

PART THREE

Chapter IX The Local Councils as the Origin of the Parliamentary System in the Ottoman Empire

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The history of the parliamentary system of government in the Ottoman Empire dates back to March 1877, when the first Ottoman parliament was convened in Istanbul. For the first members of the House of Representatives, however, election and assembly was not a novelty. People in the Ottoman Empire, especially those living in the provinces, had been participating in the local political life based on the principle of representation for forty years. Rasim Bey, representing Edirne in the first assembly, made the following comment in this regard:

Vasilaki Efendi and Sebuhi Efendi know less about elections than we do, because they are from Istanbul and only started to hold elections this year. We are from the provinces. So we surely know much more about it... We have been conducting elections since the year 55 [1839–40], that is, since the beginning of the Tanzimat...¹

Rasim Bey was referring to the local councils, which were officially established in 1840, immediately after the inauguration of the Tanzimat reforms. They were convened in each administrative unit such as province (*eyalet*, later *vilayet*), *sancak* (district), and *kaza* (sub-district), and comprised the local officials and the representatives of the local residents. These councils were charged with the administration and supervision of the local governments. At the same time, they were also able to play an intermediary role between the central government and the local residents by highlighting the local problems and needs to the central government. These councils have been recognized as one of the origins of representative government in the Ottoman Empire.² In fact, the first members of parliament were

¹ Hakkı Tarık Us, *Meclis-i Meb'usan 1293=1877, Zabıt Ceridesi* (The proceedings of the Ottoman House of Representatives, 1877), 2 vols. (Istanbul: Vakıf, 1939–54), 1:86.

² This has already been pointed out by scholars of modern Ottoman history during the late 1960s and the 1970s. Stanford J. Shaw, "The Origins of Representative Government in the Ottoman Empire: An Introduction to the Provincial Councils, 1839–1876," in *Studies in*

elected by the local councils, and in many cases from among the members of councils themselves.³ Thus, they brought their political experience at the local councils into the imperial parliament, as did Rasim Bey. It is true that one cannot dismiss other elements that prepared the ground for the introduction of the parliamentary system in the Ottoman Empire, namely, the import of Western constitutional thought by the reformist officials known as “Young Ottomans,” the so-called “*millet* constitution” prepared by the non-Muslim communities,⁴ and the decision-making organs convened at the central government including the Supreme Council of Judicial Ordinances (Meclis-i Vala-yı Ahkâm-ı Adliye) and the State Council (Şura-yı Devlet).⁵ However, because of their long tradition based in the provincial societies, one can say that the local councils constituted the foundation of the Ottoman parliament.

This chapter demonstrates how the experiences of the local councils prepared the ground for the Ottoman constitutional system.⁶ First, the history of the local councils is outlined, and then the evolution of the representative system of government is examined, focusing on election and membership.

Ottoman and Turkish History: Life with the Ottomans (Istanbul: ISIS Press, 2000), 183–231, repr. from *Near Eastern Round Table, 1967–68*, ed. R. Bayly Winder (New York: New York University, 1969), 53–142; Roderic H. Davison, “The Advent of the Principle of Representation in the Government of the Ottoman Empire,” in *Essays in Ottoman and Turkish History, 1774–1923: The Impact of the West* (London: Saqi Books, 1990), 96–111, repr. from *Beginnings of Modernization in the Middle East: The Nineteenth Century*, ed. William R. Polk and Richard L. Chambers (Chicago: The University of Chicago Press, 1968), 93–108; İlber Ortaylı, *Tanzimatın Sonra Mahalli İdareler (1840–1878)* (The local administration after the Tanzimat) (Ankara: Türkiye ve Orta Doğu Amme İdaresi Enstitüsü, 1974).

³ For details about the election of the first members of parliament, see Robert Devereux, *The First Ottoman Constitutional Period: A Study of the Midhat Constitution and Parliament* (Baltimore: The John Hopkins Press, 1963), 123–53.

⁴ For details about the *millet* constitution, see Roderic H. Davison, *Reform in the Ottoman Empire, 1856–1876* (Princeton: Princeton University Press, 1963), 114–35.

⁵ For details about the Supreme Council, see Mehmet Seyitdanlıoğlu, *Tanzimat Devrinde Meclis-i Vâlâ (1838–1868)* (Meclis-i Vala during the Tanzimat period) (Ankara: Türk Tarih Kurumu, 1994).

⁶ Apart from the works cited in note 2, Musa Çadırcı has conducted a detailed study of the local council. See Musa Çadırcı, *Tanzimat Döneminde Anadolu Kentleri'nin Sosyal ve Ekonomik Yapıları* (The social and economic structures of the Anatolian towns during the Tanzimat period) (Istanbul: Türk Tarih Kurumu, 1991). Other studies include: Hans-Jürgen Kornrumpf, “Zur Rolle des osmanischen Meclis im Reformzeitalter,” *Südost-Forschungen* 34 (1975): 241–46; Thomas Scheben, *Verwaltungsreformen der frühen Tanzimatzeit: Gesetze, Maßnahmen, Auswirkungen* (Frankfurt am Main: Peter Lang, 1991), 119–30. In this study, I attempt to reconstitute the history and the establishment of the local council by referring to the basic primary sources as well as recent studies.

1. Outline of the History of Local Councils

The promulgation of the “Gülhane” imperial decree in November 1839 marked the beginning of the comprehensive reform project called “Tanzimat.” One of the major aims of the reform in the initial years was to abolish the tax-farming practice; thus in 1840, the central government dispatched tax collectors (*muhasıl*) to major towns in Anatolia and the Balkans in order to collect taxes directly without the intervention of tax-farmers. The tax collectors were instructed to form councils in the towns where they were appointed.⁷ According to the provisions, the council (often called “*büyük meclis*” or large council) is required to be composed of *ex-officio* members including the tax collector, two scribes, the judge, the *mufti*, the security chief (*umur-ı zabtiye me'muru*), and four elected members elected from among the local notables. In addition, in the region inhabited by the Christian population, the metropolitan and two Christian notables (*kocabaşı*) would join the meeting. In the provincial capitals, the governor-general (*müşir*) would serve as the president of the council, whereas the divisional commander (*ferik*, also serving as the *sancak* governor) could only hold that office if he was capable, but if not, any one elected from among the members (elected by lot from among the tax collector, the judge, and the security chief, according to the later regulations) would become president. In the *kazas* attached to the central towns, the councils referred to as “small councils” (*küçük meclis*) would be set up, each of which was to be composed of the deputy tax collector, the *mufti*, the judge, the security chief, and two local notables. The regulations for the local councils,⁸ which were subsequently issued in the same year, did not include the *mufti* in the small councils but instead specified that in the *kazas* where non-Muslims lived, one of the two notables should be a non-Muslim (*kocabaşı*). Although the appointment of tax collectors was abolished in 1842, the local

⁷ “Bi-tevfikihi ta'ala te'sis ve icrası derdest olan Tanzimat-ı hayriyeden tahrir-i nüfus ile ta'yin-i vergi maddesi ve memleket umuru rü'yet ve hüsn-i idaresi zımında iktiza eden mahallere me'mur buyurulacak muhasıl-ı emval yedlerine verilecek ta'limat-ı seniye'dir,” in *Mecmu'a-i Kanunname-i Ceza ve Ta'limatname*, Süleymaniye Kütüphanesi, Esad Efendi, no. 1877; Abdurrahman Vefik, *Tekâlif Kava'id* (The tax regulations), 2 vols. (Istanbul: Kana'at Kütüphanesi, 1328–30), 2:7–21; Reşat Kaynar, *Mustafa Reşit Paşa ve Tanzimat* (Mustafa Reşit Paşa and the Tanzimat) (Ankara: Türk Tarih Kurumu, 1954), 237–45.

⁸ “Tanzimat-ı hayriye iktizasınca asıl büyük muhasıl ikamet edecek kazaya vaz u tesis olunacak meclislerin ma'a reis a'zası on üç neferden tertib olunarak ya'ni hakimü'ş-şer ve müfti ve umur-ı zabtiye me'muru ve muhasıl-ı emval ve me'mur kılınan iki nefer kâtib ve Nasara bulunan mahallerin metropolidi tabi'atıyla meclis a'zasından olacaklarından bu suretle a'zayı merkumenin yedisi hasıl olup fakat geri kalan altı nefer a'zanın ahali-i memleketin intihab ve ihtiyarlarıyla me'mur ve ta'yin olunmaları icab-ı halden olmasıyla bunların ve re'isi meclisin suret-i intihablarına da'ir meclisce karargir olan nizamnamedir,” in *Mecmua-i Kanunname-i Ceza ve Ta'limatname*; Vefik, *Tekâlif Kava'id*, 2:26–32; Kaynar, *Mustafa Reşit Paşa*, 254–58.

council remained and spread to the provinces where the Tanzimat reforms were later introduced.⁹ The local council was in existence until the end of the empire with modifications in its composition and authority.

The local council was vested with extensive authority as it was both an executive organ and a decision-making organ. Its most important responsibility was the assessment of tax, and later when tax-farming was reintroduced, it was responsible for the assignment of tax-farming contracts after bidding. In fact, it was almost entirely in charge of local administration, including supervision of taxation, maintenance of public order, conscription, land survey, *waqf* administration, and public works. Moreover, it was a place of dispute resolution in the locality as well as a kind of administrative tribunal to adjudicate on misconducts by officials. Further, before the establishment of new courts (the *Nizamiye* courts, which heard the cases according to the state law), it also served as a tribunal to hear criminal and other cases. Its authority also included the selection of lower functionaries and village heads and the assessment of their salaries.

