

## FROM THE OTTOMAN EXPERIMENT IN LOCAL GOVERNMENT TO THE FIRST CONSTITUTIONAL PARLIAMENT OF 1876-77

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It would be an exaggeration to speak of a rich tradition of local government, reaching deep down into the past, in Turkish history. The ability of urban or rural communities to undertake autonomous action and to set up their own organs of government was a relatively recent phenomenon in the Ottoman Empire, as indeed in many other countries (with the very limited exception of certain parts of medieval Europe). Nevertheless, some authors have made much of, for example, the say that craft guilds had in urban administration, or the fact the city of Ankara was run by the Akhis until the 15th century — to the point of arguing that religious orders like the Akhis represented a certain tradition of local government. It is difficult to regard such claims as resting on careful study of the available documentation, which reveal no evidence of any institutionalization nor hence of any continuity in local government. It is not on craft guilds or religious orders but on economic and financial autonomy that local government should be based, and it should be capable of sustaining itself by incorporating local residents as citizens into that institutional framework. But such processes were very late in setting in under Ottoman administration.<sup>1</sup>

Pretty much the same holds true for the non-Muslim millets, it is worth noting, for Ottoman society incorporated a number of self-enclosed religious communities that were saddled with certain legal, financial and administrative responsibilities, and which organized among themselves to

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<sup>1</sup> İlber Ortaylı, *Tanzimattan Cumhuriyete Yerel Yönetim Geleneği*, İstanbul, 1985, pp. 15-18.

take care of education or social welfare. Consequently, this millet system, too, has been regarded as constitutive of a certain tradition of local government, with much attention centering on the autonomy of the Greek or the Armenian patriarchate. On balance, however, the millet system represented no more than an organizational model based on the compartmentalization engendered through the overwhelmingly religious definition of social identity, while local government is a society of free citizens in embryonic form and hence also the beginning of the transition out of *communitas*. Yet in the Ottoman Empire, no Christian ethnicity or region coming under the jurisdiction of the Greek Orthodox patriarchate enjoyed any financial-administrative nor for that matter any cultural autonomy, for from the Christians of the Arab provinces to the Serbian, Bulgarian and Albanian Orthodox Christians of the Balkans, the patriarchate itself was the only Christian community that was recognized as a community and accorded autonomy. Subordinate groups or communal units did not possess any secular organizations other than the patriarchate; the Eastern church, moreover, did not leave any scope for the parish or *Pfarrtum* to exist as a lower unit of organization.

It was only the administrative reforms of the Tanzimat era, therefore, that prepared the ground for the emergence of local government in territories held by the Ottoman Empire. The top bureaucrats of this period did not appear to be interested in fostering political democracy or in institutionalizing mechanisms of popular participation; they were, instead, only concerned about creating an administrative structure and environment that would be based on legality, function well, and induce economic prosperity and development as we have noted elsewhere.<sup>2</sup> And to that end they took as their model not British parliamentarianism or French republicanism, but probably a more authoritarian system of successful administration, such as that represented by Metternichian Austria.

It is safe to say, hence, that it was only in context of efforts at financial reform that the central bureaucracy embarked upon its first experiments in local government. Thus, when Istanbul tried to abolish the *iltizam* system of tax-farming, this initially led them into an attempt to have taxes collected not by the *mültezims*, who were a kind of contractor, but the officials in each *sancak*, who would be helped in this regard by the local people. A decree ordered so-called councils of *muhassils* (or collection councils) to be set up, composed of an appointed *muhassil* (tax-collector) and his deputies as well as the local judge, *müftü*, top military commander and religious leaders plus six local notables elected by the said notables

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<sup>2</sup>İlber Ortaylı, "Tanzimat Bürokratları ve Metternich," A.Ü. Siyasal Bilgiler Fakültesi Dergisi: Fehmi Yavuz'a Armağan, Ankara, 1983, pp. 361-367.

