

**CLASHES OF IMPERIAL AUTHORITY: COMMERCIAL TRIBUNALS IN THE  
OTTOMAN PROVINCES AND ISTANBUL, 1847-1880**

by

**Ahmet Izmirlioglu**

BA, Economics, Duquesne University, 1995

MBA, Duquesne University, 1996

BS, Mathematics, University of Pittsburgh, 2005

MS, Mathematics, University of Pittsburgh, 2009

MA, History, University of Pittsburgh, 2011

Submitted to the Graduate Faculty of the  
Kenneth P. Dietrich School of Arts and Sciences in partial fulfillment of  
the requirements for the degree of  
Doctor of Philosophy

University of Pittsburgh

2015

UNIVERSITY OF PITTSBURGH  
DIETRICH SCHOOL OF ARTS AND SCIENCES

This dissertation was presented

by

Ahmet Izmirlioglu

It was defended on

April 8, 2015

and approved by

Louise Comfort, Professor, Graduate School of Public and International Administration

William Chase, Professor, Department of History

Seymour Drescher, Distinguished University Professor, Department of History

Dissertation Director: Patrick Manning, Andrew W. Mellon Professor of World History,

Department of History

Copyright © by Ahmet Izmirlioglu

2015

# **CLASHES OF IMPERIAL AUTHORITY: COMMERCIAL TRIBUNALS IN THE OTTOMAN PROVINCES AND ISTANBUL, 1847-1880**

Ahmet Izmirlioglu, PhD

University of Pittsburgh, 2015

The impact of the Ottoman Commercial Tribunals on the Tanzimat remains an enigma for historians. This branch of the Ottoman legal system uniquely accepted European merchants as judges, and existed throughout the Ottoman Empire for several decades as an institution of the Tanzimat reforms.

This dissertation contains a thorough account of the form and function of these tribunals during the Tanzimat reforms (c. 1839-1880). The imperial interactions in these tribunals provide novel analytical opportunities to clarify the nature of Ottoman resistance against European incursions. Similarly, the research investigates the sources of the discordant interactions in these tribunals that justified counterproductive imperial policies at every level of diplomacy and governance. Along these lines, this research augments the current understanding of Tanzimat in Ottoman history by presenting a previously unavailable perspective of provincial imperial interactions. Simultaneously, the intermutual analysis of local and global imperial interactions in the Ottoman Empire advances efforts in world history to explain the role of local imperial interactions in shaping the dynamics of global change in the nineteenth century.

Beside textual modes, the analysis subjected Ottoman and British archival evidence to quantitative methods, such as correspondence analysis, to identify variances in the outcomes of cases for different nationalities and locales, and to identify brokerage opportunities available to historical actors. These progressive analytical approaches demanded a methodological

commitment to the treatment of interactions among individuals and groups as network interactions.

The analysis yielded several results. At the local level, commercial tribunals created previously unavailable brokerage opportunities for European and Ottoman actors by diluting the legal authority of the Ottoman center. At the imperial level, the frictions and clashes of authority in the commercial tribunals dealt a significant blow to the Tanzimat reforms by sowing discord between the Ottoman reformers and their European allies, by magnifying the uncertainties perceived by the public, and by causing bottlenecks in the Ottoman bureaucratic system. The analysis also uncovers aggressive British and Ottoman strategies that distinguished Anglo-Ottoman interactions from Franco-Ottoman interactions, especially during the second half of the Tanzimat.

## TABLE OF CONTENTS

<b>1.0</b>	<b>TOO BIG TO FAIL, TOO DIVERSE TO BAIL .....</b>	<b>1</b>
<b>1.1</b>	<b>WHY TANZIMAT? .....</b>	<b>1</b>
<b>1.2</b>	<b>WHAT WENT WRONG WITH TANZIMAT? .....</b>	<b>3</b>
<b>1.3</b>	<b>WHY THE OTTOMAN COMMERCIAL TRIBUNALS? .....</b>	<b>10</b>
<b>1.4</b>	<b>THE ARGUMENT .....</b>	<b>14</b>
<b>1.5</b>	<b>A BRIEF HISTORIOGRAPHY OF THE TANZIMAT .....</b>	<b>19</b>
<b>2.0</b>	<b>OTTOMAN LEGAL SYSTEM AND THE KÂDÎ.....</b>	<b>30</b>
<b>2.1</b>	<b>THE TIMAR SYSTEM AND THE KÂDÎ .....</b>	<b>34</b>
<b>2.2</b>	<b>SOCIAL ROLE AND IMPACT OF THE KÂDÎ .....</b>	<b>39</b>
<b>2.3</b>	<b>TIMAR TO İLTİZAM.....</b>	<b>42</b>
<b>2.4</b>	<b>SHIFTING AUTHORITY AND THE AYAN .....</b>	<b>45</b>
<b>3.0</b>	<b>BUREAUCRATIC ELITES OF ISTANBUL DURING TANZIMAT .....</b>	<b>56</b>
<b>3.1</b>	<b>THE ORIGINS OF THE TANZIMAT.....</b>	<b>59</b>
<b>3.2</b>	<b>SOCIAL CHANGES IN ISTANBUL, 1855-1865 .....</b>	<b>74</b>
<b>3.3</b>	<b>INCREASING TURBULENCE 1865-1876.....</b>	<b>79</b>
<b>3.4</b>	<b>TANZIMAT’S END IN ISTANBUL .....</b>	<b>90</b>
<b>4.0</b>	<b>TANZIMAT-ERA COMMERCIAL TRIBUNALS: INSTITUTIONS, DATA AND METHODOLOGY .....</b>	<b>94</b>

4.1	HISTORY AND PROCEDURES.....	95
4.2	INFORMATION FLOW AND MORE PROCEDURES.....	103
4.3	DATA: PRIMARY AND SECONDARY SOURCES .....	106
4.4	SOURCES OF CONFUSION IN THE SOURCES .....	108
4.5	METHODOLOGY: QUALITATIVE ANALYSIS .....	111
4.6	METHODOLOGY: QUANTITATIVE ANALYSIS .....	115
5.0	A TEXTUAL ANALYSIS OF IMPERIAL INTERACTIONS DURING TANZIMAT.....	119
5.1	BRITISH MISCONCEPTIONS?.....	119
5.2	TWO BRITISH CONSULAR REPORTS.....	121
5.3	AN ANALYSIS OF THE BRITISH PERCEPTIONS .....	125
5.4	REASSESSMENT: CONTESTED SPACES OF AUTHORITY.....	128
5.5	NATURE AND SCOPE OF RURAL CLASHES.....	132
5.6	EARLY CONTESTS (1847-1856) .....	133
5.7	LOCAL IMPERIAL INTERACTIONS UNTIL 1856.....	137
5.8	UNRELIABILITY OF THE OTTOMAN CENTER.....	145
5.9	IMPERIAL AVENUES AND LOCAL SOLUTIONS (1856-1876).....	150
5.10	IMPERIAL ACTION AND INACTION AS LOCAL STRATEGIES.....	155
5.11	DIGGING IN AND MOVING OUT .....	160
5.12	DIGGING IN.....	163
5.13	FULL DIVERGENCE.....	170
6.0	CORRESPONDENCE ANALYSIS USING THE COMMERCIAL TRIBUNAL CASES.....	173

6.1	INTERROGATING ARCHIVAL DATA .....	173
6.2	DATA AND APPLICATION .....	174
6.3	RESULTS .....	175
6.4	A NETWORK MODEL FOR EXTENDING THE ANALYSIS.....	187
7.0	TRUST AND THE LIMITS OF FLEXIBILITY .....	190
	APPENDIX A. SOME NOTES ON CORRESPONDENCE ANALYSIS .....	196
	APPENDIX B. LIST OF COMMERCIAL TRIBUNAL CASES .....	199
	BIBLIOGRAPHY .....	202



## **LIST OF TABLES**

6.1 Merchant experiences in the Tanzimat-era Ottoman Commercial Tribunals.....	177
6.2 Bureaucratic interactions in the Tanzimat-era Ottoman Commercial Tribunals. ....	178
6.3 Experiences of British merchants in the Tanzimat-era Ottoman Commercial Tribunals....	183
6.4 Bureaucratic activities within the Tanzimat-era Ottoman Commercial Tribunals (British cases).....	184
B.1 The list of commercial tribunal cases used in the correspondence analysis. ....	200
B.2 The list of commercial tribunal cases used in the correspondence analysis (continued)....	201

## LIST OF FIGURES

3.1 As a result of the Tanzimat reforms the autocratic rule of the Sultan is replaced by a more autonomous bureaucracy under a powerful <i>Sadrizam</i> .....	61
3.2 Ottoman Structural Experiments (Consultative).....	62
6.1 The CA projects 93.6% of the variance between the row (black) and column (red) variables into two dimensions .....	177
6.2 The CA projects 86.2% of the variance among the row and column variables onto two dimensions .....	178
6.3 98.2% of the variance is projected onto dimension 1 (the data is sparse and variance is unusually concentrated in dimension 1, yet interpretable variance exists). .....	183
6.4 Dimensions 1 and 2 account for 100% of the variation in the data .....	184

## **1.0 TOO BIG TO FAIL, TOO DIVERSE TO BAIL**

### **1.1 WHY TANZIMAT?**

1839 marked the beginning of the Tanzimat reforms in the Ottoman Empire; the period spanning through the 1870s in which the Ottomans made the riskiest social and economic bets in their history.<sup>1</sup> The Ottomans launched these reforms against a thirty year backdrop of unprecedented crises and losses. Beginning in 1807, the Ottomans suffered: a military coup and subsequent executions of two Sultans; various economic and diplomatic concessions to European powers at gunpoint; numerous defeats in two disastrous conflicts against their mortal Russian enemy; the humiliating destruction of their navy by a joint European force; the acrimonious and bloody independence of Greece; two fratricidal slaughters of their elite military units that debilitated their fighting capabilities; and two lethally cancerous insurrections by their prized Egyptian province that metastasized into the Anatolian heartland to threaten the imperial capital.<sup>2</sup>

---

<sup>1</sup>Tanzimat (or Tanzimât) refers to both a series of Ottoman reforms and the era defined by them. In 1839 the Ottoman government declared its intention to modernize both its bureaucracy and society. The bureaucratic portion of the reforms aimed to exert greater control over the imperial provinces through recentralization, and their implementation created much unrest in the Ottoman provinces. The radical social dimensions of the reforms also received resistance from conservative circles throughout the Tanzimât era. The dissolution of the millet system (a pluralist social and legal hierarchy based on religious communities, which the Ottomans imposed on their population from the early periods of the empire,) and the creation of a secular legal branch (Nizamiye Courts) that operated alongside the Islamic legal establishment are two examples of Tanzimat's radical nature. See, Şükrü Hanioğlu, *A Brief History of the Late Ottoman Empire*, (Princeton: Princeton University Press, 2008), 72-108.

<sup>2</sup>Stanford Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 2, (Cambridge: Cambridge University Press, 1977), 1-35.

Adding an agonizing insult to injury, the Ottomans managed to survive the first Egyptian insurrection only through the costly diplomatic assistance of the Russian Empire.<sup>3</sup> The Ottomans had surely grasped the magnitude of their failures even before finding themselves in need of British and French military assistance to thwart the second rebellion in Egypt; an Ottoman province had far surpassed its rulers in modernizing along European military and administrative lines. Flailing in the throes of these crises, the Ottomans failed to capitalize on opportunities to modernize long before the inevitability of the British fueled reforms of 1839.<sup>4</sup>

Such observations have allowed nineteenth and early twentieth century historians to straightjacket the dynamics within the Ottoman Empire into a decline thesis. This oversimplification both robbed the Ottomans of their agency, and brushed with broad strokes over the structures and relations that shaped historical phenomena. But, these narratives are merely the echoes of a bane that continuously thwarted Ottomans from capitalizing on the reforms they paid for so dearly in the nineteenth century. Skewed European opinions of Ottoman administration and society in this period resembled little more than a Juvenalian satire—as parasitic overlords of Christian subjects, the shamelessly presumptuous Ottomans supposedly purveyed savage injustice through an incompetently mismanaged administrative and judicial monument to inefficiency.

Accordingly, unshakeable convictions of irredeemable Ottoman corruption and ineptitude led Europeans to insistently dictate the expected course of the Ottoman reforms, with regard for neither the merits of the Ottoman system, nor the ability of Ottoman society to absorb the

---

<sup>3</sup>The Russians surely intended to pick the bones of the Ottoman Empire in crisis. Yet, under British and French pressure to preserve the concert of Europe, the Russians instead settled for extracting severe economic and strategic concessions from the Ottomans in the Treaty of Hünkâr İskelesi (1833). In return, the Russians promised to protect the Ottomans from the Egyptian forces poised within weeks of conquering Constantinople. See *ibid*, 34-35.

<sup>4</sup>Regarding the British roots of the reforms, see Enver Ziya Karal, “Gülhane Hatt-ı Hümayunu’nda Batı’nın Etkisi,” In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu*, eds. Halil İnalcık and Mehmet Seyitdanlıoğlu (Ankara: Phoenix Yayınevi, 2006), 65-82.

proposed changes. The Ottomans were to replace their intricate administrative hierarchies and legal system, as expediently as possible, with “unquestionably superior” European norms to address European economic and moral imperatives. However, many of these European convictions were misguided and, in no small part, responsible for the consistent Ottoman failure to align European expectations for the Tanzimat reforms with a vision of reorganization feasible to the Ottomans themselves.

Although such misperceptions doubtlessly played an integral part in the failure of the Tanzimat, laying the blame squarely on European shoulders would constitute a staggering injustice. Still, while recognizing the role of the Ottomans ultimately as the navigators of their own fate, an apt assessment of the Tanzimat cannot occur without considering the involvement of Europeans in Ottoman affairs. This, in turn requires an assessment of European perceptions of the Ottomans that accounts for both the productive and deleterious interactions among European and Ottoman actors during the Tanzimat.

## **1.2 WHAT WENT WRONG WITH TANZIMAT?**

According to British accounts of the 1860s and 1870s, foreigners who unenviably fell into the quagmire of the Ottoman Commercial Tribunals found themselves in a distinctly Sisyphean nightmare. Years, and at times even decades of bitter wrangling in local Ottoman tribunals yielded only a pyrrhic victory to the winner, as the losing party immediately appealed to the primary commercial tribunal in Constantinople. The justification for the appeals usually involved ululations of local corruption and prejudice, and an appeal for justice supported by the

reference of a high-level Ottoman bureaucrat, or even the office of the Grand Vizier.<sup>5</sup> The lengthy process of forming a tribunal agreeable to the disputants did not guarantee a speedy or just process. Both sides had the legal right to walk out of the tribunal proceedings under various pretenses. Tactics such as these appear prominently in official complaints as a means to delay the proceedings for months until the formation of a new tribunal agreeable to both sides.

British officials in the Ottoman Empire regularly expressed their concerns and dissatisfaction on these matters in their reports to the Foreign Office, and the anemically implemented reform measures never managed to assuage their concerns. British reports regarding the reforms from the 1850s through the early 1860s often expressed admiration for the accomplishments of the Ottomans, and dismay for the prospects of the reforms based on current trends. All expressed the need for a greater commitment to the reforms by Ottoman leaders.<sup>6</sup> The pace of the reforms, perhaps even more than the chronic irregularities in the tribunals, dismayed those Europeans who campaigned for the quicker implementation of the reforms promised by the Ottomans in 1839 and 1856.<sup>7</sup> As we shall see in chapter four, the tone of British reports had drastically changed by the 1870s, providing essential information regarding the course of the Tanzimat.

Historical narratives of the difficulties encountered by Europeans within the Ottoman judicial and administrative system tend to emphasize the inefficiencies, irregularities and the corruption in the Ottoman judicial system.<sup>8</sup> I argue that the struggle for authority between the Ottoman

---

<sup>5</sup>The most common avenue to expedite appeals seems to be for the foreign merchant to complain to this embassy in Constantinople, for the ambassador to contact the Grand Vizier's office with the complaint, and the Grand Vizier's office to send an official order to the relevant judicial authorities to accede to the foreign demands. This should not be misconstrued as the Ottoman bureaucrats merely rubberstamping foreign demands. There also exists many examples in the archives of Ottoman bureaucrats refusing or delaying foreign demands through various legal and diplomatic means.

<sup>6</sup>Numerous reports by Lord Canning, Sir Bulwer, Sir Francis, Sir Elliot, and others appear in the text or the footnotes throughout the dissertation.

<sup>7</sup>The reforms outlined in the "Edict of the Rose Garden" in 1839, and in the "*Hatt-ı Hümayun*" in 1856.

<sup>8</sup>Corruption and irregularities certainly existed in the Ottoman Empire during the seventeenth, eighteenth and nineteenth centuries as pointed out by researchers (see chapter two, especially pages 47-49 for a more detailed

imperial core and the European powers in the contested Ottoman judicial and executive spheres of influence deserves more prominence in this topic. My focus on the Tanzimat-era Ottoman Commercial Tribunals aims to investigate the provincial interactions among foreign and domestic networks within the Ottoman Empire during the reforms. This approach allows me to assess the complex reasons for the failure of the Tanzimat reforms from a new angle—the impact of Europeans on the Ottoman provinces through the Ottoman judicial system, to which Europeans had gained privileged access on an unparalleled scale during the Tanzimat. The interactions of Ottoman and European networks away from the Ottoman metropole highlights certain reasons for the difficult and inefficient implementation of the Tanzimat reforms, as well as the chronic distrust among the historical actors that marred the reform efforts. As we will see, the discord between competing imperial interests at the local level of the Ottoman provinces prominently stands out among these reasons.

The analytical focus on the commercial tribunals have a number of benefits. For one, the interplay between the political, social, and economic aspects of the development and transformation of a legal institution necessitated viewing the Tanzimat as a system. This system spanned the local and imperial levels of interactions, thus forcing careful consideration for the placement of different interactions in the micro, meso, or macro levels of analysis. For example, the micro level interpersonal relations between European diplomats and high-level Ottoman bureaucrats presented in chapter 3, had macro level implications for the Tanzimat in the form of policies and polarization among historical actors, as well as meso and micro level effects in the form of bureaucratic bottlenecks.

---

discussion.) However, past narratives that heavily attributed European problems in the Ottoman Empire to corruption, tended to inadvertently careen around interesting analytical possibilities (such as the impact of imperial interactions in the Ottoman provinces, as covered in this dissertation.) There are still many open questions on the topic of Ottoman corruption, therefore one should approach these issues with caution and an open mind.

Aside from providing a novel and systematic account of the Tanzimat era, the focus on the commercial tribunals also considers Ottoman agency in the planning and implementation of the reform efforts. A major advantage here is the ability to separate the slow implementation of the Tanzimat reforms from their urgent transformative intent, and to analyze how Ottomans and Europeans interpreted the feedback from the provinces to draw divergent courses for the Tanzimat. The proposed analytical approach yields a more coherent presentation of the Tanzimat that accounts for European misinterpretation of Ottoman intents, and vice versa.

For instance, the refractions through the prism of commercial tribunals reveal specific strains placed on the rapidly fluctuating Ottoman bureaucracy, strains often created by Ottoman-European interactions.<sup>9</sup> Specifically, commercial tribunal cases display how the judicial reforms unexpectedly overloaded the executive branch of the Ottoman government.<sup>10</sup> As we will see in chapter five, the traditional role of the Porte as a final court of appeals, which allowed the Ottomans to project central Ottoman authority into the peripheries of the empire, proved fatally counterproductive during the Tanzimat. Whereas the *kâdî* (centrally appointed Ottoman judges) filtered only the most necessary cases from the imperial periphery to the workload of the Porte in periods preceding the Tanzimat, Europeans showed no such discernment in commercial tribunal cases.<sup>11</sup> The losing side of the commercial tribunal judgments in the Ottoman periphery very often appealed the judgment to İstanbul. This invariably caused the related foreign embassies to

---

<sup>9</sup>Many researchers have noted the concurrent centralization and instability of the central Ottoman bureaucracy during the Tanzimat. For example, see Ali Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform: 1836-1856* (Beyoğlu, İstanbul: Eren, 1993). I provide concrete examples of a specific network mechanism, in this case involving the Tanzimat-era commercial tribunals that strongly accounts for aspects of the bureaucratic and political instability. The same mechanisms also provide indications of the Tanzimat's social repercussions as an additional analytical benefit.

<sup>10</sup>See, FO 195/917, Therapia, June 5<sup>th</sup> 1872, Sir Elliott, No. 44, a British report to the Foreign Office that points to foreign influence on the Ottoman reforms as the leading cause of Tanzimat's failure. Also, see chapter two for an extensive clarification of Ottoman executive influence on the judiciary—a topic that has led to great misunderstanding of Ottoman practices and motives.

<sup>11</sup>Chapters 2 and 3 provide background information pertaining to this and other pertinent topics.



badger the Porte to ensure a favorable outcome for the foreign subject in the appellate commercial tribunal.<sup>12</sup>

The excessively large amount of requests and pressure from foreign embassies did far more than just expose the Porte to a massive conflict of interest between protecting the interests of Ottoman subjects, and ensuring continued European support for Ottoman imperial interests. The involvement of the Porte in judicial affairs overloaded the Porte with trivial issues that merited the attention of a much lower office. Worse still, the Porte's involvement invariably reduced the confidence of Ottoman citizenry whom the Porte failed to defend against European demands, and further reinforced an image of a corrupt and lawless empire in the eyes of Europeans. In short, the Ottoman strategy of implementing the Tanzimat reforms using bureaucratic structures that amalgamated European examples with Ottoman practices of the past had two primary aims. The reformers wanted to reestablish the past dominance of the Ottoman core over the provinces, while sufficiently satisfying European demands for modernization so as to secure a seat as an equal partner in the concert of Europe. The causes of the backfire that the Ottomans suffered in both cases only become clear through an analysis that includes Ottoman-European interactions in the provinces.

The erratic implementation of the reforms also had social repercussions throughout the Ottoman provinces. The local Ottoman elites, as they had done for centuries in the Ottoman Empire, negotiated their economic and administrative spheres of influence with the central imperial authority.<sup>13</sup> But this time, the negotiations included Europeans—not just through the

---

<sup>12</sup>Archival evidence shows that foreign ambassadors in İstanbul, following reports from their consuls in the Ottoman provinces, appealed the Porte to influence the outcome of the provincial commercial tribunals in favor of the foreign subjects represented by the foreign consulate. Then, as was very often the case, when the losing side appealed the case to İstanbul, the ambassador would even more energetically demand the Porte's influence to ensure "a just outcome."

<sup>13</sup>Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (New York: Cambridge University Press, 2008).

authority and mediation of the Ottoman imperial core, but through direct European influence in the Ottoman provinces through the commercial and other mixed tribunals. Chapter four focuses on numerous imperial frictions between the Ottomans and their European allies during these negotiations. Divergent imperial interests served as one of—if not the primary—catalysts of these frictions. As we shall see, these divergent interests manifested in numerous local economic, social and cultural incompatibilities with devastating consequences for both the Euro-Ottoman alliances and the Tanzimat.

One of the clearest examples of this, the paternalistic demand by Europeans to provide initial approval for Ottoman reform proposals, proved among numerous misguided European approaches as one of the most damaging to the Tanzimat. In theory, the practice of Europeans reviewing Ottoman reform efforts would prevent unjust laws, especially those that threatened the rights of Christian minorities, as well as prevent any single foreign power from receiving special benefits denied to others. While seemingly a benevolent means of avoiding misunderstandings that could threaten the Concert of Europe, this practice hamstrung all viable efforts by the Ottoman reformers.

The Ottoman efforts to reform the Commercial Tribunals in 1872 amply illustrate the simple blueprint for this charade. After a long string of complaints by European missions in Constantinople over the conduct of Ottoman Commercial Tribunals, the Porte prepared a new law that addressed European concerns. Yet after a meeting hosted in the Russian Embassy, the European missions unanimously resolved to send a new list of demands to the Porte.<sup>14</sup> These requests included a new code of civil law that would ensure the proper functioning of the proposed tribunals; a measure that all involved parties gauged as impossible to readily

---

<sup>14</sup>FO 195/917, Foreign Office, May 16 1872, Lord Granville to Sir Elliott. (Foreign Office is designated FO hereafter.)

accomplish. Thus, the charade could begin anew after the reform proposals mutated in European embassies into unpalatable forms for the Ottoman rulers and public. Alas, subsequent acts often required a fresh cast of Ottoman bureaucrats who replaced their exasperated and politically flayed predecessors.

Thus, the blueprint of the Tanzimat by the late 1860's appears as such: European missions made urgent suggestions and demands for reform from the Ottomans, with genuine intent or otherwise. When the Ottoman reformers managed to secure support for their efforts, which generally received severe opposition from conservative circles and eroded the reformers' political capital, the reformers found themselves kneecapped by even more onerous European demands. Such counter-demands were often driven by the Russian and Austrian ambassadors who, unlike their French and British counterparts, saw a danger to their strategic interests in a stronger Ottoman Empire. However, a mid-level European bureaucrat, such as a British consular judge, could also successfully argue that the proposed reforms threatened the interests of British subjects in the Ottoman realms. Thus, an ill-informed British bureaucrat, driven by local concerns, could set back both the Ottoman reform efforts and the strategic British interests that relied on their successful implementation.

The issue further perplexes as one considers the lengths to which European powers resorted to ensure the success of Ottoman reforms. For example, nearly thirty years after the launch of the Tanzimat reforms, the French Foreign Minister de Moustier promoted a campaign in leading European capitals, to form a European coalition that demanded the immediate fulfillment of the reforms promised in the *Hatt-ı Humâyûn* declaration by the Ottomans in 1856.<sup>15</sup> In his calls for support from European leaders, de Moustier placed the full blame of the ethnic and economic difficulties straining the unity of the Ottoman Empire on the failed implementation of the

---

<sup>15</sup>FO 195/873, FO March 23, 1867 No 48.

Tanzimat reforms.<sup>16</sup> The French foreign minister did not stand alone in his belief that a strong Ottoman Empire would serve as a keystone of the Concert of Europe, whereas the apparent downward trajectory of the Ottoman reforms allured European powers increasingly towards conflict.

De Moustier's proposal contained a point by point implementation strategy for the articles of the *Hatt-ı Humâyun*.<sup>17</sup> These did not significantly differ in scope from the suggestions that the Ottomans regularly received in the 1850s and 1860s. But the tone of the letter had more than a trace of urgency. European powers had serious doubts for the fading prospects of even maintaining the status quo, let alone achieving the modest improvements intimated in prior efforts to coax the Ottomans. The European powers were yet again disillusioned when this combined effort, undersigned by the French, British, Austrian, Prussian, and Russian governments, only produced the familiar pledges and asymptotic progress from the Ottomans.

### 1.3 WHY THE OTTOMAN COMMERCIAL TRIBUNALS?

The hopes of the Ottomans from the Tanzimat relied very much on establishing new provincial bureaucratic institutions that bound the local elites firmly to the Ottoman central polity. Although Ottoman commercial tribunals predate the Tanzimat by four decades, they evolved in the first decade of the reforms into a crucial bureaucratic institution that involved both local and divergent imperial interests. Therefore, it is vitally important to understand the teleological

---

<sup>16</sup>FO 195/873, Paris, March 22, 1867 L. Cowley No 13.

<sup>17</sup>FO 195/873, FO March 23, 1867 No 48.

differences between the Ottoman Commercial Tribunals of the early nineteenth century, and the Tanzimat-era Commercial Tribunals.<sup>18</sup>

Very briefly, increased trade between the Ottoman Empire and Europe in the early 1800s, and the concomitant rise in disputes among foreign and local merchants began to strain the traditional Ottoman legal system. The Ottoman judges with an expertise in Islamic law simply lacked the resources and expertise to familiarize themselves with Western laws that governed the majority of economic exchanges.<sup>19</sup> The makeshift solution involved the creation of legal councils comprised of an equal number of Muslim and non-Muslim merchants, who under the leadership of an Ottoman judge acted as arbiters of trade disputes.<sup>20</sup> These councils evolved into official trade courts during the Tanzimat reforms and operated not only in Istanbul, but also in other major trade centers such as Izmir (Smyrna), Edirne (Adrianople), Selanik (Thessaloniki), Iskenderiye (Alexandretta), and Haleb (Aleppo).

The key point here is this: whereas the Ottomans strictly chose the members of the trade councils from among their subjects prior to the Tanzimat reforms, European embassies and consulates appointed the non-Muslim members of the trade courts during the Tanzimat period. Thus, European subjects began to act as arbiters in Ottoman court cases. This unprecedented incursion into Ottoman affairs vividly portrays the hegemonic push of European interests into the Ottoman administration during this period, yet analysis of the activities of these courts remains virtually nonexistent in the current literature. But unlike in other arenas of power, such as diplomacy and politics, this particular legal branch provides a modicum of continuity and wealth of written evidence that sets it apart. The connections of these courts to myriad local and

---

<sup>18</sup>This vitally important topic receives more in-depth coverage in chapter 4.

<sup>19</sup>Ekrem Ekin, *Osmanlı Mahkemeleri: Tanzimat ve Sonrası* (İstanbul: Arı Sanat, 2004).