Such councils involving local inhabitants had existed in the Ottoman Empire before 1840. It is widely known that during the eighteenth century, there were provincial councils presided over by governors or judges (*kadı*) and joined by local notables dealing with the assessment and collection of taxes. They were certainly predecessors of the Tanzimat councils, although the latter were innovative in that they became permanent official institutions and officially accepted non-Muslim members. Another possible predecessor is the local council introduced in the Syrian provinces by Ibrahim Pasha, son of the Egyptian governor Muhammad Ali (Mehmed Ali) Pasha. He set up councils in the Syrian cities comprising both Muslim and non-Muslim members.¹⁰ In the context of Syrian history it was these councils that became direct origins of the Ottoman Tanzimat councils. Further, in contrast to the latter, the liberal character of the former was often emphasized because after the return of the Ottoman rule, the Syrian councils usually excluded non-Muslims during the 1840s.¹¹ It is not clear to what degree the Tanzimat local

⁹ In some places such as Baghdad, Damascus, and Aleppo, councils were established in 1840–41, before the implementation of the Tanzimat reforms. Ebubekir Ceylan, “Bağdat Eyalet Meclisleri (1840–1872)” (The Baghdad Provincial Council, 1840–1872), in *Selçukludan Cumhuriyete Şehir Yönetimi* (The urban administration from the Seljukids to the Turkish Republic), ed. Erol Özvar and Arif Bilgin (Istanbul: Türk Dünyası Belediyeler Birliği, 2008), 339–40; Tahir Ögüt, “19. Yüzyılda Halep Vilayetinde Mahallî Meclisler” (The local administration in the Aleppo Province during the nineteenth century), in *ibid.*, 375; Moshe Ma’oz, *Ottoman Reform in Syria and Palestine 1840–1861: The Impact of the Tanzimat on Politics and Society* (London: Oxford University Press, 1968), 91–92.

¹⁰ Yitzhak Hofman, “The Administration of Syria and Palestine under Egyptian Rule (1831–1840),” in *Studies on Palestine during the Ottoman Period*, ed. Moshe Ma’oz (Jerusalem: Magnes Press, 1975), 311–33.

¹¹ Ma’oz, *Ottoman Reform in Syria and Palestine*, 90–92.

councils, which were first set up in the Balkans and Anatolia, were influenced by the Syrian experiences under the Egyptian rule. However, it is also known that the Ottoman government was closely aware of the developments in Egypt, so the Egyptian influence cannot be ignored. On the other hand, there were instances in which Christian secular representatives were present at the provincial advisory councils in the Balkans during the late eighteenth century.¹² Overall, the novelty of the Tanzimat local councils lies in the fact that the Ottomans institutionalized them by stipulating the membership, the method of election, and their authority and duties. They were also characterized by their relative independence from the local governors although it varied over time and place.

As mentioned above, in 1840, large councils were set up in the places where the tax collectors were installed, while small councils composed of five members were convened in the *kazas* within the boundaries under the tax collectors' authority. However, at the end of the fiscal year, the taxation reforms resulted in a huge loss of state revenue and the central government was thrown into a serious financial crisis. Thus, in as early as September 1841, the Supreme Council considered the abolishment of small councils in the *kazas* for cost reduction and entrusting the responsibility of public security and taxation to a single person chosen from among the local notables. Nevertheless, the government postponed the plan and decided at first to consult the provincial governors and officials on this matter,¹³ although the payment of the salaries to the elected members of the councils was abandoned in 1841.¹⁴ In February 1842, however, the system involving tax collectors itself was abolished; the tax-farming system was revived. By this measure, the provincial finance came under the authority of the provincial governor-general and the chief treasurer was placed under his command. The *sancak* governors were sent to the *sancaks* within the provinces, whereas to each *kaza* a *kaza* head (*müdir*) was appointed from among the local notables. The Ottoman official gazette announced

¹² Sahara Tetsuya 佐原徹哉, *Kindai Barukan toshi shakaishi* 近代バルカン都市社会史 (Modern history of the Balkan cities) (Tokyo: Tōsui shobō 刀水書房, 2003), 80, 361 n. 32.

¹³ Başbakanlık Osmanlı Arşivi (BOA), İ.MVL 453, lef 5, arz tezkiresi ve irade, 28 B 1257 (14 Sep. 1841); BEO AYN.d. 373, p. 4, 1 § 1257 (17 Sep. 1841) (Months of the Hijri calendar, from the first month *Muharrem* to the last month *Zilhicce*, are hereafter referred to as M, S, Ra, R, Ca, C, B, Ş, N, L, Za, Z). Musa Çadircı mentioned the abolishment of the small councils based on the latter document. Çadircı, *Anadolu Kentleri*, 213. Actually, the latter document states, "Since there are several arguments about the immediate abolishment of the councils, [it was decided] at first to consult with the provincial governor-generals and treasurers for information about this matter and then to carry out necessary measures" (*meclislerin birden bire lağvında ba'zı mülâhaza dahi bulunduğundan evvel emirde husus-ı mezbur müşiran-ı izam ve defterdaran taraflarından bi'l-isti'lâm ba'dehu iktizasınun icrası*). This order was issued based on the imperial order of the former document.

¹⁴ BOA, A.MKT 4/24, instruction for governor-generals, c. 1841, p. 6. See also BOA, C.DH 3705, note of the Expenditure Department (Masarifat Muhasebesi), 26 R 1261 (4 May 1845).

the gathering of councils in each *sancak* and *kaza*, which comprised the *sancak* governor (*kaymakam*) or the *müdir*, the judge, the local notables (*mu'teberan-ı vücut ve hanedanı*), and the heads of the non-Muslim communities (*rü'esa-yı millet*).¹⁵ Other documents also confirmed the maintenance of the councils at the provincial centers after the abandonment of the tax-collector system.¹⁶

Later, in September 1844, a new instruction for local councils was promulgated, whose preamble summarized the instructions issued in 1840 and acknowledged that these regulations had been neglected for some time in the past, pointing out the problem of contradictory reports sent from local councils.¹⁷ The instruction focused on the measures to be taken for fair judgment (especially in the criminal suits) at the councils but did not include detailed provisions about the members' election and the council's responsibilities. Some of the provisions worthy of mention is that the provincial governor (*vülât-ı fiham ve mutasarrifin*) or the *sancak* governor (*kaymakam*) should be president of the council and that they should attend the session to carefully follow the discussion and take responsibility of the council's decisions. Councils at the *kazas* attached to the centers of province or *sancak* were called "small councils" as before, and their reports were to be sent to the provincial governor, who would examine them and forward them to the center if necessary.

In November 1846, the general regulations for the civil officials (*Ta'limat-ı Umumiye*) were published, which included some provisions concerning the membership of the local councils.¹⁸ Most of them were summarized articles based on the instructions issued in 1844. However, they continued to be valid until the 1860s, as they were reproduced in the statute books of February 1863 and April 1866 as active regulations at that time.¹⁹

The new regulations for provincial councils issued in January 1849 reorganized

¹⁵ *Takvim-i Vekayi*, no. 238, 3 M 1258 (15 Feb. 1842). Stanford Shaw writes that councils in the smaller *kazas* were abolished in 1842 and replaced by informal advisory councils assembled at the pleasure of the *müdir*s. Indeed, the instruction for governor-generals issued in early 1842 explicitly referred to the abolishment of the councils in the smaller *kazas* (*ufak kazalar*) but advised that the councils be assembled in case of necessary (*lüzum halinde*), which appears to be inconsistent with the announcement in the official gazette. Shaw, "Origins of Representative Government," 199; BOA, A.MKT 4/24, instruction for governor-generals, 18 M 1258 (2 Mar. 1842), p. 13.

¹⁶ *Ibid.*, pp. 13–15.

¹⁷ BOA, İ.MSM 42, 29 Ş 1260 (12 Sep. 1844); MAD 9061, pp. 63–64, 15 N 1260 (28 Sep. 1844). Among the existing studies, only Shaw comments on this instruction. Shaw, "Origins of Representative Government," 201–3.

¹⁸ "Ta'limat-ı Umumiye," 7 Z 1262 (27 Nov. 1846), Süleymaniye Kütüphanesi, Hüsrev Paşa, no. 827.

¹⁹ Both of the statute books only included the articles concerning the council members. *Düstur* ([Istanbul], 1279), 484–86; *Düstur* (Istanbul: Matba'a-i Âmire, 1282), 869–70.

the councils and stipulated their broad range of duties and authority in detail, for the first time.²⁰ The council convened in the provincial center was called “*eyalet meclisi*,” whose president was a state official appointed by the central government. This is largely different from the earlier practice in which the provincial governor acted as the president of the council. Apparently, the state intended to check the balance of power between the governor and the local notables by appointing a third party that was under the direct control of the center. In the provisions, the duties and authority of the provincial councils were clarified in the 68 articles encompassing public security, local police, financial administration, public works, education, sanitary, civil suits, criminal suits, administration of *sancaks* and *kazas*, and others. These provisions basically remained in force until 1867, when the new provincial administration system began to be generally applied in the Empire. However, appointment of the president by the center was apparently abolished before March 1860, since the regulations for the provincial accountants (*muhasebeci*) issued in March 1860 stipulated that the presidentship of the local councils be entrusted to provincial governors, *sancak* governors, or *kaza* heads.²¹ The statute book of 1863 included an amended version of the 1849 regulations, which omitted provisions about the presidentship and other *ex-officio* membership but added new articles pertaining to the councils of *sancaks* and *kazas*.