themselves from among their own ranks. Their method of election was described in the following way in the first paragraph of the regulations drawn up by the *Meclis-i Ahkâm-ı Adliyye*, the Legal Decisions and Appeals Council, concerning the formation of the collection councils: Candidates would first register at the court, and then stand forth before the gathered electors, who would step to one side or the other depending on whether they were for or against the candidate in question. Candidates who got a majority of the votes would be considered elected, while lots would be drawn among those for whom yeas and nays were split equally. This procedure was clearly not very conducive to ensuring the participation of a broad stratum even in principle,<sup>3</sup> but neither was it implemented properly and everywhere. Those who ended up on the collection councils, contemporary observers noted, were either those appointed by the top local administrator, or those selected by non-Muslim clerics from among their respective congregations, or else local notables who had successfully carried the favor of high officials.<sup>4</sup>

Centralization was the fundamental aspect of the Tanzimat in administration, determined not only by the world-view, objectives and achievements of the bureaucracy but also by technological progress. New centers of urban growth and the changing spatial hierarchy around them, the eclipse of certain provincial seats and the resurgence of others, necessitated modifying the Empire's provincial divisions accordingly.

Furthermore, since Russia and Austria demanded a decentralized status of autonomy for national minorities and subject peoples or regions in the Balkans, the Tanzimat elite reacted to this threat by imposing a centralized model of provincial administration and it was in this concrete context that our tradition of local government came into being, under the pressure of a sudden international crisis over Lebanon. This whole area (except for Beirut) had been accorded an autonomous status, on the basis of congregational representation. But this new status (though the *Cebel-i Lübnan Nizamnamesi* of 9 June 1861), which was intensely disliked by the Porte since it tended to transform the Empire into a mosaic of autonomous provinces. Ahmet Cevdet Pasha, whose approach to law and administration was one of enlightened despotism, Fuat Pasha and the liberal-minded Midhat Pasha then set about drafting new statutes for the provinces, and the system of provincial organization, revolving around the *sancak* or *liva* as the basic unit, that was subsequently set up through the Regulations of 7 November 1864, embodied an attitude of "taking the different characteristics of each

<sup>3</sup>T.C., *Başvekelet Arşivi* (hereafter B.A.), *Cevdet - Dahiliye*, Nr: 16602, 23 Safer 1256 (26 April 1840) same found Nr 3269, 17 Safer 1256 (20 April 1840) A. Vefik, *Tekâlif Kavaidi*, Vol. II, pp. 30-31.

<sup>4</sup>Halil İnalcık, "Tanzimatın Uygulanması," *Belleten*, Vol. 112, Ankara, *Türk Tarih Kurumu*, 1964, p. 633.

province into account," in the words of Ahmet Cevdet Pasha. Hence, too, these Regulations were first put into effect in the Province of the Danube (where Midhat Pasha was governor) as well as in Aleppo, Edirne, North African Tripoli and Bosnia, with encouraging results. The explanation Ahmet Cevdet Pasha provided for making elected bodies of local representatives part and parcel of provincial administration echoed Paragraph 14 of the Reform (Islahat) Edict of 1856 as drafted by Ali Pasha: "Implementing the basic rule about ensuring popular participation in governing the country is designed to relieve the absolutist tendencies of the current practice of centralism."<sup>5</sup> But did they truly and genuinely mean this, one might well wonder. It could have been due in part to a desire to temporize in the face of external pressure, combined with the fundamental determination to achieve administrative rationalization. The regulations of 1864 ostensibly imitated the French system of *départements* while actually going much further along the road to centralization, with the opposite alternative rendered virtually unthinkable by the reformers' prevailing outlook. All in all, between Ali Pasha's centralist inclinations and Cevdet Pasha's cautious conservatism, there was hardly any scope for greater autonomy in provincial administration.

There were, however, some practical problems which transcended such principles or ideological preferences, in that the leading core of the Tanzimat had suffered from a shortage of trained personnel from the very beginning: there simply were not enough administrative, legal and financial cadres to carry through the necessary reforms in central and provincial administration; long after the Tanzimat had been promulgated indeed, provincial governors lacked the staff to handle even routine work. That was why the later *Islahat* generation, too, could not radically reorganize the entire system on the lines of hundred percent centralization, and had to have recourse, *volens nolens*, to more classical methods as well as to local notables in their provincial rearrangements. (All was not well, however, for relations between the members of various congregations were already deteriorating, with the various Christian *millet*s vying for priority with one another, while the Muslim members of the local councils were behaving in an insulting and overbearing manner toward their non-Muslim counterparts — as the Greek patriarch was quick to lodge a complaint about.)<sup>6</sup>

Nevertheless, the practical requirements in question led to some partial and hesitant moves towards complementing an essentially centralized framework with a limited degree of local government, which however was to

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<sup>5</sup>G.C. Scalieri, *La Decentralisation et la reforme administrative en Turquie*, Constantinople, 1911, p. 121.

