly on the opinions of the district metropolitan, Dorotheus (دروتئوس) Efendi, who, it seems, was not only a spiritual leader but also a significant member of Berkofça’s judicio-administrative sphere.

The metropolitan’s name does not appear in the report’s summary of the memorandum from Berkofça, but it does appear in the first six provincial yearbooks that cover the period between 1868 and 1873.

378 “kendisine bi ‘d-defe’at ihtarat-i hayr-hahanede bulunulmuş, ve ’ind-el-hace nizamat ve tefferru’at-i kanuniye bendleri dahi ira’e edilerek”

379 In these yearbooks, Dorotheus Efendi’s name follows the names of the district head official, the judge (na’ib), and the Muslim religious leader (mufti) at the top of the single page devoted to the district (see, for example, Salname-i Vilayet-i Tuna, 59). That his name is listed as the metropolitan in the first six volumes of a total of ten suggests that he was a relatively stable figure in the district. He might have been serving as metropolitan even prior to the publication of the first yearbook in 1868. Regardless, his name appears to be one of the two unvarying names in the first six years of the provincial yearbooks. (There is a certain İbrahim Efendi who appears as an elected member of either the administrative or the litigation council in each of the six volumes). In contrast, the head official and the judge changed four times between 1868 and 1873 Salname-i Vilayet-i Tuna, 59; Salname-i Vilayet-i Tuna, vol. (Def’a) 2 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1869-70 [1286]), 84; Salname-i Vilayet-i Tuna, vol. (Def’a) 3 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1870-71 [1287]), 56; Salname-i Vilayet-i Tuna, vol. (Def’a) 4 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1871-72 [1288]), 59; Salname-i Vilayet-i Tuna, vol. (Def’a) 5 (Ruşçuk [Ruse]: Matba’a-i Vilayet-i Tuna, 1872-73 [1289]), 60; Salname-i Vilayet-i Tuna, 61.
Dorotheus Efendi’s replacement is not named in the remaining four volumes of provincial yearbooks, and the metropolitan’s title and name disappear from the page devoted to Berkofça District. This change was most likely a consequence of the formation of the Bulgarian patriarchate in 1870.

After establishing the relationship between the novice district head official Mustafa 'Ali Bey and the veteran metropolitan Dorotheus Efendi, the memorandum of the “council for administration and litigation” apparently focused on the bastinadoing case, which serves as an example not only of Mustafa ‘Ali Bey’s partiality but also of his negligence. According to the report’s summary of the memorandum, rumors about what happened in the village of Draganiçe had circulated for a month; nevertheless, no one from the village had actually complained to the administrative council until the “village headmen” (muhtarları) came to the council on behalf of the bastinadoed villagers. Apparently, Mustafa ‘Ali Bey listened to the village headmen and then insulted and ordered them out before letting the other council members express their opinions on the case. When the need to investigate the matter further by sending the second lieutenant of the police forces was brought up again “in a mild-mannered way,” Mustafa ‘Ali Bey brushed aside the issue by referring to the complainants’ arguments as

380 “tekrar suret-i mülayimanede kendisine tebliğ olundukda”
provocations and dismissed the meeting of the council. The issue was reportedly raised again in another meeting four days later. This time, instead of disregarding the topic, Mustafa ‘Ali Bey threatened one of the members of the council, Halid Ağa, with imprisonment.

These remarks in the memorandum delivered by Matyaş Ağa explained the two telegrams received from Halid Ağa in the last two months of 1871 and also contained more accusations against the district head official. Allegedly, Mustafa ‘Ali Bey made excessive payments for firewood purchased from remote villages even while wood was available for a fraction of the cost in the local market. Furthermore, he and the district tithe officer failed to answer questions regarding the number of people employed in tithe collection and the delay in collection. In their report, Vidin’s administrative council members note that on February 11, 1872, in response to these allegations, they had sent all the relevant letters and telegrams to Mustafa ‘Ali Bey demanding an explanation.

Mustafa ‘Ali Bey apparently responded with a detailed report composed of several sections, each responding to an accusation, and this response is summarized in detail in the administrative council’s report. In the first section, he repudiated the allegations made against him in a telegram from Hasan, the keeper of the local bathhouse, who charged that ‘Ali Bey forced a shampooer into sodomy. The district head official claimed that “he did not perpetrate such actions that would mar the
government.”381 He insisted that this nonsensical claim was solicited by Nureddin Ağa, who was an elected member of the administrative council in Berkofça. Moreover, the keeper of the local bathhouse in fact had admitted in front of two witnesses, Ahmed Efendi and İbrahim Ağa, that he had been manipulated.

In the second section of his response, Mustafa ‘Ali Bey apparently defended himself against the accusations of negligence made by the two representatives from the village of Draganiçe. According to him, the events unfolded in a different way. During the month of Ramadan, two “elected members of the administrative council, Nureddin and Halid Ağas, came to the meeting room of the administrative council”382 and informed the council that the local police had beaten two villagers from Draganiçe with cudgels and bastinadoed them “for tax collection.”383 Upon this, “it was decided”384 that the complainants should be summoned to the council in order to have their claims written in an official petition, and that the deputy chief of the police forces (bölük ağası mu’avini) should be sent to the village to investigate the matter. The district head official argued that despite these decisions, Nureddin and

381 “bu misûllü hükümeti mûhîil bir hareketde bulunmamış”
382 “meclis-i idare a’zasından Nureddin ve Halid Ağa’lar meclis-i idare odasına gelerek”
383 “tahsilat içerik” The report does not make it clear who in the council did insist on summoning the complainants.
384 “karar verilmiş”
Halid Ağas insisted that the policemen should be dismissed from service. Their persistent demands, however, had gone unanswered due to the impending investigation of the matter.

Mustafa ‘Ali Bey then chose to reveal the motives behind the two members’ insistence on discharging the police members. Apparently, the brother of Halid Ağa, Hacı Salih Ağa, had been lending money to the villager through selem contracts, and their persistence in demanding the dismissal of the local policemen was “founded solely on the purpose of collecting their loans” from the peasants. The claim that the peasants from Draganiçe had been ordered out of the council before being heard was a “lie.”

According to the administrative council’s report, the third section of Mustafa ‘Ali Bey’s report focused on the allegation that he threatened to imprison Halid Ağa. The district head official denied this and claimed that Halid Ağa had inveighed against a memorandum for giving meal allowances to the local police and had insisted that the “policemen were

385 *Salam* is the Arabic term for a particular loan agreement, whence the Turkish form *selem* is derived [Findley, *Turkey: Islam, Nationalism, and Modernity*.] The defining principle of *salam* money-lending contracts is prepayment by a purchaser for an object of sale to be delivered to the buyer on a predetermined future date. It allows a farmer to borrow money for sale of the coming season’s produce at a certain risk. See *The Encyclopaedia of Islam*, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. “Salam,” (by J. D. Latham), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-6519> (accessed 06/05/2007).

386 “zabtiyelerin karye-i merkumeden kaldırılması emrinde olan arzuları mücerred kendi alacaklarının tahsili maksadına mebni olduğunu”
not paying for their provisions while on duty anyway.”\textsuperscript{387} Furthermore, Mustafa ‘Ali Bey counter-charged that Halid Ağa had verbally harassed a policeman sent to invite him to the administrative council for official business.

In the fourth section, the district head official reportedly claimed that the council members’ accusations regarding excessive payments for firewood were a manifestation of their hostility toward him; such a trivial issue should have been brought up at the district level before a complaint was made to the county. Unfortunately, he concluded, such a complaint had not been brought to his attention. Mustafa ‘Ali Bey added that complaints regarding the delay of tithe collection were unfounded, as well. The members of the administrative council were simply unhappy about the replacement of the chief tithe collection clerk (which he had ordered), and accused him of being easily influenced by the Metropolitan regarding government affairs, including tithe collection. Not only was this untrue, the head official insisted, it was also common knowledge that Nureddin and Halid Ağa “hated” the Metropolitan.\textsuperscript{388}

Furthermore, according to Mustafa ‘Ali Bey, not everyone in the administrative council was competent. Other than the head official, only the judge of the shar‘i court (\textit{na‘ib}), the head of the finance office

\textsuperscript{387} “zabtiyeler zaten erzak için gezdiği günlerde para verdikleri yokdur”

\textsuperscript{388} “ve zaten dahi metropolid-i [sic] mumaileyhle ağa-yı mumialeyhuma beynlerinde min-al-kadım buğz ve ‘udvan bulunduğundan”
(mal müdürü) and the head secretary (tahrirat katibi) knew how to read and write. The judge’s inadequacy was obvious from the fact that his paperwork was often returned by the county, while the head of the finance office and the head secretary were drunk “day and night.”

Their incompetence had not kept members of the administrative council and the judicial council from “conjointly announcing” a tithe rate on vineyards and hay lower than the previous years’ just “to further their esteem and popularity” among the people.

Vidin’s administrative council noted that Mustafa ‘Ali Bey concluded this fourth section of his response by claiming that Nureddin Ağã himself had attempted to abuse his powers as a member of the council. Someone allegedly had reported to the district head official that Nureddin Ağã wished to build a granary on his farm for a fraction of the normal cost by “forcing the peasants” in the local village to provide free labor. Subsequently, Nureddin Ağã asked for a policeman to be sent to this village to facilitate the construction. The head official refused to grant permission, explaining that such business could be done only by mutual consent. Besides, he added, this request did not comply with the member’s former appeal to ban policemen from visiting these villages.

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389 “müdür ve katib mumaileyhler ise ’ayyaş ve gece gündüz mest ve la-bi-‘akl bulunduklarndan”

390 “ahalide büyük görünmek ve nam olmak emeliyle”

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(with which Nureddin Ağā had selem money-lending contracts) to collect taxes.

In the fifth section of his response, Mustafa 'Ali Bey reportedly focused on Matyaş Ağā, the investigator sent by Vidin’s administrative council. Adopting a respectful tone, the district head official noted that Matyaş Ağā had not discussed these issues with anyone but the elected members of the administrative council. Consequently, he had limited his report to the memorandum of the council—which was nothing but calumny. When Mustafa 'Ali Bey suggested that Matyaş Ağā interrogate those who had made the bastinadoing allegations, the latter apparently refused, stating that “interrogation [was] a judicial procedure.”

Instead, he based his report solely on consultations (müzakere) with the members of the council. Furthermore, allegedly Matyaş Ağā dismissed the complainants’ dissatisfaction with the judge of the shar‘i court as the result of their disagreement with the judge’s decisions.

Curiously, the report of the administrative council skips the sixth section of Mustafa 'Ali Bey’s report without even mentioning it and moves on to the seventh and last section. The district head official apparently ended his report on a positive note by adding, first, that as a result of the local administration’s persistent efforts to improve the

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391 “icab edenlerin istintaka alınmalarını söylediğinde ‘istintak de’avi işidir’ cevabi verilerek"
conditions of the Circassian immigrants in Berkofça, they had been able to “prevent evil from happening.”392 Second, he noted that in order to expedite the collection of tithes and because of the continuation of bad weather that year, they had hired eleven additional officers and two scribes. Therefore, tithe collection for the year was completed in a timely manner.

The seven-section response from Mustafa 'Ali Bey summarized in the administrative council’s report must have caused a stir in Vidin. The council decided to interrogate the two villagers from Draganiçe whom police had allegedly beaten with cudgels, as well as the members of the local police. The interrogators of the council of appeals and crime met the villagers, Todor and Kirko, in the presence of Antimos Efendi, the metropolitan of Vidin and the first Bulgarian Exarch. Apparently, when the peasants had come to Berkofça a while before in 1871 to borrow money from Halid Ağa’s brother, Hacı Salih Ağa, the latter had advised them to visit Nureddin and Halid Ağas the following day and to state that they had been brutalized with cudgels and bastinado by the local policemen.