The Reform Edict (*Islahat Fermanı*) of February 1856 laid down the principles of further reform projects, especially highlighting the issue of equality between Muslims and non-Muslims. This edict touched upon the local councils with the following statement:

Proceedings shall be taken for a reform in the constitution of the provincial and communal [*sancak*] councils in order to insure fairness in the choice of the

²⁰ “Bu def’a saye-i şevket-vaye-i cenab-ı mülkdârîde tertib ü teşkil olunmuş olan eyalet meclislerine verilecek ta’limat-ı seniyledir,” in [*Gülhane Hatt-ı Hümayunu ve Onu Takiben Neşr Olunan Nizamname ve Talimatnameler*], [Istanbul], 1267, BOA, Bab-ı Asaî Defterleri, Nizamât Defterleri no. 43. Thomas Scheben has translated these regulations in German: Scheben, *Verwaltungsreformen*, 288–302. See also Musa Çadırcı, “Osmanlı İmparatorluğunda Eyalet ve Sancaklarda Meclislerin Oluşturulması (1840–1864)” (The establishment of the councils in the provinces and the districts in the Ottoman Empire), in *Yusuf Hikmet Bayur’a Armağan* (In honor of Yusuf Hikmet Bayur) (Ankara: Türk Tarih Kurumu, 1985), 257–77.

²¹ “Bi’l-cümle eyalet ve elviyede bulunan defterdarlık ve mal müdirliklerinin bu def’a barade-i seniye lağvıyla her mahallin umur-ı maliyesinin hüsn-i idaresi me’muriyet ve mes’uliyeti ol mevki’ in mülkiye me’murunun uhdesine birağılmış ve umur-ı hesabiyenin rü’yeti zımında lüzumu kadar ma’iyet ketebesiyle her eyalete birer muhasebeci nasb u ta’yin buyurulmuş olduğuna bina’ en ol babda vülat-ı izam ve mutasarrifin-i kiramın mevadd-ı maliye hakkında olan veza’if-i mahsusasına dair bu kere müceddeden verilen ta’limat-ı umumiyledir,” 28 Ş 1276 (22 Mar. 1860), *Düstur* (1279), 377; *Düstur* (1282), 588.

deputies of the Mussulman [sic], Christian, and other communities and freedom of voting in the councils. My Sublime Porte will take into consideration the adoption of the most effectual means for ascertaining exactly and for controlling the result of the deliberations and of the decisions arrived at.²²

However, this policy was only adopted later in 1864. In November 1864, the law on the Tuna province (*Tuna vilayeti*) was promulgated, which marked the beginning of an extensive reorganization of the Ottoman local administration, starting with the formation of the Tuna province under the governorship of Midhat Paşa.²³ After the reform was extended to several other provinces, the general law for the provincial system (the *Vilayet Law*) was published in 1867,²⁴ which partly modified the Tuna Provincial Law. Through these reforms, a centralized system of provincial administration was formulated and a hierarchical system of administration organized into province (*vilayet*), *sancak*, and *kaza* was created in most parts of the empire (excluding the provinces with special status such as Egypt). The local council in each administrative unit was largely reorganized. The rules for the election of members were stipulated in the 1864 and 1867 laws, and the Regulations for Provincial Administration issued in January 1871 laid down the principles about the duties, authorities, and operation of the local councils.²⁵ The series of reforms since 1864 brought about important changes to the institution of local councils. First of all, their function as civil and criminal courts was transferred to the newly created *Nizamiye* courts, which were attended by representatives of the local residents as members (*mümeyyiz*, later *a'za*), reflecting their origins in the administrative councils. Second, the general provincial assembly (*meclis-i umumi-i vilayet*) comprising members representing the *sancaks* was set up at each provincial center. It was to be convened annually to discuss the important issues such as tax and public works. Third, in the major cities, municipal councils (*belediye meclisi*) comprising elected members were established for urban administration.²⁶ In all these councils

²² J. C. Hurewitz, *Diplomacy in the Near and Middle East: A Documentary Record: 1553–1914*, 2 vols. (Princeton: D. Van Nostrand, 1956), 1:152; *Düstur*, 4 vols. and 4 supplements (Istanbul: Matba'a-i Âmire, 1289–1302) (hereafter cited as *Düstur*¹), 1:12.

²³ “Tuna Vilayeti namıyle bu kere teşkil olunan da'irenin idare-i umumiye ve hususiyesine ve ta'yin olunacak me'murlarının savr-ı intihablarıyla veza'if-i da'imesine da'ir nizam-namedir,” 7 C 1281 (7 Nov. 1864), *Düstur* (1282), 517–36.

²⁴ “Vilayet nizamnamesi,” [1867], *Düstur*¹, 1:608–24.

²⁵ “İdare-i umumiye-i vilayet nizamnamesidir,” 29 Ş 1287, 9 Kânun-ı sani 1286 (20 Jan. 1871), *Düstur*¹, 1:625–51.

²⁶ For details about the municipal councils, see Tetsuya Sahara, “Municipal Reforms in Japan and Turkey: The Belediye System of the Tanzimat and Municipal Laws in Meiji Japan,” in *The Rising Sun and the Turkish Crescent: New Perspectives on the History of Japanese and Turkish Relations*, ed. Selçuk Esenbel and Inaba Chiharu (Istanbul: Boğaziçi University Press, 2003), 249–65.

and courts, the Muslim and the non-Muslim elected members were to share equal number of seats (in some municipal councils, non-Muslim members gained a majority of the seats). Thus, reformed local councils embodied the representative principle and the principle of Muslim and non-Muslim equality more than ever.

Later, at the end of 1875, the election system of council members was amended so as to restrict the intervention by the local officials.²⁷ Another instruction for the provincial administration was issued in February 1876, which included some detailed regulations pertaining to the local councils.²⁸ Thus, the local councils had undergone all these transformations since 1840 until the promulgation of the constitution on 23 December 1876, when they embarked upon the preparation of a general election for the House of Representatives.²⁹

2. Election and Membership before the *Vilayet* Law

The election system for the local council members stipulated in the 1840 regulations was very unique. First of all, candidates were required to be the “most clever, moral, honest, and honorable, and well informed about the state administration and the local situations” (*en a’kal ve erşedi ve afif ve aslahı olmak ve oldukça umur-ı devlet ve ahval-i memlekete vakıf ve aşına bulunmak*). They were to be elected from among the local notables, as the instruction for the tax collectors had already specified. The council members were to be indirectly elected by the electors: First, in each village, five villagers would be chosen by lot from among those villagers who were trustworthy and esteemed and considered to be estate-holders (*mu’temed ve mu’teberi olan ve ashab-ı emlâk add olunabilir adamlardan*).³⁰ The elected villagers would then be brought to the central town, where they would be joined by “those who were deemed as men of discretion, land owners, and men of influence” (*söz anlar ve ashab-ı emlâk ve erbab-ı iktidar add olunanları*) among the townspeople. From among them, fifty, thirty, or twenty electors would be chosen by lot, depending on the size of the town. Then, the candidates would show up one-by-one in front of them and the electors would divide into two groups, ayes and noes — the former group being in majority meant the approval of the candidate. Since this system gave an advantage to those who came up first, the candidates would draw lots to decide the order of appearance.

Only a few documents have survived that described how this complicated

²⁷ “İntihab-ı a’zaya dair ta’limat-ı umumiye dir,” 2 Z 1292, 18 Kanun-ı evvel 1291 (1 Dec. 1875), *Düstur*¹, 3:174–75.

²⁸ “İdare-i umumiye-i vilayat hakkında ta’limattır,” 25 M 1293 (21 Feb. 1876), *Düstur*¹, 3:24–33.

²⁹ Devereux, *First Ottoman Constitutional Period*, 126; Davison, *Reform*, 374–75.