<sup>6</sup>B.A., *Irade Meclis-i Valâ* 19 ZA 1256/14 Jan. 1841, Nr: 226; Ortaylı, *Tanzimattan Sonra Mahalli İdareler*, p. 25.

prove quite inadequate when it came to undertaking the transition to a modern municipal system. Underneath it all, perhaps, was a different historical tradition from that of Western Europe in the Middle Ages, where some towns, at least, gradually acquired political autonomy from loci of feudal power that were essentially concentrated in the rural areas. In the Near East, in contrast, terms like *belediye* or *şehrdari* were not really equivalent to commune, *Rat* or *Gemeinde*. The Near East was where a civilization of towns and cities first arose, but this also meant that states and their ruling elites were always concentrated in, and had a tight grip on, those same cities,<sup>7</sup> so that it would be a mistake to regard the brilliant examples of urban administration provided by the history of this regions as making up a communal tradition of local government. (This was also the case, of course, not only outside Europe but in large areas of Central and Eastern Europe.)

In the 19th century, on the other hand, Ottoman cities in general, and particularly those ports and coastal towns that served as the hub of developing relations with the outside world, were undergoing major structural transformations, and it was this chain of country-wide economic, social and administrative change that also built up procedure for reforming traditional urban administration and municipal organization: It was no longer possible for the port cities of the Eastern Mediterranean to cope with the requirements of the vortex of European trade that they were increasingly drawn into without creating a whole new network of infrastructure and services comprising, for example, adequate lodgings as well as harbor and quarantine facilities for commercial navigation, plus public health facilities and more orderly urban transport. For Europeans, Oriental ports were no longer so exotically distant and inaccessible, but a vital area of economic activity and income, which was why they needed to develop new municipalities capable of providing the requisite urban services. Thus, it was at the time of the negotiations over the Aydın railroad concessions that British merchants initiated the eventually successful attempt to set up a municipality in İzmir.<sup>8</sup> Without going into its details, let me only note that in İstanbul, too, the first municipal organization set up through government initiative coincided with the Crimean War, and that the European-style Sixth Municipal District (*Daire-i Belediyye*) that came into being in Pera (Beyoğlu) was also an embodiment of the objectives of urban sanitation and prosperity necessitated by the advent of urbanization.

<sup>7</sup>As noted by Fuat Köprülü in his "Ortazaman Türk İslâm Feodalizmi," *Belleten*, Vol. 19, Ankara, 1941, pp. 319-34. He refers to a number of earlier authors.

<sup>8</sup>Orhan Kurmuş, "The Role of British Capital in the Economic Development of Western Anatolia, (unpublished Ph. D. dissertation, 1974), p. 88.

This, then, is the basic context for assessing the rise and enracination of Ottoman municipalities, which represented neither urban self-government nor an autonomous corporate identity (*personne morale*). Instead, the municipality (*belediye*) simply meant the sum total of urban tasks and services: it was on more than an organ saddled with responsibility for the physical upkeep of the city, its lighting and its sanitation. That was the way the enlightened bureaucrats of the Late Empire conceived of municipal organization —as a mere instrument of infrastructural development— and it was as an extension of the central administration that they were also taken over by the Republic, so that it has taken more than a century to go beyond that original conception, with many politicians still unclear about what a municipality is or should be after nearly fifty years of pluralism. But the real tragic insolubility, of course, derives from the attitude of citizens themselves to municipal life.