<sup>20</sup>Ibid.

imperial interests in economic, social and political spheres of influence create an ideal environment to investigate how and why these interests converged or diverged.<sup>21</sup>

No one contested the vital necessity of change for Ottoman survival. The nature and implementation of the change, however, raised much contestation both from within and outside the empire.<sup>22</sup> For instance, when the foreign allies whose support sustained the reforms began to exert unprecedented influence over internal Ottoman affairs, they provided the opponents of the reforms among Ottoman elites with ample ammunition.<sup>23</sup> Ottoman bureaucrats opposing the reforms often formed alliances with the Sultan who supported the idea of the reforms out of necessity, but worried about the possible reduction of his absolute authority as a result of their implementation.<sup>24</sup> Not finding reliable support from their master and benefactor, reformist bureaucrats engaged in the calculus of weighing the benefits of the reforms for the Ottoman state versus the damage that the implementation of these reforms would have on their careers.<sup>25</sup> Thus, the major difficulties in deciphering the administrative and political rationale of the reforms reside in their mercurial implementation, as well as in interpreting the reliance of the reformist Ottoman bureaucrats on foreign support as the primary impetus for their reform efforts.

The social aspects of the Tanzimat further complicate the already labyrinthine analytical task. The heterogeneous ethnic structure of the Ottoman Empire certainly posed great challenges to

---

<sup>21</sup>Aside from the obvious contribution to Ottoman history, this dissertation will hopefully also contribute to world history along the lines suggested by A.G. Hopkins: "What is needed is a fundamental reappraisal of world history to bring out the extent to which, in recent centuries it has been shaped by the interaction of several types of empire...Such an approach would capture both the differences between empires and their dynamism, and would leave few parts of the globe untouched." See, Hopkins, A. 1999. "Viewpoint. Back to the Future: from National History to Imperial History". *Past & Present*. 164, no. 1: 203.

<sup>22</sup>For example, competing British outlooks on the prospects of Ottoman reforms are found in FO 78/1835, Papers Relating to Administrative and Financial Reforms in Turkey, October 22, 1858, No.7, Memorandum by Lord Canning, as well as July 26, 1859, No. 9, Sir H. Bulwer.

<sup>23</sup>Shaw, *History of the Ottoman Empire*, v.2, 56.

<sup>24</sup>Shaw, *History of the Ottoman Empire*, v.2, 69-71.

<sup>25</sup>Ahmet Cevdet Paşa and Yusuf Halaçoğlu, *Sultan Abdülhamid'e Arzlar (Ma`Rûzât)* (İstanbul: Babıali Kültür Yayıncılığı, 2010), 20-1.

the implementation of the reforms.<sup>26</sup> Researchers have also noted the extensive economic burdens incurred by the Ottoman citizenry as a result of Ottoman economic concessions to Europeans.<sup>27</sup> Yet, very little research has focused on the Ottoman Commercial Tribunals where the regional ethnic differences, competing imperial interests, and local resistance to economic exploitation all collide. The interactions among members of various ethnicities in these tribunals will hopefully also stand in stark contrast, among other things, to narrower historical narratives that consider the interactions of Ottoman ethnicities only in massacres.

Accounts of the commercial tribunals appeared in numerous reports by British and Ottoman officials, as well as in complaints forwarded to officials by British and Ottoman citizens regarding alleged injustices in the Ottoman legal system. A brief summary of relevant topics on the Ottoman commercial tribunals in the next chapter will clarify the value of focusing on this institution, which is ideal for better understanding the connections between Ottoman imperial policies during the Tanzimat and their local implementations.

The Ottoman courts, as with all bureaucratic elements of the empire, underwent inconsistent reforms and transformations throughout the Tanzimat-era.<sup>28</sup> However, the legal organs exercising jurisdiction over trade and economic disputes among merchants remained one of the relatively stable sections of the legal system throughout these turbulent times. Despite a number of changes to the hierarchic structure above this arm of the Ottoman legal bureaucracy, the trade courts retained the essential form they had attained by the early stages of the reforms. This form reflected the economic needs and desperation of the Ottomans, as much as the changing balance

---

<sup>26</sup>These issues receive coverage in Musa Çadırcı, “Tanzimat’ın Uygulanması ve Karşılaşılan Güçlükler (1840-1856),” In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu*, eds. Halil İnalcık and Mehmet Seyitdanlıoğlu (Ankara: Phoenix Yayınevi, 2006), 151-8, as well as in Halil İnalcık, “Tanzimat’ın Uygulanması ve Sosyal Tepkileri,” In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu*, eds. Halil İnalcık and Mehmet Seyitdanlıoğlu (Ankara: Phoenix Yayınevi, 2006), 127-49.

<sup>27</sup>Charles Philip Issawi, *An Economic History of Turkey 1800-1914*, (Chicago: University of Chicago Press, 1980).

<sup>28</sup>Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform*, 1993.

of power between the Ottomans and Europeans. The unique mix and interaction of Ottoman and foreign elements in these courts provide the ideal setting for the type of investigation that I will conduct.

One challenge the reader will face is understanding the magnitude and impact of the radical legal and administrative changes of the Tanzimat, which replaced Ottoman practices that evolved over five centuries. To point the reader in the right direction, the following chapter provides an essential but necessarily limited overview of the Ottoman administrative and legal system prior to the Tanzimat. The subsections emphasize the political and social realities of the heterogeneous Ottoman Empire that necessitated wide ranging regional variances in administrative and legal practices.

#### **1.4 THE ARGUMENT**

The economic concessions granted to European powers at the beginning of the Tanzimat reforms as an incentive for continued military and diplomatic support of the Ottoman Empire, proved to be a costly miscalculation—especially for the Ottomans and the British. The European support received in return for the concessions was supposed to provide a much needed breathing room for the battered Ottomans to implement their re-centralizing reforms. The cooperation of the Ottoman provinces was essential for the success of these reforms. Yet provincial merchants and elites, whom the economic concessions placed at a great disadvantage against their European counterparts, had little incentive to accept the reforms proposed by the central Ottoman government. After all, the Ottoman government had burdened them with these concessions in the first place. The radical social and political dimensions of the reforms further increased the



difficulties of their implementation, especially in distant provinces away from Istanbul. The difficult implementation of the Tanzimat reforms created concerns and doubt among European policymakers regarding the Ottoman commitment and ability to fulfill their commitments—especially regarding the proper execution of the articles of the concessions.

Subsequent diplomatic and local interactions exacerbated the distrust among European and Ottoman actors, and prevented the formulation of mutually beneficial policies required for the success of the Euro-Ottoman alliance, as well as of the Tanzimat reforms. The European group most negatively impacted by these failures was British merchants, who, unlike many other European merchants failed to gain acceptance into local Ottoman merchant networks, or provincial Ottoman society. With that said, the party that suffered the worst consequences were the Ottomans. Ottoman failure to decisively reextend their political authority over the provinces through the centralizing administrative reforms culminated in economic, political, and military crises.<sup>29</sup> By the end of the Tanzimat era, the Ottomans were essentially reduced to a regional power with an imperial title.<sup>30</sup>

---

<sup>29</sup>The focus of this study requires highlighting the failures of the Tanzimat, especially in the areas of its stated aims to modernize Ottoman government and society (including in the rural areas) along European norms. This is a point that requires extreme care and nuance to avoid the pitfalls of the decline thesis. The Tanzimat succeeded in a number of areas, including in accomplishing the very important goal of achieving a respectable status for the Ottomans within elite European political and financial circles (especially between 1856-1874). Thus, aspects of the Tanzimat reforms stand out as unequivocal successes in comparison to various Ottoman strategies that preceded and followed them. However, as I argue in chapters 5 and 6, Tanzimat chronically failed in certain areas. These failures continued to gain significance in the eyes of both European and Ottoman actors throughout the period, and ultimately eclipsed the accomplishments of the Tanzimat in the esteem of all relevant parties. This perspective must be distinguished from arguments that support a decline thesis, which begin with the assumption of Tanzimat's failure. In contrast, I focus on the local and imperial contexts of Tanzimat's chronic failures, in an attempt to understand how the Eastern Question evolved during the Tanzimat period.

<sup>30</sup>The Ottoman efforts of the Hamidian era (c. 1876-1909) to once again become relevant on a global scale, for instance by embracing pan-Islamism, were launched with the belief that Tanzimat's aims to synthesize European norms within the Ottoman social and political fabric were flawed. An analysis, comparative or otherwise, of the Tanzimat and Hamidian eras is beyond the scope of this work. However, one should note how the Ottoman political, diplomatic, and military failures in Bulgaria and Montenegro in the 1870s that signalled the de facto demotion of the Ottomans to a regional status, were strongly underlined by the results of the Balkan Wars in 1913.

Complex social, political, economic and strategic reasons exist at both the local and imperial levels for how these events unfolded. We will untangle this Gordian Knot in several steps. First, a brief historiography of Tanzimat scholarship begins the arduous task of introducing the reader to the questions and approaches that have shaped Tanzimat scholarship. Chapter 2 presents the broad outlines of how and why the Ottoman legal and bureaucratic system transformed over several centuries prior to the Tanzimat reforms. The Ottoman Empire transformed and reinvented itself numerous times during its existence. Therefore, the Tanzimat reforms must be studied as a continuation of past transformations—but with special care to distinguish the teleological motivations behind the changes. For instance, the eighteenth century saw a dramatic decentralization of Ottoman authority compared to prior periods. This stands in stark contrast to the centralization attempts of Tanzimat reforms. But this drastic change of course did not take place overnight, rather it followed a number of failed attempts to recentralize Ottoman authority. Without the information provided in this chapter, the readers may fail to appreciate the legacy problems that the Tanzimat inherited from successive reform attempts.

Chapter 3 concludes the introductory materials by elaborating on the origins and implementation of the Tanzimat—this time from a birds-eye view of bureaucratic and imperial interactions in Istanbul. The networks discussed in this chapter emphasize the internal dynamics of Ottoman bureaucracy, as well as the impact of European brokers in and on these networks. The dyadic working relations between leading Ottoman bureaucrats and European ambassadors occupy an important place in the analysis, since these individual relations masqueraded as imperial relations throughout the Tanzimat. The presence of multiple European brokers in Istanbul is presented as a mixed curse. On one hand, the competitive interactions among Europeans polarized Ottoman networks and prevented the implementation of decisive Ottoman

policies. On the other hand, the diversity of brokerage, while certainly not productive for the Tanzimat, alleviated some diplomatic and economic crises.<sup>31</sup> This contributed to the lingering rather than quick collapse of key Tanzimat policies.

The changing interactions in these central Ottoman networks will assist readers in fully appreciating the destabilizing impact of local network interactions on the Tanzimat, which is the focus of chapters 5 and 6. Therefore, while these introductory materials may tax the patience and endurance of the readers, they remain essential to understanding the evidence and arguments presented in later chapters. They will also help to (re)acclimate the readers with the Tanzimat reforms, and focus the readers' attention on some historical questions of interest (especially involving internal interactions among the Ottoman polity.)

Second, a chronology of the Tanzimat reforms based on changing imperial strategies in the Ottoman provinces provides a change of pace for the descriptive analysis of chapter 5. The complex economic, social, political and military entanglements among the Ottomans and Europeans appears through the prism of local reforms—specifically, the implementation of the commercial tribunals as an institution of the Tanzimat. Through the analytical focus on local commercial tribunals, the dissertation presents hypotheses regarding the Tanzimat's social impact in the Ottoman provinces, as well as the consequences of changing Ottoman imperial authority on the implementation of the Tanzimat. Particularly, the analysis leads to a narrative of British interactions in the Ottoman provinces using a brokerage/social capital framework. The social and economic reasons for the provincial rejection of brokerage services offered by the British to existing Ottoman networks receive special attention in this regard.

---

<sup>31</sup>This corresponds with Katherine Faust's assertion that many triadic social and network interactions can be reduced to the properties of dyadic interactions. In this case, complex interactions shaping imperial policies, that due to their complexity one would expect only to attribute to triadic interactions, can be explained by the dyadic interactions among Ottoman and European bureaucrats in Istanbul. For a theoretical coverage of these ideas, see Katherine Faust, "Very Local Structure in Social Networks," *Sociological Methodology* 37, no. 1, (2007): 209-56

Additionally, chapter 5 presents mechanisms by which dyadic local network interactions (in this case, local commercial disputes) interlock with triadic network processes (political, bureaucratic and diplomatic) to transfer a disruption in one part of a large network to another—in this case to Istanbul, the center of the Ottoman bureaucratic and diplomatic networks.<sup>32</sup> This complements Roger Gould’s model of conflict propagation through social networks. Whereas Gould provided examples for the propagation of disruptive effects from central to peripheral locations in a social network, this dissertation presents examples for the propagation of disruptions in the opposite direction. The disruptive peripheral interactions in the Tanzimat-era commercial tribunals adversely affected network interactions in the center of the Ottoman networks.

Finally, a quantitative analysis of the commercial tribunal cases appears in chapter 6 and serves to support the descriptive analysis. This effort involves an application of statistical methods to analyze the data from the commercial tribunals and to develop hypotheses on the causes of local variances.<sup>33</sup> It is difficult to overstate the value of this chapter. The initial application of correspondence analysis to the commercial tribunal cases yielded unexpected results, which led to a thorough reevaluation of the primary sources, as well as an expansion of the descriptive analysis. Specifically, the correspondence analysis indicated significant variances between the treatments of British cases in the commercial tribunals and those of other European merchants (especially in the second half of the Tanzimat.) Such results would have been impossible to extract from the archival data without the application of correspondence analysis.

---

<sup>32</sup>Roger Gould, *Collision of Wills: How Ambiguity About Social Rank Breeds Conflict* (Chicago: University of Chicago Press, 2003), 150-166.

<sup>33</sup>Why only develop hypotheses and not rigorously test them? I elaborate on this later in chapter 4, page 117.

This study ends with a network theoretical model of brokerage and social capital that aims to further investigate interpersonal relations and their impact on the Tanzimat, indicating the future directions of this research.

## **1.5 A BRIEF HISTORIOGRAPHY OF THE TANZIMAT**

Because of the immense volume of scholarship over the past 150 years, discussing some of the seminal works offers a convenient point of entry into this dynamic field. However, a brief historiographical survey of the Tanzimat period in Ottoman history (roughly 1840-1880) must inevitably suffer from major exclusions. Emphasizing brevity, the following pages present a chronological account of some of the major trends in Western and Turkish scholarship on the Tanzimat era.

The military and economic weakness of the Ottoman Empire throughout the nineteenth century, followed by its breakup in the early twentieth century, allowed early to mid-twentieth-century western historians to brand this period as part of a longer Ottoman “decline.” Despite being a simplified and top-down approach, this analytical perspective had the advantage of linking the progression of events in the Ottoman Empire from the eighteenth century onwards in a very linear and logical manner. Arnold Toynbee’s account of the Ottoman decline in his enormous *A Study of History* also had the additional advantage of tying the story of the Ottomans to a “big history.”<sup>34</sup> Toynbee’s thesis explained the rise and decline of civilizations from the

---

<sup>34</sup>Arnold Toynbee, *A Study of History*, vol. I-XII, (London: Oxford University Press, 1934-1961). The following passage should provide the gist of Toynbee’s treatment of “lesser” civilizations that preceded or competed with western civilization. The passage, on pages 76-77 in the fourth volume, poses Toynbee’s answer to his own question of why atavistic warlords reminiscent of his own depiction of the Ottomans, were not able to brutally establish similar mastery over the former Ottoman provinces (a question that is questionable itself, especially given

beginning of humanity until the twentieth century, while neatly justifying the rise of the superior western civilization.

Another book, far removed from Toynbee's time and thesis, also emphasized the decline thesis where the isolation of the Ottomans from the rich trade routes of the world is identified as the primary culprit. Bernard Lewis in the *Emergence of Modern Turkey* devoted a significant amount of the book to explaining the decline and fall of the Ottomans as a precursor to the Turkish Republic. But his study exemplified a major weakness in this stage of western scholarship on the Ottomans: the dynamic adaptability of the Ottoman Empire was ignored in favor of an analytical focus on the influence of the European powers, as well as on Ottoman failures to match European scientific, industrial, and military advancements.

Such narratives excelled in explaining reasons for the Ottoman failures relative to the successes of their European counterparts, but failed to address Ottoman longevity, dynamism, and flexibility. Thus, such narratives prominently featured atavistic Ottoman elites, who failed in their flailing attempts to adopt the proper European "talisman" as a panacea for the multitudinous ailments of a decrepit empire.<sup>35</sup>

These historians could have made a number of arguments in their own defense. For example, the unusual difficulties involved in acquiring proficiency in Ottoman Turkish, compounded by pre-1980's archival practices that reflected the nationalist ideology of the Turkish government, formed precipitous obstacles against Western scholars in their quest for archival Ottoman

---

the developments in the Balkans and the Middle East over the past few decades): "...The answer is that the mighty march of an irresistably expanding Western Civilization was treading hard upon these ephemeral barbarians' heels. 'The triumph of Westernization', and not 'the triumph of Barbarism and Religion', was the process to which the break-up of the Ottoman Empire actually ministered. Instead of taking their natural form of barbarian principalities of 'the Heroic Age', the 'successor-states' of the Ottoman Empire were moulded, by Western pressure,...."

<sup>35</sup>For a narrative passage that perfectly exemplifies this point of view, see, Bernard Lewis, *Emergence of Modern Turkey*, (London: Oxford University Press, 1968), 129-132.

sources.<sup>36</sup> Thus, readily available western sources and prior analyses formed the backbone of western research on the Ottomans. Additionally, one could easily make the argument that Ottoman sources themselves support the decline thesis. After all, the very first sentence of the Edict of the Rose Garden reads:<sup>37</sup>

All the world knows that in the first days of the Ottoman monarchy, the glorious precepts of the Quran and the laws of the empire were always honored. The empire in consequence increased in strength and greatness, and all its subjects, without exception, had risen in the highest degree to ease and prosperity. In the last one hundred and fifty years a succession of accidents and diverse causes have arisen which have brought about a disregard for the sacred code of laws and the regulations flowing therefrom, and the former strength and prosperity have changed into weakness and poverty; an empire in fact loses all its stability so soon as it ceases to observe its laws.

This indeed seems like an empire in decline as expressed by the words of its elite rulers. To historians relying primarily on Western sources, such an empire may easily appear as a helpless puppet manipulated by European superiors. Of course, one has to ignore the very next sentences of the decree to paint a western-centric panorama:

These considerations are ever present to our mind, and ever since the day of our advent to the throne the thought of the public weal, of the improvement of the state of the provinces, and of relief to the (subject) peoples, has not ceased to engage it. If, therefore, the geographical position of the Ottoman provinces, the fertility of the soil, the aptitude and intelligence of the inhabitants are considered, the conviction will remain that by striving to find efficacious means, the result, which by the help of God we hope to attain, can be obtained within a few years. Full of confidence, therefore, in the help of the Most High, and certain of the support of our Prophet, we deem it right to seek by new institutions to give to the provinces composing the Ottoman Empire the benefit of a good administration.

The hopeful and optimistic overtones of the majority of the decree should have caused pause among the proponents of the decline thesis. At least, they should have wondered about the causes for such optimism among Ottoman elites when all available western sources painted a

---

<sup>36</sup>“Ottoman Turkish,” very generally, is a combination of elements from Turkish, Arabic, and Persian in various proportions depending on the period and materials under investigation. The Turkish Republic made a concerted effort from its beginning to “purify” the new Turkish nation of the purported adverse effects of the backwards Ottoman mentality. This included adopting a new alphabet and grammar for a modern Turkish language. Thus, even modern Turks learn Ottoman Turkish with the greatest difficulty. One should also note that many modern Turkish historians do not recognize the existence of a separate language called Ottoman Turkish, pointing to the use of this “language” by only the elite Ottoman rulers.

<sup>37</sup>The document read to the public in the Rose Garden of the Sultan’s palace by Mustafa Reşid Paşa on 3<sup>rd</sup> November, 1839, marked the beginning of the Tanzimat reforms.

much bleaker picture. With only limited understanding of the Ottoman sources, many western scholars of the Ottomans put forward arguments that are unacceptable by today's standards.

Turkish historians chose a different path of exaggeration. With greater awareness of Ottoman sources suggesting a vibrant and at least partially successful reform movement, Turkish historians emphasized foreign involvement and Ottoman corruption as the primary culprits behind the failure of the Tanzimat reforms in their works from the 1930's-1960's. For instance, echoing ideas of Western historians decades in the future, Mahmud Kemal İnal released *Son Sadrazamlar* (in fourteen volumes) in which he wrote about the political and administrative activities of the last thirty seven Ottoman Grand Viziers.<sup>38</sup> In İnal's work there were many corrupt and selfish villains among the ranks of Ottoman officials, the worst of whom collaborated with foreign agents. These collaborators would enter a European version of Ottoman historiography only with Robinson and Gallagher's concept of an informal empire in the 1950s.<sup>39</sup>

The viewpoint among Turkish historians which favored rampant Ottoman corruption and opportunistic Western imperialism as the main causes of the fall of the Ottomans became more nuanced in many subsequent works. The exceptional Turkish historian Enver Ziya Karal's *Osmanlı Tarihi* provides an excellent example of such a work. Here, the Ottomans of the Tanzimat were still in an inferior position, economically and technologically, to Europeans. They were not, however, an empire or civilization in decline. On the contrary, they demanded equal status as peers among European nations despite the temporary setbacks that they had

---

<sup>38</sup>Mahmud Kemal İnal, *Osmanlı Devrinde Son Sadrazamlar*, 10 vol., (İstanbul: Maarif Matbaası, 1940-1949). Mahmud Kemal İnal (1870-1957), having served in Ottoman administration at a position allowing him access to official documents (and in a capacity to organize them,) became the indispensable expert on Ottoman archival documents in the early Turkish Republic.

<sup>39</sup>Gallagher, J. and R. Robinson, "The Imperialism of Free Trade," *The Economic History Review* 6, no. 1 (1953): 1-15.



suffered. The economic and social difficulties of the era were attributed to the consequences of external pressures applied on the Ottomans by predatory economic and military competitors. In these accounts of Ottoman history, the primary actors were the Ottoman administrators and officials—not Europeans.<sup>40</sup>

Despite its advantages for Western historians, the limitations of the “decline thesis” became clear by the 1960s. The decline thesis explained neither the dynamic nature of the Ottoman leadership, nor the ceaseless efforts, at least of an elite leadership, to save the empire through economic and legal reforms during the nineteenth century. Historians such as Roderic Davison (who possessed an expert knowledge of Modern and Ottoman Turkish) produced improved and very accessible studies that began to address these issues.<sup>41</sup> By paying greater attention to Ottoman sources and Turkish historians, Davison corrected many aspects of the Euro-centric perspectives of his predecessors and brought the perspectives of Turkish and western scholars closer to each other. For example, the financial burdens of foreign borrowing by the Ottomans gained a much greater place in Western works on Tanzimat than in previous periods of scholarship.<sup>42</sup> Thus, by the end of the 1970s a new paradigm, emphasizing the nineteenth century as a period of dynamic reform for the Ottoman Empire, became the dominant view among historians—albeit still as a part of the prominent narratives of Ottoman decline.

---

<sup>40</sup>One must note that all works by Turkish historians from these periods were in line with the nationalistic ideology of the Turkish Republic. There were unwritten, but well-understood limits to how far historical narratives could veer away from the norms deemed acceptable by the government.

<sup>41</sup>For instance, see Roderick Davison, *Reform in the Ottoman Empire: 1856-1876*, (Princeton: Princeton University Press, 1963). Historians such as Carter Findlay and Ali Akyıldız also approached the Tanzimat from a structural perspective later in the 1980's and 1990's, by focusing on the centralizing bureaucratic reforms. While Findlay's work (Carter Findlay, *Bueraucratic Reform in the Ottoman Empire: The Sublime Porte 1789-1922* (Princeton, Princeton University Press, 1980)) has received some criticisms from Turkish historians for its exclusive focus on the Ottoman prime ministry, notably from Akyıldız, it undeniably remains a cornerstone of Tanzimat historiography in English. (Also see, Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform*.)

<sup>42</sup>Although Davison probably did not intend to do so, the emphasis of the role of financial activities on Ottoman collapse echoed some ideas expressed by Hobson and even Lenin earlier in the 20<sup>th</sup> century.

A number of notable works by Western historians appeared in the 1970s, including Marshall Hodgson's three volume *Venture of Islam*.<sup>43</sup> Hodgson very creatively highlighted structural parallels between Ottomans, Mughals, and Safavids.<sup>44</sup> This served as a comparative background against which the expansion of European hegemony in the nineteenth century was analyzed.<sup>45</sup> A work from this time that covered the Tanzimat-era exceptionally well, came from the pen of Stanford Shaw in the form of *The History of the Ottoman Empire and the Republic of Turkey*.<sup>46</sup> Despite preserving the erroneously strict connection between the Ottoman Empire and the Turkish Republic, as well as continuing to emphasize the decline thesis, Shaw pulled together the best ideas of his predecessors and contemporaries in his multi-faceted coverage of Tanzimat. Of note here is not only the emphasis placed on the importance of the Tanzimat, but also on the emergence of a new Ottoman middle class and the stresses placed on the Ottoman socio-cultural fabric by the reforms.

The choice of viewing this period as one of dynamic reform allowed historians to make refinements to the nineteenth century narrative of decline. It both complicated the analysis and clarified the logical progression of events. For example, with the “dynamic reform” paradigm, the Ottoman Empire in the nineteenth century assumed the role of a junior or mid-level strategic

---

<sup>43</sup>Marshall Hodgson, *The Venture of Islam, Conscience and History in a World Civilization*, v.3, *The Gunpowder Empires*, (Chicago: University of Chicago Press, 1974).

<sup>44</sup>Structural parallels such as techniques of governance and uses of technology, for example.

<sup>45</sup>Despite being highly original, this work did suffer from some severely faulty conceptual generalizations. For example, Hodgson suggested on pages 232-233 that the early to middle stage of the Tanzimat, “... was one in which governments, and at least the moneyed classes of the people, were both pushing assimilation to modern Western life. *Resistance of any kind was for a time at a minimum; acceptance of Western leadership and control, and even outright trust of Western good intentions, were at a maximum.*” The added emphasis is mine, highlighting sections that will seem rather silly by the end of chapter 5 of this study, if it does not already do so. Still, approaching this work with the awareness of such shortcomings is quite rewarding, if nothing else, for the world historical and comparative approaches.

<sup>46</sup>The work received many criticisms, mostly on two topics. The first volume of the work, covering the Ottoman Empire until 1808 suffered from numerous factual errors. See, Colin Imber, "Review of History of the Ottoman Empire and Modern Turkey," *The English Historical Review* 93, no. 367 (1978): 393-395. Shaw and his wife, with whom he penned the second volume, were also criticized for a bias towards a nationalist Turkish perspective. Despite these shortcomings, the scholarship of the Tanzimat-era displayed in the work is highly notable.

partner rather than a mere nuisance for Europe. This analytical framework also allowed historians to identify important actors in the Ottoman Empire as belonging to different “factions”: reformists who tirelessly pushed for Westernization versus traditionalists who ardently opposed them along political, and religious lines.<sup>47</sup> Furthermore, it became possible to develop additional details regarding the reformist portion of this reformist/traditionalist dichotomy, such as identifying the development of cliques within the reformist elites, or an elite’s relations with the foreign powers who had a strong influence over him.<sup>48</sup>

However, this paradigm also reached certain limits. For one, identifying the motives of individual actors still proved difficult when adhering strictly to this interpretation, as the actors did not always strictly conform to a reformist or a traditionalist role. A case in point was the Ottoman bureaucrat Ahmet Cevdet Paşa—the primary figure behind the Mecelle (1877), the codification along Western lines of a civil law founded on Islamic principles. In a reform-tradition paradigm, Mecelle may be seen as an act of reform as it facilitates the centralization of power in the core of the Ottoman Empire along Western lines. On the other hand, it may also be seen as a traditionalist reaction to Westernization since its adoption came in response to a proposal to embrace the French civil code. Thus, Ahmet Cevdet Paşa may equally convincingly serve a reformist or a traditionalist function in the analysis.<sup>49</sup>

In order to avoid such a paradox, and to avoid fitting a narrative to the initial hypothesis, some scholars deemed it necessary to establish the teleological reasoning behind the actions of the historical agents. To facilitate this, investigating the nature and evolution of Ottoman

---

<sup>47</sup>See, for example, Butrus Abu-Manneh, “The Sultan and the Bureaucracy: The Anti-Tanzimat Concepts of Grand Vizier Mahmud Nedim Pasa,” *International Journal of Middle East Studies* 22, no. 3 (1990): 257-74.

<sup>48</sup>There have been many analyses conducted along these lines by Turkish historians of the biography and memoirs of Lord Stratford Canning written by Stanley Lane-Poole.

<sup>49</sup>Ahmet Cevdet Paşa is one of the most important figures of the nineteenth century from a historiographical point of view. Apart from Mecelle, he also penned his memoirs and observations of the bureaucracy of the Ottoman Empire as an insider. These works were among the most important primary sources for Turkish historians such as İnal and Karal. See, for instance, Ahmet Cevdet Paşa and Halaçoğlu, *Sultan Abdülhamid’e Arzlar (Ma`Rûzât)*.

identity during the nineteenth century emerged as a major trend in Ottoman studies during the 1980's and 1990's. In earlier historiographical periods, issues regarding identity were ignored in the analysis in favor of political, economic, and legal topics. However, as the sophistication of the arguments increased, it became clear that many of the conflicts and infighting among Ottoman bureaucrats were not only about how best to strengthen the empire. Issues of Ottoman identity were central to the creation of opposing camps among the elites.<sup>50</sup>

The root cause for this lies in the radical nature of the initial legal and social reforms disclosed by Mustafa Reşit Paşa in The Edict of the Rose Garden (1839). These reforms, found radical even by its Western supporters, aimed to bring equality to a heterogeneous Ottoman population with the intent of creating a more equitable society approaching “western standards”. Among the many problems faced by the reformers in implementing their ideas, perhaps the most contested were the conflicts between social consequences of reform and the desire for the most expedient implementation of the reforms. Interpretations and ideas of the meaning of citizenship in the Ottoman Empire during this dynamic period has been a primary focus of the latest historiographical period in Ottoman research.<sup>51</sup>

An extremely creative work by the notable Turkish historian İlber Ortaylı stands out among the works that sought to bridge the gap between the perspectives of the 1970's and 1990's. Written in 1983, *İmparatorluğun En Uzun Yüzyılı* (The Empire's Longest Century) beautifully emphasized the internal dynamics of Ottoman modernity, as opposed to emphasizing the role of foreign actors and external dynamics. By doing so, Ortaylı laid the groundwork for future works to articulate the agency of local identities during the Tanzimat era. Accordingly, the focus on the diversity of Ottoman society during the Tanzimat produced a number of notable works that

---

<sup>50</sup>For example, see İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı* (İstanbul: Hil Yayın, 1983), Chapter 7.