392 “muhacirin kesanın ıslah-i hallerine olunan ikdam semeresiyle fenalikların önünü alındığı.” The official correspondence sent from the Danube province to the imperial capital includes several cases accusing the Circassian immigrants of animal theft. See for example, BOA ŞD 2078/16, 2078/39, 2080/2, 2080/18, or A.MKT.ŞD. 11-66 (2 and 3). The concern regarding such thefts and their relation to this immigrant community is obvious in these discussions.
After the policemen gave a similar account during their interrogation, the administrative council in Vidin summoned the shar'i judge, together with Halid and Nureddin Ağas. Halid and Nureddin Ağas refuted the claim that they had encouraged the peasants. When Todor and Kirko were brought face to face with the two Ağas, they reiterated their initial claim that the policemen had bastinadoed them. The council decided that the peasants were not credible and their case was sent to the council of appeals and crime in Vidin; the council also decided that Halid and Nureddin Ağas had been complicit with Halid Ağa’s brother in manipulating the peasants.

After examining the interrogation of the council members from Berkofça, Vidin’s administrative council acquitted Mustafa 'Ali Bey of all charges but one: buying firewood from other villages at prices above the market price. The council also added that these accusations proved that the members of the Berkofça council could not handle their tasks professionally and efficiently because they allowed their personal disputes to impede their ability to accomplish their official duties. In submitting the case to the attention of the provincial government in Ruse, the council concluded that the firewood issue needed to be considered as a minor issue accentuated by this broader problem.

I am not concerned here with unraveling the truth behind this complicated case. Instead, my initial question is much simpler: why was
the communication so complex? The confusing nature of the report partially reflects the impossibility of establishing the veracity of information transferred from one council in the district to the other in the county. Despite this problematic aspect, the report reveals several details regarding the ways different members of the community used the practices of the council to reach their goals. To better assess these details we need to learn more about physical resources and potentially adversarial groups of local notables in Berkofça and Draganiçe.

5.2 – Land and Power in Berkofça

The modern-day town of Berkovitsa (Berkofça) and the village of Draganitsa (Draganiçe) are parts of the district of Montana, not Vidin. The village is approximately 11 kilometers (6.8 miles) northwest of the town. In the 1870s, all the inhabitants of the village appear to have been Bulgarian. While the 1873 provincial yearbook notes 44 households and a population of 385 people, V. Teplov gives a higher number of households (62) in his 1877 study. An 1897 survey notes that the village has approximately 312 hectares (771 acres) of farmland, 251 hectares (620 acres) of pastureland, very small tracts of vineyards,

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393 United States. Office of Geography; *Bulgaria: Official Standard Names Approved by the United States Board on Geographic Names* (Washington D.C.: Office of Geography, 1959), 20 and 64. This volume uses the earlier name of the Montana District, Mikhailovgrad.

394 *Salname-i Vilayet-i Tuna*, 175.

forested land and prairies, and no orchards.\textsuperscript{396} The survey reports a total of 173 proprietors in the village: 79 actual inhabitants and 94 residents of other villages. The latter group’s possessions were mostly small plots,\textsuperscript{397} and only 21 of this group of proprietors owned farmland—although 52 of them owned vineyards.\textsuperscript{398} The resident proprietors were fewer in number than the non-resident ones; however, they owned larger plots (on average 8.8 hectares [22 acres]).

One particular resident proprietor attracts attention in this survey: the church. The church owned 16 hectares (39.5 acres) of forested land, approximately 36 percent of the total registered forested land. This seems to be an unusually large amount of forest land owned by a single proprietor in this region, which would make the church and people connected to it influential actors at the local level. In the entire district of Berkovitsa, only 197 proprietors (roughly two percent of the total) owned more than 15 hectares (37 acres) of land; however, this relatively small group held 4970 separate plots of land.\textsuperscript{399} The church owned its 16 hectares as a single plot, which is significantly larger than the average plotsize for the forested land in the district (3.6 hectares). According to

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\textsuperscript{396} Bulgaria. Glavna direktsia na statistikata, \textit{Zemledelcheska Statistika prez 1897 godina po Nacelenie Mecta} (Sofia: Durzhavna Pechatnitsa (State Press), 1902), 70-71.
\textsuperscript{397} Eighty of the 94 owned fewer than 2 hectares (5 acres) with an overall average of half that amount. Ibid., 312-13.
\textsuperscript{398} One-third of all the vineyards were owned by the non-residents. Ibid., 706.
\textsuperscript{399} Ibid., 313.
\end{flushleft}
the same survey, in all of Vidin County 99 churches were proprietors, but only 15 owned more than 15 hectares. The forested land owned by the church, then, was sizeable.

Available data do not clarify whether the church in Draganiçe actually owned this forest in 1872, when the reports discussed above were written. That it did 25 years later means that either the proprietorship was established before the Ottoman administration in the region dissolved in 1877, or that the church acquired the forested land after 1877. Assuming that this 16 hectares of land was a valued resource in the 1870s, both scenarios imply that in the last quarter of the nineteenth century the church had a considerable amount of power, either emanating from an already established proprietorship, or displayed by the ability to obtain this land after 1877.

Can we assume that the 16 hectares (39.5 acres) were actually a valuable resource in this region? This requires us to examine the parcelization patterns in Draganiçe. The 1897 survey notes that there was a total of 193 hectares (477 acres) of forested land belonging to the village of Draganiçe. This amount, however, was divided into 444 plots.\footnote{Ibid., 70.} If we exclude the forested land owned by the church, each

\footnote{Ibid., 70.}
parcel would be on average around 0.4 hectare.\textsuperscript{401} Why would there be such a high rate of parcelization in these forested lands?

The answer may relate to the importance of raw silk production to the regional economy in the 1860s and early 1870s.\textsuperscript{402} In the 1850s, the spread of pebrine disease among silkworms “devastated” French cocoon production and forced “French silk-raisers [to turn to] foreign, uninfected sources.”\textsuperscript{403} This meant a short-lived boom in raw silk production in the region. By the end of the 1870s the same disease had devastated the Balkans.\textsuperscript{404} According to Felix Kanitz, who traveled in this region in the 1860s and early 1870s, raw silk production and leather tanning were important in the town of Berkoçça.\textsuperscript{405} The presence of an economic sector that relied on mulberry trees could explain why small plots of forested land with mulberry trees would be economically attractive in this town and its surrounding villages.

Although we cannot estimate the density of mulberry trees in the forested lands of the village of Draganiçe in the early 1870s, the presence

\textsuperscript{401} Ibid., 71.

\textsuperscript{402} Palairet, \textit{The Balkan Economies, 1800-1914}, 190.


\textsuperscript{404} Palairet, \textit{The Balkan Economies, 1800-1914}, 185.

of a high rate of parcelization in the 1890s implies that even a small amount of forested land had the potential to yield a decent income for the possessor.\footnote{A recent unpublished study on biodiversity in the region (conducted by the Berkovitsa local branch of the Regional Environmental Center [REC] for Central and Eastern Europe) notes the abundance of the mulberry trees. As part of a recent trans-boundary project, “West Stara Planina,” that covers the Balkan ranges in Bulgaria and Serbia, REC is trying to re-introduce silk production as a sustainable non-timber source of income for the inhabitants of the region. I would like to thank Ors Szilard Marczin, General Project Manager for the Environmental Policy Program at REC for Central and Eastern Europe, for generously sharing this study and the information regarding the new project with me.} As noted above, there were 174 resident and non-resident proprietors in Draganiçe\footnote{Bulgaria. Glavna direktsia na statistikata, Zemledelcheska Statistika prez 1897 Godina, 70.} and 444 plots of forested land. Of the 94 non-residents, only nine owned more than five plots of land (of any kind),\footnote{None owned more than 15 plots. Ibid., 589.} and 73 of them owned farmland and/or vineyards.\footnote{Ibid., 708.} It appears to be the case that ownership of forested lands was more appealing to the residents of the village than it was to non-residents. In this context, the ability of the church to hold a large single parcel of forested land would be related to the political power of the ecclesiastical institutions in the region.

The metropolitan in Berkofça, Dorotheus Efendi (or “Greek Dorotheij,” as Felix Kanitz refers to him), replaced Metropolitan Joachim
in 1860 when the latter left the town.\textsuperscript{410} He remained in office until 1873. His long service may have been among the reasons that led novice Mustafa 'Ali Bey, who began his career as a district head official in 1871 chose to ally with him, if they actually did ally. The relationship between the Greek bishops and the Bulgarians was particularly strained from the early decades of the nineteenth century up until the Ottoman Empire’s official recognition of the Bulgarian exarchate in 1872.\textsuperscript{411} The alleged “alliance” between the metropolitan and the district head official therefore may have been no more than a politically expedient fabrication by a group of discontented local notables. Felix Kanitz notes that this “reform-friendly” district head official (i.e. supporter of then-contemporary reforms, which Kanitz considered necessary to modernize the empire) was so preoccupied with local affairs that he complained of not having time to attend to matters in the surrounding villages.\textsuperscript{412}

\textsuperscript{410} Kanitz, Donau-Bulgarien und der Balkan, 285. Kanitz refers to some tensions between Metropolitan Joachim and townspeople without giving any specific information.


\textsuperscript{412} Kanitz, Donau-Bulgarien und der Balkan, 287.
According to the report of Vidin’s administrative council summarized above, on the opposite side of this “alliance,” we have Halid and Nureddin Ağas. The first two volumes of provincial yearbooks (1868-69 and 1869-70) list Nureddin Ağa as a member of the Berkofça municipal council. While he is listed as a member of the administrative council in the fourth volume (1871-72), his name is not included in the yearbook for the following year. Instead, Halid Ağa is the only Muslim member of the administrative council in the fifth and sixth volumes of the provincial yearbooks. Interestingly, in these two volumes (the only two years for which Mustafa 'Ali is listed as the district head official), the number of administrative council members drops to two: Halid Ağa and Petra Ağa. According to the provincial yearbooks, Nureddin and Halid Ağas served in these councils for relatively brief periods and never simultaneously. We know from the report, however, that this was not the case. The two notables apparently served and worked against the district head official together.

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414 *Salname-i Vilayet-i Tuna*, 59.
416 Petra Ağa is listed as a member of the municipal council in the fourth volume as the only non-Muslim member of the council in the fifth and sixth volumes, and as one of two non-Muslim members in the tenth volume.
5.3 – Ottoman Governmentality

Having summarized the administrative council’s report and introduced the contesting parties, we can look at some other aspects of the report. One cannot help but notice that the majority of the accusations asserted the inability of the other parties to understand and perform the tasks expected of them as members of a judicio-administrative sphere, which was (as explained in Chapters Two and Three) constructed in the course of the Tanzimat era.

The initial accusation against Mustafa 'Ali Bey was negligence in responding to the beating of village inhabitants by the police, which was described (very much in line with the main premises of the Tanzimat reforms) as “abominable conduct, almost like torture.” The second accusation emphasized his inability, as an inexperienced officer, to handle administrative affairs properly, but also the other council members’ superior knowledge of the applicable rules and regulations. It was the other members, the experts in governance, who gave him “well-intentioned reminders; and when necessary […] referred [him] to the regulations and details of legal articles.”

Permeating the language of the council members in these accusations is an image of an Ottoman government “regarded as a unitary, centralized and localized set of institutions that acted in a field
that was exterior to itself." Their language implies that the council members’ familiarity with this set of institutions and their expertise render them superior to others in administering a society located outside the sphere in which they operate. As the summary of the case reveals, however, these people were far from being outside the local society. In fact, it was their entanglement with that society that brought them to these positions of authority. As attested by their populist policies of lowering the tithe rate on certain products, these members cared about their legitimacy in the eyes of the “society” to which they belonged. The modern Ottoman state, it seems, was not able to dissolve the connections between the members of its administrative institutions and the populations that they governed.