Even a partial screening of the period's press, for example, suffices to reveal the sort of public opinion that had already sprung up in the second half of the 19th century around municipalities —an atmosphere that was not marked, unfortunately, by any great degree of democratic maturity, nor by any propensity to assume responsibility for popular participation and control. As in all authoritarian societies, citizens have kept demanding urban services from the municipality while showing absolutely no organizational initiative or activity of their own. The other side of the coin was, and has been, that the municipality is the only organ people are willing and not afraid to criticize, even to abuse, at every opportunity. If people are discontented with their material or cultural environment, it is at the door or the mayor's office that they lay their bill — this is another byproduct of authoritarianism. It is as if Ottoman municipalities were set up solely for the purpose of providing slim urban services and then getting blamed for everything under the sky.<sup>9</sup>

Despite all such drawbacks, however, experiment in local government initiated by the Tanzimat era may be said to have played a very important role, eventually in the formation of the first Ottoman parliament. At the very least, it was in the Provincial Administrative Councils (*Vilâyet İdare Meclisleri*) and Municipal Councils that the deputies who converged on İstanbul from all corners of the Empire on 19 March 1877 had acquired whatever example, it was rather in the grand manner of a provincial government presiding over such local councils that Ahmet Vefik Pasha chaired the sessions of the first parliament. That body itself, moreover, appeared at first sight to be more ethnically colored than social class-based, and neither did it have any organic connections with a whole constellation of non-parliamentary institutions or mass organizations, as a result of which its debates and deliberations were often left hanging in the air, or tended to

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<sup>9</sup>See for example: *Sabah*, 22 Muharrem 1307 and 28 Muharrem 1308.

revolve not around national but mostly local demands and issues. Although the narrowest kind of parochialism was eventually superseded as the more learned and enlightened deputies from the richest and most populous provinces in particular came to take stock of broader social realities, such progress was both gradual and partial, and on balance the Ottoman parliament was not on a par with other, contemporary multinational empires, including the 1905 Duma in Tsarist Russia, from the point of view of struggles waged to realize organized class interests or over problems of an ethnic or national nature. It is not correct to speak of the Ottoman parliament as having witnessed dangerous nationalist rivalries; there is no strong evidence for this claim, while there are a good many more examples of a common Ottoman patriotism rising to the fore. But equally it would be wrong to say that at least with regard to its creation, composition and procedures, this first Ottoman constitutional assembly was a purely artificial and rootless institution: Granted that it was a national assembly brought forth by a non-industrialized country exhibiting a low degree of social integration, it still had behind it some thirty years' familiarity with representative politics and debate at the local level — which was probably why it was able, in its very first act of legislation, to produce as technically perfect a text as the Law of Provinces and the Municipality of İstanbul (*Vilâyetler ve İstanbul Belediye Kanunu*) after deliberation that also set relatively high standards of learning, maturity and poise.

The deputies to the Assembly of 1877, indeed, had acquired their mandate not through general elections held for the purpose, but by first being confirmed as elected members of provincial councils and then being also accorded parliamentary status. Thus, on the negative side, "governors conferred the title of Member of Parliament on their own men, on the civil servants and *aşar* tax-farmers under their wing," comments Engelhardt.<sup>10</sup> Nevertheless, they knew about things like speaking in turn, voting and making points of order — and they even considered themselves superior to MPs from İstanbul in this regard. Deputies like Salim Efendi (Kastamonu), Nufel Efendi (Syria) and Rasim Bey (Edirne) shone brilliantly in parliamentary debate. "We are from the provinces, we have been voting since the beginning of the Tanzimat. İstanbul, however, has encountered elections only this year," boasted the latter.<sup>11</sup> And the insistence of the Ottoman parliament on confining electoral rights to the propertied classes in proportion to the amount of taxes paid also reflected what such notables had long been accustomed to in the provinces.

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<sup>10</sup>Engelhardt, *Türkiye ve Tanzimat*, trans. by Ali Reşad, İstanbul, 1328, pp. 354-55.

<sup>11</sup>Hakkı Tarık Us, *Meclis-i Mebusan Zabıt Ceridesi*, 17 April 1877, pp. 84-85.

They were not entirely alone, though, for the top echelon of imperial bureaucrats had also acquired a certain experience in debate and negotiation at central bodies like the Tanzimat Council, which was why the Senate (*Âyân Meclisi*) was able to claim a certain maturity of its own. But unfortunately, only an incomplete edition of the minutes of the first Ottoman parliament is available (which we owe to the efforts of H. Tarık Us), and we are still in the dark concerning the activities of the provincial councils as well as their members' biographies. It is only through the further development of late Ottoman historiography that such gaps in our knowledge can be disposed of.