<sup>51</sup>See, for instance, Bozkurt Güvenç, *Türk Kimliği: Kültür Tarihinin Kaynakları* (Ankara: Kültür Bakanlığı, 1993).

examined the dynamic nature of Ottoman society, and provided local glimpses of the enormous pressures placed on a society in radical transition.<sup>52</sup>

Academic debates over the last two decades regarding Ottoman identity during the Tanzimat period have centered on issues such as the shaping of the Ottoman state apparatus, the integration of Ottoman Empire into the world markets, and Ottoman interpretations of western scientific and philosophical ideas.<sup>53</sup> Providing nuances in new directions, works emphasizing Ottoman identity continue to lead the way for exciting fresh research prospects. Ottoman sources interpreted during older historiographical periods, or ignored entirely, may lead to the creation of new perspectives if analyzed with questions of identity and imperial authority in mind.<sup>54</sup>

But one may also re-interrogate archival sources from the perspective of Ottoman efforts to develop a society based on legal reforms reflecting a Western mentality. For instance, the success of Tanzimat as such an effort predicated almost entirely on the efforts of the central Ottoman government to project its authority to the peripheral regions of the empire.<sup>55</sup> However, as we shall see in chapter 5, the involvement of foreigners introduced complications to the negotiations of authority that imperial planners failed to take into account. Thus, the investigative trajectory of this dissertation has important ties to Karen Barkey's 2008 work, *Empire of Difference*.<sup>56</sup>

---

<sup>52</sup>A good example of such a work is Musa Çadırcı, *Tanzimat Döneminde Anadolu Kentleri'nin Sosyal ve Ekonomik Yapıları*, (Ankara, Türk Tarih Kurumu Basımevi, 1991). An example of a work that focused on diplomatic, economic and commercial relations, with an emphasis on the place of foreign merchants in the Ottoman economy is Ali İhsan Bağış, *Osmanlı Ticaretinde Gayri Müslimler: Kapitülasyonlar, Avrupa Tüccarları, Berathlı Tüccarlar, Hayriye Tüccarları, 1750-1839*, (Ankara: Turhan Kitabevi, 1983).

<sup>53</sup>See, for example, Halil İnalcık and Donald Quataert, *An Economic and Social History of the Ottoman Empire* (Cambridge; New York: Cambridge University Press, 1997).

<sup>54</sup>Along these lines, one of the primary questions this dissertation addresses involves the role of local interactions in shaping imperial interactions and policies.

<sup>55</sup>This topic is of primary importance in the upcoming chapters.

<sup>56</sup>Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective*, (Cambridge: Cambridge University Press, 2008). Barkey successfully argued that Ottoman willingness to negotiate the terms of authority with their provincial subjects played a crucial role in Ottoman longevity. In this study, I argue that the unprecedented access that Europeans found in the Ottoman bureaucracy during the Tanzimat had enormous

Other topics of interest that prominently emerged after the 1990's include efforts to investigate social and cultural dimensions of slavery, exemplified by the works of Ehud Toledano, as well as reinvestigating the financial aspects of the Ottoman experiences during the Tanzimat era in the works of scholars such as Christopher Clay. Even though Christopher Clay's efforts notably lack the social and cultural dimensions of the financial affairs, the work of the Turkish historian Haydar Kazgan especially stands out in that aspect.<sup>57</sup> In *Galata Bankerleri* (Bankers of Galata,) Kazgan argued that the financial activities of both foreign and local bankers of various ethnicities had tremendous transformative impacts on Ottoman society.<sup>58</sup> Kazgan discussed the emergence of a new middle class in Ottoman society that reflected all the consumerist characteristics of comparable European classes, but without the productive aspects of the European industrial mentality. He further attempted to assess the impact of these cultural changes on the policy making Ottoman elites, thus nuancing the complex power structure of the Ottoman government while still including the hegemonic activities of European powers in the narrative.

The historiography of the Tanzimat period evolved by leaps and bounds thanks to the efforts of both Turkish and Western historians, especially since the 1970's. The early Turkish efforts grew out of a severely limiting Manichean mentality, which stressed the good Ottomans mightily struggling against the evil imperialist Westerners, but over time, the scholarship developed into a

---

consequences on the negotiations over authority in the Ottoman provinces, and that the local interactions had a tremendous impact on the Tanzimat, unaccounted for in previous studies.

<sup>57</sup>Christopher Clay mentions in the introduction of *Gold for the Sultan* his basic familiarity only with modern Turkish. The lack of sources from the Ottoman archives in this work shows the limitations imposed on the work by an author who could not take advantage of relevant sources in Ottoman Turkish (Clay only used communications and bank records in French and English as primary sources). For instance, the character and motives of Ottoman actors in the work heavily rely on the reports of European actors, leading to possible exaggerations of Ottoman ignorance towards European procedures and techniques (see *Gold for the Sultan*, page 15, for an example where reports of European officials are interpreted by Clay to reduce Ottoman leaders to the status of pitiful ignoramuses, who, despite the best efforts of their British contemporaries, simply cannot wrap their heads around the techniques of European finance.)

<sup>58</sup>Haydar Kazgan, *Galata Bankerleri*, v.1, 2 (Ankara: Orion Yayinlari, 2006).

balanced and diverse multi-dimensional effort. The western branch of the historiography also began to flourish once greater care was placed on the historians' awareness of Ottoman sources and the work of their Turkish colleagues. There are very rich ties in both branches of the Tanzimat historiography to the historiography of imperialism. Today, happily, it is no longer practical to impose an artificial Turkish-Western schism into the historiography of the Tanzimat period as collaborating historians of all nations and backgrounds populate the ranks of Ottomanists.

Let us now turn to the introductory chapters that lay the groundwork for the arguments presented in the analytical chapters.

## 2.0 OTTOMAN LEGAL SYSTEM AND THE KÂDÎ

In order to understand the source and veracity of European complaints of the Ottoman Commercial Tribunals, one must understand how the Tanzimat-era Ottoman judicial system differed from nineteenth century European systems. This is far easier said than done. All judicial and administrative systems evolve over time to address the needs of their societies and polities. The Ottoman judicial system also transformed to answer the changing economic, military and social needs throughout the 622 year life of the empire. But, even by the 1830s, the Ottoman legal system still seemingly mirrored the French Ancien Régime by displaying significant variations in legal practices across provinces. This starkly contrasted against the relative uniformity of many European judicial systems within their jurisdictions. Why? The Ottomans did not passively clasp on to a frazzled administrative and judicial system—on the contrary, the Ottoman center quite radically decentralized at the end of the seventeenth century. What were the factors that informed or prevented the Ottomans from imposing judicial and administrative uniformity along the lines of their European counterparts?

In order to provide a concrete reference for the reader during a necessarily concatenated summary, I repeatedly focus on the changing administrative, judicial and social functions of the Ottoman *kâdî* (the imperial judge appointed by the Ottoman Empire to each province.) Among other things, I argue that western misinterpretation of these intersecting roles led to the Weberian



notion of “Kadi justice” and many other orientalist conceptions of the Ottomans.<sup>59</sup> As we shall see, one can attribute many European claims of Ottoman judicial corruption to the provincial variations in the social and judicial responsibilities that the kâdîs carried throughout the Ottoman Empire. Even more importantly, understanding the changing roles of the kâdî throughout the seventeenth to the nineteenth centuries is imperative for grasping the enormous social and political impact of the Tanzimat and the Commercial Tribunals.

Ottoman law had two main branches: the fundamental and immutable religious law called *şerîat*, and the Sultanic law called *kânûn*. *Kânûn* was not an Ottoman innovation, but an addendum interwoven into Islamic legal practice with the expansion of Turkish rule in mid-eleventh century.<sup>60</sup> Ottoman *kânûn* originated as decrees by the Sultan, called *ferman*, that were issued when circumstances required clarification of *şerîat* to assert and affirm Ottoman rule.<sup>61</sup> A *ferman* always contained a statement of conformity to the *şerîat* and previously established *kânûn*, penned by the *şeyhülislâm* (the supreme justice of the Ottoman Empire under *şerîat*).<sup>62</sup> This exemplifies the importance of the rule of law in Ottoman affairs: before enacting the Sultan’s decree as law, the Ottomans required confirmation from the highest judge in the realm. Indeed, as a cornerstone of their administrative philosophy, the Ottomans adopted the ‘circle of justice’: a circulation of obligations with no definite beginning or end, “linking the longevity and

---

<sup>59</sup>“Kadi justice” refers to Max Weber’s notion of Islamic law as a primitive judicial system that relied primarily on the arbitrary and unlimited judicial discretion of the kâdîs. See, Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State Univ. of New York Press, 1994), 17-8. This is an important example of the western misconceptions that informed European imperial policies regarding the Ottoman Empire.

<sup>60</sup>Halil İnalcık, *The Ottoman Empire* (New York: Praeger Publications, 1973), 70. Sovereignty and establishment of a royal code of laws were closely related in Turkish tradition.

<sup>61</sup>Gerber, *State, society, and law in Islam*, 63. Also, see Cornell Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541-1600)* (Princeton: Princeton University Press, 1986), 8, where according to the writings of an Ottoman historian of that period, by the sixteenth century kânûn embodied both Ottoman justice and the legitimacy of Ottoman rule.

<sup>62</sup>İnalcık, *The Ottoman Empire*, 171-2. The *şeyhülislâm* was appointed by the Sultan, but in many ways operated independently of the administrative branch of the Ottoman government. That the *şeyhülislâm* was the highest kâdî in the realms also points to the importance of the kâdî in Ottoman affairs.

prosperity of the agrarian state to the quality of justice and protection that the sovereign offers those whose toil creates the empire's wealth.”<sup>63</sup>

The *kânûn* served as an essential tool for smoothly exerting and maintaining Ottoman rule over diverse populations as indicated by its three general categories; decrees on specific topics, decrees concerning a particular region or social group, and general *kânûn* applicable to the whole empire. For example, the Ottomans relied on tax and population surveys by administrators in the fifteenth and sixteenth centuries as suggestions for new *kânûn* in conquered regions.<sup>64</sup> The surveys first aimed to ascertain the pre-conquest laws and customs of the area, allowing the Ottomans to evaluate which local laws and customs to preserve without affecting their claim to authority. Far from an altruistic gesture, this strategy came from hard experience that taught the Ottomans drastic change generally preceded a drop in revenue, as well as an increase in unrest. Hence, the Ottomans chose to abolish local practices that they found absolutely contrary to the *şeriat*. But, they did not fail to introduce the necessary tweaks in the *kânûn* to account for regional and cultural anomalies, and ensure as smooth a transition to the new system as possible.<sup>65</sup>

It should not escape our attention that this constitutes the origin of what many European observers in the seventeenth through nineteenth centuries erroneously branded as the chaotic and

---

<sup>63</sup>Ariel Salzmann, *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State* (Leiden: Brill, 2004), 76-77. Salzmann offers a good summary of the sources from which Ottomans likely adopted this ancient concept. Also see, Fariba Zarinebaf, *Crime and Punishment in Istanbul: 1700-1800* (Berkeley: University of California Press, 2010), 151. Zarinebaf also reiterates the ‘circle of justice’ as the central governing philosophy of the Ottomans in the 18<sup>th</sup> century. Fariba Zarinebaf, *Crime and Punishment in Istanbul: 1700-1800* (Berkeley: University of California Press, 2010), 151. Zarinebaf also reiterates the ‘circle of justice’ as the central governing philosophy of the Ottomans in the eighteenth century.

<sup>64</sup>İnalcık, *The Ottoman Empire*, 71.

<sup>65</sup>*Ibid*, 71-2. The Ottomans would use subsequent surveys to inform them in modifications to regional laws. Also see, Şevket Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914* (Istanbul: İletisim Yayınları, 2009), 22-3, 140-1. Clearly, the Ottomans employed the *kânûn* to impose their will over conquered lands. Provincial elements in Anatolia that preceded Ottoman rule, resisted Ottoman rule by exerting private ownership rights over their traditional lands using traditional Islamic law. The Ottomans attempted to break such resistance by uprooting local families and transferring them to distant timars. As we shall see in the following pages, such policies played a part in the unrest and lawlessness in Anatolia in the following centuries.

arbitrary rules of the Ottoman judicial system. In fact, the regional variations in legal practice had strategic justifications, and each variation conformed to the rules and regulations of the *Kânûn-i Osmânî*—the body of Ottoman law.<sup>66</sup> Despite the provincial variations in the practices of the *kâdî*, due in no small part to the wide discretionary powers that they carried to act in accordance with the customary laws of their districts, the Ottoman law paid the utmost care to establishing and acting according to precedent.<sup>67</sup> For example, the orders received by a *kâdî* in the sixteenth century read:

In a situation concerning which the *kânûnnâme* [current code of law] contains no clear, written command, the *kâdî* should officially refer the matter to the capital. Acting in accordance with the command that arrives, he should make a decision solving the problem. He should record his decision in his register and act according to it in similar situations.<sup>68</sup>

This indicates a fundamental issue that European observers of later periods apparently failed to grasp. Adherence to precedent was a crux of Ottoman jurisprudence. However, over time regional arrangements necessary to smoothly extend and maintain Ottoman rule over diverse domains necessitated the establishment of new precedents.<sup>69</sup>

One should not underestimate this strategy's importance in the longevity of the Ottoman Empire. For example, customized legal practices that selectively preserved local customs and social hierarchies initially provided an advantage for the central Ottoman hierarchy over their peripheral vassals. Preserving local hierarchies and elites allowed the Ottomans to play different local factions against one another, and solidify their status as hegemon over competing parties.<sup>70</sup>

---

<sup>66</sup>Ibid, 72.

<sup>67</sup>Ibid, 74-5.

<sup>68</sup>Ibid, 75.

<sup>69</sup>The *kâdîs* recorded official modifications to the law as ordered by the capital, as the cases necessitated changes. Thus, contrary to any Weberian misinterpretations, the Ottoman law was in a constant state of controlled development based on precedent, and under hierarchic oversight. See, *ibid*.

<sup>70</sup>As Karen Barkey points out, this strategy worked brilliantly while the internal dynamics of the Ottoman Empire allowed the central Ottoman elite to prevent collaboration or communication among their subjects in different regions. The adapted variations in regional legal practices played a central role in this scheme, allowing the Ottomans additional flexibility to preserve their hegemonic status during their negotiations with peripheral vassals. But later on, especially after the second half of the eighteenth century when external dynamics began to

As Gerber observes, the greatness of the Ottomans resided in their ability to move into an area weakened by political tensions, and then reorganize the area as part of a large-scale bureaucratic state.<sup>71</sup> The Ottomans strategically employed provincial legal privileges and exceptions to reorganize diverse polities. If we are to grasp the administrative and social challenges of the Tanzimat, we must understand how the Ottomans used the law to legitimize their authority in the first place.

Not surprisingly, such variations over a diverse population created great problems for the central administrators in İstanbul. Reaching back to the fifteenth century, the central administrators had to develop an intricate bureaucratic system to ensure the vital tasks of tax collection and the maintenance of military capacity. The *kâdîs* were indispensable elements of this system.

## 2.1 THE TIMAR SYSTEM AND THE KÂDÎ

As Şevket Pamuk puts it, the Ottomans faced a question familiar to all medieval European powers: how to take a portion of the agricultural production from the producers and transfer it to military purposes?<sup>72</sup> The Ottomans answered this question through the *timar* system, by assigning state agricultural revenues to the troops who collected them directly.<sup>73</sup> Land grants to the military elite, or *timar*, formed the basis of this system that channeled the toils of a medieval

---

increasingly affect the internal balances of the Ottoman Empire, the Ottomans found it harder to negotiate with their vassals from a position of power.

<sup>71</sup>Gerber, *State, Society, and Law in Islam*, 19-20.

<sup>72</sup>Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 41.

<sup>73</sup>Thus the Ottomans solved a number of difficulties also faced by several European competitors. Without mirroring the narrative in excessive detail, an example of such a difficulty was low quantities of gold and silver coins among the peasant agricultural producers. Concomitantly, the limited technological means for collecting surplus agricultural goods, converting them to cash, and distributing the proceeds to soldiers as pay posed baffling problems. See Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914* for further details.

economy into a great standing imperial army. Such an elaborate system required vigilant oversight at both the local and imperial levels. The *kâdî* provided an essential portion of the oversight at the local level, fluidly performing both executive and judicial roles as necessitated by the diverse nature of expanding Ottoman territories.<sup>74</sup> The first task at hand now is to clarify the reasons for this judicial/executive duality of the Ottoman *kâdî*.

From the earliest periods of the empire, the Ottomans appointed two authorities to administer districts: the *bey* (of the military class representing the Sultan's executive authority) and the *kâdî* (of the ulema class representing the Sultan's legal authority). The spheres of authority defined for these two positions by the Ottomans balanced and complemented each other. The bey could not inflict punishment without obtaining the *kâdî*'s judgement, whereas the *kâdî* lacked the authority to execute his own sentences. The Ottomans considered this division of power, as well as the carefully outlined limits of each branch's authority, essential for the just administration of the empire.<sup>75</sup>

The administrative and judicial district of a *kâdî*, called *kâdîlık*, formed the basis of a second division of provinces separate from the administrative division. As his primary duty within the *kâdîlık*, the *kâdî* administered both the *şerîat* and *kânûn* as a judge representing the legal authority of the Sultan.<sup>76</sup> To prevent the abuse of power by an overzealous *kâdî*, the appointment to a *kâdîlık* generally consisted of only a one year term.<sup>77</sup> Yet, curiously, the *kâdîs* also had numerous local administrative duties. These included supervising the administrators in their districts, certifying tax assessment lists, mediating in conflicts of jurisdiction, establishment of

---

<sup>74</sup>Shaw, *History of the Ottoman Empire and Modern Turkey*, v.1, 135-6.

<sup>75</sup>İnalçık, *The Ottoman Empire*, 104.

<sup>76</sup>Ibid, 118.

<sup>77</sup>Ibid, also see Boğaç Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankiri and Kastamonu (1652-1744)* (Leiden; Boston, Mass.: Brill, 2003), 25. Ergene points to a violation of the rotation rule, where a *kâdî* stayed in a post for over fifteen years, suggesting that the Ottomans could leave a *kâdî* in a lengthy regional assignment to enhance center-periphery relations.

market regulation and price controls, and arrangements to build and maintain local roads. Sometimes, the *kâdî* even authorized and enforced the dismissal of local officials who violated the law, and acted in their places until the appointed replacements arrived from İstanbul.<sup>78</sup>

This brings up an important question: how could the Ottomans have so diligently built a system of government that relied on a separation of administrative and judicial branches of government when the local judicial representatives could wield the authority of both branches? To answer this question we must recall that the Ottomans went to great lengths to ensure no local rivals could rise to challenge their authority. These potential rivals also included high ranking members of the military class, who as governors could abuse their privileges to create a provincial power base against the Ottomans.<sup>79</sup> To prevent this, the Ottomans augmented the *kâdî*'s judicial authority with sufficient local administrative authority to provide effective oversight against members of the military class.<sup>80</sup>

Looking at some brief details of the Ottoman system of government from these earlier periods will provide us with insight into the Ottomans' diligence regarding organizational details. We will also see examples of administrative and legal privileges extended to various regions.

Initially, the empire was divided into administrative units called *sancak* under the authority of military governors called *sancak beyi*. As the empire expanded, several sancaks were placed under the authority of a higher military authority, the *beylerbeyi* (meaning a *bey* in command of other *beys*). Frontier *beys* usually remained more independent of central authority and governed

---

<sup>78</sup>Shaw, *The Ottoman Empire*, 136. Such arrangements appear temporary, but the *kâdî*'s administrative duties could become long-term during extraordinary circumstances. For instance, Shaw points to periods in the 16<sup>th</sup> century when Ottoman influence waned in certain provinces, as a time when *kâdîs* assumed increasing administrative and financial duties in addition to their judicial ones—to the point where they were in fact the local government.

<sup>79</sup>Gerber, *State, society, and law in Islam*, 21-2.

<sup>80</sup>Shaw, *History of the Ottoman Empire and Modern Turkey*, v.1, 136.

by military considerations, but with the understanding that they would eventually answer to a *beylerbeyi*.<sup>81</sup> In the other direction, several smaller units called *subaşılık* made up a *sancak*, with a *subaşı* living in towns and commanding the *sipâhî* (cavalry) who lived in the villages of their district.<sup>82</sup> Members of the military class received land allotments, called *timar*, which they had the responsibility to work productively.

In addition to the separation of administrative and judicial powers, the Ottomans carefully devised a number of strictly enforced laws and regulations to ensure that no single administrative unit or person could accumulate power. The *timar* was initially an indivisible and unalterable unit. For example, several *timars* could be joined to form a larger land assignment for a high level official, but the Ottomans forbade any sub-divisions of a *timar*.<sup>83</sup> Strict adherence to this law allowed the Ottomans to keep track of how accurately the *sipâhîs* collected taxes from the peasants in their assigned *timars*, as well as whether the *sipâhîs* raised the appropriate number of troops from their *timars* upon request.<sup>84</sup> This system also diluted the power base of the *timar* and *zeamet* holders. The largest lands personally assigned to a *beylerbeyi*, called *has*, were dispersed throughout the *sancaks* under his authority. Similarly, the *has* holdings of the *sancak beys* who answered to the *beylerbeyi* were dispersed throughout the *subaşılıks* under each *sancak bey*'s command. Shares in various villages made up the *subaşı*'s *zeamet*, and the *sipâhî*'s *timar*

---

<sup>81</sup>İnalcık, *The Ottoman Empire*, 104-5. This could turn into a long process (e.g. 1463-1580 for Bosnia to become a separate beylerbeylik)

<sup>82</sup>Ibid, 117.

<sup>83</sup>The larger plots of land were called Zeamet, or if very large, Has, see, İnalcık, *The Ottoman Empire*, 109, and Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 48. Also note that there existed complex inheritance rules to prevent subdivisions of land, as well as to prevent families or clans from acquiring too much power. For instance, the sons of a sipâhî would generally receive timars away from their father's land holdings. Even in the later periods of the Timar system, when timars could exchange hands through inheritance and the dimensions of timars were allowed to change, the Ottomans allowed the sons of sipahis to inherit a timar only in the original dimensions received by the father. By doing so, they hoped to prevent the rise of a landed aristocracy as in Europe at the time. See Hadiye Tunçer, *Osmanlı İmparatorluğunda Toprak Taksimi Ve Âşar* (Ankara: Güney matbaacılık ve gazetecilik, 1948), 12, and Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 48-9.

<sup>84</sup>A sipahi was allowed a small plot of land within his assigned timar, usually large enough to cultivate with a pair of oxen, for his own personal income. The remainder of the land could only be used to raise taxes for the Ottoman government. See Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 48.

holdings. Thus, the system widened the area of control, dispersed personal interest, and aimed to prevent any one person dominating a district.<sup>85</sup>

Facing these intricately designed checks and balances, we find various privileges extended across regions. The Ottomans could only establish the vital *timar* system in areas where Ottoman law, administration, and *sancak* system were firmly established. Many regions of the Ottoman Empire, such as Egypt, Baghdad, and Basra, preserved some local autonomy and the *timar* system was not enforced. Such provinces were known as *salyane* districts, named after the fixed annual sum the district governor remitted to the capital. The Sultan appointed this governor to a temporary term, along with a *kâdî*, a *defterdâr* (essentially an accountant independent of the authority of the governor or the *kâdî*), and a janissary garrison as a means of checks and balances.<sup>86</sup> The hereditary *sancaks* of tribal chieftains in Eastern Anatolia were a similar administrative and legal variation. Known as *hukûmet*, these *sancaks* were required by the Sultan to contribute a fixed number of troops to the army, but all the revenues of the district belonged to the *sancak beyi*.<sup>87</sup>

How do we account for these anomalies under the autocratic rule of the Sultan? The Ottoman *timar* system stands out distinctively in comparison to European feudal systems. Of importance to this discussion, the Ottomans exercised absolute control over the land, unimpeded by private property rights that complicated the lives of European monarchs. Yet, the lack of private property rights until the Tanzimat reforms certainly did not provide the Ottomans with a serene and peaceful rule. The Ottoman center and vassal peripheries continued to negotiate over

---

<sup>85</sup>İnalcık, *The Ottoman Empire*, 117. Additionally, the Ottomans appointed a third independent authority to the provinces called the *hazine defterdârı*, representing the interests of the treasury. This was essentially a comptroller in the modern sense, and reported only to his superiors in Constantinople.

<sup>86</sup>*Ibid.*

<sup>87</sup>*Ibid*, 107.



contested authority throughout the life of the empire.<sup>88</sup> As an indicator of this in the earlier periods of the empire, we note that when the Ottoman center was weak, area held as private property (*vakf* or *vakîf*) increased. On the other hand, the Sultan tended to abolish private property rights and reestablished state control during periods of relative strength of the Ottoman center.<sup>89</sup> Such arrangements reflected the profusion of diversity in the Ottoman landscape. Correspondingly, the structure and scope of these arrangements greatly varied among regions.

Of course, the vestiges of these variations on Ottoman administrative themes reached through the ages to the eighteenth and nineteenth centuries, and appeared quite cacophonous to the European observers unfamiliar with the historical factors that necessitated their implementation. One can easily surmise how they succumbed to the Orientalist perspectives of their age, portraying and dismissing the entire Ottoman legal and administrative system as the atavistic bungling of philistines.<sup>90</sup> This, of course does not excuse these observers from the due opprobrium, not the least for failing to disabuse themselves of their ignorance regarding the reasons for the design of Ottoman practices.

## 2.2 SOCIAL ROLE AND IMPACT OF THE KÂDÎ

As an imperial judge, many practices of the provincial Ottoman *kâdî* were distinctive with respect to European counterparts. With no official court house, the *kâdî* heard cases in his house or a *câmi* (mosque). Plaintiffs could even approach a *kâdî* in the street to receive an impromptu

---

<sup>88</sup>Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (New York: Cambridge University Press, 2008).

<sup>89</sup>İnalcık, *The Ottoman Empire*, 109. We will come across similar examples for subsequent periods in the following pages and sections.

<sup>90</sup>For an example, see the reports of the frustrated British Vice Consul Wrench from Dardanelles, presented in chapter 5.

judgement.<sup>91</sup> Seemingly in the face of any notion of impartiality, the *kâdî* received no salary from the Ottoman government until the seventeenth century, instead making his living from court fees.<sup>92</sup> Under various pretenses, a *kâdî* could also rent out his position by deputizing a local dignitary that he deemed fit to carry out legal judgements.<sup>93</sup> Lacking knowledge of the cultural and administrative pretexts for these practices, it is small wonder that so many Europeans saw only corruption and capriciousness in the Ottoman judicial system.<sup>94</sup>

Let us first consider the charge of capriciousness, which implies a lack of rigor and oversight by the Ottomans in the practice of law. Research flatly contradicts this notion by indicating a highly hierarchical Ottoman judiciary under the oversight of the Ottoman center in the seventeenth and eighteenth centuries.<sup>95</sup> Indeed, hundreds of volumes of communications and orders indicate cooperation among the Ottoman center and the provincial administrative, executive and judicial bodies.<sup>96</sup> I would like to emphasize the judicial and administrative purposes of this cooperation and the importance of the *kâdî* in this arrangement.

From a judicial perspective, this cooperation aimed to preserve the independence of the judiciary while also preventing corruption. Indeed, local courts enjoyed significant independence from each other, as one *kâdî* could not overrule the decision of another *kâdî* in the Ottoman Empire.<sup>97</sup> Also, despite the existence of non-Muslim courts that tended to the cases among community members, the *kâdîs* still had jurisdiction over these courts in cases involving

---

<sup>91</sup>Ekinci, *Osmanli Mahkemeleri*, 24-25.

<sup>92</sup>Ibid. Also see Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 144, as well as Ekinci, *Osmanli Mahkemeleri*, 24. Ekinci states that a *kâdî*, presumably if the Sultan deemed him worthy after considerable service, could also keep earnings from a *vakf* (non-taxable land assignment).

<sup>93</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 154.

<sup>94</sup>Among many examples, commentaries by Adolphus Slade and Max Weber stand out (especially Slade, given his years of employment by the Ottomans,) but Zarinebaf also makes some general statements concerning western observers. See Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 141-2, 146.

<sup>95</sup>Ibid, 143. Here, Zarinebaf contrasts The French Ancien Regime's less hierarchical legal system in the eighteenth century to the highly hierarchical Ottoman system of the same period.

<sup>96</sup>Ibid, 143.

<sup>97</sup>But, a *kâdî* could revise the decision of the previous *kâdî* in the same court, or of the governor if false witness had been used, or if sufficient evidence had not been available. See *ibid*, 146.