Perhaps the Ottoman state did not have to separate the administrators from “society” in order to be a modern state. Here, I would like to return to Anthony Giddens’ discussion of the “enlargement of the sphere of the political.” What makes the modern state possible is not necessarily its ability to separate itself from society; more significant is the belief held by the members of the society en masse (including the members of the judicio-administrative sphere) that there is a separate “sphere of the political” that organizes the ways in which “the state”

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relates to “society.” According to Giddens, this belief is inseparable from “textually mediated organization” (the “regulations and details of legal articles” that Mustafa ‘Ali Bey was directed to by the elected members who were apparently “illiterate”) and from the “intertextuality of exchange of opinions and observations”—here manifested in the fact that in all the accusations mentioned above this textually mediated organization was considered a \textit{sine qua non}, and neither its validity nor its necessity was questioned.\footnote{Giddens, \textit{The Nation-State and Violence}, 179.} In other words, the actual separation of society from the state is not as necessary as the discourse\footnote{As Florencia Mallon notes, “A discourse is a political as well as an intellectual process, because human struggles over power and meaning are intimately interconnected. Even if meanings are multiple and relational, hence always changing, people struggle with uneven access to power and knowledge in order to construct and tell their stories.” Mallon, \textit{Peasant and Nation}, 6.} of a modern state (disseminated through the practices of agents in the sphere of the political).\footnote{As I demonstrated in Chapter 3, at least based on the information included in the provincial yearbooks, the Ottoman state was aware of the fact that the members of society were in fact a part of the state at the local level.}

These intertextual exchanges of opinions and observations, I would argue, constitute a domain for the politics of local administration. The agents involved in this process (including the peasants who claimed that they were bastinadoed) had the power to use such exchanges and practices to attain their particular goals so long as they used the specific language of the state. In this context, knowing the language and

\begin{footnotesize}
\footnote{Giddens, \textit{The Nation-State and Violence}, 179.}
\footnote{As Florencia Mallon notes, “A discourse is a political as well as an intellectual process, because human struggles over power and meaning are intimately interconnected. Even if meanings are multiple and relational, hence always changing, people struggle with uneven access to power and knowledge in order to construct and tell their stories.” Mallon, \textit{Peasant and Nation}, 6.}
\footnote{As I demonstrated in Chapter 3, at least based on the information included in the provincial yearbooks, the Ottoman state was aware of the fact that the members of society were in fact a part of the state at the local level.}
\end{footnotesize}
procedures of these intertextual exchanges becomes essential, and the inability to read and write, drunkenness “day and night,” and unfamiliarity with the textually mediated organization of the modern state become factors detrimental to the procedures of local administration.

Such sets of exchanges and practices constitute the building blocks of an Ottoman governmentality that, as a “complex form of power,” targeted the population and was not simply confined to the government.421 Because the target of this power was the population, its politics becomes “biopolitics” conducted in a complex web of education, surveys, and taxation among many other ways.422 Imposing on the population the idea that they, as subjects of an empire, need to be taxed and surveyed becomes a technology of this power. But a petition from the villagers complaining about abuse of power in tax collection becomes another part of Ottoman governmentality, as well. This is because the peasants, as agents themselves, get involved in a “dialectic of control” with the Ottoman government by intertextually referring to the nature of

421 For a definition of the term see Foucault, "Governmentality," 102-03. See also n. 234 in Chapter 3 above.

422 According to Foucault, biopolitics is “the endeavor, begun in the eighteenth century, to rationalize the problems presented to governmental practice by the phenomena characteristic of a group of living human beings constituted as a population: health, sanitation, birthrate, longevity, race... We are aware of the expanding place these problems have occupied since the nineteenth century, and of the political and economic issues they have constituted up to the present day” Foucault, "The Birth of Biopolitics," 73.
Ottoman governmentality (which emphasizes maintenance of the population). Thus, the case of bastinadoing is vehemently criticized as “abominable conduct.”

Once allegations of such an odious crime had been made, an investigation was inevitable. Certainly, there was a set procedure for such an investigation, which was itself an aspect of the “biopolitics” of Ottoman governmentality. Interestingly, each party in this debate accused the other of trying to prevent such an investigation. On one hand, Halid Ağa claimed that when he asked “in an appropriate way” to send the second lieutenant of the police forces to investigate the matter, he was threatened; on the other, Mustafa 'Ali Bey claimed that Halid Ağa had insisted on not sending the second lieutenant. Also, in his seven-section report, the district head official accused the elected members Halid and Nureddin Ağas of contempt for the policemen and hatred of the metropolitan. Accusations such as these implicate the other(s) by portraying them not only as behaving improperly or being unqualified, but also as impeding the proper functioning of the system.

“Unconditional obedience, uninterrupted examination, and exhaustive confession form an ensemble with each element implying the

424 On this concept see Foucault, "The Birth of Biopolitics."
425 As if they were trying to prevent the procedure of investigation or behaving in a hostile way toward the agents of the administrative structure.
other two; the verbal manifestation of the truth that hides in the depths of oneself appears as an indispensable component of the government of men by each other,” notes Foucault in the concluding lecture of one of his seminars in 1980. It is not coincidental that all the elements of this “ensemble” constitute the responsibilities of the individuals involved in this case. The allegations made by the involved parties focused on the first two elements while the county administrative council in Vidin demanded the third element, namely, an exhaustive confession. This proved difficult to achieve; hence the complexity of the case.

Interestingly, the first attempt, the dispatch of Matyaş Ağa, resulted in failure as this long-time member of the judicio-administrative sphere failed to gather adequate information on the case. The administrative council therefore felt the need to interrogate people from Draganiçe and Berkofça by summoning them to Vidin. Regardless, the involvement of Matyaş Ağa renders the case all the more revealing with regard to the politics of local administration.

Matyaş Ağa’s assignment to the “investigation of the matter” brings together two layers of the administrative structure described in Chapter

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427 According to the yearbooks he was a five-year member of the council of appeals and crime and had been a member of the commission of surveys for two years before that.
3: the county and the district. There is only limited information however, about what this member of a county council did in the district. The county administrative council’s report notes only that he went there and brought back a memorandum from the “council for administration and litigation” (meclis-i idare ve de‘avi hey‘eti mazbatası) which confirmed the accusations of the council members in Berkofça against the district head official. There is more detailed information in the fifth section of the lengthy response of Mustafa ‘Ali Bey, who notes that Matyaş Ağa had limited his investigation to the elected members of the administrative council. Furthermore, when Mustafa ‘Ali Bey suggested carrying out some interrogations, this elected member of Vidin’s council of appeals and crime declined, referring to the procedure as a “judicial procedure.”

I would like to ask two questions. Why would an expert sent from the county to investigate the matter limit his investigation and avoid interrogation even though he was a member of the judicial body at the county level and was obviously familiar with the interrogation procedure? Above all, why would Vidin’s administrative council choose to remain quiet in their report to the provincial capital about what appears to be Matyaş Ağa’s failure Ağa in investigating the matter?

The need to interrogate all parties involved in these serious allegations of odious crimes is obvious. A little less than a year earlier Matyaş Ağa had been among the members of the council of appeals and
crime who interrogated several people in another scandalous case. That case involved an appraiser in the customs office in Vidin who stole the seal of another customs clerk, while the latter was intoxicated and unconscious at a gathering, in order to forge some documents.\textsuperscript{428} To resolve the case, Vidin’s council of appeals and crime summoned several individuals from different locations.

Such interrogations were common procedures. Indeed, Vidin’s administrative council eventually did conduct interrogations in Mustafa ‘Ali Bey’s case. Matyaş Ağa must have had other reasons that kept him from interrogating the involved parties despite the district head officer’s request. His reasons most likely related to the fact that in this instance he was investigating a case that involved other elected council members. I cannot claim that his political interests as a local notable serving in the judicio-administrative sphere of Vidin would connect him directly to the members of the council in Berkofça. Nevertheless, it is clear that he did not follow the usual procedure and failed in his juridical role. Certain issues brought up by Eric Paras in his discussion of Foucault’s inquiry into human subjectivity may help put Matyaş Ağa’s behavior in context:

In relation to juridical will, interest [...] constituted an irreconcilable element. *Homo economicus* and *homo juridicus* represented distinct forms of political subjectivity; that is to say, they posed wholly different questions to the power that would govern them. [...] The subject of interest did not respect contracts

\textsuperscript{428} Case No. 452, dated July 29, 1871 (11 CA 1288), in (NBKM) VD-107-16.
because they were contracts; he respected them because it was in his interest to do so.429

The agents operating within Ottoman governmentality—including the subjects who had to pay their taxes, the officials who had to administer the bureaucratic affairs and the policemen who had to protect the population—referred to their contractual obligations so long as doing so was in their interest. At the local level, the economic interests of an agent must have been relatively obvious to those with whom he interacted (as opposed to an historian who attempts to understand them more than a century later). There is no reason for us to assume that Mustafa 'Ali Bey or the elected members of the council did not understand Matyaş Ağa’s intentions (or vice versa). In this context, the district head official’s plea to Matyaş Ağa to interrogate others in order to find out the truth also served as a reminder to Matyaş Ağa that he was supposed to be a homo juridicus. He responded in a way that implied that carrying out an interrogation would not be proper according to the procedures: “interrogation is a judicial procedure.”

While Matyaş Ağa reminded the district head official of the distinction between administrative and judicial procedures, he appears not to have challenged the conflation of administrative and judicial councils in the memorandum that he submitted. Recall that he returned

429 Eric Paras, Foucault 2.0: Beyond Power and Knowledge (New York: Other Press, 2006), 104-05.
from Berkofça with a memorandum of the “council for administration and litigation,” which could not have existed, for at the district level, there were separate councils for administrative and judicial issues. This did not prevent the members of the council from working together, not only to draft the memorandum, but also apparently to insist on a tax cut. None of the members refuted the structural framework introduced by the Ottoman government (separate judicial and administrative councils) or their official duties; however, they worked around them to serve their own interests.

One would expect Vidin’s administrative council at least to have raised questions about Matyaş Ağa’s allegedly unsatisfactory methods of investigation. After all, the council had sent him to the district and, based on his report, decided to accuse Mustafa ‘Ali Bey and to demand that he respond to the allegations made against him. Subsequently, Vidin’s administrative council ordered interrogation of almost everyone mentioned in Mustafa ‘Ali Bey’s response except for Matyaş Ağa. While the council obviously took Mustafa ‘Ali Bey’s lengthy answer seriously, going so far as to summarize it section by section, it is not clear why the council did not do anything about Matyaş Ağa. Nor is it clear why one

430 Compare this with the fluidity of boundaries between the administrative and judicial councils in the context of the politics of election discussed in Chapter 3.
section was omitted from the administrative council’s summary of 'Ali Bey’s response.

Mustafa 'Ali Bey responded to all the allegations in the first four sections. He then used the fifth section to outline problems in Matyas Ağa’s investigation and the seventh to reflect on how some of the general problems in the district had been resolved during his term. Based on the flow of the text, the omitted sixth section most likely focused either on Matyas Ağa’s investigation techniques, or on the nature of the resolved problems discussed in the seventh section. In either case, Vidin’s administrative council seems to have chosen not to reveal certain aspects of the case in its report to the province.

The decision to reveal or conceal information in these reports, I would argue, is directly linked to the politics of local administration. All the agents involved in this complicated case used the institutionalized practices of local administration and, by doing so, contributed to Ottoman governmentality. They did not do so merely out of respect for the institutions or fear of the state. They used these practices because it was in their interest to do so. That is why what they included in—or omitted from—these reports and the ways they did so reveal certain aspects of the politics of local administration. Just as the members of the judico-administrative sphere in the Berkofça district chose to exclude certain events from their memorandum, so the administrative council in
Vidin chose to remain quiet about Matyaş Efendi’s inadequate investigation. The omissions are explained by the prominence of the elected members on Vidin’s administrative council and the local political dynamics within that council.