³⁰ This phrase is omitted in the instruction cited in Vefik and Kaynar.

method was adopted. In the town of İzmit, before the instruction for the council was issued, the tax collector had undertaken the appointment of the council members by the following method: four nominees were chosen by lot from among eight candidates, and then these four were approved by more than eighty people gathered from adjacent villages and towns. In the four *kazas* attached to İzmit, elections were conducted according to the instructions: all the nominees chosen by lot from among eight to ten notables were elected by fifty to sixty residents in each *kaza*.³¹ In several other cases, it was only reported that the council members had been elected “by lot,” suggesting, at least, that the candidates had drawn lots for nomination, or directly for the membership. As in İzmit, the council of Edirne had been already formed by the tax collector, when he received the instruction for the council with an order that the existing council should be dissolved and that new members should be elected according to the instruction. Subsequently, fifty electors were chosen by lot from among more than 1,700 people from the city and adjacent villages. These electors approved the membership of four nominees, who had been chosen also by lot from among six candidates. However, the tax collector was apparently not happy with the result and eventually included two other members to the council.³² In the case of Gelibolu, although 288 people were gathered from the town and the neighboring regions following the instruction, no election was held because these people were allegedly “a flock of fishermen, boatmen, and the poor” (*balıkçı ve kayıkçı ve fukara giiruhundan*), and there were no candidates other than the members who had been already appointed before the instruction. Thus, it was decided that the incumbent members retain their seats. Presumably, in many places, “election” was only formal and the council membership was prearranged among the local notables just as in the case of Gelibolu. Moreover, because the original instruction did not prescribe the term of office, members were able to retain their seats once they were appointed. Thus, it is very likely that no election was conducted following the instructions after the first “election,” if any, in 1840. This assumption is supported by the fact that the 1844 instructions did not specify the election procedure, even though they summarized all the other stipulations of the 1840 instructions. Nevertheless, the 1844 instructions mentioned such phrases as “those who would be elected and selected by the people of the locality” (*ahali-i memleket tarafından intihab ve ihtiyar olunacak zevat*) and “the council members who would be appointed by the people’s election and acceptance” (*ahalinin intihab ve kabulüyle ta’yin*

³¹ BOA, C.DH 3269, İzmit, 17 S 1256 (20 Apr. 1840). For a similar example in which all the candidates chosen by lot were elected, see Ortaylı, *Mahalli İdareler*, 20.

³² BOA, İ.MVL 36, lef 9, 17 S 1256 (20 Apr. 1840); Cengiz Kırılı, “Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi” (Invention of corruption: 1840 Ottoman criminal law, power and bureaucracy), *Tarih ve Toplum: Yeni Yaklaşımlar* 4 (2006): 72–73. For a more detailed account on the Edirne case and the power struggle between the tax collector and the provincial governor behind this, see abovementioned article by Kırılı.

olunacak a'za-yi meclis). Actually, in 1845, when the Tanzimat reforms were implemented in the province of Diyarbekir, it was reported that the council members of the *sancaks* of Arabkir and Malatya had been chosen by lot (*kur'a-i şer'iye*) and by a majority vote (*ekseriyet-i ara*). Thus, the principle of election by local inhabitants was still in force after 1844.³³

The number of members did not always conform to the instructions. During the earlier period, the elected members often assumed the positions of the census administrator (*nüfus nazırı*) as well as the local treasurer (*sandık emini*), resulting in the domination of local officials in the council. However, later the increase in the number of elected members began to be seen as a problem. This perhaps had to do with the local notables' comprehension of the power of the councils. The 1844 regulations stipulated the expulsion of "selfish men" (*ashab-ı ağraz*) from the council as well as the dismissal of least suitable men when the number of the members exceeded the prescribed quota. However, even after the regulations were issued, exceptions seem to have been the rule. It is reported that the council of İpek had thirteen members, including ten representatives of inhabitants, instead of five members prescribed for the small councils.³⁴ There were also many councils in which the *naqib*, the representative of the Prophet's descendants, took part as if he were an *ex-officio* member.³⁵

As mentioned earlier, the formal acceptance of non-Muslim members was a novelty of the Tanzimat local councils. The instructions for the tax collectors and the local councils only stipulated the membership of a metropolitan and two *koca-başı*s (secular representatives of the Christian community), which might suggest that only an Orthodox clergyman and Christian notables were accepted. Therefore, soon after the introduction, some confusion arose as to how the other religious groups should be treated. In response, the government instructed in March and September 1840 that when there were Rum, Armenian, Catholic, and Jewish residents each *millet* should appoint its representative to the large and small councils.³⁶ Thus, in Ankara for example, there was one member each from the Rum, Catholic, and Armenian communities in addition to three Muslim elected members in February

³³ BOA, C.DH 3705, Arabkir and Malatya, 23 Ra 1261 (2 Apr. 1845). Shaw argues that elections were abolished following the termination of tax-collectorship in 1842. See Shaw, "Origins of Representative Government," 199–200.

³⁴ BOA, C.DH 3714, İpek, 11 M 1261 (20 Jan. 1845). See also A.MKT 91/85, Seydişehir, 15 Ş 1263 (29 July 1845); A.MKT 137/12, Başgeleme, 27 B 1264 (30 June 1864).

³⁵ BOA, A.MKT 34/66, Damascus, 8 C 1262 (3 June 1846); C.DH 12946, Tripoli (Trablusşam), 1264 C 21 (25 May 1848); Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700–1900* (Berkeley and Los Angeles: University of California Press, 1995), 50.

³⁶ BOA, İ.DH 356, 29 Z 1255 (4 Mar. 1840); Kaynar, *Mustafa Reşit Paşa*, 246–47; İ.MVL 144, Selh B 1256 (27 Sep. 1840).

1842.³⁷ At least in this case of Ankara, the representatives of non-Muslims were appointed not after the abovementioned election procedure, but selected from among each community. Later in 1845, a rabbi (Jewish clerical leader) was added to three Christian members mentioned above.³⁸ However, there were many cases in which the clergy were not represented in spite of their *ex-officio* membership prescribed in the instructions.³⁹ It appears that the instructions were generally interpreted to mean that the lay representatives were to be appointed in the absence of the metropolitans.⁴⁰ Therefore, even when there were two different non-Muslim communities in one locality, the large councils usually had only two non-Muslim members.⁴¹ Furthermore, it turned out to be very difficult for the Muslims in certain areas to sit side-by-side with non-Muslims at the meeting. In 1841, the ecumenical patriarch complained to the Porte that metropolitans and *kocabaşıs* were ignored during the council meetings. In response, the government ordered the tax collectors to treat all the subjects of the empire equally “without exception,” and that non-Muslims should be accepted in the councils, where their voices ought to be listened to.⁴² Yet, there must have still remained councils without non-Muslim members, as the 1844 regulations called for the attendance of all the Muslim and non-Muslim members to the meeting, saying “It has been confirmed and reported that in most cases the notable subjects such as the metropolitan, *kocabaşı*, the Armenian bishop, and the rabbi, who were stipulated as the members of councils, were not summoned” (*a’za-yı mecalisten ma’dudiyeti meşrut olan metropolid ve kocabaşı ve merhasa ve haham misillü mu’teberan-ı teba’anın ekser vakit celb olunmadıkları tahkik ve istihbar olunup*). Similarly, the 1846 general instructions pre-

³⁷ BOA, C.DH 5841, Ankara, 29 Z 1257 (11 Feb. 1842).

³⁸ BOA, A.MKT 28/62, Ankara, 29 N 1261 (2 Oct. 1845).

³⁹ For example, a list of the members of local councils in the Balkans prepared by Mahir Aydın does not include Christian clergymen, although part of the list was based on the salary registers, which by nature did not include clergymen who were not salaried. Mahir Aydın, “Ahmed Ârif Hikmet Beyefendi’nin Rumeli Tanzimat Müfettişliği ve Teftiş Defteri” (Ahmed Ârif Hikmet Beyefendi’s inspection of the Tanzimat reforms in Rumelia and the inspection report), *Bellekten* 56, no. 215 (1992): 94–106. For other examples of the large councils where the clergymen are not found, see BOA, C.DH 1467, Balıkesir, 3 Ca 1256 (3 July 1840); C.ADL 2464, Niksar, 15 Za 1256 (19 Jan. 1841); C.DH 1696, Karahisar, 21 Ca 1256 (21 July 1840). This observation differs from Shaw’s. See Shaw, “Origins of Representative Government,” 193.

⁴⁰ See İ.DH 356, Mehmed İsmet Paşa’s report, 11 Z 1255 (15 Feb. 1840). In fact, the stipulation in the regulations for the tax collectors could be interpreted as “two members from among the metropolitans and the *kocabaşıs*” (*metropolid ve kocabaşılardan dahi iki nefer*).

⁴¹ There are, of course, cases which observed the regulations literally: In Tekfurdağı (Tekirdağ), the deputy metropolitan (*metropolid vekili*), the Rum *kocabaşı*, and the Armenian *kocabaşı* were present at the council. C.DH 12226, Tekfurdağı, 1 Ra 1256 (4 May 1840).

⁴² Ortaylı, *Mahalli İdareler*, 25, 245–46, picture 3.

scribed, “Since the metropolitan and the *kocabaşıs* were also members of the council in the localities which have Christian population, the metropolitans, *kocabaşıs*, and the notables of the *millet*s (*millet mu'teberleri*) should be present in the criminal cases and all important cases, especially when the plaintiff or the defendant is a Christian or a Jew, and [in these cases] they should also put their seals to the necessary reports.” This may suggest that in reality non-Muslim members tended to be only present at the meeting when the cases concerned non-Muslims.⁴³ Nonetheless, despite these regulations, non-Muslims are known to have been excluded from the councils in Damascus and Nablus during the 1840s.⁴⁴

The 1849 regulations for provincial councils introduced some important changes to the composition of the provincial council. The president and a member of the *ulema* would be appointed from the central government, in addition to the *ex-officio* members comprising the provincial governor, the financial director (*defterdar*), the judge, and the *mufti*. The member of *ulema* may have been charged with supervision of judicial administration, although the real purpose of his appointment is unknown. The first and second scribes were also required to be present at the council (two scribes of the financial director would also serve under the council). Four Muslim and one non-Muslim member were to be elected from among “the local notables and the honest and upright persons” (*mütehayyizân-ı memleket ve erbab-ı sıdk u istikamet*). The method of election was not stipulated in the regulations. Although the sixth article refers to “members elected and appointed according to the established rules and regulations” (*usul ü nizam-ı mukarreri vechile mahallinde münteheb ve me'mur olan a'za*), it is not certain whether these “rules and regulations” referred to the original 1840 regulations. Reports of contemporary Europeans are generally negative about the implementation of public elections, although several Ottoman documents dated 1860 referred to the election by the inhabitants (*intihâb-ı ahâlî*) for the council membership in certain Balkan towns.⁴⁵

⁴³ For details on the cases in 1845 and 1847 where non-Muslim members were summoned to the council only when their signatures were required for the decisions, see Yonca Köksal, “Reform in the Province of Edirne: Ottoman Archives on Local Administration during the Tanzimat Period (1839–1876),” *Περι Θρακησ* 2 (2002): 187–88.