Muslims and non-Muslims.<sup>98</sup> Additionally, the position of *kâdî* was highly prestigious and had good earning potential.<sup>99</sup> On the other hand, any litigant unsatisfied by the *kâdî*'s judgment could appeal the verdict to the Imperial Council (*Dîvân-ı Hümâyûn*) in İstanbul—a process with which the *kâdî* could not interfere.<sup>100</sup> Acting as the highest appeals court in the empire, the Imperial Council could alternately issue a final verdict, or send the case back to the *kâdî* or to a different local court. These checks and balances did not curtail the authority of the *kâdîs*—on the contrary, they imbued the *kâdîs* with respectable independent authority to perform one of the most vital bureaucratic functions in the empire during this period: mediating between the local communities of the provinces and the central Ottoman government.<sup>101</sup>

Boğaç Ergene further specifies the social dimensions of the *kâdî*'s role in the eighteenth century as not just an intermediary, but as a crucial authority figure who referred the provincial cases of the weak against the strong to the Ottoman central government.<sup>102</sup> This is a similar position to Karen Barkey's opinion that the local courts in the seventeenth century offered protection to peasants from oppression by landholders.<sup>103</sup> Of course, the position and role of the *kâdî*'s were still varied during this period, as was their importance to local affairs. Even local courts in close proximity to each other could display significantly different character and workloads. For example, the court of Kastamonu provided a forum for communal and individual decision making, as well as for dispute resolution. The *kâdî* of Kastamonu appears to have

---

<sup>98</sup>Ibid, 143. A brief discussion of the millet system and the courts of non-Muslim Ottoman subjects will shortly follow in the following pages.

<sup>99</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 153.

<sup>100</sup>Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 50. Ergene notes that most of the cases directed to the Imperial Council in the 17<sup>th</sup> century were referred back to provincial courts.

<sup>101</sup>Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 143. Also see, Gerber, *State, society, and law in Islam*, 66-71. In line with this claim, Gerber notes a dramatic rise in the legal responsibilities of provincial Kâdîs from the 16<sup>th</sup> to the 17<sup>th</sup> centuries, as well as an increase in their influence in the provinces.

<sup>102</sup>Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 55.

<sup>103</sup>Karen Barkey, *Bandits and Bureaucrats: The Ottoman Route to State Centralization* (Ithaca, N.Y: Cornell University Press, 1997), 103-5.

relegated non-judicial responsibilities to other officials while focusing mostly on the judicial affairs of the local community.<sup>104</sup> In contrast, the *kâdî* of Çankırı (only 70 miles away) mostly served to transmit administrative matters between the local community and the central government.<sup>105</sup>

Far from demonstrating capriciousness, such functional variations reveal the continued flexibility and adaptability of the Ottoman system in this period.<sup>106</sup> The Ottomans could not have effectively negotiated with their diverse subjects without accepting some reflection of cultural and social variations into regional administrative practices.<sup>107</sup> The role of the *kâdî* in mediating between the center and periphery of the empire played an especially significant role during the economically and politically tumultuous seventeenth and eighteenth centuries.

## 2.3 TIMAR TO İLTİZAM

The difficulties for the Ottomans from the late seventeenth-century to the early eighteenth-century were legion. The agriculture based Ottoman economy experienced great instability in the eighteenth century due to the evolving nature of land distribution.<sup>108</sup> The Ottomans practiced *iltizam* (tax farming) in a very limited scope from the earliest periods of their rule, with the practice increasing during times of financial strain.<sup>109</sup> Whereas the military build-up during the sixteenth century precipitated an increase in the proportion of taxes raised through *iltizam*, the

---

<sup>104</sup>Ergene, *Local Court, Provincial Society, and Justice in the Ottoman Empire*, 43-44.

<sup>105</sup>For a discussion of the *Kâdî* as an intermediary, see *ibid*, 43-55.

<sup>106</sup>Barkey, *Empire of Difference*, 2008.

<sup>107</sup>The Ottomans did not seek to convert conquered subjects to Islam, and avoided imposing cultural values contradictory to those of established communities when possible. Despite its importance, I cannot adequately cover the topic within the scope of this work. Interested readers can refer to numerous sources, such as Colin Imber, *The Ottoman Empire, 1300-1650: The Structure of Power* (New York: Palgrave Macmillan, 2009).

<sup>108</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 147-9 ?

<sup>109</sup>Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 146-8

military defeats at the end of the seventeenth century necessitated a permanent shift from the *timar* to the *iltizam* system.<sup>110</sup>

With the loss of a great portion of *timar* lands in the military routs following the second unsuccessful attempt to conquer Vienna (1683), the Ottomans suffered a series of severe fiscal crises.<sup>111</sup> Having lost the tax base to support their large army and former *timar* holders, the Ottomans had to contend with numerous rebellious governors in the provinces.<sup>112</sup> Disgruntled former *timar* holders and unemployed *reâyâ* (general subjects of the Ottoman Sultan) found lucrative employment opportunities as soldiers in these troubled provinces. The general uncertainty and power vacuum naturally led to a drop in agricultural productivity and commerce throughout the empire, while famines and epidemics exacerbated the social discontent.<sup>113</sup> The Ottoman center needed local partners who reliably collaborated on fiscal, military and political matters. In short, the Ottomans ironically found themselves in need of the strong local landed gentry whom they had endeavored so diligently to prevent from gaining influence in the past.

The Ottomans answered these challenges by implementing an early modern analogue of decentralization, with the express aim of reestablishing their waning authority and a tax base through reliable proxies in the provinces.<sup>114</sup> Throughout the seventeenth century, the Ottoman government had auctioned tax farms called *iltizam* (or alternately, *mütesellimlik*) to trustworthy notables with strong connections in the provinces for three to five year terms. As the appointed representatives of the Sultan's authority in the provinces, regional governors appointed these

---

<sup>110</sup>Ibid, 140-3. Also see, Shaw, *History of the Ottoman Empire and Modern Turkey*, v.1, 252. Shaw notes that *timars* still existed even in the latter part of the eighteenth century, but tax farming became the primary means of raising revenue.

<sup>111</sup>The Habsburgs took control of most of the territory lost by the Ottomans.

<sup>112</sup>The written agreement the Ottomans accepted to meet the demands of these rebellious governors in 1698 points to how drastically the balance of power had shifted in favor of the provinces during this period. See, *ibid*. Yet, the Ottomans readjusted these terms, at least in some provinces during the 1720's. See, Shaw, *History of the Ottoman Empire and Modern Turkey*, v.1, 238.

<sup>113</sup>Ibid.

<sup>114</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 156.

notables, originally known as *mütesellim* in the early seventeenth century. By the end of the seventeenth century, however, some of these notables had gained sufficient local economic and military might to demand lifetime use of tax farms, transferrable to their sons. The fiscal and military crises that created a temporary authority vacuum in troubled Ottoman provinces supplied these notables with opportunities to increase their local influence by maintaining order, as well as providing services traditionally expected of the Ottoman center in the past.<sup>115</sup>

The imperial center also recognized a radical opportunity that could navigate them through the dire financial, political and social straits: grant exceptional privileges to the most influential among the provincial notables, also known as *ayan*, to halt rebellion and banditry, replace the broken tax collection apparatus, and regain the confidence of the *reâyâ*.<sup>116</sup> In short, mend the gaps in the Ottoman ‘Circle of Justice’— gaps that formed not because of endemic flaws in the Ottoman system, but as a result of the natural entropy associated with managing centuries of imperial opportunities and challenges. The system was due for an overhaul.

The picture that I have painted so far of the transition from the *timar* to the *iltizam* system should not mislead the readers to conclude that the desperately weak Ottoman center merely slowed down an inevitably doomed descent by ignominiously relenting to the whims of some rebellious upstarts. A comparative glance should highlight this perspective, since the Ottomans did not uniquely experience economic, political or social unrest in this period; European monarchies also struggled with internal unrest and rebellion in the seventeenth and eighteenth centuries.<sup>117</sup> Unlike their European counterparts, however, the Ottomans avoided massive losses

---

<sup>115</sup>Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 143.

<sup>116</sup>Ibid, 146-8. The *ayans* eventually became the primary competitors of the Ottoman central regime for authority in the provinces. As we shall see, they also played a critical role in stabilizing the empire during the tumultuous early nineteenth century.

<sup>117</sup>English Civil War, The American and French Revolutions come to mind.

or extinction by successfully negotiating new terms for extending their authority.<sup>118</sup> The relative Ottoman success during this critical transition period should urge us to continue avoiding characterizations of the Ottomans that resemble the unfortunate ‘sick man of Europe’ trope.<sup>119</sup> Not only did the Ottomans dynamically embrace radical reforms that alleviated severe systemic strains, but they also evaded perils that severely marred less nimble European counterparts.<sup>120</sup>

## 2.4 SHIFTING AUTHORITY AND THE AYAN

The imperial peripheries certainly enjoyed greater autonomy in the decentralized system heralded by the *iltizam* than in the *timar* system. But we should not exaggerate the extent of this autonomy. As Ariel Salzmann points out, the Ottoman central government still exerted strong influence over the plots of land reserved for the central state market and the urban market.<sup>121</sup> As a result, many *ayan* lands were part of larger systems of tax farms. Other shareholders in these super-tax farms placed a check on the influence of the *ayan*, provided that the largest shareholders were central state investors and officials.<sup>122</sup> For example, through the expertise of land owning *ulema* (official Ottoman scholars of religion) with connections in İstanbul, as well

---

<sup>118</sup>The Ottomans were not overthrown by malcontented elites like the English monarchy (1649), nor did the Ottomans suffer the devastating loss of fertile provinces to rebellion as the English did in the American Revolution. Similar losses to rebellion would occur only in the nineteenth century with Greek independence and de facto autonomy of Egypt. Also, this may not approach the sharpness of a guillotine as conclusions are concerned, but I must infer that the Ottomans fared better by the end of the eighteenth century vis-à-vis the French Ancien Régime.

<sup>119</sup>Indeed, the effectiveness of these radical reforms is evident in the balance the Ottomans were able to achieve between their income and spending, especially in periods of peace such as the mid-eighteenth century. See Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 146.

<sup>120</sup>For similar comparative thoughts on how the Ottomans fared with respect to the other Islamic empires of the time, see Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 24-5.

<sup>121</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 144, 151, 156. The central state displayed particular jealousy over the control of the local markets. For example, the Porte directed the officer who conducted the first sale of contracts in Amid (1696 and 1697) to withhold the revenues from the tariff station, stamp tax, dye house, market dues, and other urban duties from the local auction.

<sup>122</sup>*Ibid*, 166-7.

as knowledge of the workings of central government, the local townsmen and city residents were able to effectively petition the central government against the injustices of *ayans* in south-eastern Anatolia during the 1700s.<sup>123</sup> The Ottoman center also had the final say in land assessments and continued to resolve legal disputes involving land owners and peasants alike.<sup>124</sup> Especially in cases of disputes among the *ayans*, the Ottoman government could step in to reassign the disputed lands.<sup>125</sup>

Thus, the Ottoman center still dictated who wielded authority on their behalf in the provinces, albeit not as strongly as in earlier periods. The imperial center was willing to embrace new administrative arrangements to address changing economic and social circumstances. For example, the administrative arrangements made by the Ottomans in Aleppo during the eighteenth century display some of their long-term strategies to continue extending imperial authority over distant provinces. While experiencing economic and administrative crises in this period, the Ottomans contented themselves with only appointing the two most important posts in Aleppo.<sup>126</sup> Local Aleppo elites filled the remaining spots, many of which carried crucial importance in administration despite their lower order in the hierarchy. These posts included the acting governor (*mütesellim*), the chief tax collector (*muhasıl*), and acting judges (*nuwwab*) in the smaller court houses in the city.<sup>127</sup>

These privileges afforded great autonomy, and at times real executive power to the elites of Aleppo. On several occasions, the notables of Aleppo denounced a governor to the sultan and

---

<sup>123</sup>Ibid, 168.

<sup>124</sup>Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 147-9.

<sup>125</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 167-8. Salzmann also provides examples of how these checks and balances began to fail towards the end of the eighteenth century. Also see, Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 142-3.

<sup>126</sup>Gerber, *State, Society, and Law in Islam*, 142-3.

<sup>127</sup>Ibid.



brought about his replacement.<sup>128</sup> With such efforts in various regions, the Ottomans willingly cultivated local elites to share in provincial government—quite different than decline narratives of ceding their provincial authority, or failing to chase away local power brokers.<sup>129</sup> But a number of factors caused the balance of power between the center and the periphery to slowly shift in favor of the *ayans* throughout the eighteenth century.

The increasing dominance of the *ayans* over tax collection in the Ottoman provinces was the most important among these factors.<sup>130</sup> The provincial hierarchy of *mültezims* who emerged as the operators of larger tax farms in the eighteenth century began to subdivide and rent their tax farms. During the eighteenth century, the *ayans* periodically increased their provincial power by leveraging their influence in these hierarchic local structures to form alliances with powerful Ottoman elites in Istanbul.<sup>131</sup> As the *ayans* expanded their economic base in the provinces, they began to shoulder greater administrative responsibilities. Especially by the end of the eighteenth

---

<sup>128</sup>Margaret Meriwether, *The Kin Who Count: Family and Society in Ottoman Aleppo, 1770-1840* (Austin: University of Texas Press, 1999), and also her PhD dissertation, Margaret Meriwether, "The Notable Families of Aleppo, 1770-1830: Networks and Social Structure," 1985. Additionally, see Gerber, *State, Society, and Law in Islam*, 143-4. Pointing to a similar arrangement in nineteenth century Jerusalem, Gerber suggests that the local elites did not force such an arrangement on the Ottomans. They simply took what the Ottomans were willing to bestow on them.

<sup>129</sup>Ibid, 142-3. Some researchers have also documented other means (beyond the scope of this work) by which the Ottoman center attempted to extend its control in the eighteenth century. For an example, see Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 126-32, for how the Ottoman center increased policing, surveillance through spies, and information gathering through surveys.

<sup>130</sup>Pamuk, *Osmanlı-Türkiye İktisadi Tarihi 1500-1914*, 148. In order to express the magnitude of Ottoman fiscal difficulties, Pamuk makes a general statement that the Ottoman government only saw around 3% of GDP in its treasury during the seventeenth and eighteenth centuries (calculations based on Ottoman budgets, see Pamuk, 151-152). While I do not question the accuracy of this figure, I am concerned that on its own it may inflate Pamuk's perception of the weakness of the Ottoman center vs. the Ottoman provinces. Pamuk's conclusion follows from the very reasonable hypothesis that an inability to collect taxes implies the weakness of a central authority. I am concerned that the 3% figure is an average that does not reflect what must be drastic variances over extremely tumultuous two centuries, and cannot accurately indicate the ebbs and flows of a dynamic balance in authority. It is also not clear to me whether the Ottoman center directed any resources and spending before recording a figure for the treasury. Finally, it is not clear to me how the Ottoman budgets reflect emergency measures and their funding. The Ottomans dealt with numerous internal and external crises during this period, the funding of which official budgets may or may not have captured, especially if raising such funds required immediate and impromptu means. Such questions fall outside my expertise and the scope of this research, but are certainly within the ability of an economic historian of Pamuk's stature to authoritatively answer.

<sup>131</sup>Ibid. Although Pamuk does not describe them as such, the activities of the *ayans* fit precisely into what Burke refers to as 'Brokerage.' I will elaborate on this later, but curious readers may refer to Burt, Ronald S. *Brokerage and Closure: An Introduction to Social Capital*. Oxford University Press, 2007.

century, one could hardly mistake an *ayan* for anything other than a civilian governor, fully responsible for the tax collection and security of an entire province. The *ayans*' bargaining power with İstanbul correspondingly increased with their regional administrative responsibilities.

Recent research provides more or less the same narrative of the role of the *kâdî* during this period, with variances attributable to regional characteristics. Following Leslie Peirce's research that highlighted the role of the *kâdî* as a mediator in the early modern period, Zarinebaf repeatedly emphasizes the role of the *kâdî* as a mediator in the sixteenth through the eighteenth centuries.<sup>132</sup> By informally facilitating the resolution of local conflicts, the *kâdis* lightened the burden on the Ottoman center via decreasing the legal entanglement in the system. Indeed, the active participation of the different parties in the settlement of a dispute was crucial to the functioning of the Ottoman judicial system.<sup>133</sup> Zarinebaf also touches on the topic of non-Muslim courts and the legal status of non-Muslim subjects of the Sultan. Since this topic became a major pillar of contention during the Tanzimat, we will encounter it again in later sections and a few brief facts here will lay the groundwork for those occasions.<sup>134</sup>

The Ottoman legal system recognized the autonomy of non-Muslim subjects, granting them the right to convene their own courts.<sup>135</sup> The Ottomans originally organized their non-Muslim subjects under three religious categories, generally referred to as the *millet* (nation) system: the Rum (Greek Orthodox), Armenian, and Jewish *millets*.<sup>136</sup> These communities tried and punished

---

<sup>132</sup>Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003). Peirce showed that many cases were settled out of court in the city of Aintab (south-eastern Anatolia) in the sixteenth century. Similarly, see Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 5, 143, 146, 147.

<sup>133</sup>Ibid, 146.

<sup>134</sup>For a brief introduction to the immense topic of the millet system, see Shaw, *History of the Ottoman Empire and Modern Turkey*, v.1, 58-9, 151-3.

<sup>135</sup>This is also a principle of Islamic law, see Ekinci, *Osmanli Mahkemeleri*, 313.

<sup>136</sup>Ibid, 314. The Rum *millet* consisted of all the Greek Orthodox subjects of the Sultan, such as Greeks, Serbians, Macedonians, and Albanians. There were Ottoman subjects of other faiths, including Protestants, but the Ottomans did not grant them *millet* status until the Tanzimat. See, ibid, 321-3. It is interesting to note that certain

their members for violating community and religious codes of conduct, or legal cases involving personal, family, and inheritance.<sup>137</sup> Members of *millets* could appeal the decisions of these *cemaat* (congregation) courts to the Imperial Council, which also tried and sentenced high ranking religious leaders of these communities in criminal cases.<sup>138</sup> The members of *millets* could also apply to a *kâdî* for judgement, but were generally discouraged from doing so by religious and community leaders.<sup>139</sup> Zarinebaf points to the increasing participation of non-Muslims in Islamic courts in the eighteenth century as another indication of the *kâdî*'s importance in this system—not only as a mediator among the central bureaucracy, Muslim and non-Muslim subjects, but also as a regulator who ensured a smooth flow of information in the legal system. For instance, the *kâdîs* prevented bottlenecks at the final court of appeals by allowing access to the Imperial Council only when all other efforts to mediate failed.

While Barkey, Ergene, and Zarinebaf agree on the role of the *kâdî* as an imperial authority that mediated inequities among various local interests, Ariel Salzmann stands out by also emphasizing the social and economic impact of another *kâdî* activity. According to Salzmann, the chronic delegation of judicial duties by *kâdîs* in Istanbul to the local notables in the south-eastern provinces signified a transfer of authority to local notables.<sup>140</sup> The existence of a more

---

Catholic groups, such as the Genovese, were granted special privileges commensurate with that of a *millet* following the conquest of Constantinople in 1453. Yet, official designation of Catholics as a *millet* took place only in 1831, while the official designation of the Jewish *millet* took place in 1835. Therefore, *millets* existed in the Ottoman system formally and informally in various forms for centuries. This should be interpreted, as Karen Barkey did, in the context of negotiations for authority between the center and the periphery of the Ottoman Empire (Barkey, *Empire of Difference*, 2008). I argue in chapter 5 that the late imposition of the Protestant *millet* had significant consequences for the Tanzimat, the Anglo-Ottoman alliance, as well as the nature of negotiations over authority in the Ottoman provinces during the reforms.

<sup>137</sup>Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 146-8. Also see, Ekinci, *Osmanlı Mahkemeleri*, 313. The Ottomans referred to such cases involving personal or family matters as *ahvâl-i şahsiyye*, and the non-Muslim courts as *cemaat mahkemesi*, or alternately *ruhânî meclis*.

<sup>138</sup>Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 146-8.

<sup>139</sup>Zarinebaf also hints that the privilege of applying to Islamic law would have undermined the control of religious leaders over their members, see *ibid*, 148.

<sup>140</sup>Salzmann, *Tocqueville in the Ottoman Empire*, 153-4. The local delegates carried the lower rank of *naib* (deputy judge.)

heterogeneous class of lifeterm contractors in the south east (composed of *ulema*, local officers, and *ayans*), compared to the homogeneous Janissary presence in the Balkans may have magnified the impact of such delegation.<sup>141</sup> Although the reasons remain unclear, Salzmann suggests that *kâdîs*, especially those from Istanbul, may have eschewed assignments in provincial regions for other assignments that afforded more security and upwards mobility in the central bureaucracy.<sup>142</sup>

In addition to increasing the *ayans*' authority, the delegation of judicial authority to local notables increased the economic and political power of the *esnaf* (local guild members in addition to other notables) in general.<sup>143</sup> This is a salient point, especially pertaining to the loss of judicial authority by the *esnaf* a century later during the Tanzimat. As commercial tribunals assumed judiciary duties previously carried or delegated by the *kâdî*, these tribunals deprived, or at the least diminished the economic and administrative privileges enjoyed by the provincial *esnaf*.<sup>144</sup>

Salzmann brings a final critical point to our attention. Despite its attempts to decentralize, local complaints and conflicting reports routinely pulled the Ottoman government into local judicial conflicts.<sup>145</sup> The Sublime Porte emerged as the guardian and enforcer of the 'circle of justice' in these turbulent times.<sup>146</sup> This is immensely important, when considering the complaints of administrative interference in Ottoman judicial matters. Veritably, allegations of such interference precede many claims by foreigners of the purported corruption, impartiality

---

<sup>141</sup>Ibid, 148-9.

<sup>142</sup>Ibid, 153-4.

<sup>143</sup>Ibid, 153-4, 158, 162. Note that although Salzmann, like Pamuk, does not use Burt's ideas and terminology, Salzmann is describing brokerage opportunities for local notables through the delegation of judicial duties.

<sup>144</sup>We will return to this important topic in later chapters.

<sup>145</sup>Ibid, 147-9, 122ff.

<sup>146</sup>Ibid, 78.

and inefficiency in the Ottoman system.<sup>147</sup> But, the matter appears less straightforward when we take into account the regulatory role of the Porte in maintaining the ‘circle of justice’ in these turbulent times. The delicate considerations involved in balancing the rising influence of certain local notables against the imperial interests they now represented, naturally necessitated the involvement of the Porte and the imperial council as arbiters in ‘judicial’ matters.

Indeed, one sees logic and harmony in the intent, if not always in the workflow, of the duality within the Ottoman judicial system. In the seventeenth and eighteenth centuries, the Imperial Council did not arbitrarily interject in the judicial process. For example, of the legal petitions submitted to the grand vizier, the petitions dealing with the *şeriat* were referred to the chief judge of Rumelia, while the grand vizier took care of the remaining petitions (presumably of an administrative nature) himself.<sup>148</sup> Thus, in stark contrast to the claims of western observers, the Ottomans applied great care to distinguish between administrative and judicial matters. The Ottomans applied this care to preserve the sanctity of their ruling philosophy in this period as well: the ‘Circle of Justice.’ This care, especially with the more delicate social and political balances in mind, also still applied to effectively extending their authority throughout their domains. Yet, as far as many European travelers and technocrats were concerned, such nuance only displayed another example of the backwardness and corruption of the ‘Terrible Turk.’

To be fair, many recent specialists of this era suggest that a significant rise in judicial corruption occurred during the eighteenth century.<sup>149</sup> But, I must point out a notable dissent from the majority opinion concerning this complex topic. To reiterate, assessing the level of judicial corruption in this period is of paramount importance. This alleged corruption and ineptitude

---

<sup>147</sup>Judge Hornby, a notable British consular judge, provided many reports that exemplified this attitude. Some examples are presented in chapter 5.

<sup>148</sup>Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 150-1. As mentioned before, the chief judge of Rumelia tended to refer the cases he deemed worthy of judicial review to the appropriate provincial courts.

<sup>149</sup>Barkey, Ergene, and Zarinebaf are all in agreement on this point.

appears prominently among the complaints of foreigners in the Ottoman Empire from the seventeenth century forward, as well as in the analyses that fueled the narratives of so-called Ottoman decline. Somewhat alarmingly, the only expert on Islamic Law among the aforementioned researchers, Haim Gerber, strongly dissents from the consensus opinion that judicial corruption drastically increased between the seventeenth and eighteenth centuries.<sup>150</sup> On the contrary, Gerber goes as far as stating that short of forgery on an impossible scale, the immense volume of records left by *kâdîs* and the registers of complaints only reinforces the image of a fair and trustworthy Ottoman judicial system.<sup>151</sup>

Gerber based his arguments on two archival sources. The first, *Şikayet Defteri* (Book of Complaints), is the record of citizens' complaints to the Sultan against wrongs done to them, chiefly by state officials. It is worth noting the existence of a very large number of complaints, primarily by people in small towns and villages: 2800 complaints during 9 months in 1675.<sup>152</sup> I agree with Gerber that far from indicating injustice and corruption, these large numbers indicate the confidence and fearlessness with which common people fought against perceived wrongs done to them. That they did not fear reprisals from the powerful notables and bureaucrats against whom they launched their complaints indicates an established trust in the judicial system.<sup>153</sup> To drive this point home, Gerber points out that only 71 of the 2800 complaints in 1675 were made against *kâdîs*. Almost none of these complaints involved allegations of judicial corruption such as accepting bribes to affect the outcome of trials.<sup>154</sup> The majority of allegations involved the abuse of administrative authority by *kâdîs*, such as levying and pocketing excessive taxes and court fees.

---

<sup>150</sup>Gerber, *State, Society, and Law in Islam*, 157-8

<sup>151</sup>Gerber, 158.

<sup>152</sup>Ibid, 154-8.

<sup>153</sup>Ibid.

<sup>154</sup>Ibid, 159-61.

The second archival source, records of trials held by *kâdîs*, further reinforces the notion of fairness and due process since various witnesses attended all trial proceedings. That so many witnesses might succumb to bribery and deception appears very unlikely.<sup>155</sup> Of course, the system incorporated questionable practices, such as venality, and exhibited some corruption. But cases of judicial corruption were treated seriously, investigated by administrative units not associated with the *kâdî* in question, and could result in legal action against the accused.<sup>156</sup> Gerber strongly suggests a corrective reassessment of the inflated notions of injustice and corruption that blanket narratives of the Ottoman judicial system.

Unfortunately, the narrow timeframe of the complaints that Gerber studied poses a problem for those seeking to extend his analysis to the eighteenth and nineteenth centuries. The powerful arguments and the wealth of archival evidence leave little reason to doubt Gerber's conclusions around the year 1675. Yet, without further analysis of complaints from different regions and times during the seventeenth and eighteenth centuries, I lean towards the majority opinion (suggesting a significant rise in judicial corruption in the eighteenth century) with some significant reservations.<sup>157</sup> The judicial authority of the Ottoman center remained strong during the eighteenth century. Despite strategically showing some preference towards the rights of land owners, the Ottoman center offered respite to provincial subjects from ascendant local notables

---

<sup>155</sup>Ibid, 158. Zarinebaf also provides further detail on the make-up of the witnesses, who were drawn from court officials, local religious leaders, community leaders, and local guild members. The witnesses had some familiarity with the backgrounds of the defendants. See Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 144, 155-6.

<sup>156</sup>Ibid, 159.

<sup>157</sup>My reservations stem from the examples provided by the researchers for the supposed increase in judicial corruption in the seventeenth and eighteenth centuries. For example, the examples of judicial corruption provided by Zarinebaf all involve allegations concerning administrative functions of the *kâdî* (see Zarinebaf, *Crime and Punishment in Istanbul; 1700-1800*, 144-145). This may indicate a continuation of the trends that Gerber uncovered in his research: that despite significant mismanagement and irregularity in the administrative side of *kâdîs'* duties, judicial corruption of the *kâdîs* may have been minimized due to the strict oversight of the Ottoman center in the eighteenth century (mainly through the Imperial Council).

through the *kâdî* and appeals courts. There appear, however, signs of an increase in judicial corruption and dereliction of duty in various parts of the Ottoman Empire.

These increases indicate that despite reaping benefits from their decentralization efforts, the Ottomans failed to achieve the stable structure they desired. The activities of the *ayan* required anomalous variations in the behavior of Ottoman bureaucrats and administrators. The Ottomans accepted such anomalies on a limited basis in the fifteenth and sixteenth centuries, knowing that they could deal with the notables of such regions from an ever improving bargaining position. In the seventeenth and eighteenth centuries, however, the Ottomans' growing reliance on the *ayans* progressively rendered the past superior bargaining positions of the central government a rarity. Thus, one can understand the Tanzimat not only as a means for the Ottoman center to achieve parity with European competitors, but reestablish the favorable bargaining positions with their provinces through highly centralized bureaucratic institutions.

A few points bear reemphasis before bringing this broad summary to an end. The Ottomans routinely weaved a web of exceptions into their legal system to legitimize and extend their authority over an increasingly diverse population. Without sufficient familiarity with the origins of Ottoman legal and administrative practices, foreign observers chronically misinterpreted these exceptions as indicators of corruption and incompetence (a theme we will find to extend throughout the Tanzimat as well.) However, a more judicious glance into the Ottoman system dispels exaggerations by revealing a hierarchy of oversight that fostered professional diligence. As with all systems of government, the Ottoman system also suffered from corruption. A large body of research suggests increased administrative corruption in the eighteenth century, but there exists indications that the judicial system may have been less prone to corruption.



While special provincial arrangements enabled the central government to flexibly negotiate its terms of authority, devastating military defeats and persistent fiscal difficulties at the end of the seventeenth century increasingly undermined the central government's bargaining positions. The rise of the *ayans* increased the amount of exceptions in the Ottoman system, especially from the end of the seventeenth century through the eighteenth century. Despite periodic attempts that nudged the system towards uniformity, the Ottoman center failed to effectively reverse the influence of the *ayans* or the privileges extended to them.