5.4 – Using Ottoman Governmentality

So far I have focused on Ottoman judicial-administrative practices as an aspect of Ottoman governmentality. While the practices are a set of institutions\(^{431}\) that constitute the modern Ottoman state, governmentality is more an aspect of a conjuncture\(^{432}\) that coincides with (if it does not predate) the development of a “liberal-capitalist social formation.”\(^{433}\) It is Ottoman governmentality (as an “ensemble formed by


\(^{432}\) According to Fernand Braudel, “social movement can be taken to refer to all the movements at work in a given society, the combination of movements which forms the *conjuncture* or rather the *conjunctures*. For there may be different conjunctural rhythms affecting the economy, political life, demography and indeed collective attitudes, preoccupations, crime, the different schools of art or literature, even fashion.” Fernand Braudel, *The Perspective of the World: Civilization and Capitalism 15th-18th Century* (Berkeley: University of California Press, 1992), 71.

\(^{433}\) Habermas argues that the principle of organization in the “liberal-capitalist social formation, is the relationship of wage labor and capital, which is anchored in the system of bourgeois civil law.” Habermas, *Legitimation Crisis*, 20-21. As mentioned in the conclusion of Chapter 2, this definition presumes a
the institutions, procedures, analyses and reflections, the calculations and tactics”)434 that relates the institutional transformation of the Tanzimat era to Ottoman society. Textually mediated information, including the reports of the councils and the petitions of the peasants, was a part of governmentality. It was one of the means that people used to protect their interests either as part of the local judicio-administrative sphere or as part of the governed population. This procedure, an element of the Ottoman modern state,435 provides us with a window on the hegemonic process I refer to as the politics of local administration.

How did the governed populations use governmentality to protect their own interests? Submitting petitions through the institutions of the local judicio-administrative sphere was one of the means they effectively utilized. It is important to note that scribes of the council edited these state-society split (where the former is a necessary establishment to oversee the functioning of a separate domain of economy through laws and regulations); despite that, however, Habermas’s analysis is helpful in the way it emphasizes the relationship between forces of production and legitimation.

434 Foucault, "Governmentality," 102-03.

435 In referring to the Ottoman modern state, what I have in mind is Florencia Mallon’s definition of the state as “a series of decentralized sites of struggle through which hegemony is both contested and reproduced.” Mallon also adds that “state institutions are locations or spaces where conflicts over power are constantly being resolved and hierarchically reordered. Since these conflicts are never equal for all groups, in the long run they tend to reorder, reproduce, and represent relations as inequality and domination. Yet at the same time, because conflict is at the very core of the state, subaltern struggles are woven throughout the fabric of state institutions” (Mallon, Peasant and Nation, 9-10). In this context, the institutional structure of the local judicio-administrative sphere is very similar to the structure of the “cargo system” that Mallon describes in the nineteenth-century Puebla highlands. See Mallon, Peasant and Nation, 66-74.
petitions when incorporating them into the registers of the councils. In cases like the one summarized at the beginning of this chapter, the administrative council often forwarded the original petitions that came to the council together with their reports. However, copy registers like the one I utilized for this research do not include these petitions. Despite this, the copious summaries of petitions provide a glimpse of the language used by the governed populations.

Consider the following case regarding the pasturelands outside Vidin’s fortress. In 1871, the administrative council in Vidin responded to a request from the provincial capital in Ruse for clarification regarding the official status of a pasture bordering Vidin’s fortress. Town inhabitants called the pasture “Müşriye” and used it for grazing their animals and for occasional strolls. The capital’s request, which had arrived in Vidin two years before, in 1869, was a follow-up to a petition sent through the administrative council in 1868.

This initial petition had apparently asked that the imperial forces relinquish this pasture, which they had appropriated from Vidin’s inhabitants “a while before.” According to other documents from the Council of State (Şura-yı Devlet), this petition had been forwarded by

436 Case No. 269, dated May 29, 1871 (10 RA 1288), in (NBKM) VD-107-16.
437 September 12, 1869 (6 CA 1286).
438 December 1, 1288 (16 Ş 1285).
439 “bir müddetten beri asakir-i şehane tarafından zapt olunduğundan”
Ruse to the Council of State, which in turn had asked for further investigation of the matter. After receiving the demand for proof, the council did not respond for two years, finally sending this report in 1871.

The report does not note of any evidence regarding the status of the land in question. Instead, we learn that the issue was investigated by a “great multitude of experts” from different villages who “had no personal interest whatsoever” in the matter. After noting prior correspondence on the matter from the previous three years, the report provides a brief history of the Müşriye pasture based on the findings of the “experts” mentioned.

Apparently, the land was used solely by the inhabitants until 1834, when a new governor, Ağa Hüseyin Paşa, arrived in the town with abundant horses and livestock. To assist the governor, some of the town’s “landowners” encouraged him temporarily to use other, possibly

440 BOA ŞD 2080/27 and 2081/2.

441 “erbab-i vukuftan olup oraya kat’an taalluk-i nefsisi olmayan […] kur’a-i sa’ire ahalisinden cemm-i gafir tarafindan”

442 While the report gives the hijri year of 1250 as the beginning date of Ağa Hüseyin Paşa’s term (“müteveffa Ağa Hüseyin Paşa’nın mülga Vidin valiliğiyle Vidin’e geldiği vakte, yani 1250 senesine kadar”), H.A. Reed notes that the Paşa’s first governorship began on August 4, 1833 and lasted until early February 1844. Ağa Hüseyin Paşa assumed this post again in October 1846 and served until his death on April 25, 1849. In addition to his lengthy service in Vidin, as Reed points out, this important statesman was “noted for his leadership in the suppression of the Janissaries in 1826.” See The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. “Agha Husayn Pasha,” (by H.A. Reed), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-2993> (accessed 06/05/2007).
more distant, pastures. Eventually, Ağa Hüseyin Paşa returned to using Müşriye to graze his animals. The governor and his successors, however, limited their use of this pasture and took turns with Vidin’s townsfolk.

This symbiosis persisted until the eve of the Crimean War. In 1853 the imperial forces appropriated Müşriye, labeling it a “state pasture.” From then on, it appears, the pasture was a continual source of tension. The first complaint mentioned in this report, from 1868 triggered a response a year later from the Council of State asking for “evidence” that Müşriye was a communal pasture. The report not only failed to provide any proof but also related the lack of evidence to a regional practice of not issuing title deeds for pastures, adding further that “from days of old” this land had been regarded as a pasture “and had been reckoned so for centuries.” In this case evidence, it seems, was irrelevant in the face of traditional practice verified by experts.

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443 “ba’zi eshab arazi tarafından suret-i muvakkatada birer mikdar çayır ıra’esiyle”
444 “ittihaaz ile büsbütün zapt ve müdahele olunmakda ve ol vakitden beri beylik çayırı namıyla yad edilmekde bulunmuş”
445 “mahal-i mezkurun memleket mer’ası olduğuna da’ir ihticaca şayan elimizde bir sened-i sahih olup olmadığı”
446 “her nekadar orasının mer’a-yı memleket olduğuna da’ir elde ihticaca salah bir sened yoğise de bu havalice hiç bir mer’annın senede cihe-ti rabti olmayıp, min el-kadim tahsis olunan yer mer’a ittihaaz ve i’tibar ve karnen-ba‘de-karnın böyle ‘ad ve şumar olunagelmis”

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Preference for “custom” over evidence, however, appears to have been in conformity with the law, since the Land Code of 1858 determined use rights over pastures based on established practices “from days of old” (min el-kadim) rather than title deeds. Article 97 of the law, for example, notes that “in a pasture that has belonged to a village from the days of old, only the animals of that particular village can be pastured, and inhabitants of another village cannot lead their animals to that pasture.”\footnote{447} Article 98 established that the boundaries of a pasture, determined “from days of old” could not be altered later.\footnote{448} The inhabitants were in fact within their legal rights when they made what appears to have been a claim without evidence.

The 1871 report by Vidin’s administrative council on this matter was not sufficient to resolve the issue. A year later, on June 24, 1872, the same council wrote another report, which, for the most part, repeated the 1871 report verbatim.\footnote{449} This new report responded to the provincial capital’s repeated request for further investigation, which the council had apparently received only nine days prior to their response. After

\footnote{447} “Bir karyeye min el-kadim mahsus olan mer‘ada yalnız ol karye ahalisi hayvanatı ra‘y eder ve ahar karye ahalisi ol mer‘aya hayvanat süremez.” Sarkiz Karakoç, Arâzi Kanunu ve Tapu Nizamnamesi (Tahşiyeli) (Istanbul: Kitaphane-i Cihan, 1924), 231.

\footnote{448} “Min el-kadim nemikdar arazi-i mu‘ayyene mer‘a olmak üzere terk ve i‘dad kilmış ise, ol mikdar arazi-i mu‘ayyeneye mer‘a denilib mu‘ahheran ta‘yin ve ihdas olunan hudud ve sinrâ itibar kilmaz.” Ibid., 232.

\footnote{449} Case No. 423, dated June 13, 1872 (6 RA 1289), in (NBKM) VD-107-16.
confirming receipt of the request from Ruse, the council copied the results of the earlier investigation from its 1871 response and briefly noted that their new investigation had yielded the same results.450

In sixteen days, the provincial administrative council in Ruse forwarded this response to the Council of State.451 This time, however, the Council of State responded in a different manner. In a decree sent in fall 1872, the Council of State asked the governor of the Danube Province and the field marshal of the Second Army to end the occupation of the pasture.452 Although Vidin’s administrative council did not provide any new information on the matter, the Council of State took a different course of action from that it had taken a year earlier. The reason for this apparent inconsistency is not obvious in the register of the council. The similarity of the two reports conceals what might have happened between May 29, 1871, when Vidin’s administrative council sent the first report, and June 24, 1872, when the same council wrote a very similar second report.

What is not mentioned in the second report is that several inhabitants of Vidin who benefited from this particular pasture wrote a petition to the Council of State before the council asked Vidin’s

450 “ve bu kere olunan tahkikat dahi bu merkezde bulunmuş olmakla”
451 BOA ŞD 2081/2 (5).
452 BOA ŞD 2081/2 (1 and 4).
administrative council to investigate the matter. 453 This petition, written in May 1872, did not go through the administrative council in Vidin, although this does not necessarily mean that the administrative council was unaware of it. In it, the inhabitants explained the matter in different terms. They claimed that the governor’s and the residents’ joint use of Müşriye did not end in 1853. For “five to ten years” following the death of governor Ağa Hüseyin Paşa (d. 1849), the pasture was left to the Vidinners, who had made use of it until “four years prior” to their petition, when the armed forces began preventing them from doing so.

“For the last four years,” the residents complained, the soldiers had prevented the Vidinners from entering Müşriye from the beginning of the hay season until the hay was harvested and sent directly to the armed forces. According to the petitioners, this was “absolutely disrespectful of the pasture status” of the land. 454 The locals did not fail to add that they had taken their case to the local government, which had reported on the matter to the imperial offices in Istanbul. “For unknown reasons,” however, the soldiers were not prevented from impeding the inhabitants. This year, before taking control of the pasture, the soldiers had allegedly ousted the watchmen whom the townspeople had hired to secure it.

453 BOA ŞD 2080/27 (3)
454 “mer’a olduğuna kat’iyyen i’tibar edilmeyerek”
There are many possible reasons why this problem emerged “four years ago,” in 1868. Available information leads to no definitive conclusion. According to the provincial yearbooks, the commander of the battalion in Vidin changed almost every other year between 1868 and 1877, suggesting an effective rotation system. As the first four lines of both sections of Table 3-3 (in Chapter 3) indicate, the composition of Vidin’s administrative and judiciary councils were rather stable between 1868 and 1871. The local membership changed drastically in the fifth year; while all the members retained their posts for the first three years recorded in the provincial yearbooks, none of these was listed in the fifth volume. A particular member of these councils, or a number of them, might be behind this change in policy toward the pasture.

Regardless of who caused the change in policy regarding the use rights over Müşriye, the slight difference between the report of the council and the earlier petition—regarding the date of policy shift—gives the impression that Vidin’s administrative council was unaware of the petition, and hints at the contrasting political agendas of the administrative council members and the petitioners. While the council members’ report explains the matter as the consequence of an upsurge in the number of armed forces on the eve of a war, the petitioners

\[\text{\footnotesize 455 It is not possible, however, to tell whether the council was actually unaware or simply wanted to appear so.}\]
distance themselves from such an explanation. They report the incident as completely independent from the war—an event that is hardly negligible but that is seemingly exogenous to local politics. Based on the petition, the change in practice seems to relate primarily to local politics.