⁴⁴ BOA, A.MKT 34/66, Damascus, 8 C 1262 (3 June 1846); A.MKT 36/94, Damascus, 24 M 1262 (23 Jan. 1846); Elizabeth Thompson, “Ottoman Political Reform in the Provinces: The Damascus Advisory Council in 1844–45,” *International Journal of Middle East Studies* 25 (1993): 462; Doumani, *Rediscovering Palestine*, 49–50, 275 n. 121.

⁴⁵ According to Georges Perrot, who traveled to Anatolia in 1861, the Turkish members of the Ankara council were chosen by the provincial governor, while the non-Muslim members were appointed by the clergy of each *millet*. Georges Perrot, *Souvenirs d'un voyage en Asie Mineure* (Paris: Michel Lévy frères, 1864), 343–46. See also, Halil İnalçık, “Tanzimat'ın Uygulanması ve Sosyal Tepkileri” (Application of the Tanzimat and its social effects), *Belleten* 28, no. 112 (1964): 634. In addition, the British consuls in Salonica and Bosnia sug-

In any case, the reorganization of the provincial councils first began in the provinces of Edirne, Hüdavendigâr (with Bursa being its center), and Sayda (Beirut) and subsequently in Trabzon, Şam (Damascus), Yanya (Janina), and Bosna (Sarajevo) in the next year.⁴⁶ A reorganized council was also formed in Baghdad in 1851.⁴⁷ It is not known whether the reforms spread beyond these provinces. As mentioned above, the appointment of the council president (and a member of the *ulema* as well) from the center ceased not later than 1860.⁴⁸ As an example of the actual composition of the reformed councils, the council of Edirne in December 1849 was composed of 16 members including the provincial governor, the president, the financial director, a member of the *ulema*, the judge, the *mufti*, the first and the second scribes, the financial clerk, four Muslim elected members, a representative of the Rum community, an Armenian representative, and a Jewish representative (the chief Rabbi [*Hahambaşı*]). According to the revised version of the 1849 regulations published in the statute book of 1863, members of the *sancak* council were to be the *sancak* governor, the treasurer (*mal müdürü*), the judge, the chief scribe, the chief financial scribe, “a certain number of” members from the Muslim community and the three *millets* (*milel-i selâse*). However, the *sancak* council members, in practice, differed from one place to another: the Kayseri council of 1853 had ten Muslim representatives; the Dersim council had only one non-Muslim member; the Cyprus council included three non-Muslim members from the same denomination (*Rum*).⁴⁹

3. Election and Membership after the *Vilayet Law*

As mentioned above, the 1864 Tuna Provincial Law and the 1867 *Vilayet Law* brought about important changes in the local councils. Councils of province, *sancak*, and *kaza* would be composed of the following members:

gested in their reports in 1860 that the council members should be appointed by election. B. Destani, ed., *Ethnic Minorities in the Balkan States, 1860–1971*, 6 vols. (n.p.: Archive Editions, 2003), 1:31, 71, 82. For the Ottoman documents, see Yonca Köksal and Davut Erkan, *Sadrazam Kıbrıslı Mehmet Emin Paşa'nın Rumeli Teftişi* (The Grand Vizier Kıbrıslı Mehmet Emin Paşa's inspection of Rumelia) (Istanbul: Boğaziçi Üniversitesi Yayınevi, 2007), 89, 154, 171, 231, 277.

⁴⁶ BOA, C.DH 8029; İ.MVL 5220, 29 Ş 1266 (10 July 1850). Esin E. Sarıoğlan, “Tanzimat’ın Trabzon’da Uygulanması (1839–1856)” (Application of the Tanzimat in Trabzon, 1839–1856) (Master’s thesis, Karadeniz Teknik Üniversitesi Sosyal Bilimler Enstitüsü, 1996), 53–55.

⁴⁷ Ceylan, “Bağdat Eyalet Meclisleri,” 345–46.

⁴⁸ For example, the provincial council of Harput in November 1859 did not include the president beside the provincial governor. Adnan Işık, *Malatya, 1830–1919* (Istanbul: Kurtiş Matbaacılık, 1998), 600.

⁴⁹ BOA, MVL 139/26, Kayseri, 15 L 1269 (22 July 1853); A.MKT.NZD 268/48, Dersim, 3 B 1275 (7 Feb. 1859); MVL 83/44, Cyprus, 26 M 1266 (12 Dec. 1849).

Provincial council:

Governor (president)

Inspector of judges (*müfettiş-i hükkâm*) (after 1879, the judge of provincial center)Financial director (*muhasebeci* [*defterdar* according to the 1867 law])Corresponding clerk (*mektubcu*)Secretary for foreign affairs (*hariciye müdiri*)

Six elected members (four members according to the 1867 law) including three Muslims and three non-Muslim representatives.

Sancak council:*Sancak* governor (president)

Judge

Mufti

Non-Muslim religious leaders

Treasurer (*mal müdiri* [*muhasebeci* according to the 1867 law])Chief scribe (*tahrirat müdiri*)

Six elected members (four according to the 1867 law) including three Muslims and three non-Muslim representatives.

Kaza council:*Kaza* administrator (president)

Judge

Mufti

Non-Muslim religious leaders

Scribe

Four elected members including two Muslims and two non-Muslims (three in all according to the 1867 law).

Likewise, in each village and town quarter (*mahalle*), the elders' council (*ihityar meclisi*) for every *millet* would be set up, comprising three–twelve members chosen by direct election together with the *imam* or the clerical leader. Also in each county (*nahiye*), which was a small town or a union of several villages, there would be a council which would gather four or less members from among the elders' councils of villages in the county and be convened four times a year, according to the Regulations for Provincial Administration of 1871. Furthermore, the municipal council would be also set up comprising the president, the vice-president, and six elected members with an engineer and a doctor as advisory members. In its initial regulations issued in 1865, the six members would be composed of two Muslims, two Bulgarians, one Armenian, and one Jew, reflecting the population in Bulgaria.⁵⁰ The general provincial assembly will be dealt with in the next section.

⁵⁰ Sahara, *Kindai Barukan*, 85.

As seen above, one of the major changes brought about by the provincial reforms was the distribution of equal number of seats for the Muslim and non-Muslim elected members in the provincial and *sancak* councils. However, in the *kaza* councils, the equality principle was abandoned by the 1867 law, which reduced the number of elected members to three. Since this law generally cut the number of elected members, it appears at first sight that the principle of representation was undermined compared with the pre-1864 period. Nevertheless, the local people's participation in administration increased on the whole, because as a result of the provincial reforms, local residents began to participate not only in the administrative councils but also in the *Nizamiye* courts, municipal councils, commercial courts, the education board, the land committee, and other organs of local administration.

The election procedure was reinstated by the 1864 and 1867 laws, which for the first time clarified the suffrage. Those (males) who were 18 years old and above, "propertied and Ottoman subjects" (*ashab-ı alâkadan ve teba'a-i Devlet-i Aliye'den*), and paid more than 50 kuruş a year as direct tax had voting right for the elders' councils in villages and town quarters. Similarly, those who were 30 years old and above and paid more than 100 kuruş a year as direct tax were eligible for the elders' council membership. The elected members of the elders' councils would, in turn, become voters for the *kaza* councils, although the election of the *kaza* council members was a combination of indirect election and appointment. Those who were 30 years old and above, paid more than 300 kuruş a year as direct tax, and were able to read and write "as much as possible" were eligible for the *kaza* council membership. The *kaza* election committee would be organized comprising the *kaza* administrator, the judge, the *mufti*, the religious leaders of all the non-Muslim denominations (*ahali-i gayri Muslimenin her sınıfının re'is-i ruhanileri*), and the scribes. The committee would prepare a list that included thrice as many candidates as the prescribed number, including an equal number of Muslims and non-Muslims (Since the quota was three in the 1867 law, the number of the candidates would probably be five Muslims and five non-Muslims). In *kazas* where two or more non-Muslim communities existed, twelve seats in the first year and six thereafter would be allotted to the non-Muslim candidates. The lists of candidates prepared by the *kaza* election committee would be distributed to every village and town quarter, where the elders' committees convened jointly by Muslims and non-Muslims would choose twice as many candidates as the prescribed number (that is, two thirds of the list). The election committee would collect the results from the elders' committees and after removing from the list one-third of the candidates that got fewer votes, report it to the *sancak* governor. The latter would choose half of the candidates from the list and appoint them as council members. At the time of selection, the governor had the option to consult with the *sancak* council or not.