### **3.0 BUREAUCRATIC ELITES OF ISTANBUL DURING TANZIMAT**

One can conduct network analysis at different levels. This chapter focuses on the network relations at the highest levels of Ottoman and European bureaucracy in Istanbul. The focus on relations among policymakers, which in many instances blur the boundaries between the professional and the personal, will highlight how careers, decisions and policies were crafted among the Ottoman and European elite during the Tanzimat era. This has great significance in understanding the arguments presented in later chapters. After all, the local network interactions analyzed in chapters 5 and 6 informed the policymakers in Istanbul and in European capitals regarding the efficacy of their policies, as well as the status of the Euro-Ottoman alliance and future policies required to ensure the continued benefits of the alliance. The following arguments will contextualize not only the increased power provided to policymakers in Istanbul by their high-level network connections, but also the constraints placed upon the policymakers by the same network connections.

The Ottoman reformers neither formulated nor implemented their policies in vacuo. On the contrary, they needed cooperation to neutralize both internal and external resistance against their efforts. This required an intricate calculus of alliances and political maneuvering. Consequently, the elite bureaucrats were not defined as such by their positions within the bureaucracy, but by the relations that provided them with leverage against their opponents. Understanding the advantages, and perhaps more significantly, the obligations that came out of these relations is

imperative: the relations not only empowered the participants, but also left the participants indebted to the sources of their power. Because of the complex and dynamic nature of these relations, the interactions among bureaucrats became decisive during key turns of historical events. In this dissertation, the spheres of authority and network brokerage provide the analytical frameworks to investigate these interactions.

A letter sent to the Ottoman ambassador in London by the Ottoman foreign minister Âli Paşa in 1855 provides a simple example of perceptions of authority between Ottoman and European elites during the Tanzimat.<sup>1</sup> In this private communication, Âli Paşa complains at great length about the activities of the British ambassador in Istanbul, Lord Stratford Canning, asking the Ottoman ambassador to cautiously investigate ways to curtail Canning's authority. Canning's appointment of British consular representatives to prominent Ottoman districts outside of Istanbul comprised one of the primary complaints of Âli Paşa. According to the letter, these British representatives interfered with the work of Ottoman governors and local judiciary, rerouting matters of British interests to the attention of high level Ottoman bureaucrats in Istanbul, or even to the Sultan himself. Âli Paşa viewed this as an unacceptable intrusion into Ottoman internal matters that ultimately undermined Ottoman authority.<sup>2</sup> How did Canning come to hold such sway over the Ottomans?

Historians have noted that as the Tanzimat reforms progressed, the Ottoman bureaucrats increasingly acted with greater autonomy from the Sultan.<sup>3</sup> Simultaneously, Ottoman bureaucrats worked hard to become members of networks controlled by powerful leaders, such

---

<sup>1</sup>Hayreddin Nedim Göçen, Ali Ahmetbeyoğlu, and İshak Keskin, *Belgelerin dilinden Osmanlı ve Avrupa: Vesaik-i tarihiye ve siyasiye tettebbuatı* (İstanbul: Selis Kitaplar, 2008), 85-88.

<sup>2</sup>As seen in chapter 5, such perceptions played a very important role in creating a climate of distrust between the Ottoman and European leadership, and preventing the productive convergence of imperial policies during four decades of reform efforts.

<sup>3</sup>Kazgan, *Galata Bankerleri v.1*, 19-20, as well as Halil İnalcık and Mehmet Seyitdanlıoğlu, eds., *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu* (Ankara: Phoenix Yayınevi, 2006), 345-349.

as Mustafa Reşid Paşa. Such connections not only provided career advancement opportunities for bureaucrats, but also gave them a higher social status and access to powerful financiers.<sup>4</sup> In this context, European diplomats provided a brokerage service for the network of Ottoman reformers. Following the tumultuous 1820s and 1830s, the Ottomans greatly relied on British support to steady their ailing imperial ship. Thus, the words of the British ambassador carried unprecedented weight with the Sultan and the reigning government. As the Tanzimat had especially strong benefits for British interests in the Ottoman Empire, Ottoman reformers could count on British support throughout the 1840s and 1850s to further both the Tanzimat reforms, and their personal agendas.

Canning provided great support especially for the leader of the reform efforts, Mustafa Reşid Paşa. Indeed, when Mustafa Reşid fell from office in disgrace in the 1840s, his apparent political demise also dealt a heavy blow to the Ottoman reform efforts.<sup>5</sup> Canning, who had met a young Reşid through the Sultan in the 1830s, helped rejuvenate the political career of Reşid.<sup>6</sup> The reform efforts had yielded great profits for the British, both in trade and by bolstering the Ottomans to check Russian advances. Reşid's political survival ensured the continuation of favorable Ottoman policies for the British.

The close relationship between Reşid and Canning meant that other reformist Ottoman bureaucrats could only access British support through Mustafa Reşid. This remains a strong possible explanation for the animosity of Âli Paşa, the leading protégé of Mustafa Reşid, towards Canning. Along with the second dominant protégé of Mustafa Reşid, Fuad Paşa, Âli Paşa chose to align his interests with those of the French ambassadors, whose brokerage provided direct

---

<sup>4</sup>İnalcık, and Seyitdanlioğlu, *Tanzimat*, 345-349.

<sup>5</sup>Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 105-110.

<sup>6</sup>Ibid, 106. Canning describes how he met with the fallen Reşid in secret, to avoid Reşid's persecution by the Sultan or suspicious bureaucratic rivals.

connections to European political and financial networks. Yet, the European brokerage that initially provided stability for the Tanzimat began to have increasingly deleterious effects as the reforms progressed. Indeed, the resistance of the Sultan and conservative elites to the reforms increased with the rise of European influence on the reformist bureaucrats. Additionally, competing European interests manifested themselves in rival networks of Ottoman reformists, greatly reducing the efficacy of the reform efforts through internal strife.<sup>7</sup> Although certainly not the only cause of the political instability in the Ottoman Empire, gamesmanship among foreign actors in Istanbul played a major role in foiling the Tanzimat reforms. This merits a focus on bureaucratic and financial networks in Istanbul during the Tanzimat, prior to the analysis of imperial interactions at the local level.

### **3.1 THE ORIGINS OF THE TANZIMAT**

The year 1839 marked the beginning of the Tanzimat reforms in the Ottoman Empire, the period spanning from the 1840s through the 1870s in which the Ottomans made the riskiest social and economic bets in their history. Through these reforms the Ottomans aimed to close the technological and competitive gap between themselves and European powers. However, the foreign allies whose support made it possible to initiate the reforms began to exert unprecedented influence in Ottoman affairs during the following decades.<sup>8</sup>

---

<sup>7</sup>By the 1870's, reformist Ottoman bureaucrats had strongly aligned themselves with British, French, and even Russian ambassadors.

<sup>8</sup>Shaw, *History of the Ottoman Empire*, v.2, 56.

Yet, this was not the worst of it. Not all Ottoman bureaucrats believed in or supported the reforms.<sup>9</sup> Factions opposing the reforms often formed alliances with the Sultan, who supported the idea of the reforms but worried about the reduction of his absolute authority as a result of their implementation.<sup>10</sup> Not finding reliable support from their master and benefactor, reformist bureaucrats engaged in a calculus of weighing the benefits of the reforms for the Ottoman state versus the damage of Tanzimat's implementation on their careers. Thus, one of the major difficulties in deciphering the rationale and effects of the reforms resides in their mercurial implementation. One must develop a basic familiarity with Ottoman institutions and bureaucracy in order to appreciate the full impact of the Tanzimat reforms on the Ottoman state and society.

Lacking a sound blueprint and a stable political platform, the reformers experimented with different organizational structures during the Tanzimat, which rarely yielded the desired outcomes.<sup>11</sup> For example, ministries carried out executive and administrative duties of the central government under the authority of the *Sadrazam* (Grand Vizier, essentially equivalent of Prime Minister).<sup>12</sup> Many of these ministries had complex structures that incorporated both executive and legislative functions. Despite this, the reformers often modified the authority as well as the associations of these legislative bodies within the ministries; a legislative branch might only exist for months or become associated with a different ministry altogether, forcing

---

<sup>9</sup>Ironically, many bureaucrats who opposed the progressive reforms belonged to the *Ilmiye* institution (Ottoman Religious institution), comprised of the religious officials (ulema). The word *Ilmiye*, related to the word "ilm" meaning knowledge and understanding, embodied the exact opposite spirit to that of the ulema. According to Ahmed Cevdet and other Ottoman bureaucrats of the time, most of the ulema were ignorantly superstitious and dull witted. See Ahmet Cevdet Paşa and Yusuf Halaçoğlu, *Sultan Abdülhamid'e Arzlar (Ma'rûzât)* (İstanbul: Babiali Kültür Yayıncılığı, 2010), 19-20.

<sup>10</sup>Shaw, *History of the Ottoman Empire*, v.2, 69-71.

<sup>11</sup>Musa Çadircı, "Tanzimat'ın Uygulanması ve Karşılaşılan Güçlükler (1840-1856)," In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu*, eds. Halil İnalcık and Mehmet Seyitadanlıoğlu (Ankara: Phoenix Yayınevi, 2006), 151.

<sup>12</sup>Ali Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform: 1836-1856* (İstanbul: Eren, 1993), 32-33.

Ottoman bureaucrats to speedily acquaint themselves with new responsibilities.<sup>13</sup> Such perplexing and often counter-productive actions by reformers begin to make sense only when viewed in conjunction with the complex relations within Ottoman networks.

With this in mind, the following very basic organizational charts of the central Ottoman government reflect an approximate general structure for the majority of the Tanzimat period. One needs to keep in mind, however, that no chart of reasonable size could represent all the details and changes which reformers implemented during this period.

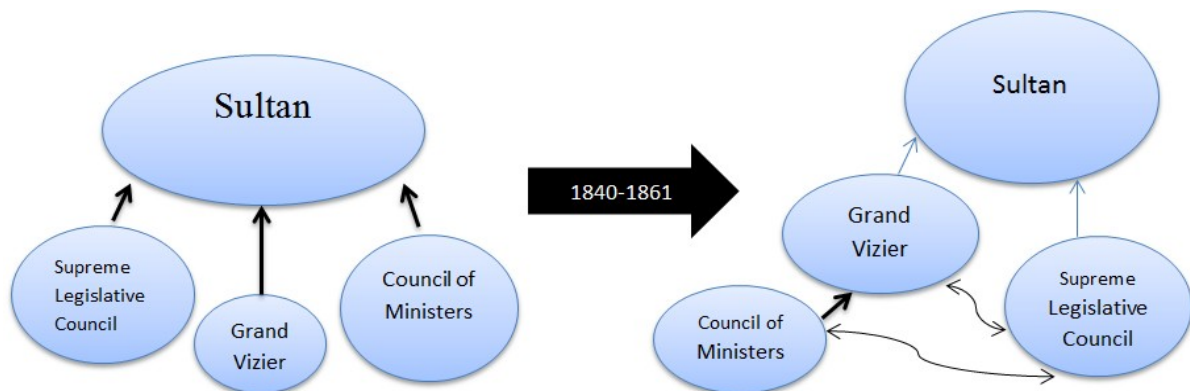


Figure 3.1: As a result of the Tanzimat reforms the autocratic rule of the Sultan is replaced by a more autonomous bureaucracy under a powerful *Sadrâzam*. Despite entering the Tanzimat era significantly weakened, indeed almost liquidated by the end of the 1830s, the *Sadrâzam*'s office recovered its authority in the increasingly centralized government. Note the development of links between the different branches of government by 1861, an example of European influence on the Ottoman bureaucratic restructuring efforts. The darker arrows signify an autocratic relation, whereas lighter arrows signify an increased independence in the nodes of high-level Ottoman bureaucracy—also signifying the development of checks and balances on the powers of each of these nodes. The *Sadrâzam* and his ministers had major influence in the appointment of members to the judicial councils. Conversely, a *Sadrâzam* or any of the ministers could be weakened or removed from office as a result of judicial proceedings, providing plenty of opportunities for political maneuvering by all parties. Thus, the increased independence and the development of checks and balances that should have brought stability to the Ottoman political and bureaucratic system, actually further destabilized these systems with the increase in foreign influences.

<sup>13</sup>Ibid.

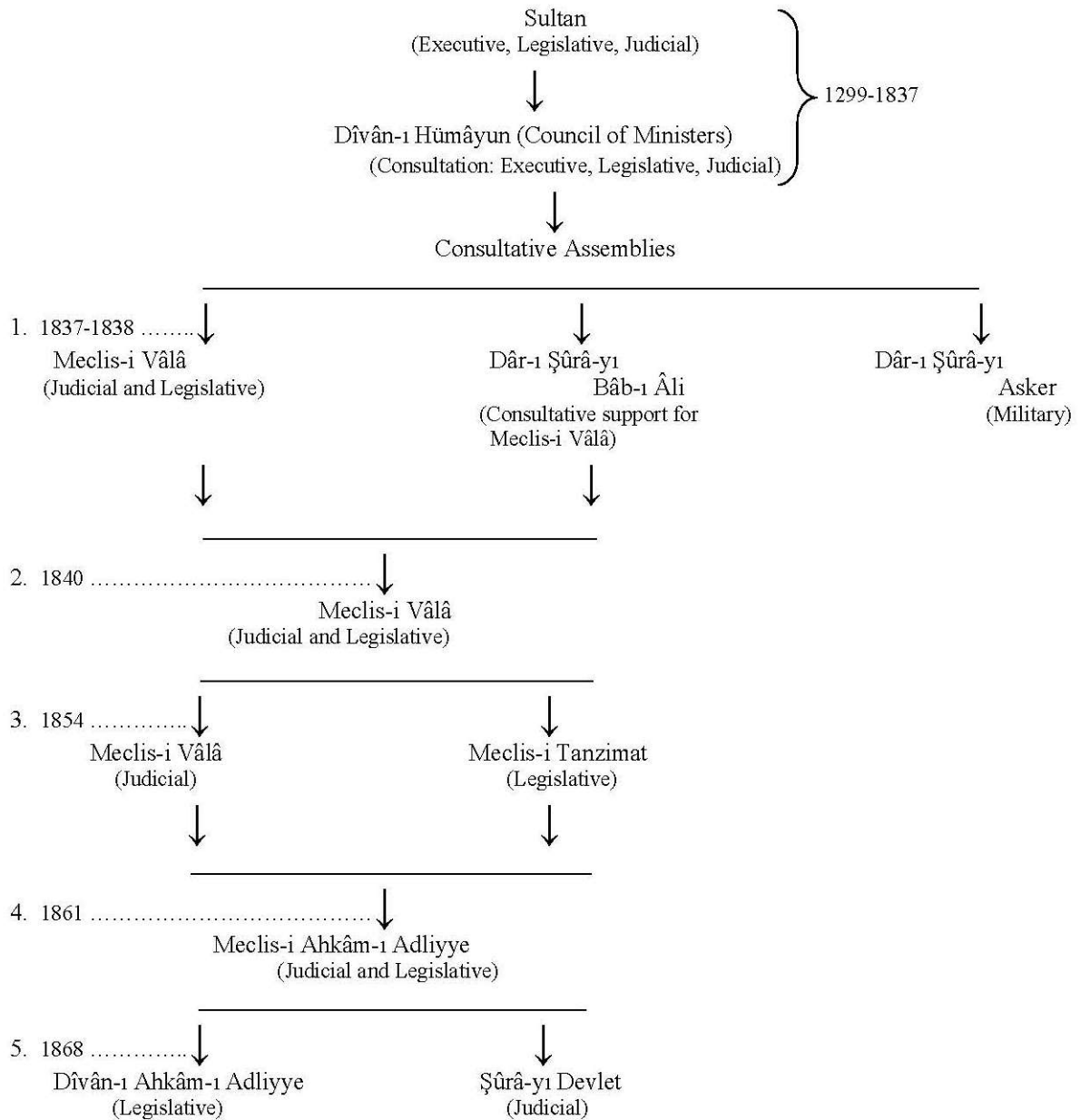


Figure 3.2: Ottoman Structural Experiments (Consultative): An example of Ottoman experiments on bureaucratic structure, in this case involving the structure and duties of consultative assemblies that advised the actions of executive and legislative bodies of the Ottoman government. Of course, there existed some further details in the period spanning 1299-1837. But the figure focuses on the radical changes in the roles of consultative assemblies during the Tanzimat. Notably, the legislative and judicial functions of assemblies were united and separated twice. The executive branch remained an intimate part of all of these assemblies. Note: Starting from 1839, Meclis-i Vâlâ, and later Meclis-i Ahkâm-ı Adliyye would temporarily expand their membership with appropriate specialists from among the Ottoman bureaucracy to discuss special topics (reforms, projects, etc.), and call themselves Meclis-i Umumi.



The bureaucratic relations between the *Bâb-ı Âli* (Office of Sadrazam) and the Interior Ministry demonstrate how tenuous a grip Ottoman bureaucrats had over their establishments. For political reasons, the office of the Undersecretary of the Interior (*Dahiliye Müsteşarlığı*) became a part of *Bâb-ı Âli* in 1839.<sup>14</sup> Under this arrangement the staff of the interior ministry still performed all the labor for the office of its undersecretary; however, the political ties to the Grand Vizier soon began to take their toll on the quality of new appointees. For example, the number of workers in the clerical office of the Interior Ministry ballooned from around 40 to 200 between 1839 and 1847.<sup>15</sup> Most of these appointees lacked the adequate training such a post required.<sup>16</sup> Despite the drop in the quality of personnel, the clerical office also carried the burden of cataloguing and, when necessary, forwarding communications between all other ministries in Istanbul. Such an increased volume of work brought with it certain technical difficulties.

Using network parlance, such a node constitutes a bottleneck in the network—occurring when a node becomes overloaded with network flow.<sup>17</sup> This is clearly the case for the clerical office of the Interior Ministry. The control that a *Sadrazam* exercised over the bureaucratic apparatus through his trusted interior minister stymied bureaucratic speed and efficiency. One must note that since all information between ministries and the *Sadrazam* passed through this office, it occupied a special position; the Ottoman administrative system would fracture if this node disappeared or could not perform its functions. During the most critical times of stress on a network (for example increased flows due to war), such nodes may slow network flow to

---

<sup>14</sup>The *Sadrazam* consolidated his power through the bureaucratic information he received from all regions of the vast empire (allowing him, for example, opportunities to replace opposing bureaucrats with staff from his network). This highly centralized arrangement provided the *Sadrazam* with the additional authority he needed to resist the Byzantine political schemes against him, originating from his rivals as well as his allies.

<sup>15</sup>Akyıldız, *Tanzimat Dönemi*, 30-32.

<sup>16</sup>This office catalogued all communications between Istanbul and the peripheries of the empire.

<sup>17</sup>A node is a point in the network through which information or other network commodities are transmitted.

unacceptable levels.<sup>18</sup> The repeated attempts to improve the performance of such offices by Tanzimat reformers indicate that such nodes in the Ottoman administrative networks routinely underperformed expectations.

Up to this point I have only considered domestic entities as nodes in Ottoman networks. Yet foreign entities and agents played very significant roles in these networks as well. Before setting their reform plans in motion, the future *Sadrazam*, Mustafa Reşid, and Sultan Mahmud II both recognized the necessity of securing British support. Prior Russian and Egyptian advances into Ottoman territories had made that much clear. The trust necessary for an alliance of mortal importance, especially between former adversaries, could not have formed without the trust between individual members of the elite.<sup>19</sup> The absolutely essential prerequisite for the development of the relations between Great Britain and the Ottoman Empire was the trust between Sultan Mahmud II and Stratford Canning, the formidable British ambassador known in the Porte as “the British Sultan”. British sources suggest that Canning’s relations with the following Sultan, Abdülmecid I, deepened into friendship.<sup>20</sup> Through such personal connections with the Ottoman elite, the British set the stage for their informal imperialism within the Ottoman sphere of influence. Canning’s activities in Istanbul highlight the hegemonic nature these relations assumed after a short time.

But even before British actors such as Canning actively interfered in internal Ottoman affairs, the Ottomans needed to pay a hefty price for an imperial bodyguard such as Britain. The Ottomans paid this price by signing the *Balta Limanı* Treaty in 1838 with Great Britain, under

---

<sup>18</sup>The disparity between the processing capacity of the node and the information flow into the node determines the severity of this phenomenon. An actual analysis of the flow of data through the network during times of stress (e.g. during the Crimean War) requires further archival research, but is possible.

<sup>19</sup>A joint British, French and Russian naval arrangement had destroyed the Ottoman navy in 1827 (during Ottoman attempts to regain control of their Greek provinces,) and had created the pretext for the Egyptian revolt.

<sup>20</sup>Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 80-83.

the added urgency of a second insurrection in Egypt threatening the very existence of the Ottoman Empire.<sup>21</sup>

The *Balta Limani* Treaty, as with all Ottoman capitulations to the West, later revealed itself as a double-edged sword at a later time. However, the immediate benefits seemingly outweighed any foreseeable future costs. On the military side, the British Navy blockaded ports in Egypt and the Levant to force the rebellious Mehmed Ali to once again accept Ottoman authority. Under this arrangement, Egypt would hold a highly privileged status among Ottoman provinces, but without the full autonomy dreamt by Governor Mehmed Ali of Egypt.<sup>22</sup> Expecting support from France, Mehmed Ali refused to comply until British warships shelled Beirut. Accepting the futility of his efforts without European support, Mehmed Ali acquiesced. Additionally, following extensive British diplomatic efforts, the Ottomans reacquired the control of the Bosphorus and Dardanelles straits from the Russians in 1841.<sup>23</sup>

On the economic side, the Ottomans seemingly killed two birds with one stone. With the increase in foreign trade, the Ottoman economy would become more commercialized and more integrated into the world economy.<sup>24</sup> At the same time, by lowering the tariffs on British cotton and other products, the Ottomans ensured the collapse of industries within the province of Egypt.<sup>25</sup> This finally defanged the cantankerous and wily Mehmed Ali who had been a thorn in

---

<sup>21</sup>See, Shaw, *History of the Ottoman Empire*, v.2, 49-50, 56-58, and Roger Owen, *The Middle East in the World Economy, 1800-1914* (London: Methuen, 1981), 91.

<sup>22</sup>Shaw, *History of the Ottoman Empire*, v.2, 56-58.

<sup>23</sup>The Ottomans signed away the control of these straits to the Russians in 1833 (*Hünkâr İskelesi Treaty*) in case of a general war. In return, the Russians assured the Ottomans support in case of further Egyptian military advances. Fearing prospects of Russian plays upon the Red Sea trade routes and India, the British became quite agitated. They managed to counter this Russian strategic advance with the London Straits Treaty (1841).

<sup>24</sup>Issawi, *Economic History of Turkey*, 76-77.

<sup>25</sup>*Ibid*, 74-75, and Owen, *The Middle East*, 93. It must be noted that Kütükoğlu points out the impossibility of Ottoman statesman remaining ignorant of the future damage the trade terms would cause to the Ottoman economy. See, Mübahat S. Kütükoglu, *Osmanlı-İngiliz İktisâdi Münâsebetleri* (Ankara: Türk Kültürünü Araştırma Enstitüsü, 1974), 104. Also, Owen points out that Egypt's economic stagnation had possibly begun prior to the trade agreement. See Owen, *The Middle East*, 75-76.

the side of the Ottomans for far too long. Egypt, remanded and brought to its knees financially, presented no further existential threats to the Ottomans.

In reality, the Balta Limanı Treaty created two major problems in the long run for the Ottomans. According to the treaty, the Ottomans subjected British goods to a low customs tax and British merchants received exemption from all other taxes within Ottoman realms.<sup>26</sup> The Ottomans did not extend such generous privileges to their own manufacturers and merchants who now found themselves without even a slingshot against an industrial Goliath. By opening the floodgates against British products, manufactured through industrial methods at costs unmatched by traditional Ottoman tradesmen, the Ottomans ensured the destruction of much of their manufacturing sector.<sup>27</sup> Had these sectors received protection and support from the government against the onslaught of British goods, these Ottoman proto-industries might have survived. Instead, entire sectors of the Ottoman economy were suffocated in the crib for British profit. In the decades to come the Ottomans sorely missed the income that such industries would have provided as Ottoman finances plunged deeper into a downward spiral they had co-engineered. Ottoman attempts to renegotiate the terms of the capitulations, and the reasons behind why Europeans met such demands with recalcitrance, will receive major attention in the following chapters.

The second unanticipated problem the Ottomans faced involved the effects of financial institutions and instruments on Ottoman culture. As trade activities of foreign merchants increased dramatically within Ottoman territories, the financial activities of bankers concurrently evolved in sophistication. These financial activities nurtured a culture of consumption and

---

<sup>26</sup>Issawi, *Economic History of Turkey*, 74-75, 97-100.

<sup>27</sup>Şevket Pamuk and Jeffrey G. Williamson, "Ottoman De-Industrialization 1800-1913 Assessing the Shock, Its Impact and the Response," (Cambridge: National Bureau of Economic Research, 2009), <http://www.nber.org/papers/w14763> (Report, accessed February 28, 2015), 5-6.

excessive borrowing in parts of Ottoman society with the means to do so.<sup>28</sup> These new social behaviors manifested themselves most potently among the higher echelons of Ottoman bureaucracy and the Sultan's Palace, fueling an increase in corruption as well as other ailments.<sup>29</sup> These developments had a strong impact on the activities and development of Ottoman networks.

Against this background, Mustafa Reşid and Sultan Abdülmecid I launched the radical Tanzimat reforms. The Ottomans secured British support against predatory Russian advances by fulfilling the basic economic prerequisites the British required to exercise their policy of informal empire within Ottoman realms.<sup>30</sup> Both Reşid and the Sultan knew from bitter experience that such radical reforms would leave the Ottomans vulnerable to foreign attacks (as Sultan Mahmud had found out following the Auspicious Incident of 1826.)<sup>31</sup> Russia and Egypt had not allowed Mahmud the respite needed to enact his reform policies. Therefore the reformers had to secure British support at all costs before implementing their reforms. Even with all of his skills, establishing the contacts necessary to secure European support for the Ottoman reforms cost Mustafa Reşid four years of hard diplomatic labor.

---

<sup>28</sup>Kazgan, *Galata Bankerleri*, v.1, 13-14, 16-17.

<sup>29</sup>Ibid, 78-79, 80-81, 93-94, and Ahmet Cevdet Paşa and Halaçoğlu, *Ma'rûzât*, 22-24, 68-69. There also exists accounts in British sources of the special difficulties over payment disputes with Ottoman elites, such as a son of the Sultan. See, FO 195-834, Baker and Hayden v Ahmed Effendi.

<sup>30</sup>"Informal empire" refers to the hegemonic activities of one empire over another, through economic and/or military advantages. See John Darwin, *The Empire Project: The Rise and Fall of the British World-System, 1830-1970* (New York: Cambridge University Press, 2009) Chapter 3, and Joshua Peter Hill, "The Agency Problem" (A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, George Mason University, 2009), <http://hdl.handle.net/1920/5668> (accessed February 28, 2015). Along these lines, the most important element of British policies were the retention of authority gained from the Ottomans through the capitulations, and the sustainment of profitable trade terms for the British merchants. See, especially chapter four of this dissertation.

<sup>31</sup>Shaw, *History of the Ottoman Empire*, v.2, 29-35. (The Auspicious Incident refers to the extermination of the Janissary Corps by forces loyal to Sultan Mahmud II. It took Mahmud nearly 20 years to build enough political and military support to face the Janissaries, yet another internal factor blocking Ottoman reforms for some time.)

One should consider the initial stages of Tanzimat, literally meaning reorganization, in some ways a collaborative effort between the British and the Ottomans.<sup>32</sup> Although its roots lay with the reform ideas of Mahmud II, it belonged mostly to Mustafa Reşid from its embryonic stages to its inception. However, the following conversation between Stratford Canning and Mustafa Reşid displays the undeniable British influence on the Tanzimat:

Subsequently he (Mustafa Reşid) arrived in London as the Sultan's ambassador, and our acquaintance was then renewed. I remembered that he opened himself to me on the subject of reforms in Turkey..... He asked me when and how the promoter of the system ought to begin. I replied, "At the beginning." "What do you mean by the beginning?" he said. "Security of life and property, of course," I rejoined. "Would not you add the protection of honour?" he asked. "No doubt," I said.<sup>33</sup>

One also should consider the appearance of an article specifically guaranteeing the security of the life, property, and honor of all Ottoman citizens in the Tanzimat proclamation under the light of Canning's account. The impact of such articles extended beyond the Ottoman social sphere, reverberating in the structure of Ottoman power and authority for decades to come.

One of the primary motivations of Reşid in including these articles involved creating a secure environment for Ottoman bureaucrats prior to shifting the fulcrum of authority in governmental affairs from the Sultan to the Sublime Porte, the central hub of Reşid's network.<sup>34</sup> These attempts did not go unanswered by the Sultan who appointed a number of his trusted personnel to key positions of power. Thus, away from the eye of the public, a struggle for authority raged in the halls of power of Ottoman government. The Sultan appointed conservatives loyal to him mainly to the military positions in the government, such as *Serasker* (Commander in Chief of the Armed Forces), *Tophane Müşiri* (Commander of the Artillery), and *Kaptan-ı derya* (Commander of the Navy), but the conservatives also regularly occupied positions that would have been

---

<sup>32</sup>Enver Ziya Karal, "Gülhane Hatt-ı Hümayunu'nda Batı'nın Etkisi," In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu*, eds. Halil İnalcık and Mehmet Seyitdanlıoğlu (Ankara: Phoenix Yayınevi, 2006), 72-78.