The soldiers’ actions were not without consequence. Several impoverished residents apparently relied on what they could make from the milk cattle that they had been taking to this particular pasture. The soldiers’ behavior, the petitioners explained, “not only inevitably led to different sorts of cruel acts, but [was] also in complete contradiction to the article on pastures of the [1858] Land Code.”456 The petitioners added that “in this age consecrated to the justice of His Imperial Majesty the Sultan,”457 such actions were clearly unacceptable. The inhabitants employed a language that not only reminded the government of its duties but did so in the context of the rule of law. They were aware and making use of the necessary regulations to prove their case.

Toward the end of their petition, the residents revealed another bit of information not mentioned in the administrative council’s report. Apparently, the local administration’s recent confiscation of some “arable land” (mezra’a) that had been “reserved for the inhabitants since the

456 “o misillü zu’aफ-a-yı ahali-i memleket hakkında nev‘-i gadri müstelzim olduğu şöyle dursun, mer‘a hakkında arazi nizamnamesinde münferic bend-i mahsusun bi ’l-külliyе hilafı olub”
457 “şu ’asrı ma’delethasr-i hazret-i padişahide hilaf-i nizam böyle bir haksızlığın vuku‘una merhamet-i ’aliye kat‘en rızadade olmayacağı”
days of old” further worsened the residents’ conditions.458 This particular “pasture” (mer’a) within the town of Vidin’s boundaries, known as Yukarı Ova, was “sold [to pay] for the steamers of the river administration.”459 Because of this, the residents had been “in desperate need of pastureland (mer’a), and the pastureland had became very scant.”460 The interchanging use of “arable land” (mezra’a) with “pastureland” (mer’a) is confusing. The legal status of Yukarı Ova is obscured in the petition; however, the implications of its appropriation are clear. The residents who used Müşriye argued that appropriation of Yukarı Ova had harmed them, albeit indirectly.

This particular case regarding Yukarı Ova is not mentioned in the administrative council’s reports on the Müşriye pastureland. Nevertheless, there are two separate reports on Yukarı Ova in the administrative council’s register for May and October 1871.461 According to the first report, certain “Muslim and Christian” inhabitants of the town had protested the appropriation (for sale) of Yukarı Ova three years before, claiming that they had farmed the land “for more than thirty or

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458 “ahaliye mahsus kadim bir mezra’a iken”
459 “idare-i nehriye vapurları karşılığı ittihaaz olunan Yukarı Ova nam mer’ayi”
460 “ahali-i memleket mer’aca hayliden hayli sıkmış ve mer’a bütün bütün darlaşımiş olmasına binaen”
461 Case No. 200, dated May 16, 1871 (25 Ş 1288), and Case No. 752, dated October 24, 1871 (9 Ş 1288), in (NBKM) VD-107-16.
forty years.” Therefore, this arable land was taken back from its occupants and some part of it was sold through auction while the official from Ruse was still in Vidin.

A December 1872 report by Ahmed Hamdi Pasha, governor of the Danube Province to the Council of State noted that the land initially sold in 1868 totaled 3,000 dönüms (696.32 acres). A significantly larger parcel of 8,000 dönüms (1836.84 acres) of land was appropriated but not sold immediately. This larger part of Yukarı Ova was eventually surveyed and sold to the residents of the town. While the October 1871 report by Vidin’s administrative council concerning this land recommended that the land be offered to the Vidiners for a price of 25-30 guruş per dönüm, the provincial governor’s report noted that this land had already been sold to the very same villagers who had been complaining for a price of 15 guruş per dönüm. It appears that there had been negotiations that lasted for over a year. The residents had refused to buy the land for the price that the administrative council initially suggested; consequently,

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462 “otuz kırk seneden müteaviz taht-i zira‘atlerinde bulunan ve Yukarı Ova demekle ma‘ruf olan arazi ellerinden alınıp”
463 “nasılsa bila-tapu ahali-i merkume taraflarından fuzulı zabt olunduğu”
464 1 dönüm = 939.3 square meters = 0.232 acres (Redhouse, A Turkish and English Lexicon.
465 BOA SD 2081/29 (7)
the provincial administration and the Council of State agreed on 15 *guruş per dönüm* instead of letting the land remain idle.\(^{466}\)

In addition to the negotiation process, another interesting detail of the Yukarı Ova case concerns the signatories to the letter from among the residents who purchased the land. The letter is stamped with the purchasers’ seals, several of which can also be found in a petition that some Vidinners, including village headmen and *imams* of some neighborhoods had sent regarding the Mıntılı pasture. In this petition, Yukarı Ova is again defined as “pastureland”; in the purchase agreement submitted to Vidin’s administrative council, in contrast it is defined as “land” (*arazi*) and “arable land” (*mezra’a*). It is difficult to believe that the choice of different words to define Yukarı Ova’s status was accidental, particularly in view of the fact that the legal status of arable land differed from that of pastures. Whereas ownership of arable land (idle or harvested) had to be proven by title deeds, that of pastureland was established based on customary use of the land by the residents. Therefore, following the Land Code of 1858, the Ottoman government was able to collect money through the sale of arable state lands. At the same time, peasants who had been using state lands for extended periods could maintain their use rights once they proved that the land they had been using was pastureland. As argued in Chapter 2, following

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\(^{466}\) BOA ŞD 2081/29 (1)
the model suggested by Jürgen Habermas, control over the means of production (and land in particular) becomes very significant in the legitimation crisis of the traditional social order and the formation of the modern/capitalist one.

Yukarı Ova is only one of the many similar land dispute cases reported in this register. Several reports by Vidin’s administrative council point to the prevalence of this type of tension in the county. In Spring 1871, the administrative council responded to an imperial order that it had received from the provincial capital the previous year requesting that districts report on the locations and sizes of winter and summer pasturelands and indicate what proportion was owned by deed holders.467 The Ottoman government was concerned about measuring the land it could potentially claim. As in the case of Yukarı Ova, the money collected from such sales could be used to meet the expenses of the local governments.

In a similar case,468 the council focused on approximately 27 acres of land that had been “idle for several years”469 on Kerkenez Island in the Danube. In response to another 1870 imperial order, the council reported that all but four acres of the land in question was indeed arable. Vidin’s administrative council offered these four acres (18 dönüms) to the

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467 Case No. 77, dated March 23, 1871 (2 M 1288), in (NBKM) VD-107-16.
468 Case No. 308, dated June 6, 1871 (18 RA 1288), in (NBKM) VD-107-16.
469 “seniyyet-i ‘adideden beri ma’tul bulunarak”
“owners” of the land for a price determined by “those who are knowledgeable”: 25 *guruş* per dönüm. The owners of the land,” the report concluded, “considered it appropriate to assume [the ownership of the arable land] at the mentioned price.” For the remaining 23 acres, defined as “just meadowland,” they agreed to pay five percent of the estimated value to cover the “expenses” of registration.

The wording of the report suggests that these “idle” lands were somehow “owned” by the inhabitants who, for some reason, agreed to “buy” them back for a price determined by the experts. Why would peasants agree to pay 25 *guruş* per dönüm—a price almost 70 percent higher than what the residents of Vidin had agreed to pay to buy back parts of Yukarı Ova—for lands that they were not using? Without doubt, the residents of Kerkenez Island were interested in keeping these lands for themselves. Perhaps this is why they are referred to as “owners” in the report. The prices residents agreed to pay for land in these two locations were significantly different, but this could be related to differences in the quality of land. Therefore, it is difficult to know why

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470 “mezkur onsekiz dönüm mahal tapu-yı misliyle eshabına teklif ve kıymet-i layıkası dahi erbab vukufdan tahkik etdirildikde beher dönümünün yirmibes guruşdan ziyade değeri olmadığı”

471 “ve eshab-i arazi dahi mezkur onsekiz dönüm mahali bedel-i mezkur ile der’uhdeye ru-yı muwafakat gösterdiklerine”

472 “sürf çayırlık bulunduğu”
the arable land in Yukarı Ova (used by the residents) was sold for significantly less than the idle, yet arable, land in Kerkenez.

In both cases the reports clearly note that the exchange involved a group of assessors who measured, evaluated and monitored the sale of lands. In the case of Yukarı Ova, the administration formed a special commission to measure the land and to keep a register of the individuals who bought the land, the amounts they purchased, and how much they paid. Most likely this was the case for Kerkenez Island, as well. The register prepared by the experts’ commission in Yukarı Ova was among the files that were sent to the Council of State. Among the members of the commission were Zayko Ağə and Marin Ağə, two prominent members of Vidin’s judicio-administrative sphere. The former was not a member of the administrative council or the council of appeals and crime in that particular year, but that did not prevent him from becoming involved as an expert in a significant case like this.

The involvement of local notables such as Zayko Ağə in a case like this makes it difficult to frame these disputes simply in terms of “state vs. society.” The lines of alliance within the judicio-administrative sphere were rather fluid. It is difficult (and perhaps unnecessary) to see where “the state” ends and “society” begins. What is clear, however, is that Ottoman governmentality provided the necessary domain for negotiation among agents within this sphere. Ottoman governmentality, with its
target the Ottoman population, served as a “surface of contact on which the way of conducting individuals and the way that they conduct themselves [were] intertwined.” Differences in the language and the logic of the reports on Yukarı Ova and Kerkenez hint at different compositions of power among the agents involved, including the residents, the local government and the assessment commissions. Such idiosyncrasies not only make it impossible to present these cases as black and white, “state vs. society” conflicts, but also underline the common ground of Ottoman governmentality.

5.5 – STAYING OUT: POSSIBILITIES OF CHALLENGING OTTOMAN GOVERNMENTALITY

Were all agents within the society willing participants in this “surface of contact”? This is akin to asking whether it was possible to avoid Ottoman governmentality by resisting it. Here, I would like to refer to an answer that Foucault gave to a question on the omnipresence of power in a written interview in 1977:

It seems to me that power is ‘always already there’, that one is never ‘outside’ it, that there are no ‘margins’ for those who break with the system to gambol in. But this does not entail the necessity of accepting an inescapable form of domination or an absolute privilege on the side of the law. To say that one can never be ‘outside’ power does not mean that one is trapped and condemned to defeat no matter what.

I would suggest rather (but these are hypotheses which will need exploring): (i) that power is co-extensive with the social body; there are no spaces of primal liberty between the meshes of its network; (ii) that relations of power are interwoven with other kinds of relations (production, kinship, family, sexuality) for which they play at once a conditioning and a conditioned role; (iii) that these relations don’t take the sole form of prohibition and punishment, but are of multiple forms; (iv) that their interconnections delineate general conditions of domination, and this domination is organized into a more-or-less coherent and unitary strategic form; that dispersed, heteromorphous, localized procedures of power are adapted, re-enforced and transformed by these global strategies, all this being accompanied by numerous phenomena of inertia, displacement and resistance; hence one should not assume a massive and primal condition of domination, a binary structure with ‘dominators’ on one side and ‘dominated’ on the other, but rather a multiform production of relations of domination which are partially susceptible of integration into overall strategies; (v) that power relations do indeed ‘serve’, but not at all because they are ‘in the service of’ an economic interest taken as primary, rather because they are capable of being utilized in strategies; (vi) that there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised; resistance to power does not have to come from elsewhere to be real, nor is it inexorably frustrated through being the compatriot of power. It exists all the more by being in the same place as power; hence, like power, resistance is multiple and can be integrated in global strategies.

Thus it is possible for class struggle not to be the ‘ratio for the exercise of power’, yet still be the ‘guarantee of intelligibility’ for certain grand strategies.474

In contextualizing the ways in which the strategies of different agents are displayed in the administrative council’s reports in Vidin, we need to keep in mind, among other things, that Ottoman governmentality (as a complex form of power) was coextensive with the social structure.