Likewise, for the *sancak* council, the election committee composed of the *sancak* governor, the judge, the treasurer, the *mufti*, the non-Muslim religious leaders,

and the scribe would make a list of nine Muslim and nine non-Muslim candidates (six each according to the 1867 law). Then, the committee would send the list to the *kaza* councils, which in turn would choose twice as many candidates as the quota. Based on the overall results from the *kazas*, a third of the candidates would be removed from the list and then the provincial governor would select and appoint the members from among the remaining candidates (the governor's consultation with the provincial council was optional).

As for the provincial council, only literate Ottoman subjects who paid 500 kuruş a year as direct tax would be eligible. The election committee, comprising the provincial governor (president), the inspector of judges, the financial director, the corresponding clerk, the officials appointed by the center to the civil and criminal courts, the *mufti*, and the non-Muslim religious leaders would nominate thrice as many candidates as the quota and then send the list to the *sancaks*. Thereafter, twice as many candidates as the quota would be chosen in a similar manner according to the procedure for the *sancak* and *kaza* councils; the governor would then select the members and report the decision to the Sublime Porte to obtain its approval.

One of the important developments in this series of reorganizations is that the council members' term of office was fixed for the first time. The elders' committee members would be elected every year, while election for half the members of the provincial, *sancak* and *kaza* councils would take place every two years. In every council the members could be reelected.

In the election procedure for the local council members under the *Vilayet* Law, the local government was vested with a great power, since it was the local authorities that would nominate the candidates and ultimately select the council members. In December 1875, however, a new instruction for the election of the members of local councils and *Nizamiye* courts was promulgated, which was designed to limit the local authorities' intervention and give the local people a more independence in the elections.⁵¹ Its preamble declared that the council members "should not be elected under the government's influence but by [the empire's subjects] themselves" (*hükümetin taht-ı te'sir-i nüfuzunda bulunmayarak taraflarından intihab olunmak*).

According to the new instruction, the election would be conducted in the following manner, which still remained an indirect election as before. First, the electors, who would vote in an election of the *kaza* council, would be chosen from the villages and the central town of the *kaza*. Villages and town quarters would form election districts (*he'yet-i intihabiye*) comprising 200 households or above and each election district could choose two electors. Suffrage was granted to the tax payers who were 20 years old or above, while the electors (*intihabcı*) had to be 25 years old or above, have no criminal record, have never insulted anyone, and have no per-

⁵¹ *Düstur*¹, 3:174–75, "İntihab-ı a'zaya dair ta'limat-ı umumiye'dir."

sonal relation with the candidates (*mensubiyet-i şahsiyede bulunmamak*).⁵² The eligibility for the membership was, in addition to the conditions for the electors, given to the persons who were 35 years old and above and were able to read and write. The electors would gather in the central town and choose twice the quota of candidates for the membership of the council and the *Nizamiye* court, half of which the *sancak* governor would appoint as the members. As for the *sancak* council and court, the electors, to which each *kaza* council and court under the *sancak* would send two or more of its members, would convene in the *sancak* center and nominate twice the quota of candidates. The instruction especially stated that the electors should nominate the candidates “without the influence and intervention of the *sancak* governor” (*mutasarrıf-ı livanın nüfuz ve müdahalesi munzam olmaksızın*). It was the provincial governor who would finally appoint the members. Similarly, in the case of the provincial council, the electors would be chosen from the *sancaks* and nominate twice the quota of candidates “without being subject to the influence and intervention of the provincial governor or any other officials in the election” (*vali-i vilâyetin ve sa’ir me’murinden hiç birinin emr-i intihabda nüfuz ve müdahaleleri munzam olmaksızın*). The provincial governor would select the members from the candidates and submit the result to the grand vizier for approval.

Although the instruction did not place restraints on the eligibility in terms of wealth, it is likely that, in practice, the membership of the council was restricted to the wealthier people. In fact, the regulations concerning the administration of *nahiye* (county) published in April 1876 stipulated that only those who paid 100 kuruş a year as the tax were eligible to be elected as the *nahiye* council members.⁵³ Also, when the revision of the Provincial Law was discussed in the first session of the Ottoman parliament, the bill specified the amount of tax for the eligibility.⁵⁴

According to the last article of the 1875 instruction, the number of *kaza* court judges should be increased from three to four, equally shared by Muslims and non-Muslims; further, when there were three or more non-Muslim communities, the quota should be allotted in rotation. Historical records show that the number of elected members of the council also increased to four (two Muslims and two non-Muslims) in many *kazas*.

Understandably, neither of the *Vilayet* Law nor the 1875 instruction was implemented uniformly in the provinces of the Ottoman Empire. In some places, it is reported that no reelection was held and that the same members continued to occu-

⁵² Shaw interprets this as “[not having] any personal relationship with any of the officials in the area concerned,” but here I follow the French translation of the instruction. Shaw, “Origins of Representative Government,” 230; George Young, *Corps de droit ottoman*, 7 vols. (Oxford: Clarendon Press, 1905–6), 1:45.

⁵³ *Düstur*¹, 3:35, “İdare-i nevahi nizamnamesidir.”

⁵⁴ Us, *Meclis-i Mebusan*, 1:132.

py the council seat for many years.⁵⁵ In fact, a representative of Aleppo said in the first session of the parliament that in some places, including his hometown, no election had been conducted more than four years since the first election.⁵⁶ Much later, in the early twentieth century, a European observer Heidborn, who was well informed about the Ottoman institutions, wrote that neither of the laws was strictly applied (“en réalité, le droit d’élection est plutôt un droit de presentation”⁵⁷). Even when the election was held in whatever manner, it is obvious from the stipulations of the laws that the intervention of administrators on the one hand, and the influence of local notables on the other, should have largely determined the result of the election. As mentioned above, the 1875 instruction repeatedly notified that the election should be conducted without the intervention of officials. The Regulations for the Provincial Administration of 1876 also ruled out any intervention on the electoral rights of the subjects. In addition, it was among the duties of the provincial governor to oversee that officials or notables would not exert an influence on the election and to punish those who obstructed the election process by threatening the electors or invalidating the votes. While negative views about the election abound, some scholars have different opinions: Shaw writes that the election was duly held according to the 1875 instruction, while Ortaylı points out that members were reelected in the provinces such as Edirne, Tuna, Beirut, Selânik, and Aydın.⁵⁸

Another important aspect of the new electoral system is that non-Muslim members were also chosen by election. In the former system, non-Muslim members were nominated from among their own religious communities. After the *Vilayet* Law, however, the electors, regardless of their religion, would vote for both Muslim and non-Muslim candidates. Thus, when the election was duly conducted, in some circumstances, Muslims and non-Muslims could have cooperated in the election.⁵⁹

As already mentioned, one of the most important changes in the new provincial system was equality between Muslims and non-Muslims concerning the num-

⁵⁵ Davison, *Reform*, 166–67; Ortaylı, *Mahalli İdareler*, 62, 71. Haim Gerber points out that the members of the Jerusalem *Sancak* council were possibly appointed from above, not by election, while the elections for the municipal council were conducted as important political events in the city. Haim Gerber, *Ottoman Rule in Jerusalem 1890–1908* (Berlin: Klaus Schwartz Verlag, 1985), 131–32, 299–300. Carter Findley also doubts if the 1875 instruction was implemented. Carter V. Findley, “The Evolution of the System of Provincial Administration as Viewed from the Center,” in *Palestine in the Late Ottoman Period: Political, Social and Economic Transformation*, ed. David Kushner (Jerusalem: Yad Izhak Ben-Zvi; Leiden: E. J. Brill, 1986), 12.

⁵⁶ Us, *Meclis-i Mebusan*, 1:72.

⁵⁷ Adolf Heidborn, *Manuel de droit public et administratif de l’Empire ottoman*, 2 vols. (Vienne and Leipzig: C. W. Stern, 1908–12), 1:166.

⁵⁸ Shaw, “Representative Government,” 230; Ortaylı, *Mahalli İdareler*, 62.