<sup>33</sup>Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 106.

<sup>34</sup>İnalcık, and Seyitdanlıoğlu, *Tanzimat*, 112.

considered of a civilian nature by Europeans, such as that of *Sadrazam*.<sup>35</sup> The Sultan had good reason to trust the highest ranking individuals among the conservatives; many of them married close relatives of the Sultan. These women must have remained in contact with the harem section of the palace, an area dominated by the Sultan's mother who remained an influential figure behind the Sultan.<sup>36</sup>

Many conservatives did not aim to stop or reverse the Tanzimat reforms since these efforts would reinvigorate an ailing empire. But they opposed the reformers' efforts to establish a more independent bureaucracy as the success of such efforts would weaken the fountainhead of their fortunes; the Sultan. The conservatives aimed to reap the economic and political rewards of change while maintaining the status quo in the structure of Ottoman authority.<sup>37</sup>

By the early 1850s, Damat Mehmed Ali Paşa emerged as the leader of the conservative network and the main competitor of Reşid for the position of Sadrazam. This network did not function as cohesively as Reşid's network since the only elements holding it together were their connection to the Sultan and the perceived threat posed by the reformists against their authority.<sup>38</sup> Despite this, the conservatives ceaselessly worked against Reşid until they secured his fall from the post of Sadrazam in 1852.<sup>39</sup> The Sultan eventually appointed Damat Mehmet Ali as the new Sadrazam who wasted little time in attacking the reformist network. In short, Damat Mehmet Ali attempted to appoint Reşid and Âli Paşa away from the capital. The

---

<sup>35</sup>Shaw, *History of the Ottoman Empire*, v.2, 69-70. The term conservative entails opponents of the Tanzimat among the Ottoman elite, but also those who opposed the form and implementation of the reforms while agreeing with the need for reforms.

<sup>36</sup>Woefully little is written regarding the networks and activities of women within and outside of the palace in this period. It is known that in earlier eras, diplomats recognized their influence and established contacts with them. It is also generally recognized that sons-in-law and palace women politically supported each other since they derived their political authority through each other. See Colin Imber, *The Ottoman Empire, 1300-1650: The Structure of Power* (Hampshire: Palgrave Macmillan, 2002), 95-96.

<sup>37</sup>Shaw, *History of the Ottoman Empire*, v.2, 69-71, and İnalcık and Seyitdanlıoğlu, *Tanzimat*, 344-348.

<sup>38</sup>*Ibid*, 344.

<sup>39</sup>The conservative faction had once succeeded in convincing the Sultan to remove Reşid from the Office of *Sadrazam* in 1848, however Reşid regained power after protests by bureaucrats who argued that such an act ran counter to the spirit of the Tanzimat reforms. See, *ibid*, 345-346.

infuriated Reşid refused his appointment as governor of Edirne and remained to fight in Istanbul, whereas the shrewd Âli immediately accepted his appointment as governor of Izmir. By remaining out of the increasingly public struggle for power in Istanbul, Âli would emerge as the unscathed successor to Reşid as the champion of the reforms.

The struggle for power between the reformist and conservative networks reached its climax in 1853 as the aggressive Russian demands caused both of them to fall from the Sultan's favor. When the initial meetings with Russian representatives failed, a reformist government (with Reşid as the Foreign Minister) replaced the conservative one. When the talks failed for a second time, with war imminent, both the Sultan and the public had had enough. Damat Mehmet virtually disappeared from the political landscape and the badly wounded Reşid remained in circulation only by the grace of his patron saint: Stratford Canning.

As pointed out in other studies, the initial involvement of foreign imperialist agents within the affairs of a less developed country usually takes place under an advisory capacity.<sup>40</sup> During his involvement in Ottoman affairs in the 1840's Canning acted precisely as an advisor. His influence did not remain passive for long, however, as the following entry in his memoir regarding one of the times Reşid fell out of favor attests:

.... a total inexperience of state affairs consigned the young sultan [sic] to a condition of helpless dependence on his ministers, whose titles to his Majesty's confidence were none of the best. It was very desirable that he should be in better hands, and I thought that Reshid [sic] restored to office would prove a suitable keeper of the imperial conscience. When he was at Balta Liman on the Bosphorus in 1843 we wished mutually to meet; but in Turkey an unemployed minister has to be constantly on his guard, as intercourse with a foreign ambassador lays him open to suspicion, and therefore we had to meet in a third house and quite secretly. A change in ministers in due season was the consequence of these meetings, and I found in Reshid Pasha on many occasions a friendly and powerful auxiliary. We agreed in principle on most questions of reform, but in point or execution he was timid and tardy, not indeed so much from any unwillingness to act as from the difficulty of bringing his colleagues into accordance with his views.<sup>41</sup>

This passage deserves special attention, as it points out a number of important facts regarding

---

<sup>40</sup>Johan Galtung, "A Structural Theory of Imperialism," *Journal of Peace Research* 8, no.2 (June 1971): 81-117.

<sup>41</sup>Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 106.



the activities of networks within the Ottoman Empire. First, it reaffirms the hypothesis that once the agents of an imperial power gain the trust of the elites of a subordinate nation as their trusted advisors, the agents' status begin to change.<sup>42</sup> In the next stage of their activities, these agents recruit individual elites from the subordinate nation to further their agendas—in this case, through unique brokerage opportunities proposed to ailing members of disadvantaged networks. In this case, the agenda involved the imperial interests of Great Britain represented by Stratford Canning.

Second, an important point implied by this passage involves the increasing hegemonic influence of an imperial power over a subordinate partner. Here, an out of favor elite of the subordinate nation, Mustafa Reşid, seeks the aid of a foreign power to restore his former status of authority. After this, Mustafa Reşid's motives must not only be considered as those of an Ottoman bureaucrat but also as representative of British interests. From the perspective of networks Mustafa Reşid is a node both in the network of Ottoman bureaucrats and a node in the network representing informal British imperial interests. His contemporaries certainly viewed him in that way.

Third, Canning mentions the additional measures for secrecy required during his operation to reinsert an out-of-favor operative into the Ottoman bureaucratic networks. There is an implication of competing networks within the Ottoman bureaucracy, as an out-of-favor bureaucrat must shun unwanted attention that personal relations with a foreign power would bring. This indeed was the case as Reşid faced stiff competition from rivals even within his own network.

---

<sup>42</sup>Galtung, "A Structural Theory of Imperialism," 81-117.

The competition to Reşid came from an unlikely source: his protégé Âli.<sup>43</sup> When Reşid lost his position as Sadrazam in 1852 as a result of allegations of corruption by his conservative opponents, the Sultan appointed Âli Paşa as *Sadrazam* in his place. The Sultan's gesture of replacing a reformist with his protégé, instead of appointing a trusted conservative, served as a sign of the Sultan's growing displeasure with the incompetence of the conservatives. It also indicated the growing influence of the reformists.<sup>44</sup> The Sultan's move, however, still displeased Reşid on the personal grounds that his own right hand man replaced him at the pinnacle of the empire's bureaucratic achievement.<sup>45</sup>

This divergence caused a major polarization within the network of reformist bureaucrats formerly led solely by Reşid, culminating in the creation of two bitterly embattled camps. As Ahmet Cevdet Paşa recalled, the two sides held little back in their efforts to harm each other.<sup>46</sup> Thus, friction between and within networks compromised both the consistent implementation of the Tanzimat reforms as well as the functioning of the Ottoman bureaucracy.

As a result of such polarization, Âli and Fuad Paşa moved closer to the French embassy for support vis-à-vis Reşid's support from his British patron, Stratford Canning.<sup>47</sup> This exemplified a general trend: all Ottoman bureaucrats of status at this time attempted to develop relations with British and French embassy staff. As Fuad Paşa explained, the reformers faced pressures from multiple directions.<sup>48</sup> The Sultan exerted pressure from above to preserve his authority. From below, the reformers faced resistance against proposals viewed as too Western, and a cyclic public pressure to reanimate the glorious empire of the past rather than build a modern state.

---

<sup>43</sup>Ahmet Cevdet Paşa and Cavid Baysun, *Tezâkir* (Ankara: Türk Tarih Kurumu Basımevi, 1986), XXI-XXII.

<sup>44</sup>İnalcık, and Seyitdanlioğlu, *Tanzimat*, 345-346.

<sup>45</sup>Ibid, 346, and Yılmaz Öztuna, *Tanzimat Paşaları: Âli Ve Fuâd Paşalar* (İstanbul: Ötüken Neşriyat, 2006), 43.

<sup>46</sup>Ahmet Cevdet and Baysun, *Tezâkir*, XXI-XXII.

<sup>47</sup>Ibid, 70-71.

<sup>48</sup>The words attributed to Fuad Paşa were written by Namık Kemal, the editor of *İbret* newspaper, issue 46, November 5, 1872. See, Reşat Kaynar, "Atatürkçülük," *Atatürk Araştırma Merkezi Dergisi* 5, Cilt: II, (March 1986).

Between such immense pressures, the bureaucrats could only find support by expanding their connections outwards, by reaching out to the powerful foreign representatives in Istanbul.<sup>49</sup>

The power vacuum created by Reşid and the conservative's loss of status ensured that Âli and Fuad Paşa would reshape Reşid's network as they wished.<sup>50</sup> Furthermore, the loss of authority suffered by the conservatives ensured that the powerful bureaucratic and military positions that they previously monopolized fell under the command of Âli and Fuad. The personnel of the armed forces would from this point on begin to acquire more autonomy since they no longer owed their position to the Sultan, and simply put, they had the guns. Thus, fifteen years from the beginning of the Tanzimat reforms and the struggle for greater autonomy by the bureaucracy, the bureaucracy emerged victorious. Unfortunately for the empire, the outside network connections that facilitated the victory left the bureaucrats mired in new obligations. The conflicts between the proper execution of reform efforts and these new obligations would further destabilize the empire and push it into bankruptcy.

It is appropriate to conclude this section with the following passage from a letter by Canning to his wife (1853) which highlights the marked increase of Western influence within the Ottoman government:

....The firmans renewing and confirming all the Christian and even Jewish religious privileges are prepared, and I put in two good sentences into them this morning, having had the drafts of them communicated to me privately for that purpose. I hope other privileges will follow, and then I shall feel as if I was doing some good.<sup>51</sup>

---

<sup>49</sup>Ibid.

<sup>50</sup>Along with Ali Paşa, Fuad Paşa (1815-1869) was the most successful of Reşid's protégés. He was one of the primary architects of the Tanzimat following Reşid and Ali. He assumed the position of Sadrazam and Foreign Minister numerous times, often switching places with his primary ally Ali Paşa as political imperatives demanded. Ali had seniority in this relationship.

<sup>51</sup>Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 274.

Thus, by the beginning of the Crimean War, the primary agent of informal British imperialism in the Ottoman Empire acquired sufficient influence to change a royal mandate (firman) of the Ottoman Sultan—and yet hoped for greater privileges!

### 3.2 SOCIAL CHANGES IN ISTANBUL, 1855-1865

Although the Ottomans technically emerged victorious from the Crimean War with the assistance of European allies, the financial burden of the war had dealt a festering wound to the Ottoman finances that their anemic economy lacked the vitality to mend. The additional spending to subdue uprisings, as well as the increased centralization of the government, had already placed a large burden on the Ottoman budget prior to the war.<sup>52</sup> By the early 1850s, British diplomats approached the Ottomans with proposals for a bank that would receive support from British financiers. Through this partnership the British hoped to assume the role of chief financiers for Ottoman public works projects, which aside from bringing short-term profits would finally make access to the largely untapped resources of Anatolia economically viable.<sup>53</sup> The Ottomans resisted British overtures by relying on internal borrowing largely financed through local bankers in Istanbul, as well as raising funds through the sale of *kaime* (Ottoman banknotes printed for the first time in 1852).<sup>54</sup>

---

<sup>52</sup>C. G. A. Clay, *Gold for the Sultan: Western Bankers and Ottoman Finance 1856-1881: A Contribution to Ottoman and to International Financial History* (New York: I.B. Tauris, 2000), 17, 21.

<sup>53</sup>*Ibid*, 14-15.

<sup>54</sup>There were two main reasons for the Ottomans initially refusing foreign loans or a western style bank. First, Islam forbids usury. This posed a formidable problem for the Ottomans as their Islamic legal system forbade the types of transactions desired by Western financiers. Secondly, many dissenting voices among Ottoman bureaucrats voiced (as it turns out, well-justified) fears of financial dependence on Europe. *Ibid*, 22.

By December 1855, the cost of the war for the Ottomans ballooned to an unexpected £13 million, necessitating loans from European creditors. The Ottomans secured two loans: £3 million at 6% nominal interest in 1854 from Dent Palmer at London, and £5 million at 4% nominal interest in 1855 from Rothschilds at London.<sup>55</sup> These loans were secured with the tribute paid by the governor of Egypt to the Porte and the customs from the port of Izmir. In truth, an Ottoman Empire under competent management had the capacity to carry the burden of greater debts.<sup>56</sup> However, inconsistent policies pursued by a rapid succession of governments allowed the debt to turn from a scratch into gangrene.<sup>57</sup>

Despite the eventual negative outcomes, the loans also had positive effects on the Ottoman Empire. The financial and political connections to Europe paid their dividends during the Crimean War by halting overt Russian aggression against the Ottomans. Some breathing room finally appeared for the Ottomans to move without the fear of opportunistic Russian advances during periods of temporary weakness following reform efforts. The Ottoman reformist network with its monopoly over connections to Europe seized this opportunity to expand and solidify its hold on authority within Ottoman lands. Thus, following Reşid's death in 1858, Âli and Fuad began to consolidate their grip on the bureaucracy. The key posts of authority were now reserved exclusively for members of Âli and Fuad's reformist network. The victims of these power moves were not only the conservatives who had engaged in similar acts against the reformers in the past, but bureaucrats who belonged to Reşid's sub-network as well.<sup>58</sup> In essence, all bureaucrats whose loyalties to Âli remained questionable after the bitter struggles of

---

<sup>55</sup>Ibid, 25-27.

<sup>56</sup>Ibid, 8-9.

<sup>57</sup>Many British officials in the Ottoman Empire suggested that most Ottoman bureaucrats had some, albeit inadequate, grasp of financial matters (Stratford Canning also voiced similar opinions). See Ibid, 14-15, and for some of the general reasons for the financial difficulties see 7-9.

<sup>58</sup>İnalcık, and Seyitdanlıoğlu, *Tanzimat*, 349.

the 1850s became relegated to passive roles within the bureaucracy, many located in the peripheral regions of the empire.

Furthermore, with the conservatives soundly dispatched, Âli extended his network into the Sultan's palace itself by demanding that significant appointments within the palace require his personal approval.<sup>59</sup> Tellingly, Âli ordered all communications between the palace and members of his own network to pass exclusively through him. Âli was shrewd enough to realize that the Sultan needed new allies to regain his authority over the bureaucracy. By recruiting members of Âli's network the Sultan could weaken Âli's grip over the bureaucracy while re-establishing his own authority.

The wisdom of Âli's maneuvers to expand his network into all spheres of bureaucracy became clear with the accession of Abdülâziz to the throne in 1861. Despite his respect for Âli's and Fuad's status as the leading Ottoman statesman, Abdülâziz attempted to restore some of the palace's lost authority by exerting his will over the *Bâb-ı Âli* in state matters.<sup>60</sup> The response from the Ottoman bureaucrats was swift and brazen. Fuad and Âli, who held the positions of Grand Vizier and foreign minister respectively, tendered their resignations along with the *Serasker* and the head of the *Meclis-i Vala*.<sup>61</sup> The previously unheard of resignation statement to the Sultan expressed in no uncertain terms that the bureaucrats would no longer perform duties in a manner that contradicted their will and best judgment. The defanged Sultan retreated and saved face by reappointing the four men to each other's positions to keep the cabinet intact. Retaining the services of Âli and Fuad with their vital connections to foreign political and

---

<sup>59</sup>Âli, realizing their special importance, was especially concerned with controlling the palace positions of *başkâtip* (chief secretary) and *başmabeyinci* (chief chamberlain, whose duties included coordinating the sultan's communications outside of the palace). See Ibid, 349.

<sup>60</sup>Ibid, 349-350.

<sup>61</sup>*Meclis-i Vala* was an assembly of members appointed by the Grand Vizier with the Sultan's approval. Despite many organizational changes throughout Tanzimat, in general it was responsible for diverse bureaucratic and administrative duties such as writing the Sultan's commands into law, hearing certain court cases, and high level financial matters of the government.

financial networks superseded the Sultan's desire to recapture lost authority. There simply were no viable alternatives to replace Âli and Fuad who controlled or influenced so many organs of the empire through the tendrils of their vast network.

Enjoying such influence, the most significant nodes of the reformist network began to emerge as the Ottoman analogue of the European middle classes.<sup>62</sup> Other members of this exclusive class included bankers and tradesmen composed mostly of Ottoman ethnic minorities such as Greeks and Armenians. The famous Galata Bankers were composed almost exclusively from these two minorities. They gained special prominence within Ottoman affairs after the Balta Limani Treaty for two reasons. First, with the increased flow of trade and their inability to compete with the British tradesman, many Turkish traders resorted to financing and borrowing to survive in the harsh economic circumstances. The Galata Bankers became very adept at playing the middleman between Turkish and foreign traders within the Ottoman metropole.<sup>63</sup>

Secondly, the insistence of the Ottoman government—until the Crimean War—to resist foreign borrowing while continuing reform efforts necessitated internal borrowing. The Galata bankers served as the exclusive lenders and backers of Ottoman debt during this time resulting in considerable profits. The Europeans were not entirely deprived of the financial feast as the Galata bankers cleverly arbitrated European financial sources for funds that they lent to the Ottoman government. Among many complex financial transactions, the Galata bankers borrowed from European creditors at lower rates than what they charged to the Ottoman government. Thus, very strong relations developed between the leading Ottoman bureaucrats of the time and the Galata bankers, while the Galata bankers developed strong relations with

---

<sup>62</sup>Kazgan, *Galata Bankerleri*, v.1, 14-16.

<sup>63</sup>See, *ibid*, 21-22, and Clay, *Gold for the Sultan*, 18-20.

European financiers.<sup>64</sup> These relations, or network ties, provided paths of brokerage for European diplomats and financiers into the networks of the Ottoman ruling class.

As the Ottoman bureaucratic elites became more aware of the luxurious lifestyles enjoyed by the European elites, the leading Ottoman bureaucrats began using their Galata banker contacts to finance an increasingly lavish personal lifestyle. It was not unusual for a Grand Vizier to own several mini-palaces, called *konak*, financed through borrowed funds from the Galata bankers.<sup>65</sup> This inevitably led to conflicts of interest, allegations of corruption, and increased tensions within the Ottoman government since the same sources financed both personal and governmental spending of the Ottoman bureaucrats.<sup>66</sup>

Thus, the consolidation of political power by the reformist network coincided with their access to borrowing leveraged by their newfound authority. The new Ottoman middle class quickly evolved into a consumerist culture where the ability to consume luxury items became the only certain measure of status. As the lavishness of the middle class lifestyle began to rival that of the palace, even the Sultan felt compelled to increase his personal spending to preserve the distance between the social status of the palace and his subjects.<sup>67</sup>

At this point in their history the Ottomans seem to have reached a crossroads. They finally received a much needed hiatus from the diplomatic and military pressures placed on them by the Russian Empire. Both the Ottoman military and the bureaucracy indubitably achieved a great

---

<sup>64</sup>Kazgan, *Galata Bankerleri*, v.1, 27, 53, 68-69 and Clay, *Gold for the Sultan*, 18-20, 114-115.

<sup>65</sup>Kazgan, *Galata Bankerleri*, v.1, 16-17, 19-20.

<sup>66</sup>Allegations of improper financial conduct caused at least one of Mustafa Reşid's falls from office. It should also be noted that when Reşid died of a heart attack in the Turkish bath inside one of his *Konak*'s, his banker was waiting patiently outside his door for an audition. This led to many cruel jokes about the Grand Vizier's heart condition being adversely affected by the prospects of meeting the debt collector to whom he owed astronomical amounts.

<sup>67</sup>Kazgan, *Galata Bankerleri*, v.1, 25-26, a new palace residence and a lavish palace used as an art gallery were among the many spending projects of the Sultan in his financially ailing empire. The exorbitant spending of the Sultan's mother Pertevniyal and the members of the Sultan's harem were in addition to these. British reports also regularly alluded to these excesses. For example, see FO 78/1637, Viscount Stratford de Redcliffe to the Earl of Malmesbury, no. 4, received October 23, 1858, p. 7.



deal of independence from the Sultan and could have moved towards a parliamentary monarchy a la Great Britain.<sup>68</sup> This was not an empire in decline but an empire with opportunity to recover past greatness. Yet, the dimming European views of the Ottoman reform efforts already indicated cracks in the Euro-Ottoman alliance. Both their alliance and the Tanzimat would crumble within a decade.

### **3.3 INCREASING TURBULENCE 1865-1876**

At least among the high-level relations in Istanbul, links between the internal and external sources of Ottoman troubles stand out most prominently between 1865 and 1881. Bureaucratic mismanagement by the Ottoman government of both the deleterious effects of the trade agreements with Western governments and the loans from Western financiers stands out as the primary internal culprit. While corruption among Ottoman bureaucrats provides a convenient explanation for the crises of the 1870s, it does not account for the origins and prevalence of the mismanagement. Investigating the policies and interactions of the opposing cliques within the Ottoman bureaucracy also highlights the impact of foreign agents and networks on Ottoman policies during this period. As this section argues, Ottoman bureaucrats without the appropriate talent or expertise, failed to fill the power vacuum left by the deaths of Âli and Fuad. This situation created an even greater reliance of Ottoman bureaucrats on the brokerage of external bureaucratic and financial networks.

By the time of his death in 1858, Reşid Paşa had not only accomplished his goal of placing the Ottoman Empire on an irreversible path of reforms, but had also trained a cadre of talented

---

<sup>68</sup>There were many proponents and opponents of this idea among the reformists and the general public.

bureaucrats to carry on his mission.<sup>69</sup> Aside from Âli, Fuad, and Ahmed Cevdet Paşa, countless lower level bureaucrats received training and aid in their careers from Reşid and his network of elites. One of the most important and interesting bureaucrats of this final period of analysis is Mahmud Nedim Paşa, who almost single-handedly undermined all the Ottoman accomplishments of the Tanzimat period.

Like most of his peers in the highest positions of Ottoman bureaucracy, Mahmud Nedim was the son of a successful Ottoman bureaucrat. Born in 1817 in Istanbul into the family of a former governor and vizier, Nedim chose a career path in the foreign affairs office—very similar to the one Mustafa Reşid followed a generation before. Nedim quickly gained the trust of Âli and Fuad Paşa as a colleague, who eventually referred him to Mustafa Reşid.<sup>70</sup> After this, Nedim received opportunities that culminated in Nedim's two (very unsuccessful) services as *Sadrâzam* (Prime Minister). It is appropriate to categorize Mahmud Nedim as a man whose ambitions far exceeded his talents, but not the influence of his connections. Mustafa Reşid Paşa did not regard Nedim as highly as other bureaucrats within his network, as he is known to have stated in a moment of anger that it was difficult to find any use for Nedim.<sup>71</sup> Thus, Nedim did not initially rise in the bureaucracy as Âli and Fuad Paşa.

Although Nedim had gained access to the most powerful man in Ottoman bureaucracy of his time, Nedim had failed to show the competence of men such as Âli or Fuad. Thus, despite occupying several important bureaucratic posts during the 1850s, he failed to integrate himself as an elite node in Reşid's network. While bureaucrats deemed more talented received promotions to positions of greater power and influence, Nedim received appointments to the peripheral

---

<sup>69</sup>Cevdet Paşa and Halaçoğlu, *Ma'rûzât*, 17.

<sup>70</sup>Mehmed Zeki Pakalın, *Mahmud Nedim Paşa* (Istanbul: Ahmet Sait Matbaası, 1940), 1-2.

<sup>71</sup>*Ibid*, 3.

regions of the empire. Success continued to elude Nedim in these lesser positions, leading to an ever more desperate search for influential backers.

Quickly realizing that the only avenue left for him to achieve greater prominence passed through the foreign embassies in Istanbul, Nedim attempted unsuccessfully to establish relations with Stratford Canning, as well as members of the French embassy through intermediaries.<sup>72</sup> Alas, having witnessed the power and longevity Reşid Paşa derived from Stratford Canning, Âli and Fuad had already secured a strong relationship with the French embassy. This relationship brought benefits to both parties: Âli and Fuad found a powerful lobbyist to voice their interests, while the French found Ottoman champions through whom they could check British maneuvers in Istanbul.<sup>73</sup> Unfortunately for Nedim, European diplomats supported Ottoman bureaucrats who occupied positions of influence. As leading members of Reşid's network had established a virtual monopoly over such Ottoman bureaucratic positions, Nedim found it difficult to establish relations with European powers without any influence to barter with.

Consequently, in private conversations he began to argue that relations with distant foreign powers could not serve Ottoman interests as effectively as "improving relations, in any way possible, with the government of a Tsar living next door."<sup>74</sup> Thus, Mahmud Nedim showed an interest in harmonizing his career path, as well as the future of the Ottoman Empire, with the Russians. This ran radically counter to conventional wisdom since the displeasure of Tsar Nicholas I with the prospects of successful Ottoman reforms were well-known. The development of trade and military relations between the Ottomans and European powers due to

---

<sup>72</sup>Ibid, 4.

<sup>73</sup>Canning often mentions the French activities opposing British interests in the Ottoman court. Ahmed Cevdet also speaks of French support for Ali in Tezakir, and French efforts to undercut British interests in the Ottoman Empire. See Cevdet Paşa and Baysun, *Tezâkir*, XXI-XXII.

<sup>74</sup>Pakalın, *Mahmud Nedim Paşa*, 4, and Butrus Abu-Manneh, "The Sultan and the Bureaucracy," 257-274. Also see, Butrus Abu-Manneh, "The Sultan and the Bureaucracy: The Anti-Tanzimat Concepts of Grand Vizier Mahmud Nedim Pasa," *International Journal of Middle East Studies* 22, no. 3 (1990): 257-74.

the reforms posed a serious obstacle against Russian designs over the previously vulnerable Ottomans.<sup>75</sup> Thus, finding ways to undermine Ottoman reforms and foreign relations occupied a significant portion of Czar Alexander II's attention. These concerns did not prevent Nedim from becoming a Russophile; indeed, Nedim developed his relations with the Russians to the point of acquiring the nickname "Nedimov Paşa" among his Ottoman contemporaries.<sup>76</sup>

Nedim also showed equally questionable discernment regarding other allies.<sup>77</sup> A minor Ottoman official seeking promotion reported Nedim's possibly subversive activities to *Sadrâzam* Âli Paşa in Istanbul. Despite being Nedim's former colleague and benefactor in Mustafa Reşid's network, Âli immediately dismissed Nedim from his position. Suddenly finding himself on very thin ice, Nedim immediately sailed to Istanbul and directly traveled to Âli Paşa's residence to seek an audience. When denied the audience he sought, Nedim refused to leave the residence for two days, sleeping and sitting in a waiting room. What transpired between the two men when Âli Paşa finally granted an audience remains a mystery. But, for some time following this event, Nedim became the eyes and ears of Âli Paşa within the Ottoman bureaucracy.<sup>78</sup> It is known that Nedim used this to his own advantage, by sometimes creatively fabricating portions of his reports to Âli in order to sabotage the careers of other bureaucrats. During this time, Nedim seems to have regained the favor of Âli Paşa, as well as access to Sultan Abdülaziz and the Palace.<sup>79</sup>

When Âli became *Sadrâzam* for the fifth and final time in 1867, he appointed Mahmud Nedim as *Deâvi Nazırı* (Minister of Justice). At a time when the Ottoman government fiercely struggled to eliminate bribery and corruption, Âli could have scarcely made a more Orwellian

---

<sup>75</sup>These improved relations had culminated in the humiliating Russian defeat in the Crimean War.

<sup>76</sup>Cevdet Paşa and Halaçoğlu, *Ma'rûzât*, 239-240.

<sup>77</sup>Pakalın, *Mahmud Nedim Paşa*, 6-8.

<sup>78</sup>*Ibid*, 7.

<sup>79</sup>*Ibid*, 8-10.

choice to fill this post. Nedim used his position to unabashedly ingratiate himself to the Sultan. As a sign of the increasing fondness of the Sultan, Nedim received a promotion to the position of *Bahriye Nazırı* (equivalent to the First Lord of the Admiralty in the British Empire) in 1868, a post which he occupied until Sadrazam Âli's death.

Perhaps realizing his error in judgment, in his final years, Âli attempted to oppose Nedim's rise to power to no avail.<sup>80</sup> With many promises to improve the financial and structural ailments of the empire, Nedim convinced the Sultan that he was the best man to serve as *Sadrazam*. He assumed the seat upon Âli's death in 1871 with no small amount of support from the Sultan's mother, Sultana Pertevniyal. With his superior talents for catering to the wants and demands of the powerful, Mahmud Nedim attempted to secure his position by procuring funds through various legal and illegal means for Sultan Abdülâziz and his mother Sultana Pertevniyal. For example, Muhammed Sadık Paşa of Tunisia paid a substantial amount of gold and presents to Sadrazam Mahmud Nedim, a portion of which Nedim passed on to Pertevniyal and Abdülâziz.<sup>81</sup> In return, Tunisia was granted the status of *eyalet-i mümtaze* in 1871.<sup>82</sup>

Nedim's unlikely rise to the position of *Sadrazam*, despite lacking support from Âli Paşa's network, has a clear explanation in terms of the Ottoman power structure in the late 1860s. Following the fall of the conservatives, both Sultan Abdülmecid and Sultan Abdülâziz lacked the control over the bureaucracy and the military that their ancestors had enjoyed. Abdülâziz desperately wanted an ally who could rebuild the conservative network to balance the successful reformers. Furthermore, unlike their benefactor Mustafa Reşid Paşa, Âli and Fuad did not train and support the next generation of Ottoman bureaucrats who would follow in their footsteps.