It was not a simple binary opposition of a dominating modern state and its governed populations. In the land cases discussed above, registration of land through commissions and surveys constituted an essential procedure of Ottoman governmentality in which administrators, certain local notables and other inhabitants of the region participated. The power relations among agents, which each agent strategically manipulated, constituted essential components of Ottoman governmentality. The residents of Vidin used the procedures of Ottoman governmentality to protect their own interests against other agents, as well.

Ottoman governmentality also served as a domain in which different groups could articulate resistance to governmentality. Two separate cases from the administrative council’s register illustrate how this happened. The first case is from the ‘Adliye district. According to a report from the summer of 1871, the district head official imprisoned several Tatar immigrants and their animals. Vidin’s administrative council sent Matyaş Ağa, the same (elected) examining clerk at the council of appeals and crime who investigated the cases against Berkofça district head official, to investigate the reasons for his actions.

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475 Case No. 544, dated August 19, 1871 (2 CA 1288), in (NBKM) VD-107-16.
476 “Tatar muhacirlerini ve hayvanlarını taht-ı tevkife almasına”
Apparently, the ‘Adliye district head official had ordered the arrests to punish the Tatar immigrants after they refused to let him use their horses to collect and carry the wheat tithe of another group of immigrants, the Circassians living in a separate neighborhood. The tithe, collected in kind, needed to be ground before it could be sold. The Tatar immigrants reportedly had beasts enough to assist in carrying the Circassian immigrants’ wheat. Matyaş Ağa apparently noted that the town was composed of three neighborhoods, each of which kept its grain in different piles after it was threshed but before it was separated from the chaff. “Because of this,” he reported, “each neighborhood should be considered a village.” Furthermore, it was “an old principle and ancient tradition” that each neighborhood took care of grinding its own wheat tithe.

Matyaş Ağa deemed the head official’s high-handed attitude as “quite inappropriate” and noted that it reflected his unwillingness to follow the precepts of the administration in Vidin. The examining clerk from Vidin apparently added that the head official was making ordinary matters unnecessarily difficult, thanks to his punitive and aggressive attitude. Toward the end of their report on the matter, Vidin’s

477 “kasaba-i mezkure üç mahalleden ibaret olup hirmenleri dahi ayrı ayrı olduğuundan herbirisi birer karye hümünde olduğu”
478 “ka’ide[te]jn ve maslahaten pek yolsuz bulunmuş”
479 “buradan gönderilen vasayaya ’adem-i isga ile hodserane hareket etmesinden neş’et etmiş”
administrative council noted that interrogations were being carried out in the district to determine who might have provoked the alleged crimes committed by some Circassians against a notable from the Circassian community, Hacı Mirza Bey. This obscure final allegation hints at the district head official’s probable involvement and seems to be included in support of Matyaş Ağa’s account, which resembled the charges he leveled against Berkofça’s district head official.

There is no reason why we should take Matyaş Ağa’s word, or that of Vidin administrative council’s report based on his assessments as an accurate account of what happened in ‘Adliye. However, the report offers a good case of how resistance to Ottoman governmentality could come from within the judicio-administrative spheres. Taxation schemes fashioned power relations between institutions of state and governed populations and were essential procedures of Ottoman governmentality. The district head official’s alleged actions imply that he was assuming a level of authority that emphasized the effective collection of taxes over the “traditional” organization of society along ethnic lines. By legitimizing the head official as responsible for tax collection, Ottoman governmentality authorized him to articulate a power relationship among the members of the community. The head official seems to have suggested that as an administrator, he was entitled to use the available resources of the community to accomplish the task of tax collection, but
the Tatar immigrants did not share this vision and challenged his understanding of the power relations.

How the immigrants acted seems to be a refutation of power relations that describes “the way of conducting individuals.” Unlike the discussion of pasturelands, where the residents referred to the imperial Land Code in expressing their demands, in this case there was no “legal” basis for the immigrants’ opposition. Nevertheless, they challenged the authority inscribed in Ottoman governmentality. The district head official imprisoned them together with their animals, and Vidin’s administrative council sent Matyaş Ağa, to investigate. Matyaş Ağa found the immigrants to be right in their insistence on their customs (“the way that they conduct themselves”), and found the head official’s practices “oppressive.” Through their resistance, the peasants negotiated the structure of the power relations described in Ottoman governmentality, which served as a dynamic “surface of contact” for these negotiations.

The last case that I would like to analyze is related to lands belonging to a monastery in Roman, a village in the İvraca (Vratsa) district. According to a June 1871 report,480 the assistant administrator of the monastery, Father Yovanço, requested for a second time that the council prevent the village’s inhabitants from taking illegal possession of

480 Case No. 380, dated June 29, 1871 (10 RA 1288), in (NBKM) VD-107-16.4
forested, arable and pasturelands that the monastery owned by title deed.481 After Father Yovanço’s first request, the council had reportedly inquired into the status of the lands with the head of the office of land registry (defter-i hakani) in the provincial capital. This official from Ruse, Hacı Tahsin Efendi, had explained that the land in question belonged not to the monastery but personally to Father Bartina, the former administrator of the monastery. Hacı Tahsin Efendi knew this because of an earlier adjudication between Father Bartina and the villagers, which had resulted in a decree banning the villagers from interfering with the land.

Apparently, following Father Yovanço’s first petition, the local administrators remeasured the disputed property and found it to be larger than previously estimated. Although the peasants’ claims to this land were invalidated in light of the available evidence, Yovanço had agreed to give some of the disputed land to the peasants. The peasants, however, refused this offer and demanded all of the disputed land.482 Vidin’s administrative council then recommended that the issue be resolved through peaceful negotiations at the local level.483 This attempt

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481 “İvraca kazasına tabi’ Roman karyesi manastırına ba-hüccet ve tapu meşrut kuru ve tarla ve çayırları ahali-i karye zabta kıyam eylediklerinden bahisle men’i hakkında”

482 “ahali-i merkum buna da kani’ olmayıp bütün zibt etmek da’iyesinde oldukları”

483 “tarafeyn sulhan iskan ve ikna edilmesi tensib kılınmasıyla”
proved useless, as the peasants insisted that the land was theirs and that they would not relinquish “even the smallest bit of it.”\textsuperscript{484} The peasants’ insistence seems to have triggered Father Yovanço’s second petition, which accompanied the council’s report to Ruse in 1871. In concluding their report, the members of Vidin’s administrative council added that they did not see the peasants as having any evident rights over the land in question.\textsuperscript{485}

Another report, written in spring 1872,\textsuperscript{486} reveals that the issue remained unresolved for almost another year, and that the attitudes of the parties involved only worsened. Apparently, the peasants sent a petition directly to the provincial administration, requesting the release of four villagers who had been imprisoned as a result of the dispute and demanding that Vidin’s administrative council seriously consider their pleas. The administration in Ruse forwarded this petition to Vidin and asked for an explanation. In response to the request from Ruse, Vidin’s administrative council explained the reasons behind the imprisonment of the four villagers.

Reportedly, by reassessing the land, the district council had narrowed the focus of the dispute to an approximately 35-acre arable

\textsuperscript{484} “bir karş mahal bile terk etmeyecekleri sözünde israr etdiklerinden”

\textsuperscript{485} “suret-i hal ve evvel ve ahir cereyan eden tedzikata nazaran ahali-i merkumenin arazi-i mesrude bir güne hakk-i sarılıları görülememiş”

\textsuperscript{486} Case No. 182, dated April 21, 1872 (13 S 1289), in (NBKM) VD-107-16.4
plot that was not used for agricultural production.\textsuperscript{487} The district council formed a commission to assess the value of the plot and came up with a specific number. Vidin’s land registrar was then dispatched to the village to offer the plot first to the administrator of the monastery, then, if he declined, to other buyers willing to pay the determined price. Father Yovanço agreed to pay the price, but the peasants insisted they would not vacate the land. When Father Yovanço, protected by a policeman and accompanied by several farmers, went to till the land, the peasants attacked, injuring two people severely. The priest and the policeman, who fled and barely saved themselves,\textsuperscript{488} reported the incident. Soon afterward the police arrested four villagers for the attack.

Even after their arrest, however, the culprits remained “resolute on their claims.”\textsuperscript{489} Nothing in this second report (or in any other report in the register) indicates who won this dispute. According to the 1897 survey of the region, in Roman village the monastery owned 121 acres (49 hectares) of land (forested, pasture and arable land combined).\textsuperscript{490} The total land the monastery “owned” according to both of the administrative council’s 1871 and 1872 reports, totaled 153 acres (62

\textsuperscript{487} “zira’ate salîh olub zira’at olunmayan yüzelli dönüm arazi”

\textsuperscript{488} “iki nefer çiftçiyi ziyadece darb eylediklerini ve kendisi ile zabtiye firar ederek tahlis-i giriban etdiklerini”

\textsuperscript{489} “bunlar mütecasir oldukları herekat-i na-merziden ‘adem-i feragatle iddi’a-yı sabıkalarında israr etmekde”

\textsuperscript{490} Bulgaria. Glavna direktsia na statistikata, \textit{Zemledelcheska Statistika prez 1897 Godina}, 48-49.
hectares). The difference between the figures (32 acres) is roughly equal to the amount claimed by the peasants (35 acres) but it is not possible to reach a decisive conclusion regarding this dispute.

What is interesting about this case is the way Vidin’s administrative council chose to report the peasants’ resistance. In these reports, Roman’s peasants are not depicted as claiming the pasture on the basis of ancient rights. Instead, they are presented as defiant, stubborn and violent. They appear to be claiming ownership of land without any valid documentation, a position deemed “unacceptable” by the administrative council. When confronted with the rules of property, the peasants apparently took a radical stance, rejecting negotiation. Their unsuccessful attempt to appeal to the provincial center with a petition indicates that some among them may have chosen to act within the confines of Ottoman governmentality. However, their resistance—the structure and logic of which are not described in the reports of the council—indicates that certain members of their community chose to oppose the rules and institutions of Ottoman governmentality. In writing their report—one of the primary practices of Ottoman governmentality—the administrative council labeled the peasants’ opposition illegitimate and irrational. While the imprisoned immigrants and their beasts in ‘Adliye could challenge the practices of Ottoman governmentality, the peasants of Roman could not.
5.6 — Conclusion

The reports of the administrative council examined in this chapter are “heteroglot,” inasmuch as they reflect the complex matrix of factors and the diverse interests of the parties involved in their formation.491 Through its “authorial language,” the council organized the interests of different groups. The authorial language of the council constructs a dialogic interaction of several heteroglot utterances produced by different agents by reiterating the pleas of administrators, who wish to acquit themselves of the accusations of council members, or townsfolk who want access to their pasturelands, or priests who want to keep peasants away from their lands. This is where the “dialogic imagination” of the council members becomes significant: by using their authorial language in the reports that they send to the provincial capital, the county administrative council write the social and historical heteroglossia of Vidin County into reports via their unitary language.492

By choosing to include and exclude certain details, council members format the local disputes into textually-mediated

491 According to Mikhail Bakhtin, the meaning of any utterance is determined through a set of conditions—historical, social, etc.—that bind a word uttered in a particular place and time to a specific meaning. Any utterance, therefore, reflects the complex matrix of historical, social, and other forces that generate its meaning. Bakhtin refers to this nature of historic time as “heteroglossia”—and hence any utterance is “heteroglot.” See M. M. Bakhtin, The Dialogic Imagination: Four Essays, trans. Michael Holquist and Caryl Emerson (Austin: University of Texas Press, 1981), 428.