⁵⁹ Us, *Meclis-i Mebusan*, 1:86.

ber of elected members in the local councils. Presumably, this reform was enforced smoothly in many places. This is also suggested by the fact that when the number of *kaza* court judges increased to four, this change was also applied to the elected members of the council, in which Muslim and non-Muslim members began to share equal number of seats. During the discussion on the bill for the revised Provincial Law in the parliament in 1877, whereas the non-Muslim deputies argued against the equal quota for the elected members in the local council, it was rather the Muslim deputies who defended it asserting that if the quota system was abandoned, non-Muslim members would not be elected in the regions where the majority population was Muslim.⁶⁰ Thus, although at that moment, it had been only about ten years since the implementation of the *Vilayet* Law, the equality principle between the Muslim and the non-Muslim elected members had been widely accepted and had become an established tradition. The statement of Hacı Hüseyin Efendi, a Muslim representative from the province of Suriye (Damascus) testifies this point. He said, “For a long time (*çoktan beri*), half the members has been Muslim and the other half non-Muslim. No one complained that it should be altered. It must remain as before.”⁶¹

Compared to the problem of non-Muslim elected members, the participation of non-Muslim clergymen appears to have faced hostility as in the period before the *Vilayet* Law. Judging from the provincial yearbooks (*vilayet salnamesi*) of several provinces, non-Muslim clergymen were often absent in the *kaza* councils despite the fact that they were the *ex-officio* members according to the law.⁶² In contrast, although they were *not* among the *ex-officio* members of the provincial councils, after 1875, the names of clergymen began to appear frequently in the yearbooks as council members in the provincial centers. At the same time, the *muftis* began to participate in the provincial councils. In some provinces, the *naqib* was among the *ex-officio* members as had been the case before the provincial reforms. It appears to have been a measure for ensuring the participation of religious leaders from both Muslim and non-Muslim sides. In some cases, the membership of the non-Muslim

⁶⁰ Us, *Meclis-i Mebusan*, 1:83–87, 105–7. Cf. Devereux, *Constitutional Period*, 218–19. In this context, the Muslim deputies were afraid that non-Muslims might gain a majority in the councils in some places, while the non-Muslim deputies opposed the quota system arguing that it was against the principle of equality among all the Ottoman subjects guaranteed by the constitution.

⁶¹ Us, *Meclis-i Mebusan*, 1:87. Hacı Hüseyin was from Beirut. Devereux, *Constitutional Period*, 264.

⁶² There are some exceptions. For example, in the councils of the *kazas* of Develi and İncesu belonging to the Kayseri *sancak*, the names of Christian clergymen were often found after 1878. See Uygur Kocabaşoğlu and Murat Uluğtekin, eds., *Salnamelerde Kayseri: Osmanlı ve Cumhuriyet Döneminin Eski Harfli Yıllıklarında Kayseri* (Kayseri in the Ottoman and early republican yearbooks) (Kayseri: Kayseri Ticaret Odası, 1998), 44, 46, 57, 61 et passim.

clergy became too rigorous. For instance, in the provincial council of Diyarbekir in 1874, the deputy metropolitan of the Rum was accompanied with the Protestant bishop, the Chaldean metropolitan, the Armenian deputy bishop, the deputy bishop of the Armenian Catholic Church, the deputy bishop of the Syrian Catholic Church, and the bishop of the Syrian Church.⁶³ However, in practice, not all of these clergymen were probably present at the council at the same time but only when there were related matters, judging from later provincial yearbooks, which noted “the clerical leaders of existing *millet*s are attending in rotation (*münavebeten*).”⁶⁴ Nonetheless, the participation of the clergy cannot be considered as the broadening of the right of non-Muslims as a whole, since the interest of non-Muslim lay notables often contradicted with that of the clergy.⁶⁵

4. The Provincial Origin of the Ottoman Parliamentary System

As mentioned in the beginning of this chapter, the local council was one of the origins of the Ottoman parliamentary system in that it served as a constituent body for the first parliamentary election. This course of development was already visible before the promulgation of the constitution in 1876.

First, in 1845, an assembly was convened, calling together provincial notables to the capital. At that moment, the Tanzimat reforms initiated since 1839 had come to a deadlock because of the failure of the direct tax collection system and the financial crisis. In the edict issued in the beginning of the year 1261 A.H., Sultan Abdülmecid openly expressed his regret about the difficulty of the reforms and ordered the grand vizier to examine the measures that could bring prosperity to the lands and subjects of his empire.⁶⁶ In response, the Supreme Council of Judicial Ordinances decided to summon two Muslim and two non-Muslim representatives from each *sancak*,⁶⁷ underlining the importance of “acquiring appropriate knowledge about the situations of each region and the conditions for prosperity and tak-

⁶³ Ahmet Zeki İzgöer, ed., *Diyarbakır Salnameleri* (Diyarbakır yearbooks), 5 vols. (Istanbul: Diyarbakır Büyükşehir Belediyesi, 1999), 2:31 (*Salname-i Diyarbekir* sene 1291). See also Ortaylı, *Mahalli İdareler*, 64–65.

⁶⁴ *Diyarbakır Salnameleri*, 4:31 (*Salname-i Diyarbekir* sene 1308 [1890–91]).

⁶⁵ In the parliament in 1877, some Christian deputies opposed the participation of the clergy in the local councils. Us, *Meclis-i Mebusan*, 1:90–92.

⁶⁶ Ahmed Lütüfî, *Ta’rih-i Lütüfî* (Lütüfî’s history), ed. Abdurrahman Şeref (Istanbul: Sabah Matba’ası, 1328), 8:8–9.

⁶⁷ Preceding studies have usually interpreted the number of the representatives from each location as two—one Muslim and one non-Muslim. Notably, Çadırcı, *Anadolu Kentleri*, 199; Halil İnalçık, “The Nature of Traditional Society: Turkey,” in *Political Modernization in Japan and Turkey*, ed. Robert E. Ward and Dankwart A. Rustow (Princeton: Princeton

ing necessary action according to it” (*her bir memleketin ahval ve keyfiyeti ve şart-ı ma'muriyeti layıkıyla bilinmek ve ana göre icra-yı icabatına bakılmak*). Thus, in February 1845, a decree was issued that invited “loyal notables and non-Muslim leaders who are discreet and well informed about the [local] situation, know the love of their homeland, are esteemed and supporting the dominion and the nation” (*dirayetli ve ahvâle vakıf ve hubb-i vatan kaziyyesini ârif mu'teber ve mülk ü milletin gayretini çeker asdika-yı vücuh ve rü'esa-yı re'ayadan*), ordering the governors of provinces and *sancaks* to select and send notables (*vücuh*) and *kocabaşıs*.⁶⁸ The delegates were gathered in Istanbul in April 1845 and attended the Supreme Council to hold a meeting. The assembly was dissolved on 18 May. This assembly of provincial notables in the capital was an epoch-making event in Ottoman history. However, the details such as the names of participants and their places of origin are not known. Perhaps, the regions where the Tanzimat reforms had not been applied at that moment, for example, Bosnia, Trabzon, and the Arab regions, were not covered. While selection of the delegates was entrusted to the local authorities, it is highly probable that they were mostly selected from among the local council members, since it was the local notables elected to the councils who were well acquainted with state affairs as well as local situations. Edouard Engelhardt wrote that the local delegates in Istanbul became very confused and hardly spoke in the assembly.⁶⁹ According to the Ottoman sources, however, they submitted reports (*layihalar*) summarizing the local situations as answers to the government's questions both verbally and in writing.⁷⁰ These reports stated that the most important problems in the localities were public works such as road construction and tax reforms. The government in response declared that it would set up “committees of public works” (*mecalis-i i'mariye*) and send them to the major regions of the

University Press, 1964), 61; Bernard Lewis, *The Emergence of Modern Turkey*, 2nd ed. (London: Oxford University Press, 1968), 112. However, Ottoman documents reveal that in fact two Muslims and two non-Muslims were summoned to Istanbul. See for example, BOA, C.DH, 1527, 18 Ca 1261 (25 May 1845).

⁶⁸ BOA, C.DH 6547, printed version of the decree, 17 S 1261 (15 Feb. 1845); *Takvim-i Vekayi*, no. 282, 20 S 1261 (28 Feb. 1845). See also Lûtfî, *Tarih-i Lûtfî*, 8:14.

⁶⁹ Ed. Engelhardt, *La Turquie et le Tanzimat ou histoire des réformes dans l'Empire ottoman depuis 1826 jusqu'à nos jours*, 2 vols. (Paris: A. Cotillon et Cie, 1882), 1:76. İncalcık, Lewis, and Ortaylı also have a similar view based on Engelhardt's account. İncalcık, “Nature of Traditional Society,” 61; Lewis, *Emergence*, 112–13; Ortaylı, *Mahalli İdareler*, 30.

⁷⁰ *Takvim-i Vekayi*, no. 288, 5 C 1261 (11 June 1845), p. 2; Kaynar, *Mustafa Reşit Paşa*, 635; BOA, İ.MSM 60, 9 Ca 1261 (17 May 1845), lef 4; İstanbul Müftülüğü Şer'i Siciller Arşivi, Bilad-ı Metruke Mahkemeleri, Osmanpazarı Şer'i Sicilleri, 13/7, fol. 46b, a copy of the imperial decree, Gurre Ca 1261 (8 May 1845). See also Takamatsu Yoichi, “Ottoman Income Survey (1840–1846),” in *The Ottoman State and Societies in Change: A Study of the Nineteenth Century Temettuat Registers*, ed. Hayashi Kayoko and Mahir Aydın (London: Kegan Paul, 2004), 22.

Empire to investigate necessary public works. Under these committees re-examination of people's incomes (*temettu'at*) was conducted as a basis for the tax reform.⁷¹

The assembly of local notables in 1845 thus had a great significance in that the local deputies made their voices directly heard by the government and proposed to the state concrete measures to be taken, although it had certain limitations since they were not allowed to discuss the state policy but only to talk of their respective local situations.⁷² However, this kind of experiment was never attempted again.

The next important attempt that paved the way for the parliamentary system through the local councils was the general provincial assembly established as part of the provincial reforms beginning in 1864. The provincial council, before and hereafter, had members principally from the central city of the province, but did not select the representatives of each *sancak* and *kaza* in the entire province. Furthermore, about half of the local council members were officials, while the council was an executive organ as well as a decision-making organ. The general provincial assembly, in contrast, was composed of representatives elected in each *sancak* and discussed the problems in the whole province and requests from the inhabitants.