---

<sup>80</sup>Ibid, 10-12.

<sup>81</sup>Kazgan, *Galata Bankerleri*, v.I, 88-91.

<sup>82</sup>Ibid, 92-93. *Eyalet-i mümtaze* were areas under Ottoman control which had special privileges, for example the right of a governor to name his successor. Of course, the successor invariably was a son of the former governor. Egypt is another example of such a province.

Perhaps learning the lessons of their rise to success, Âli and Fuad do not appear to have allowed the development of potential competitors from among the ranks of their network.

This created an opportunity for Mahmud Nedim, who convinced the Sultan and Pertevniyal that he was the man to remedy the situation according to the Sultan's wishes—in return for the support of the palace for Nedim's ambitions.<sup>83</sup> But as seen below, even though this alliance initially appeared successful, the honeymoon ended rather quickly.

Nedim's first fall from the position of *Sadrazam* took place because of two factors. First, Nedim very abrasively mismanaged bureaucrats of all levels throughout the empire, making many powerful enemies.<sup>84</sup> Second, Nedim failed as the financial savior that he advertised himself to being. With his failure on the first issue he created a deluge of complaints and allegations of injustice that washed away his credibility with the public.<sup>85</sup> With his failure on the second issue, he lost the trust and support of the Sultan.<sup>86</sup>

The displacement of bureaucrats at a previously unseen pace seemed just as shocking as the reductions in their salaries. Nedim justified these actions to the Sultan by presenting them as cost cutting measures, despite protests not only from the bruised mid-level bureaucrats, but also from many higher level bureaucrats complaining of adverse outcomes due to their impoverishment.<sup>87</sup> At a time when the level of consumption of luxury items determined one's status in society as much as any other factor, reducing bureaucrat's salaries would only further open the flood gates of bribery and corruption. Furthermore, the appointments of many

---

<sup>83</sup>Ibid, 88-90.

<sup>84</sup>Despite the public uproar, the seemingly capricious appointments of massive numbers of bureaucrats need not have harmed Nedim, had he not touched three individuals: Midhat Paşa, Avni Paşa, and Rüşdü Paşa. These three individuals, at least one of whom had been an important member of *Sadrazam* Ali Paşa's network, became mortal enemies of Nedim. They would eventually engineer his final downfall, as well as that of the Sultan for supporting Nedim at the time.

<sup>85</sup>Ibid, 91.

<sup>86</sup>Ibid.

<sup>87</sup>Ibid.

bureaucrats to the undesirable peripheral regions of the Ottoman Empire were followed by quick reappointments to other peripheral regions.<sup>88</sup> These seemingly whimsical reappointments, occurring at times within weeks of the initial appointments, added to the furor of the offended bureaucrats. Nedim defended his motives as efforts against corruption. According to him, if a bureaucrat did not remain at a position long enough to establish trustworthy contacts, they could not safely accept bribes. Unfortunately for the Ottomans, neither could the bureaucrats perform their assigned duties under these conditions.<sup>89</sup>

The Sultan may have turned a blind eye to the massive reappointments since the ensuing disruption to the reformist network could appear to presage the rise of a new network of conservative bureaucrats. Likely, from the Sultan's perspective Nedim merely performed the function he was hired to perform: to reinstate the Ottoman bureaucratic networks which would reestablish the Sultan's absolute authority over the policy makers.

Although one could attribute the mass displacement of mid-level bureaucrats to Nedim's ham-fisted managerial ineptness, the possibility of uncharacteristic nuance by Nedim remains a possibility. Traditionally, Nedim's actions against high level bureaucrats were interpreted as an attempt to neutralize competition. However, Nedim may have aimed not only to neutralize his competitors but also to neutralize all bureaucratic networks within the Ottoman Empire.<sup>90</sup> Replacing these disrupted networks with a network of bureaucrats loyal to Nedim may have been an unfinished project of his first term as *Sadrazam*. Appointment of Nedim's colleagues to high level bureaucratic positions with triple their salaries may easily resemble actions of

---

<sup>88</sup>Ibid.

<sup>89</sup>Ibid. Despite the pain this situation caused the Ottomans, it was a great source of amusement in European courts. The Austrian emperor even remarked that the Ottoman's had surpassed western technology and invented what had eluded European scientists for centuries; the Ottomans had constructed a perpetual motion machine.

<sup>90</sup>The disruption to the Ottoman bureaucrats also disrupted the activities and interests of European powers who supported them. Lane-Poole and Canning, *The Life of Stratford Canning*, v.2, 106-107.

administrations preceding Nedim. But prior to Nedim's term in office, the practice of banishing one's competitors to the peripheries of the empire had been abandoned for some time. Nedim did not just temporarily pacify the most important nodes of bureaucratic networks by appointing them to ineffective secondary positions within the central bureaucracy. He removed the primary nodes, the highest level bureaucrats, from the existing networks and displaced them to peripheral regions away from Istanbul. Of course, with their networks intact, the high level bureaucrats could have easily continued to exercise influence in the politics of bureaucracy, and even established contact with the Sultan. However, Nedim destroyed this avenue by relocating the nodes and rewiring the pathways of the existing networks throughout the empire.

Thus, Nedim placed himself in a position where he could create an all-encompassing bureaucratic network from scratch within the Ottoman Empire. He could play musical chairs with Ottoman bureaucrats in the peripheries until mid-level bureaucrats realized that there existed only a single broker who could allow them to reestablish connections with the central bureaucracy. Nedim held all the cards, and he only needed to replenish the support from the Sultan by procuring the funds he promised to the palace. This proved a more precipitous obstacle than Nedim predicted.<sup>91</sup>

Whatever his plans were, they did not come to fruition in time to save Nedim's position, for he had unwittingly created an opening for his nemesis Midhat Paşa to exploit. Midhat quickly gained the Sultan's favor and replaced Nedim as *Sadrâzam*.<sup>92</sup> As the first order of business,

---

<sup>91</sup>Nedim had reported to the Sultan the wonderful news regarding the discovery of a 5000 purse surplus (around 500,000 gold coins), following an audit of the treasury. There existed no such surplus. One theory regarding Nedim's fabricated story suggests that Nedim planned to acquire these funds through maneuvers in the financial exchange markets with the aid of a group of bankers. See Kazgan, *Galata Bankerleri*, v.1, 90.

<sup>92</sup>Upon hearing Nedim's orders of his reassignment to a peripheral post, Midhat did not roll over and consign to his fate. As governor, Midhat very quickly gathered taxes and funds from the Baghdad region and sent a large sum of gold to the Sultan's treasury. Midhat asked for a special audition with the Sultan in order to convey his gratitude for the new position. Midhat's request for such an audition came at a time when Nedim struggled to materialize nonexistent funds, as well as new loans at desirable rates from western sources. Midhat informed the Sultan of the



Midhat reappointed his colleagues to the central bureaucracy and restored the key nodes of the networks disrupted by his predecessor. Next, of course, the offender who caused so much anguish would be sentenced to the fate that he assigned his enemies. Nedim received a series of appointments to various peripheral regions of the empire.<sup>93</sup> But this was not a sufficient measure to ensure the proper neutralization of an opponent who had proven himself as dangerous as Nedim. Using the resources of the new Justice Minister he appointed, Midhat proceeded to build a case of corruption and theft against Nedim.<sup>94</sup> An audit of the treasury had revealed 100,000 gold coins unaccounted for, after being written off by Nedim as payments to bankers for services rendered.

This turned out to be the first serious misstep in the brief career of Midhat as the *Sadrâzam* for Sultan Abdülâziz. Unbeknownst to Midhat, Nedim had funneled the missing gold to the Sultan and his mother. Without realizing it, Midhat had poked the Sultan in the eye with the stick meant to beat Nedim into submission. Thus Midhat's plan misfired as the Sultan pardoned Nedim who wisely remained silent throughout the affair. Nedim had gained a victory over Midhat by remaining in the bureaucracy although very difficult days still awaited him.<sup>95</sup>

During the early 1870s following Nedim's fall, the Ottoman government suffered a period of intense administrative and political instability. The appointment of *Sadrâzams* resembled a parade of one failed bureaucrat following another.<sup>96</sup> An obvious reason existed for this: nobody within the Ottoman ranks could fill the vacuum left by Âli's departure. Âli and Fuad, unlike

---

great injustices his subjects endured at the hands of Nedim. More importantly, Midhat explained to the Sultan how he would procure the funds for the empire, which Nedim repeatedly failed to accomplish. Four days later, Nedim was relieved of his post and Midhat became the next Sadrâzam. See *ibid*, 91-92.

<sup>93</sup>Pakalın, *Mahmud Nedim Paşa*, 23-24.

<sup>94</sup>*Ibid*, 22-23.

<sup>95</sup>Midhat and his colleagues used newspapers and hired hands to harass and unnerve Nedim on a daily basis. Even in his private residence by the Bosphorus, Nedim could not find peace as hired protesters showered Nedim with invectives at all hours of the day from boats in the sea. Pakalın, *Mahmud Nedim Paşa*, 21-22.

<sup>96</sup>Shaw, *History of the Ottoman Empire*, v.2, 438-440.

their mentor Reşid, failed to nurture and train the next generation of gifted Ottoman bureaucrats.<sup>97</sup>

The instability continued during uprisings in the Balkans in 1874, playing an important role in the nearly insignificant local rebellions avalanching into a full-fledged multi-national uprising.<sup>98</sup> Nedim, in a very unlikely bid to restore his lost position as *Sadrâzam*, managed to approach the Sultan with overtures about a solution for all of the empire's troubles. After expressing opprobrium at the ineptness displayed by the administration in handling the uprisings, Nedim apparently made a very convincing case for the Sultan to appoint him as *Sadrâzam*. Then, Nedim suggested that he could fix the Ottoman economy, army, and the political instability with a single financial measure. Nedim wanted to delay the payment of half the interest payments, as well as the principle on the loans extended by Europeans to the Ottomans.<sup>99</sup> The retained funds would finance the activities of the Ottoman army in the Balkans and finance a number of projects favored by the Sultan. Despite the odds, Nedim became *Sadrâzam* for a second time in 1874, perhaps owing more to the lack of options available to the Sultan than the persuasiveness of his scheme.

At this stage of the financial relationship between European creditors and the Ottoman government, a considerable portion of the Ottoman loans was raised publicly; in other words, European citizens owned and expected the due dividends of these loans.<sup>100</sup> Nedim had to implement his plan with the utmost care to avoid creating negative perceptions and inciting

---

<sup>97</sup>Cevdet Paşa and Halaçoğlu, *Ma'rûzât*, 17.

<sup>98</sup>Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 40-1, 60. Initially attributed to Russian ploys, recent works have stressed the initially local nature of the independence movement, rebellions, as well as the ineptness of the Ottomans in adapting the proper strategies to deal with them. The atrocities committed by irregular Ottoman troops, especially in Bulgaria, would provide ammunition for the rhetoric of Ottoman opponents in Europe (to the great satisfaction of the Russians).

<sup>99</sup>Kazgan, *Galata Bankerleri* Vol. 1, 95-101.

<sup>100</sup>Ibid.

widespread panic in both the European and Ottoman financial markets.<sup>101</sup> With the approval of the British and French ambassadors, Nedim put his plans into action.<sup>102</sup> The approval of the ambassadors was essential for two reasons. Nedim remained well aware that his plan would necessarily cause financial injury to the debt holders. Unless Nedim's idea received tacit approval by European governments, the Ottomans would face an unpleasant confrontation with their European benefactors.

Equally importantly, Nedim had to sell his idea not only to the Sultan, but also to his colleagues in powerful positions. Unfortunately for him, these colleagues were none other than Midhat, Avni, and Rüşdü Paşas.<sup>103</sup> The wily Nedim understood that the only authority these powerful Ottoman bureaucrats dared not defy was that of European diplomats. Nedim went to meet his three adversaries with a message signed by the British, French, and Russian ambassadors, stating the agreement of European powers with his scheme.<sup>104</sup> With the acquiescence of his three adversaries no obstacles remained in Nedim's path.

Not surprisingly, both the Ottoman and European debt holders responded with unbridled panic to Nedim's announcement of his master plan. In essence, the Ottomans burned the bridges with their European creditors and made it politically impossible for their allies in Europe to gather support for the Ottomans—neither in the public arena, nor in the halls of political power. Thus, the greatest benefactor of Nedim's plan turned out to be the Russians, who had unsuccessfully tried for two decades to force a wedge between the Ottomans and its European allies. With one bold stroke Nedim accomplished what the Russians could not. The close

---

<sup>101</sup>Markets already jittery due to a series of financial crises around the globe.

<sup>102</sup>The British and French ambassadors claimed ignorance of this scheme. However, the depth of the involvement with Ottoman bureaucrats, coupled with the hefty profits both ambassadors made by betting against the market with impeccable timing suggest otherwise.

<sup>103</sup>These were Nedim's mortal enemies due to mistreatment suffered during Nedim's first term as *Sadrazam*.

<sup>104</sup>*Ibid*, 95-101.

friendship between Nedim and the Russian ambassador Ignatiev created the rationale by which Turkish historians have accused Nedim of treason rather than mere foolishness.<sup>105</sup> That both Nedim and Ignatiev profited greatly from financial transactions based on their exclusive insider knowledge provided further steam for this argument.<sup>106</sup>

At this point, one cannot help but ask why European and Ottoman bureaucrats failed to formulate policies that addressed the chronic economic ailments of the empire. Especially by leveraging European brokerage exclusively offered through dyadic interactions, it seems the powerful leaders of Ottoman bureaucratic networks could easily have framed apt solutions in the decades leading to the leadership vacuum and chaos of the 1870s. The complex interactions that prevented collective European and Ottoman action to save their threatened common interests boils down to a single factor: absence of trust. However, the bird's-eye view of the Tanzimat available from Istanbul fails to provide the resolution necessary to observe a major cause of the erosion of trust between the Euro-Ottoman allies. Chapters 5 and 6 will remedy this shortcoming through an analysis of provincial Euro-Ottoman interactions. The provincial interactions informed imperial policymakers of the real social and economic outcomes of their partnership, and in the process poisoned the well of trust that could have sustained fruitful collaboration.

### **3.4 TANZIMAT'S END IN ISTANBUL**

By 1881, the internal affairs of the Ottoman Empire were anything but internal. The Russo-Turkish War of 1877-1878 ended with what amounted to an unconditional surrender by the

---

<sup>105</sup>Ibid, 100.

<sup>106</sup>Nedim and Ignatiev conducted these transactions through the same banker. See *ibid*, 98-100.

Ottomans.<sup>107</sup> The victorious Russians would receive indemnity payments, as well as full access to the Straits. The Ottomans had lost the support of their European allies, due in no small part to an inability to pay back the loans that the Ottomans had failed to productively use during decades of reforms. As a result, with the formation of the Ottoman Public Debt Administration (OPDA) in 1881, the Ottomans accepted the de facto surrender of a significant portion of sovereignty.<sup>108</sup> Furthermore, internally the Ottoman Empire was in shambles. The bureaucrats, who only a few years before had looked up to the Sultan as their ultimate benefactor, conducted a coup d'état in 1876 that resulted in the death of the Sultan.<sup>109</sup> The shattered remains of the Tanzimat portended the dark days to come in the final few decades of the Ottomans.

Yet, the reforms had numerous hopeful, albeit dwindling Ottoman and European supporters to the very end, who could point to numerous benefits the Tanzimat yielded. The Ottomans avoided dissolution at the hands of the Egyptians and Russians in the 1830s. Although not considered an equal among European powers, the Ottomans took part in European conferences and negotiations as a partner with common interests.<sup>110</sup> The bureaucracy had gained a great amount of freedom from the Sultan and had organized under the leadership of powerful leaders such as Âli and Fuad Paşa. Especially in the decade following the Crimean War, numerous opportunities existed for the Ottomans to take confident strides towards self-sufficiency. Yet, as revealed by the analysis of provincial interactions in the following chapters, the inability of the empires to effectively reconcile their expectations of the Tanzimat finally fractured their alliance.

---

<sup>107</sup>Shaw, *History of the Ottoman Empire*, v.2, 186-187.

<sup>108</sup>Ibid, 223-224. Under strict European control, the OPDA oversaw the collection of Ottoman debt to European companies and governments. The OPDA took control of tax collections and economic decisions within the Ottoman Empire, including investments in the early 1900's such as financing of railroad projects.

<sup>109</sup>Lack of decisive evidence makes it impossible to establish whether the Sultan committed suicide or was assassinated.

<sup>110</sup>An important example of the respect commanded by the Ottomans was the European journey of Sultan Abdülâziz in 1867, which nearly culminated in a marriage between the royal houses of Britain and Ottoman Empires. The aloof and short-sighted Sultan Abdülâziz dismissed this incredible opportunity without due diligence. See Cemal Kutay, *Sultan Abdülâziz'in Avrupa Seyahati* (Istanbul: Boğaziçi Yayınları, 1991), 98-99.

Still, two primary factors that prevented Ottoman success stand out. First, increased foreign connections that Ottoman networks developed led to a greater awareness among Ottoman elites of the luxurious living standards of European elites. Coupled with access to loans and financial opportunities, an unsustainable culture of borrowing emerged within the elite ranks of the Ottomans.<sup>111</sup> As the public and private decisions of powerful elites began to intersect, opportunities favoring personal gain began to crowd out opportunities to strengthen the Empire. Additionally, following the example set by leading members of their society, members of the lower strata of Istanbul society began to display similar behaviors according to their means.<sup>112</sup> This led to a society-wide diffusion of corruption and cynicism. As Prince Metternich had assessed, following the Crimean War the Ottoman bureaucrats had the perfect window of opportunity for a few short years to carry out reforms vital to Ottoman survival.<sup>113</sup> Echoing fears conveyed by Metternich, the end of Tanzimat marked their failure to achieve the necessary results.

Second, despite their impressive organizational abilities, Ottoman bureaucrats who followed Mustafa Reşid's generation failed to establish an institutional culture with the wisdom to train future bureaucrats. This ensured a power vacuum upon the passing of Âli and Fuad, the protégés of Reşid, and heirs to his network. The ensuing bitter rivalries among myopic men of limited talents ensured the failure of the Tanzimat reforms. The feuding rival factions could not cope with a series of political and financial crises that left the Empire at the mercy of its enemies.

In an era of lost opportunities, it was ironically apropos for Mehmed Ali of Egypt, the man whose actions perhaps played the greatest part in pushing the Ottomans into a desperate

---

<sup>111</sup>This contrasted noticeably against strong checks and balances in place to prevent corruption among the lower strata of Ottoman bureaucracy.

<sup>112</sup>Ibid.

<sup>113</sup>Cevdet Paşa and Baysun, *Tezâkir*, XXI-XXII.

partnership with the British, to offer Sultan Abdülmecid three pieces of sagacious advice: <sup>114</sup>

1. Even if advised as appropriate by your bureaucrats, foreign credit will not increase the wealth of the Empire – it will only impoverish it. Only the trade and prosperity of the people can ensure the enrichment of the Treasury.

2. The underutilized natural resources of the Empire, if fairly distributed among productive people and developed using scientific means, will lead to a great increase in tithes from the agricultural sector.

3. In order to breach the tremendous scientific, educational, and industrial gap between Europe and the Empire, the immediate commission of the appropriate educational institutions in both rural and metropolitan areas is the imperative first step.

In the eyes of the Sultan, the acuity of Mehmed Ali's perspicacity could not make up for his earlier disloyalty. Much to the detriment of the Empire, the advice went mostly unheeded. Yet, such opinions did not uniquely belong to Mehmed Ali. Many Ottoman bureaucrats and intellectuals expressed similar ideas as the disappointments of the Tanzimat continued to mount. The absence of action along the lines suggested by Mehmed Ali, even during brief windows of opportunity, hints that greater personal ambitions accompanied the greater professional independence enjoyed by the Ottoman bureaucrats. Instead of selectively using valuable brokerage opportunities to ensure long-term stability, Ottoman bureaucrats increasingly relied on network ties to assert and maintain authority. These modes of foreign brokerage were easier to establish, yet far costlier to maintain. Consequently, as the Tanzimat progressed, the strategic opportunities that could elevate the Empire were instead increasingly utilized to leverage personal influence and authority. The networks were the fulcrum for the leverage.

---

<sup>114</sup>Mehmet Memduh Paşa and Hayati Develi, trans., *Tanzimattan Meşrutiyete, Mirât-ı Şüûnat* (İstanbul: Nehir Yayınları, 1990), 22-23.

#### **4.0 TANZIMAT-ERA COMMERCIAL TRIBUNALS: INSTITUTIONS, DATA AND METHODOLOGY**

The following account of the Ottoman Commercial Tribunals—their history, form, and function—provides a very basic introduction to an often overlooked Ottoman institution. Although the tribunals were initiated long before the Tanzimat (c. 1800), concerted Ottoman and European efforts repurposed them in the mid-1840s to achieve an impossible task: resolve commercial disputes between Ottoman and European merchants during the tumultuous implementation of the Tanzimat. Contrary to the claims of bureaucrats and diplomats of the time, the labyrinthine Ottoman legal and bureaucratic system did not ensure the futility of that undertaking. The problem was rather the divergent aims and expectations of the Ottoman and European policymakers from the Tanzimat that led to the failure of the reforms. The first two chapters of this study provide background to Ottoman administrative and social change before and during the Tanzimat. Chapter 3 has analyzed social networks at high levels of the Ottoman bureaucracy during the Tanzimat.

The current chapter performs two final essential tasks before chapters 5 and 6, which present the textual and quantitative analyses of some network interactions that connect the imperial and local dimensions of the Tanzimat reforms. The first part of the chapter clarifies the differences between the original form of the commercial tribunals and their institutional function during the



Tanzimat. The second part of the chapter explains the types of data used in this study and the methodologies used to process them.

## 4.1 HISTORY AND PROCEDURES

Chapter 2 has provided some basic background information necessary to understand the chasm between European expectations of the Tanzimat and its disappointing Ottoman implementation and chapter 3 has analyzed the growing tensions among leading Ottoman and European bureaucrats. Assuming familiarity with those materials, we next present a very brief chronology of the Ottoman commercial tribunals and their procedures.

The British account of how the Tanzimat-era Tribunal of Commerce developed differs slightly from the Ottoman account.<sup>1</sup> According to the British Supreme Consular Judge of Constantinople, Sir Philip Francis, the OCT owes its existence to the ecclesiastical nature of the Ottoman legal system under the *şeyhülislâm*.<sup>2</sup> The Ottoman courts began to show their insufficiency as trade disputes increased along with the volume of trade between the Ottomans and Europe at the turn of the nineteenth century. The Ottoman judges, with great emphasis on religious matters in their education, lacked foreign languages or any knowledge of European law. This greatly reduced their ability to effectively judge cases involving foreigners and foreign

---

<sup>1</sup>The original Ottoman commercial tribunal of 1800-1847 are henceforth referred to as OCT, while the Tanzimat-era Ottoman commercial tribunals are henceforth referred to as CT or CTs with consideration for the local branches. British consular and legal staff active in the Ottoman Empire commonly referred to these as the Tidjaret, often mentioned as such in the official British accounts. Tidjaret is a transliteration of the Turkish word Ticaret, meaning trade. There exists at least two official British reports that outline the development of the CTs. I emphasize the report submitted by Sir Francis in 1868 in this dissertation. The four page account submitted by former ambassador to Constantinople Sir A. H. Layard (FO 881/4232) is far less detailed than Sir Francis' account, and differs very slightly from it in only a few details.

<sup>2</sup>The *şeyhülislâm* (or *Şeyh-ül İslam*) was the highest ranking member of the religious elites (the Ulema) and responsible for running the religious affairs of the Ottoman Empire.

contracts.<sup>3</sup> Furthermore, Islamic Law prohibited oral and written evidence from non-Muslims in the Ottoman courts. This restriction alone rendered the Ottoman courts useless in most cases involving European disputants.<sup>4</sup>

As an impromptu solution to these dilemmas, Ottoman judges began to refer commercial cases involving Ottoman and foreign subjects to the Chief Custom House Official in Constantinople around the year 1800. This official assembled a makeshift arbitration court from a number of Ottoman and European subjects. The British accounts refer to these individuals constituting these arbitration panels as ‘Assessors’.<sup>5</sup> The proceedings of this assembly took place under the judgment of an Ottoman official, who cast the decisive vote in case of a deadlock. Sir Francis states that this system broke down as a result of the incapability of the Chief Custom House Official as a judge.<sup>6</sup> As an alternative, the Porte began attempts in 1838 to form the first courts that eventually evolved into the CTs.<sup>7</sup> These initial attempts, highly unsatisfactory for all involved, drudged on until 1847.<sup>8</sup>

To initiate a much needed overhaul, the Porte proposed new rules for a more functional CT to the embassies in Constantinople.<sup>9</sup> A basic code of commerce, based largely on French Civil Law, laid the foundations of the CT as it would function until the early twentieth century, with a

---

<sup>3</sup>Ekinci, *Osmanlı Mahkemeleri*, 85-6, 100.

<sup>4</sup>Ibid.

<sup>5</sup>British accounts do not provide details regarding the number of assessors per case, except to state that an equal number of assessors from the Ottoman and foreign sides (countrymen of the foreign disputant) attended each case. The Ottoman sources state more specifically that three assessors from each side attended each case, with an Ottoman judge acting as the final arbiter in case of a tie. See, *ibid*, 103.

<sup>6</sup>FO 195/890, 24 Jun1868, Sir Francis, Judicial No. 22.

<sup>7</sup>Recall that Porte refers to the Office of the Grand Vizier, the heart and brain of the highly central Ottoman bureaucracy.

<sup>8</sup>It is difficult to understate the significance of these tribunals. The Ottomans restricted the jurisdiction of the Şer-i (Islamic) courts for the first time in their history. Also, despite their inadequacies, there existed little official alternatives to these tribunals. As a result, official accounts in 1810 mention the existence of these tribunals or assemblies in Istanbul (with 40 members) and in numerous centers of commerce such as Izmir, Damascus, and Cyprus (10 members in each provincial tribunal). In 1875, Ottoman records indicate 122 operating commercial tribunals, with 71 in Anatolia, 49 in Rumelia (Balkan provinces,) and 2 in Africa. The CT’s continued their operations until 1914. See, Ekinci, 99-100, 109, 116-7.

<sup>9</sup>FO 881/4232, Sir A. H. Layard No. 284.

few well-contested tweaks along the way.<sup>10</sup> In addition to commercial cases, the Ottoman and European members of the committee responsible for framing the rules of the CT agreed to also refer civil cases to the same commercial tribunal. The framers of the CT thus hoped to solve the quagmire caused by the stipulations of Islamic Law that refused evidence from non-Muslims. As we shall see later, this seemingly elegant solution added to the festering sores that plagued the CTs in later years, as the increasing number of civil cases began to tax the tribunals beyond their capacities.<sup>11</sup>

In 1850, Sir Stratford Canning submitted to the Porte a recommendation to establish “Mixed Commercial Tribunals” in all parts of the Ottoman Empire, subject to the constraint of finding sufficient numbers of qualified individuals to take part in them. In that same year, the Porte instituted the first of such courts in Egypt. The above constraint that Canning places on establishing the tribunals highlights a primary concern of the British with the Ottoman judicial system, namely the lack of consistent standards of conduct and quality. This is a complaint one encounters very often in British reports on the subject of the Ottoman legal system. The analysis for the reasons behind these complaints leads to surprising findings in the following chapters.

Considering the spasmodic nature of Ottoman administrative reforms during the Tanzimat, the CTs experienced relatively little official change throughout their existence. This was likely a result of the uniquely excessive foreign involvement in CTs—an institution that existed by the mutual agreement of chronically disagreeable parties. By 1868, the CT in Constantinople consisted of three chambers, with four permanent judges in each chamber. The Minister of Justice appointed the judges so that each chamber consisted of two Turks and two rayas (Christian subjects of the Ottoman Empire), under an Ottoman judge acting as the tribunal

---

<sup>10</sup>FO 195/890, Memorandum on the Tribunals of Turkey, Civil, Commercial and Criminal, Sir Francis, Sept. 1868.

<sup>11</sup>*Ibid.*

president. Sir Francis did not fail to reiterate in his report that the judges were men without legal education and often without any education or ‘acquirement’. Not surprisingly, the British found the procedure of the court irregular and its discussions lacking in rules and principle. But the point that confounded Sir Francis the most concerned ‘Parol’ evidence (in this case, verbal evidence)—the CTs excluded all verbal evidence in their proceedings.<sup>12</sup> Yet, one cannot help but wonder whether this act that deprived the court of the most effective means of expediting a just conclusion was in fact a purposefully crafted tool; one employed by the Ottomans to obfuscate an intolerable European incursion into their internal affairs. We will investigate this possibility in later chapters.

As a final note on the peculiar workings of the CTs, one Turkish and one Raya judge recused themselves from cases involving foreigners. This allowed their replacement by two foreign assessors of the foreign disputant’s nationality “to balance the partiality of the Ottoman members...”<sup>13</sup> Of course, a Dragoman representing the relevant embassy always attended CT proceedings involving a foreigner.<sup>14</sup>

A point of tremendous importance to recognize came from another report penned by Sir Francis. The report informed the British Ambassador Sir Henry Elliot that no general convention existed by which the rules of the CTs were formally accepted by European powers. Instead, notes passed between the Ottoman and foreign legations established the common

---

<sup>12</sup>Ibid.