492 On authorial language, centripetal and centrifugal forces in narratives see Ibid., 271-72.
representations of reality. Missing parts of the administrative council’s reports that we can detect by analyzing other sources can inform us about the political composition of power in the region. The glossed-over segments of Mustafa 'Ali Bey’s report regarding Matyaş Ağa’s failure to conduct a proper investigation, for example, might concern Matyaş Ağa’s relative prominence as a long-serving member of the judicio-administrative sphere of Vidin County. The same Matyaş Ağa reported Berkofça’s head official as insensitive. By failing to mention the reasons behind the resistance of the inhabitants of the Roman village, Vidin’s administrative council rendered their resistance insignificant. By using their vested authority in handling and reporting the local events—an essential practice of Ottoman governmentality—certain members of the administrative council were able to protect their own interests.493

The ambiguity of terminology in these reports—e.g., the residents of Kerkenez “buying” the land they “owned,” or confusion over the nature of pasture/arable land in Müşriye and Yukarı Ova—reflects the hegemonic nature of Ottoman governmentality. Ottoman governmentality did not entail a “massive and primal condition of domination” in which the homogeneous body of the modern state confronted rebellious groups resisting reforms that it was trying to

493 As pointed out in earlier chapters, the administrative councils did not have a homogenous environment. To the contrary, members of the council were operating in a hegemonic environment that was reflected, to a certain extent, in the heteroglot nature of some of their reports.
introduce. Instead, different agents were able to use the “surface of contact” that was Ottoman governmentality in devising their own strategies for a hegemonic environment at the local level.\textsuperscript{494}

It is important for us to understand the complexity of the environment and the processes that generated these reports. Those involved in the investigation and writing of the reports performed within the confines of a \textit{homo juridicus} so long as it suited their interests. Those who were “subjects” of these reports, or who wrote petitions that appeared outside of these councils’ correspondence,\textsuperscript{495} either chose to adept practices commensurate with the body of practices included in Ottoman governmentality (such as the peasants “buying” the lands that they “owned”), or to challenge the practices of Ottoman governmentality. Some of those who chose to challenge, introduced new practices slightly at odds with the principles of Ottoman governmentality, as did the immigrants and their animals in Berkofça. Some had to fight longer, risking harsher punishment and subalternity, as in the case of Roman’s peasants, who are rendered mute to a certain extent in official correspondence. There was clearly a politics of writing these reports and petitions. Through them, the politics of local administration were also written into the ways that the imperial center knew about its provinces.

\textsuperscript{494} Cf. Foucault, “Truth and Strategies,” 141-42.

\textsuperscript{495} We cannot assume that a council was not aware of a petition just because the petition was not sent through that council.
CHAPTER 6

CONCLUSION

In her elaborate work on Mosul, Dina Rizk Khoury notes that Mosuli urban and rural societies were better integrated into the Ottoman ‘system’ in the late eighteenth century, the century of decentralization, than they were in an earlier period when state controls were said to be more stringent. … This approach to the eighteenth century makes dealing with the modern period somewhat less problematic. Instead of viewing the Tanzimat reforms as a rupture with the old order and as an initiative coming from a central state bureaucracy inspired by European models, we now can look at the internal social and political bases of the modern period. To be sure, not all of Mosul’s gentry and merchants were supportive of the liquidation of political households and the old order. Nor were they enthusiastic about the model for reform espoused by the stronger elements among the state elite. However, they were engaged in the political debates of the time, and offered their own agendas for reform.496

496 Khoury, State and Provincial Society in the Ottoman Empire, 214. cf. Rifa at Ali Abou-El-Haj, Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries, 2nd ed. (Syracuse: Syracuse University Press, 2005), 81-90. Abou-El-Haj emphasized the significance of understanding the “middle centuries” (1580-1800) in the earlier edition of this volume. The second edition, which includes a more elaborate reiteration of this remark in its “Afterword,” unfortunately does not refer to the recent works that do emphasize the middle centuries such as Khoury’s 1997 monograph or Beshara Doumani’s Rediscovering Palestine (Berkeley: University of California Press).
Khoury’s framework provides a good starting point for the conclusions of this dissertation. While the focus of the previous chapters have been limited mostly to the late nineteenth century, the changes that occurred in the period under study here have not been framed as a rupture from the previous century. In fact, as Donald Quataert notes, the “long nineteenth century” (1789-1922) “continued processes of change and transformation that had begun in the eighteenth century and sometimes before.” Post-1864 transformation of Ottoman provincial administration should be understood in the context of “the dynamics inherent in seventeenth- and eighteenth-century decentralization, which can no longer be regarded as a manifestation of ‘Ottoman decline’ and a precondition for proto-nationalism.” Understanding the continuity between the eighteenth and nineteenth centuries would allow us to see the transformation in the long-nineteenth century as one led predominantly by internal factors as opposed to a series of reforms that


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were designed by the imperial administration to superimpose “Western” institutions on the Ottoman society.

Delineating the “internal social and political bases of the modern period,” to use Khoury’s phrasing, in their continuity over the last two centuries of the Ottoman Empire requires a different framing of the Ottoman state-society relations. Until recently, the literature on state-society relations in the Ottoman Empire in general has been dominated by two models: a strong state mitigating or co-opting oppositional groups or a weak state that existed separate from a relatively independent civil society. The historiography on Ottoman administration in Bulgaria is no exception to this. However, the relationship between

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499 Khoury, *State and Provincial Society in the Ottoman Empire*, 213.

500 For an example of those who argue for a strong Ottoman state see Valentina P. Dimitrova-Grajzl, "The Ottoman Economic Legacy on the Balkans," (January 2, 2007), Available at: Social Science Research Network (SSRN) eLibrary <http://ssrn.com/paper=986265 > Accessed: May 25, 2007. As Fikret Adanır notes, “such research remain[s] more or less focused on the ‘classical’ Ottoman regime, subscribing thereby rather uncritically to what the Weberian archetypal concept of ‘sultanism’ implied—that is, a kind of patrimonialism that left little room for negotiated solutions on the basis of popular acceptance.” See Adanır, "Semi-Autonomous Provincial Forces," 157. Cf. Todorova, Mariia Nikolaeva, "The Ottoman Legacy in the Balkans." For the other model that argues for a weaker Ottoman state see İnalçık, *Tanzimat ve Bulgar Meselesi: Doktora Tezinin 50. Yılı*. The conviction that the contradiction between strong provincial magnates and the Ottoman state was evidence for Ottoman decline was more prevalent in the 1950s and 1960s among the Turkish historians. Their works, with their notions of an Ottoman “decline,” served as secondary sources to historians of the Balkans who could not utilize Ottoman archival sources. R. J. Crampton, for example, notes that “throughout the [nineteenth] century the quality of Ottoman administration was in decline. […] The most serious problem, particularly in the second half of the century, was the failure of the central government to control the ayans. The ayans were overmighty subjects” R. J. Crampton, *A Concise History of Bulgaria*, 2nd ed. (New York:
state and society was not that simple. Following Albert Hourani’s influential work on the “politics of notables,” particularly after the end of 1970s an increasing number of scholars pointed at the importance of building alliances with the local power elites for the Ottoman imperial rule. “[… P]erhaps most critical for relations between the provinces and the central government, was the local social matrix within which the prerogatives of the government were played out. Although we have as yet relatively few and unevenly distributed studies of provincial Ottoman history, what is available points to the centrality of local familial and group networks in shaping the central state’s relations with provincial societies.” Local social matrixes constitute the gray zone where the boundaries between Ottoman state and the provincial society are blurry; explicating this complex relationship is essential in understanding the local response to the Tanzimat reforms.

State-society relations in the Ottoman Empire differ from their European counterparts. As Lisa Anderson notes, “the historical

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Cambridge University Press, 2005), 51. For a more detailed discussion of this historiography see Adanır and Faroqhi, "Introduction."


significance of corporate, lineage, and tribal groups in exercising political authority alongside—and sometimes within—centralized bureaucratic administrations presents a starting point for state formation markedly different from that in Europe. Historiography of the Ottoman Empire is not the only one troubled by an overemphasis on the conflict between state and society. In studying the emergence of a Russian “middle class,” William Wagner notes that such undue stress leads to the exaggeration of “both the unity within the tsarist state and the extent of the state’s isolation from educated society” The above analysis of the election results and the rotation patterns of the members of Vidin’s judicio-administrative sphere, indicates the presence of “a single government of state officials and local elites.” Understanding how local notables were an integral part of Ottoman provincial administration gives us a better perspective of this administration in the late-nineteenth century.


505 Meeker, A Nation of Empire, 210.

506 It is important to note that the Ottoman empire’s ability to incorporate local notables as part of its provincial rule predated the nineteenth century. This point is elaborated in Salzmann, ”An Ancien Régime Revisited: ‘Privatization’ and Political Economy in the 18th Century Ottoman Empire.” Cf. Hathaway,
The Ottoman provincial regulation of 1864 and the infrastructure that it introduced provide a good example for understanding the transformation of provincial administrative practices and the place of local notables in this transformation. The administrative model defined by the reforms of 1864 described a set of offices and bureaucratic practices that, in theory, allowed members of local populace to participate in provincial administration but prevented them from gaining permanent powerful positions. This was done through an election system that allowed local notables to serve as members in provincial councils for two-year periods. This procedure was designed, primarily by Midhat Paşa, to systematize local participation, while preventing local administration from being an extension of provincial notables. Midhat Paşa traveled, for six months, to Paris, London, Vienna and Brussels “with a view to the study of certain points of European administration with which he desired to make himself acquainted” prior to submitting

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507 As Findley notes in a recent volume, the ‘systematizing spirit’ of Ottoman reforms seems to have its origins predating the *Tanzimat* era. “The evidence on Selim [III]’s ‘New Order’ reflects an emerging Ottoman awareness of the ‘systematizing spirit’ for which the European Enlightenment was known.” Carter Vaughn Findley, “Political Culture and the Great Households,” in *The Cambridge History of Turkey*, ed., Suraiya Faroqhi, vol. 3 (*The later Ottoman Empire, 1603-1839*) of (New York: Cambridge University Press, 2006), 79.

his plans for the provincial administration reform of 1864; however, we cannot assume that either *Tanzimat* in general, or the main framework for the administrative reforms had their origins in such trips and direct borrowings from other countries.\(^{509}\)

One way to understand the provincial administrative reforms in the broader context of transformation of Ottoman state-society relations is to focus on the close relationship between these reforms and the “means of production.” After all, a significant portion of provincial administrative practices related to the means of production. The gradual transformation of the provincial institutional structure in the seventeenth and eighteenth centuries points to changes in the way local populace related to means of production earlier than the long-nineteenth century. In his recent analysis of the provincial notables prior to the *Tanzimat* era, Fikret Adanıır notes the following for the seventeenth century:

> The replacement of feudal forms of revenue distribution went hand-in-hand with the spread of the practices known as *mukataa*,

tax-farming techniques that had previously been in use only on some larger estates. [...] In this system tax was] levied not on a household basis [...] but was] calculated for each commune as an annual lump sum. [...] On the whole, the new regime had the effect of de-emphasizing differences in social status, religious affiliation and the urban or rural character of one’s residence. The relationship between the state and the taxpayer became more fluid, and the land, the basic means of production in an agrarian society, became increasingly mobile, capable of being bought and sold\textsuperscript{510}

This transformation coincided with population decline in the countryside and local notables’ ascendancy to power at the provincial level.\textsuperscript{511} As the population decline of the seventeenth century was reversed in the Balkans in the course of the eighteenth century\textsuperscript{512} the financial pressure applied by tax farmers and notables to the peasants increased, at times leading to significant conflicts between the local power-holders and the imperial administration.\textsuperscript{513} “These power-holders [...] nominally owed their positions to appointments on the part of the central government, and the execution of all too powerful ayan was a frequent occurrence. Yet many magnate families for generations


remained in the area where they once had become established."514 As the prominence of these families increased so did their relations with other local families in the region. This eventually led to a many-tiered elite network in which the high-ranking imperial power-holders would exert their influence at the frontiers of their influence-zone through lesser elites.515

Even when the highest tier of ayans gradually lost their power vis-à-vis the imperial administration in the context of nineteenth-century, the lower tiers remained active and powerful and benefited from cooperation with the Ottoman administration. To conclude, in the period between seventeenth and nineteenth centuries, the power of local notables at all levels was primarily a function of two interdependent factors: their role as a part of the Ottoman state by getting involved with the tax collection practices, and their role as prominent figures of provincial communities as they became money lenders to peasants in need. Combined with the increased mobility of land this gradually led to


accumulation of usufruct on land in the hands of these notables.\textsuperscript{516} Such transformations of ways individuals relate to each other are considered as changes in “social integration”\textsuperscript{517} and they are closely linked to the crisis of the “traditional social formation” discussed in Chapter Two.