The provincial assembly was held once a year in a session of forty days or less. The provincial governor was made the chairman and he named one official as the vice-chairman. The members comprised the representatives of each *sancak*—two Muslims and two non-Muslims from each *sancak*. The election was held a month before the assembly in each *sancak*, in which the electors representing each *kaza*—four members chosen from each *kaza* council—would vote.⁷³ At the election, elected members would receive petitions from the electors, concerning the problems of each *kaza* such as roads, bridges, agriculture, commerce, and others and submit them to the provincial governor. According to the laws, the provincial assembly would deal with the matters concerning public works such as building and maintenance of roads and bridges, promotion of agriculture and commerce, adjustment of the tax burden, spread of education, restoration and administration of hospitals and orphanages, and others. Nevertheless, the provincial assembly was given only the function of a consultative body. The law specified that the assembly could only express its opinion (*beyan-ı re'y*) and that the decision of whether or not to enforce

⁷¹ Lûtfî, *Tarih-i Lûtfî*, 8:15–16; Kaynar, *Mustafa Reşit Paşa*, 633–37; Çadırcı, *Anadolu Kentleri*, 199–202; Takamatsu, “Ottoman Income Survey,” 21–23; Said Öztürk, “Temettuat Tahrirleri” (The income surveys), *Akademik Araştırmalar Dergisi* 4:5 (2000): 55–56.

⁷² Cf. Lûtfî, *Tarih-i Lûtfî*, 8:16.

⁷³ In both the Tuna Province Law and the *Vilayet* Law, the article prescribing the composition of assembly (art. 27 and 25, respectively) specified that two Muslim and two non-Muslim deputies should be chosen from each *sancak*. However, in the article concerning the election procedure (art. 82 and 78, respectively), the electors from the adjacent *kazas* were to choose *three* deputies for each *sancak*.

it was taken by the government. The assembly had to submit its resolutions to the central government through the provincial governor for approval. Since it did not have a legislative authority over the budget, the assembly often had to raise funds from the wealthy people even when their decision about building of roads or hospitals was approved. According to Yonca Köksal's study, the assembly of the Edirne province had become an important forum for fund-raising campaigns. On the contrary, in Ankara, the local notables were not very interested in providing funds for public works and thus the assembly rejected many project proposals.⁷⁴ For the provincial assemblies in the other parts of the empire, we have to wait for new studies. The actual power of the provincial assembly was still limited considering the absence of authority to deliberate the budget or enact regulations. Nevertheless, the local notables were able to acquire political experience by participating in the assembly, where they discussed matters concerning the regional problems and needs in a capacity of representatives of their own home regions.⁷⁵

The last important link between the local councils and the Ottoman parliament is the State Council (*Şura-yı Devlet*) set up in April 1868.⁷⁶ It was created as a result of the reorganization of the Supreme Council, by which it took over the latter's legislative and administrative functions (the judicial function was given to the Council of Judicial Ordinances [*Divan-ı Ahkâm-ı Adliye*]). The State Council comprised 50 members or less, about a third of which were non-Muslims. It also included representatives of the provinces, who were chosen from the list prepared in each province. Among the first members there were, along with the high-ranking officials and the notables of Istanbul, more than ten people who seem to have been local representatives, such as a member of the *ulema* from Baghdad, a notable from Travnik, and a Christian from Janina.⁷⁷ They most probably had administrative and political experience in the local councils at home. As a legislative council including both Muslim and non-Muslim local representatives, the State Council is often deemed as a precursor of the parliament.⁷⁸ It would also discuss the matters sent by the provincial assemblies and for that purpose it could summon three or four mem-

⁷⁴ Yonca Köksal, "Imperial Center and Local Groups: Tanzimat Reforms in the Provinces of Edirne and Ankara," *New Perspectives on Turkey* 27 (2002): 118–22.

⁷⁵ Ortaylı argues that the Ottoman parliament was indeed an extension of the provincial assembly; hence, it had many limitations. Ortaylı, *Mahalli İdareler*, 30.

⁷⁶ For details on the State Council, see Stanford J. Shaw, "The Central Legislative Councils in the Nineteenth Century Ottoman Reform Movement before 1876," *International Journal of Middle East Studies* 1 (1970): 76–84; Davison, *Reform*, 241–42; idem, "Principle of Representation," 104–5.

⁷⁷ [Ahmed Lûtfî], *Vak'a-nüvis Ahmed Lûtfî Efendi Tarihi* (The official historian Ahmed Lûtfî Efendi's history), ed. M. Münir Aktepe, vol. 12 (Ankara: Türk Tarih Kurumu, 1989), 9.

⁷⁸ Shaw, "Central Legislative Councils," 76. See also Davison, "Principle of Representation," 105.

bers from each assembly. Here, we can also see the local councils making their way toward the center.

Concluding Remarks

This chapter examined the development of the local councils during the Tanzimat period, focusing on the membership and the election system in search of the continuity with the parliamentary system. Now, it has become evident that at the time of the inception of the first Ottoman parliament, the base of the parliamentary government had been prepared in the provinces. When viewed from the standpoint of local autonomy, however, the powers of the Ottoman local council were very limited. More than half of the council members were local officials, including the higher-ranking officials appointed by the center, such as governors and financial directors (after the 1860s, *kaza* administrators were also increasingly being appointed by the central government). The election of the local representatives was, even if it was duly held, an indirect election and the final selection was made by the local governors. Thus, it can be said that the state bureaucracy dominated the Ottoman local administration, to which only a handful of the local notables were allowed access. However, this did not immediately lead to the establishment of the centralized regime and the incorporation of the local notables into the state apparatus. Rather, scholars have argued that the local councils were dominated by the notables, against whom the local officials were powerless and had to compromise and that the notables hindered the progress of all the reform programs initiated by the center.⁷⁹ Thus, in their view, the local councils did not buttress the centralized regime but guaranteed and strengthened the domination of the local notables who were antagonistic toward it. However, this kind of view, which emphasizes the conflict between “the progressive center” and “the conservative locals,” has been recently revised. Recent studies argue that the Tanzimat reforms have to be understood as a process of negotiation between the center and the provinces and that the local notables did not always reject the reform entirely. The local councils embody the initiative from below and the adaptation of the local societies.⁸⁰ It has also been said that the participation of non-Muslims in the local councils was either interrupted by the local notables or a mere formality if they were present.⁸¹ However, detailed case studies

⁷⁹ See for example, Albert Hourani, “Ottoman Reforms and the Politics of Notables,” in *Beginnings of Modernization in the Middle East* (see note 2), 62–63; Ma’oz, *Ottoman Reform in Syria and Palestine*, 93–107; İnalçık, “Tanzimat’ın Uygulanması,” 635; Ortaylı, *Mahalli İdareler*, 26–28.

⁸⁰ Thompson, “Ottoman Political Reform”; Doumani, *Rediscovering Palestine*; Köksal, “Imperial Center and Local Groups.”

⁸¹ This kind of view seems to have its origins in contemporary European consulate reports. See Destani, *Ethnic Minorities*, 1:43, 49, 59, 70, 82.

show that the non-Muslims also actively engaged in local politics, as seen in the petitions jointly prepared by Muslims and non-Muslims.⁸² The Ottoman experience in the local councils shows that the nineteenth-century Ottoman reform was not merely “a reform from above,” but that initiatives “from below,” that is, the initiatives from the local societies, were also indispensable elements. The Ottoman parliamentary system was no exception for this orientation.

The local councils during the late Ottoman period constitute a significant tradition, which laid the foundation not only for the Ottoman parliamentary system but also for the parliamentary government and politics in the post-Ottoman successor states in the Middle East and the Balkans. Conducting studies on the local councils is particularly difficult since very few records of the councils are known to have remained until today.⁸³ Further understanding of the councils may be possible through examination of petitions and other documents preserved in the archives in Istanbul.

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- A.MKT.MVL Sadaret Mektubû Kalemî Meclis-i Vala
- A.MKT.NZD Sadaret Mektubû Kalemî Nezaret ve Devair
- Bab-ı Asaflı Defterleri, Nizamât Defterleri
- BEO AYN.d. Bab-ı Âli Evrak Odası, Ayniyat Defterleri
- C.ADL Cevdet Adliye
- C.DH Cevdet Dahiliye
- İ.DH İrade Dahiliye
- İ.MSM İrade Mesail-i Mühimme
- İ.MVL İrade Meclis-i Vala
- MAD Maliyeden Müdevver Defterler
- MVL Meclis-i Vala Evrakı

İstanbul Müftülüğü Şer’i Siciller Arşivi, Istanbul

- Bilâd-ı Metruke Mahkemeleri, Osmanpazarı Şer’i Sicilleri

⁸² Köksal, “Imperial Center and Local Groups,” 115; idem, “Reform in the Province of Edirne,” 187.

⁸³ At present, registers of the local councils are known to have survived in Damascus (for the years 1844–45), Nablus (for the years 1848–53), and Jerusalem (for the years 1906–12). Besides, there exist registers of municipal councils of Jerusalem and Skopje.

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