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Nineteenth century transformations of the legal and administrative institutions was a response to these reconfigurations in Ottoman Empire’s social integration during the seventeenth and eighteenth centuries. Because a lot of the transformations had to do with the way people related to means of production—particularly land—the institutional readjustment of the system integration in the long nineteenth century focused on them as well—such as the transformation of tax collection methods, measures taken to prevent arbitrary confiscation of individuals’ properties, the Land Code of 1858. I am not claiming that all of the reforms associated with the Tanzimat era had to do with means of production. However, the reforms discussed in Chapter 2 indicate that the long nineteenth century, and the Tanzimat


\footnotesize{517} For a definition of this term and “system integration” see s.v. "System Integration and Social Integration." For how these terms relate to a “system crisis” in Habermas’s argument see n. 49 in Chapter 2.
era as part of it, corresponded to the crisis of the traditional social
formation, the institutional restructuring related to that crisis and the
early phases of liberal-capitalist social formation.

Crisis in a social system occur when “the consensual foundations
of normative structures are so much impaired that the society becomes
anomic. Crisis states assume the form of a disintegration of social
institutions.”\textsuperscript{518} The Ottoman social formation responded to the crisis
with an institutional reconfiguration. These nineteenth-century revisions
to the institutional structure focused on legitimating the imperial order,
which was done through a series of reforms that led to establishing
particular limits to the power of the state. As discussed in Chapter 2,
this process began prior to the \textit{Tanzimat} and continued beyond the scope
of this study. Regardless of the duration of this transformation, among
the more significant reforms was the establishment of local councils as
provincial extensions of a newly emerging modern state that increasingly
relied on economic exchange as the dominant steering medium and
sought to complement the functioning of the self-regulative market
commerce with civil law.

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The local councils were not unprecedented prior to the 1864
provincial regulation. Tax collection councils (\textit{muhasillik meclisi})

\textsuperscript{518} Habermas, \textit{Legitimation Crisis}, 2.
established two decades prior to the administrative councils can be considered as predecessors to the latter. These provincial councils helped with the institutional transformation of the long nineteenth century in three significant ways. First, they provided an essential framework to which different institutions of the new administrative model could be linked—such as the orphanage funds and other financial and scribal units of provincial administration discussed in Chapter 4. Second, they helped with the establishment of the reforms at the provinces and also disseminated the “textually mediated organization” of the modern Ottoman state. This process was closely related to the growth of “a public sphere of state administration.” Third, they served as a means to institutionalize participation of local notables in the administrative processes of the Ottoman state—a method which may 

519 Findley, "Muhassil," Cf. The Encyclopaedia of Islam, Online ed., P. Bearman, et al. eds., (Brill, 2007), s.v. "Medjlis Al-Shura," (by Carter Vaughn Findley), <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-4745> (accessed 06/05/2007). In this latter article Findley explains the formation of administrative councils in the general context of the Tanzimat era when such consultative bodies proliferated within the imperial administration “because they served as committees to perform new tasks for which, up to that point, there were no permanent administrative agencies to assume responsibility.” With regards to the provincial administrative councils he notes that “since they exercised not only administrative functions, but also local responsibility for cases tried under the new legislation of the Tanzimat, they also represented the starting-point of an important organizational development of a different kind: the emergence of what eventually became the distinct system of nizamiye courts.” For more on these formation of these courts see Bingöl, Tanzimat Devrinde Osmanlı’da Yargı Reformu.

520 Giddens, The Nation-State and Violence, 179.

521 Ibid.
render the application of reforms less problematic. Overall, these councils constituted a significant component of “a single government of state officials and local elites.”

As examined in Chapter 3, the provincial regulations of 1864 and 1871 organized the structure and the procedures of Ottoman provincial administration in a rather systematic fashion. On the one hand, local notables were included in this framework as members of different provincial councils; on the other hand, the imperial administration sought to limit their influence by limiting the time local notables can serve in these councils to two years. I would argue that this reflects the intentions of the state to establish a certain level of integration between the imperial administration and local populace as much as to protect local administrative and judicial practices from being influenced by local politics.

Despite the imperial center’s intentions, as the election results for the administrative council and the council of appeals and crime in Vidin

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522 Meeker, *A Nation of Empire*, 210. Recent studies indicate that the Tanzimat reforms were underfunded (Çakır, *Tanzimat Dönemi Osmanlı Maliyesi*, 217-22; and Findley, *Turkey: Islam, Nationalism, and Modernity*). and several bureaucrats and intellectuals criticized the imperial administration’s financial policies (Çakır, *Tanzimat Dönemi Osmanlı Maliyesi*, 141-216). Furthermore, the reforms also led to uprisings among the provincial populace (Çadirc, “Tanzimat’in Uygulanmasında Karşılaşılan Bazı Güçlükler.”, İnalçık, “Tanzimat’in Uygulanması ve Sosyal Tepkiler.”, Uzun, *Tanzimat ve Sosyal Direnişler*). In the face of such oppositions and in an environment where the state’s ability to closely monitor the application of the reforms were rather costly it would not be an exaggeration to claim that these councils were highly significant for efficient and effective application of the reforms.
County demonstrate, certain local notables in Vidin managed to secure their presence in these councils. The provincial regulations of 1864 and 1871 did limit the time that members can serve, yet did not ban re-election. By serving in one council for consecutive terms or by switching from the administrative council to council of appeals and crime, certain local notables established an organic link between the administrative and judicial public spheres of the modern Ottoman state in Vidin. Thereby, the judicio-administrative sphere in Vidin reflected the power-politics among these local notables as its institutions became domains of negotiation.

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The publication of these members’ continuous presence in Vidin’s judicio-administrative sphere in the pages of provincial yearbooks indicate that both the provincial and the imperial capital were aware of this. Together with an official chronology of the empire, timetable for the prayers and a list of titles among the administrative ranks, the names of these notables became a part of the textually mediated organization of the Ottoman state. Neither the Ottoman state, nor the provincial society felt the need to conceal this obvious coexistence. It is in this openly announced symbiosis that we can see the boundaries of Ottoman governmentality as it operates in the provincial setting of nineteenth-century Vidin. As a theoretical framework, governmentality is useful as
it avoids the presumed difference between state and society; nor does it assume homogeneity among the agents that are associated with state or society.

As domains of negotiation at the local level, these councils reflected the political balance among the provincial notables to a certain extent. Chapter 4 partially focused on a brief section in the copy register of Vidin’s administrative council to analyze the participation patterns of members to the council’s meetings. As the results indicate getting elected did not necessarily mean that a member could, or had to, attend the meetings of the council. Conditions that we cannot fully understand from available evidence led to irregularities in the attendance patterns of these members. Lack of participation of the town’s Metropolitan can perhaps be explained by religious tension between different communities. However, there may have been different reasons behind other members’ attendance to the meetings of the councils.

The participation patterns observed from the copy register also helped us to assess the accuracy of the information provided in the yearbooks. It appears that the yearbooks did not always reflect the composition of the judicio administrative sphere in the most accurate way. Ironically, as widely distributed as they were and with such a sense of accuracy they represented by including encyclopedic information about almost everything regarding the province—from the mountains
and rivers to prayer times along the year—these books failed to note such details as when the rüşdiye school in the district was opened or recorded some members of the administrative council wrong.

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Despite some errors, provincial yearbooks proved useful for understanding further details regarding the provincial administration. The names of people in different offices indicated that the judicio-administrative sphere was not limited to the administrative council and the council of appeals and crime. Several of those who served in these two more prominent offices of the judicio-administrative sphere served in other offices as well—such as the municipal council or the commercial court. When we take all these names into account, what emerges is a relatively consistent presence of a group of local notables in the judicio-administrative sphere. These notables were not significant enough to be well known at the imperial level, the archives in Istanbul do not seem to have a lot of information about them, aside from some petitions that were sent either directly from Vidin, or via the provincial capital in Ruse. This dose not change the fact that they were rather prominent at the local level and understanding how they operated within the judicio-administrative sphere is essential for understanding how the Ottoman state functioned at the local level in this period.
It is mostly through the reports of these councils that the imperial administration became aware of what was happening at the provinces. And it is to these councils that the local populace mostly consulted in order to resolve issues regarding property and taxation.\textsuperscript{523} To a certain extent, these councils translated the provincial life to the imperial center and explained the imperial perspective to the locals. Chapter 5 focused on some examples to reveal the ways in which Vidin’s administrative council investigated cases.

When a complicated case was brought to the council, a member of the judicio-administrative sphere would be sent to investigate the matter and write a report. Following this, the council would meet to discuss the report. The councils in Vidin, however, did not keep their minutes, leaving us no opportunity to assess the discussion environment inside the councils. Some of the reports sent from the county to the provincial or imperial capital did contain interrogation files. The council of appeals

\textsuperscript{523} I do not wish to presume that these offices were the only places that property disputes were resolved. In addition to the shar\textasciiacute;i court that dealt with inheritance cases there might be other socially accepted but unofficial venues for dispute resolution that were not recorded by the institutions of the judicio-administrative sphere. On the transformation of shar\textasciiacute;i courts in this period see Agmon, \textit{Family and Court}, 68-97. Property cases regarding foreigners in the Ottoman Empire had to use the council of appeals and crime after 1870. For more on the regulations regarding interaction of foreign nationals with the institutions of the judicio-administrative sphere see Twiss, \textit{On Consular Jurisdiction in the Levant and the Status of Foreigners in the Ottoman Law Courts (Read at the Eighth Annual Conference of the Association for the Reform and Codification of the Law of Nations Held in the Hall of the National Council at Berne)}, 12 ff.
and crime had interrogator clerks, who regularly carried out the questioning in a separate room; the council members would see only the minutes of interrogations. Neither the copy registers nor the interrogations allow us to understand the dynamics behind the closed doors in these councils. However, both the participation patterns examined in Chapter 4 and some of the cases analyzed in Chapter 5 indicate that personal disputes among the members were an integral part of discussions in the councils.

This is why we need to read the reports of these councils with caution. The council members were clearly aware of their powers. The elected members of these councils were not paid a salary yet being at the center of these institutions rendered them significant members of the judicio-administrative sphere. In this position, they engaged in strategic negotiations of power with the rest of the members of this sphere and with the community in general. It is important to note that this was not a system where one person (such as the sub-governor or Zayko Ağa) or a group (such as the elected members) consistently dominated over other Vidiners. My concern is not to depict a picture of oppressors vs. the oppressed; because I do not wish to argue that one peculiar group consistently dominated the other even during the brief period under study here. Arguing for such domination, I believe, would not necessarily contribute to understanding how this complex power
operated at the local level interweaving the institutional structure and the agents utilizing that structure together. Local administration was a highly politicized process at this time of institutional restructuring, and documents produced or edited by the offices of this textually mediated judicio-administrative sphere reflected the political nature of this process.

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This dissertation focused more on the ways in which Ottoman governmentality was contextualized at the local level during a period of liberal-capitalist state formation. This process focused mostly on the rights of individuals to the means of production, and many complaints and disputes coming from the provinces during the Tanzimat era had to do with property and taxation. These complaints, however, should not be perceived as stemming from the binary opposition between a state that coerces transformation and a society that is opposed to the reforms. Such reductionism not only blurs the diverse nature of politics of local administration but also presents the nineteenth century Ottoman provincial populace as reluctant to accept a transformation that was initiated from the imperial center. Focusing on the processes and institutions utilized in composing such complaints reveals a general understanding of the complex politics behind the ink on these reports. Neither the notables nor the less-wealthy provincial populace of Vidin
were unaware of what to make of *Tanzimat*. Vidinners seem to have been well aware of how to utilize these reforms and its associated institutions to protect their own interests.
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