<sup>13</sup>Ibid. Unsurprisingly, Ottoman sources do not corroborate this assertion, or that any Ottoman “assessors” recused themselves from proceedings. Such illogical discrepancies bring to question the expertise of some high ranking foreign officials in the Ottoman Empire during the Tanzimat.

<sup>14</sup>A dragoman was a raya with the privilege of employment and protection by an embassy or consulate. The dragoman’s understanding of Ottoman and foreign languages (usually French) made them invaluable for embassies in communicating with Ottoman bureaucracy. Dragomans also grew into a symbol of foreign hegemony for many Ottoman Turks, who found the elevated diplomatic status of the Sultan’s Christian subjects unbearably insulting. Furthermore, this is an example of the differences between the Ottoman and Egyptian CTs. The Egyptian CT refused to allow dragomans in their proceedings. However, Sir Francis importantly notes that the Egyptian CT “can be compelled to receive him.” See, *ibid.* We must at least consider the hegemonic implications of such statements, and how the Ottomans might have interpreted the British actions related to these statements.

acceptance of the initial system by which the first CT in Istanbul came into existence.<sup>15</sup> As one might recall from chapter 2, the Ottomans had a long history of adopting diverse laws and practices according to the administrative and judicial requirements of different regions within their domains. Far from written in stone, these diverse laws and practices were expected to evolve, receiving modifications according to the shifting bargaining power of the provinces and the Ottoman center. It is thus understandable that a much needed institution had such a hodge-podge start, especially given the difficulties in establishing a mutual understanding among so many different interests. But considering these fitful and informal beginnings, it is small wonder that the substandard practices that plagued the CTs proved so difficult to remedy later on.

Although the rules of the tribunals were agreed upon by European embassies and Ottoman officials in Constantinople, the practice of the local tribunals tended to deviate from their initial rules of incorporation.<sup>16</sup> For example in 1862, the Candia and Beirut commercial tribunals, independently of each other, attempted to adopt new rules that eliminated the foreign assessors from the tribunals.<sup>17</sup> Proposed by the governors of the regions without authorization from Constantinople, the proposals received great popular support locally. British officials, alarmed that such measures might spread throughout the empire, immediately secured vizirial letters for the cessation of these efforts from Constantinople. Such interference from the imperial capital to secure foreign interests did little to quell local concerns or local efforts to resist imperial policies and reforms.

---

<sup>15</sup>FO 195/890, June 24, 1868, Judicial No. 22. The First Tidjaret also served as the sole court of appeals for the local commercial tribunals in the Ottoman Empire.

<sup>16</sup>For an example of the initial rules and agreements by which a local tribunal was formed, see FO 781/65/24 containing a letter dated February 19, 1862, regarding the Beirut Commercial Tribunal.

<sup>17</sup>FO 195/726, March 7, 1862, Sir Edmund Hornby No. 20. This issue receives in-depth coverage in chapter three.

In practice, the local commercial tribunals exercised a certain amount of autonomy as necessitated by the specific needs of their regions.<sup>18</sup> As with all Tanzimat reforms, the written intent mutated during implementation due to a variety of factors such as the heterogeneous ethnic structure of regions, but above all, due to the lack of properly trained personnel and a chronic shortage of funds.<sup>19</sup>

The Ottoman sources add a great deal of fine detail to these British accounts. The 1847 agreement between the Ottomans and Europeans led to the selection of ten temporary members of the tribunal from among foreign merchants in Istanbul.<sup>20</sup> For commercial cases involving foreign merchants, three members from this pool of ten European merchants (specifically non-Muslim) would be selected by the relevant European embassy to attend the proceedings. Three (specifically Muslim) members appointed by the Ottomans represented the Ottoman merchants in the CT. Cases involving foreigners were seen by the tribunal on Thursdays, while disputes between Ottoman merchants were seen on Mondays and did not require the attendance of foreign members of the tribunal. The dragomans received a private room where they could work, and they entered and left the tribunal chambers with the foreign merchant whose interests they defended.

In the absence of a member of the tribunal, a member from the opposing side would recuse himself to ensure equality of representation.<sup>21</sup> However, the tribunal suspended its activities if the total number of representatives fell below ten. Along with the suspension of activities when

---

<sup>18</sup>Ibid.

<sup>19</sup>For a brief account of the major issues that prevented the uniform implementation of the Tanzimat reforms in the early stages, see Musa Çadırcı, *Tanzimat*, eds. Halil İnalcık and Mehmet Seyitadanlıoğlu, 151-8.

<sup>20</sup>These included Ottoman merchants, usually members of minorities, who received a special status akin to diplomatic immunity from the foreign embassies. The Ottomans referred to them as “beratlı Avrupa tüccarı” (European merchant with an official certificate.)

<sup>21</sup>Contrast this with Sir Francis’ account on page 97, and in footnote 13 of this chapter.

one of the disputants walked out of the tribunal, this stipulation led to severe bottlenecks in the work-flow of the tribunal.

Along with the main branch in Istanbul, the CTs in Izmir, Beirut, Edirne, Thessaloniki, Cairo, and Alexandria adopted the agreed-upon rules, but they convened under the leadership of the local Ottoman governors who cast the tie-breaking vote when necessary.<sup>22</sup> Additionally, in the mid-1850s a naval commercial tribunal in Istanbul began operations. Following large amounts of foreign complaints, a new tribunal replaced it around 1863 with similar results in customer satisfaction.<sup>23</sup> The operations of these initial Tanzimat-era CTs generally continued with great regional variances until 1861, when the Ottoman government adopted a law that standardized the form and function of the tribunals across Ottoman domains.<sup>24</sup>

By this time, the volume of the commercial cases appealed to or seen in Istanbul had necessitated the creation of a second branch of the Istanbul CT. The branches had separate chiefs who could attend each other's cases during absences. Each branch consisted of two permanent and four temporary members. The permanent members consisted of high ranking Ottoman officials, usually from the Ministry of Commerce. The temporary members were selected for a renewable one year term from among lower ranking bureaucrats in the Ministry of Commerce. Involvement in bankruptcy, corruption or bribery led to the dismissal of temporary members. The central Ottoman bureaucracy in Istanbul also appointed the high-ranking

---

<sup>22</sup>Thus, the central Ottoman government preserved the right to veto any disagreeable decision by the commercial tribunals. This did not mean that the Ottoman executive authority could whimsically exercise autonomous control in the tribunal proceedings. Potent protests from European embassies ensured that.

<sup>23</sup>See an interesting case of a leading British legal expert in the Ottoman Empire, and his lack of involvement in the negotiations over the naval branch of the CTs in Istanbul (footnote 94 in chapter 5).

<sup>24</sup>*Usul-ü Muhakeme-i Ticarete Dâir Nizamnâme* (1861) replaced the *Kanunnâme-i Ticaret-i Berriye* (1850) and *Kanunnâme-i Ticaret-i Bahriye* (1850). In the Ottoman hinterland where insufficient numbers of foreign merchants made the tribunals impractical, special local assemblies called *Umûr-ı Mülkiye Meclisi* convened to settle the commercial disputes. Very importantly, these rural assemblies did not require the presence of foreign representatives, but only the presence of a translator. This stipulation caused great confusion and resulted in protests from foreign delegations, who continued to demand equal numbers of representatives for each disputant. Additionally, special naval commercial tribunals sometimes convened in ports other than Istanbul, relying on the expertise of the port commander as a witness. See Ekinci, *Osmanlı Mahkemeleri*, 104-6.

members of local CTs, while the lower rank members received their appointments from the highest ranking local Ottoman official (usually the governor.)

The 1861 law also specified the procedures for appeals to all CT decisions (Istanbul and provincial). A special tribunal under the leadership of the Minister of Commerce himself would convene to hear and decide each appeal in Istanbul.<sup>25</sup> Initially referred to as *İstinaf-ı Deâvi-yi Ticaret Divanı*, this tribunal consisted of three permanent and five temporary members in addition to the Minister of Commerce. The permanent members were appointed in the same manner as the two branches of the Istanbul CT, while the temporary members received appointment by a joint commission consisting of the Minister of Commerce and general assembly of the Istanbul CT. This tribunal required the presence of a minimum of five members to operate, and included a number of support staff and translators present in a non-judiciary capacity.<sup>26</sup>

The Ottomans adopted a relevant additional law in 1864 (*Vilâyet Nizamnâmesi*) seemingly to standardize local CT practice, when variances in local CT operations continued despite the regulations adopted in 1861. However, the wording of the law, which specified only the position and authority of the centrally appointed president of the local CT, lacked the specificity to affect such changes.<sup>27</sup> Consequently, the law had little effect on the variances in local CT operations.

---

<sup>25</sup>This often presented an onerous burden on the disputing merchants, as they had to provide sufficient collateral to cover the costs of the appeal, travel expenses to Istanbul for an extended period, not to mention operating costs to their businesses that likely could not operate in their absence. Ottoman attempts to dissuade frivolous appeals provides a reasonable hypothesis, but a more extensive hypothesis appears in chapter three.

<sup>26</sup>One guiltily feels the obligation to remind the reader, that these accounts reflect the initial designations of these legal units. As with all bureaucratic structures of the Tanzimat, all of these branches “moved around” from time to time—meaning that they could be briefly associated with the Ministry of Commerce, Ministry of Agriculture (!), or some other Ministry or assembly as an experiment. Unlike most other bureaucratic constructs of the Tanzimat, however, the form of these legal units received little change—only their position in the bureaucratic chain of command shifted. A full account of these changes would serve no purpose here, but the reader can refer to Ekinçi, 2004 regarding these activities (at least concerning legal bureaucratic units during the Tanzimat.)

<sup>27</sup>The law stipulated the presence of a sufficient number of members, essentially leaving the choice to local tribunals. As explained in chapter three, the Ottoman government wanted to abolish the local tribunals, or at least exert greater executive authority over them—requests staunchly opposed especially by British officials.



## 4.2 INFORMATION FLOW AND MORE PROCEDURES

In line with the Ottoman goal of centralization, commercial tribunal procedures such as filing complaints and appealing decisions increasingly involved the Ottoman central bureaucracy as the Tanzimat progressed. The plaintiff provided the Istanbul Commercial Tribunal with his complaint, along with proof of ability to cover the costs of the tribunal.<sup>28</sup> The dragoman produced the first reports of the tribunal proceedings for the embassy that employed him. In British cases that progressed routinely, the ambassador directed the dragoman to proceed as before and bring the case to a speedy resolution. In more difficult cases, the ambassador would contact either the Foreign Office for additional directions (in cases involving clarification of British policies over a commercial matter,) or the Porte to ask for special orders that eliminated the bureaucratic or procedural issues that disadvantaged the British side in the tribunal. If the Porte acquiesced, then the communications began anew with a report of the dragoman to the embassy of the results the Porte's intervention had on behalf of the foreign side in the tribunal.<sup>29</sup> Upon the delivery of the tribunal's verdict, assuming no appeals were made, the Ministry of Commerce would either grant approval to execute the verdict, or could escalate the case by forwarding it to an executive council of the government.<sup>30</sup>

---

<sup>28</sup>The losing side in the tribunal decision would pay the costs of the tribunal, a specific sum decided at the Ministry of Commerce and agreed upon by the foreign embassies, at the end of the trial. The costs of the tribunal were levied in addition to the compensation received by the winning side of the decision.

<sup>29</sup>The other embassies operated similarly to the British.

<sup>30</sup>There existed several councils or assemblies that could address this executive appeal of sorts. In cases involving large sums, critical policies, or important individuals, the Imperial Council (council of government ministers appointed to the council by the prime minister, who also was a member) would render the final decision. In this case, all further communications with the related embassy would take place through the Prime Minister's Office and the dragoman of the embassy. Cases of lesser importance, such as routine commercial matters between merchants, or cases involving small sums, would be forwarded to special commercial assemblies in Istanbul. Both the members and powers of these commissions were agreed upon on a case by case basis by the Ottoman government (Prime Minister's Office or the Ministry of Commerce) and the relevant embassy in Istanbul. The Commercial Assembly usually included three Ottoman and three foreigners, as well as support staff. At least one of the members on the Ottoman side would be a high ranking bureaucrat (such as the minister of commerce) and a

The tribunal proceedings in the Ottoman provinces also began with the application and proof of funds to cover tribunal costs by the plaintiff. However, the dragoman first reported the tribunal proceedings to the consulate, where the consul decided whether the issue needed local steps to resolve, or the situation merited contacting the embassy in Istanbul for additional instructions or support. In the 1860s, the local commercial tribunals also began to first convene in an unofficial fact finding assembly prior to official proceedings. The structure of the assembly varied, but generally consisted of two Ottoman and two foreign members of the tribunal. The assembly then informed the plaintiff whether the case merited the tribunal's official attention or the plaintiff should seek alternative means to settle the dispute.<sup>31</sup> The plaintiff could still insist on the local commercial tribunal to convene. The relevant consulate, informed of the assembly report by the dragoman, also advised the plaintiff on these matters.

The commercial tribunal verdict was forwarded by the (centrally appointed, often locally by the Ottoman governor) president of the tribunal to the Ministry of Commerce. This document contained a summary of the complaints and the principles followed by the commercial tribunal to reach the verdict. The name, signature and official seal (if available) of the tribunal judges appeared at the end of the verdict, including any special rank or position the participants held.<sup>32</sup> Concomitantly, the consul receiving information from his dragoman, informed the embassy in Istanbul of the outcome. The embassy could become involved if the verdict met bureaucratic or administrative bottle-necks, by appealing to the Porte for the immediate execution of the verdict by the orders of the Prime Minister.

---

member of the foreign delegation would be an appropriately experienced embassy staff member. Additional members usually came from among trusted merchants, and support staff could also participate without executive or legal responsibilities. Note that the term "commercial assembly" should not be confused with the Istanbul Commercial Tribunal, to which many documents unfortunately also refer as "Commercial Assembly."

<sup>31</sup>These alternatives are discussed in chapter five.

<sup>32</sup>For example, the Ottoman government appointed "trade consuls" (*şehbender*) to assist in commercial matters in the provinces. They sometimes also served in the commercial tribunals, as in HR. MKT. 288/28 (on the Ottoman side.) This provided an indication of Ottoman central presence and influence in the provincial CTs.

At the same time, while the Ministry of Commerce considered the merits of the verdict, the disputants had the right to appeal the case to the Istanbul Commercial Tribunal, which acted as the appellate court to all local commercial tribunals.<sup>33</sup> The Ministry of Commerce could also order a retrial, but this required the cooperation of the embassy and thus was a rare occurrence. If the appeal request, forwarded to the Ministry of Commerce by the local commercial tribunal, was accepted, then the appealing disputant was required to show proof of ability to travel to Istanbul for an extended period of time, as well as ability to cover the costs of appeal. If the side not appealing could not procure funds or lacked the ability to travel to Istanbul, then a trusted proxy in Istanbul (usually a reputable merchant) could attend the appeal proceedings instead.

As the Tanzimat progressed, many tactics were employed by the sides to delay the judicial process, for instance by not appearing at tribunal proceedings. By the agreements between the Ottomans and embassies, this alternately could lead to postponement of the tribunal, reselection of tribunal members, or (more rarely) a verdict in absentia. Any of these occurrences sufficed to trigger a barrage of reports and complaints from the involved embassy to the Porte, the Minister of Commerce, and other Ottoman bureaucrats, who at one time or another became a part of the commercial tribunal hierarchy.<sup>34</sup> Upon the production of the appeal verdict, either the Porte or the Minister of Commerce considered its merits before the final order to the local Ottoman governor. This executive order could include amendments to the tribunal verdict, such as the amount to be awarded.<sup>35</sup>

---

<sup>33</sup>However, in cases involving large sums or important persons, the appeal could be redirected to a “commercial assembly” or the council of ministers. In all cases, the disputants had a limited number of days to appeal, ranging throughout the Tanzimat from forty to seventy days. Many irregularities occurred on the application of these deadlines for the appeals.

<sup>34</sup>In many cases, frustrated British subjects with high-level connections would also pursue the matter through acquaintances in the Foreign Office.

<sup>35</sup>Although the British Embassy and consulates diligently pursued collection of the full amount of the verdict before 1860, in later periods they often advised their subjects not to wastefully pursue such discrepancies. Also, as the Tanzimat progressed, cases of refusal or uncooperative delay tactics by the Ottoman governors also prevented

### 4.3 DATA: PRIMARY AND SECONDARY SOURCES

The primary sources used in this study of the dynamics of Commercial Tribunals came from two archives: Ottoman Archives of the Prime Minister's Office (BOA) and The National Archives at Kew (BNA). The available commercial tribunal and commercial assembly cases scattered throughout the BOA were systematically sampled to collect the data for the quantitative portion of the analysis. The primary criteria for the selection of a case was the availability of the local CT decision, preferably with the approval from the Office of the Prime Minister or the Ministry of Commerce that allowed for the collection of the amount awarded in the local tribunal decision.<sup>36</sup> The most complete twenty-five cases involving foreign merchants were selected from among hundreds of available cases.<sup>37</sup> The details of an additional twenty cases were obtained from diplomatic communications found in the BNA.<sup>38</sup>

The information from BNA consisted of official correspondences between British personnel in the Ottoman Empire, and sometimes the British Foreign Office, where the results of CTs and difficulties experienced during the course of the tribunal hearings appeared prominently among

---

the collection upon commercial tribunal verdicts. Chapter 5 covers this topic in detail.

<sup>36</sup>The local CT decisions were comprised of a summary of the case, the basis of the tribunal's decision, and the names and signatures of the tribunes. It was initially hoped that the information in the tribunal decisions (such as the names of the tribunes, their voting patterns, etc.) could support a more detailed network analytical study, such as involving the business and personal relations of the CT judges. It quickly became apparent, however, that such an analysis would not yet be possible for two reasons. Most available cases lacked decisions, or were incomplete (for instance, the losing party in the tribunal appealed to the higher court in Istanbul and further details, although likely residing in an uncatalogued portion of BOA, were not available.) Also, the communications and reports involving the CTs found in BOA lacked the variety and details that British communications displayed. For example, British consuls did not shy away from mentioning their personal opinions and friendship with local Ottoman officials. Even if reports among the Ottoman bureaucracy that contain similar information exists, they are not among the documents associated with CTs. Although further analysis of archival sources in BOA, such as tax, marriage, court records other than CTs, and customs records should yield sufficient information to study local Ottoman networks at the desired resolution, such efforts are well beyond the scope of the current study.

<sup>37</sup>Information from some cases deemed not sufficiently detailed to include in the quantitative analysis were used as examples in chapter 5.

<sup>38</sup>Although the cases acquired from BNA lacked the official tribunal decrees as in the cases from BOA, the details of the the diplomatic communications left no doubt as to the final decision of the tribunals, or the outcome of the post-tribunal collection efforts.

the topics of discussion. In total, these efforts yielded forty-five commercial tribunal cases spanning 1853-1870 for the correspondence analysis presented in chapter 6.<sup>39</sup> Additionally, diplomatic and legal reports by Ottoman and British officials provided previously unavailable information regarding the form and functions of the CTs at various locations.<sup>40</sup> Along with these primary sources, a list of secondary sources appears in the bibliography.

Most of the sources from BNA have received considerable attention in prior research.<sup>41</sup> These prior studies, however, focused on Macro-level relations and events, such as imperial policies, or relations of high-level bureaucrats.<sup>42</sup> The novel focus on commercial tribunals in this dissertation allows for a new interpretation of these archival documents. Specifically, the interactions at the local level that are recounted at great length in British communications create a link between the local and imperial perspectives of the Tanzimat. When contrasted with the official Ottoman communications, the British documents contain far more interpretable detail regarding the personal and policy motivations involved in the interactions. On the other hand, documents from the Ottoman archives display the legal and bureaucratic variations involving different regions and different nationalities. Also in the Ottoman sources, one also finds explanations by local participants of the variances in tribunal practices, as well as how the Ottoman center handled these variances under different circumstances.

Another notable difference exists between the Ottoman and British archival documents. The Ottoman commercial tribunal cases have rarely received attention, if any, other than in

---

<sup>39</sup>Only one of the cases appeared in both BOA and BNA.

<sup>40</sup>Some of these results are presented in chapter 5, for instance, see pages 134-136. Much of this information came from the diplomatic correspondences and reports in BNA.

<sup>41</sup>For instance, the reports of Col. Rawlinson from Baghdad in the early 1850's were used by Roger Owen. See, Owen, *The Middle East in the world economy, 1800-1914*, 326-7.

<sup>42</sup>One notes that most of these communications were interspersed among routine diplomatic communications within FO 195 and FO 198. This certainly increased the difficulty of establishing a continuity in these documents, or using them in a historical narrative.

arguments pertaining to the excessive privileges of foreigners in the Ottoman Empire.<sup>43</sup> Prior to this research, their impact on the Tanzimat or Euro-Ottoman relations remained largely as a side note. This historiographical oversight owes much to the difficulties of locating and interpreting these documents. It may very well be that the very reason for their continued existence today, has also allowed them to hide in plain sight in the Ottoman Archives.

Indeed, there exists a significant gap in the Ottoman judicial documents prior to 1876. A large number of documents were lost to an 1875 fire in the Ottoman Ministry of Justice. However, because the Ottoman Commercial Tribunals answered to a number of different Ottoman ministries as the Tanzimat unfolded, documents of the tribunals were scattered among numerous sections of the archives. While this ensured the survival of these documents, it also immensely increased the difficulties in working with these sources. Most cases are likely still not catalogued, and many of the presently catalogued tribunal documents are missing significant portions (likely in other, uncatalogued portions of the archives.) One hopes that the readers will recognize the enormous untapped potential of these archival sources.

#### **4.4 SOURCES OF CONFUSION IN THE SOURCES**

From the European perspective, haphazard implementation of the Tanzimat reforms strongly appeared as a culprit behind many frustrating encounters with the Ottomans during Tanzimat. Yet, the inconsistent and unstable Ottoman internal affairs during the Tanzimat serves as a red herring, pointing away from more potentially explanatory investigations. For instance, the complex

---

<sup>43</sup>Merchants of the four nations with the most complete cases were Austrian, British, French, and Russian. Additionally, the Ottoman government granted special permission to certain (mostly) minority subjects, allowing them to engage in commerce under the protection of a foreign embassy. These Ottoman merchants also had cases in the commercial tribunals, and included in the analysis.

local relations in the Ottoman provinces shed light upon the factors that necessitated the changing strategies adopted by the Ottomans and Europeans to defend or expand their interests as the Tanzimat unfolded. The first clue for the need to adopt a local focus comes from the great confusion in terminology and contradictory information in the British accounts of the CTs.

British sources refer to the Istanbul CT alternately as the “Tidjaret,” the “Commercial Tribunal,” or as “Commercial Assembly.” Various official British communications also refer to local CTs as “Commercial Tribunals,” or “Commercial Assemblies.” Rapid successions of Ottoman governments during the Tanzimat built and deconstructed bureaucratic units as if castles in the sand. This naturally led to the use of multiple names for the same institution during different times in the reform efforts. Yet, this does not sufficiently explain the confusion surrounding the form and function of different tribunals among British experts with long records of activity in the Ottoman Empire. As we shall see, much of the confusion originated from the divergent aims of European and Ottoman policymakers during the Tanzimat—but especially from the inconsistent policy strategies of British officials.

The dual judicial system adopted by the Ottomans might also cause concern for the readers, as they receive very little attention in this dissertation. The simple reason for this analytical choice: the secular Ottoman courts were irrelevant for the analysis of the CTs during the timeframe of the analysis.<sup>44</sup> Some brief lines will elaborate this point.

The announcement of a secular alternative court (*Nizamiye* Courts) to operate concurrently with the Islamic *şeriat* courts received a lukewarm response from European embassies.<sup>45</sup> Although this unprecedented measure aimed to fulfill one of the initial promises of the Tanzimat much pursued by Europeans (equality under law of all Ottoman subjects, regardless of religious

---

<sup>44</sup>For an in depth coverage of the development, form and function of these courts, see Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).

<sup>45</sup>Ekinçi, *Osmanlı Mahkemeleri*, 111.

affiliation,) foreign legations refused to participate in them, pointing to the lack of sufficiently trained staff and the absence of a civil code to standardize the court's operations.<sup>46</sup> Thus, the much anticipated Ottoman secular legal reform failed to deliver an impact when it was most needed during the Tanzimat. In addition to the confusion caused by the concurrent operation of two separate court systems with jurisdiction over the same cases, this episode arguably caused the greatest European disappointment in the Tanzimat.<sup>47</sup> As we will see in chapter 5, the European distrust in the Ottoman capacity to successfully carry out the reforms became palpable in the remaining decade of Tanzimat's troubled implementation.

Aside from this legal duality and regional variances in commercial tribunal practices, there also existed a structural oddity that required dismissing a number of potentially relevant tribunal cases. As explained in the previous chapter, Egypt enjoyed a uniquely privileged position within the Ottoman hierarchy. While still subservient to the Ottoman Sultan, the Governor of Egypt and his bureaucracy enjoyed great independence from the rest of Ottoman bureaucracy.<sup>48</sup> The special status also reflected to the Egyptian courts. The two Egyptian commercial tribunals in Cairo and Alexandria operated under different laws and rules than the rest of the Ottoman commercial tribunals. Therefore, the Egyptian tribunals were omitted from the analysis despite the existence of numerous archival documents regarding the Egyptian institution.

---

<sup>46</sup>Ahmed Cevdet Paşa prepared the civil code (Mecelle), but by the time of its implementation in 1876 the Tanzimat had expired for all intents and purposes. Thus, I do not cover the Nizamiye Courts in this dissertation, although the CT's technically operated in the Nizamiye Court system from 1864 onwards. CT cases following 1876 cannot be considered independently of the Nizamiye system.

<sup>47</sup>Again, the full preparation and implementation of the Ottoman civil code (Mecelle) took until 1877. The Nizamiye courts experienced a period of transition between 1864 and 1877, during which their form, function and very future remained unclear at times.

<sup>48</sup>Rather than the Ottoman Sultan, the Governor of Egypt directly appointed members of his bureaucracy from among Egyptian elites, many of whom received training in Europe.



As a final remark on sources, much of the current information on the CTs in Turkish sources first appeared in a work penned by an Ottoman official in 1913.<sup>49</sup> Although far more detailed in scope and information than the British sources on the daily functioning of the CTs, that work failed to convey the variances in practice between CTs in different locales and times. Thus, Turkish historians relied on memoirs and writings of Ottoman leadership to provide a narrative of the quandaries and complaints regarding the unsatisfactory work of the CT's. This left several gaps in the historiography of the subject. Among other things, this dissertation aims to bridge the historiographical gap regarding the aforementioned variances in the practices of CTs, as well as provide a connection between the imperial conception and various local adaptations of the reforms.

#### **4.5 METHODOLOGY: QUALITATIVE ANALYSIS**

The majority of the textual analysis takes place in chapter 5, producing a chronological account of the Tanzimat through various local and imperial strategies adopted by Ottoman and British policymakers. Although this analysis also involves social networks, it is substantially different than the network analysis presented in chapter 3. Whereas the presentation in chapter 3 benefited from 150 years of Tanzimat scholarship, there exists only some very basic information regarding the Ottoman commercial tribunals in the secondary literature, and local interactions in the Ottoman provinces have not previously received a network analytical treatment. Accordingly, the results presented in chapter 3 are much more nuanced than in chapter 5. For example, one can clearly recognize dyadic network relations among members of various social

---

<sup>49</sup>Halil Cemaleddin and Hrand Asader, *Ecanibin Memalik-i Osmaniyye'de Haiz Oldukları İmtiyazat-ı Adliye* (Istanbul: Hukuk Mtb., 1913).

networks in Istanbul, unlike dyadic relations in local Ottoman networks that remain opaque by comparison in chapter 5.<sup>50</sup> The types and sparsity of archival data used in chapters 5 cannot yet display as fine a resolution as presented in chapter 3. As a result, local network features such as dyadic or triadic relations are not included in the analysis.

Instead, the textual analysis in chapter 5 concentrates on trends in local interactions among Ottoman and European actors during the Tanzimat, especially during 1847-1880 when the CTs were an integral part of Euro-Ottoman relations, as well as on the implications of these interactions on further reform efforts and on the Euro-Ottoman alliance. The treatment of historical actors of different nationalities as members of networks competing for authority, both in the Ottoman provinces and in Istanbul, forms an integral basis of the methodological approach of chapter 5. For instance, diplomatic communications that describe social, cultural, political, or economic issues that necessitated the polarized and unproductive positions assumed by the historical actors appear prominently among the documents in BNA. These documents are interpreted within a framework that categorized the historical actors (bureaucrats, diplomats, and merchants) as members of competing social networks. The analysis produced results regarding the social and political status of each network based on the effectiveness with which they could project their authorities through the Ottoman networks.<sup>51</sup>

In addition to the comparatively sparse CT data, thousands of communications among British and Ottoman actors found in BNA presented local snapshots of Euro-Ottoman interactions

---

<sup>50</sup>An example of a dyadic relation in this context would be the commercial and personal relations between two merchants in the Ottoman provinces. The data of interest regarding the relations of the two merchants would be the volume of trade, length of partnership, number of other opportunities to trade, etc.

<sup>51</sup>As an example, one might consider the effectiveness of Ambassador Canning during the 1840s and 1850s, when even radical social British demands from the Ottomans received serious consideration at the highest level of Ottoman authority, if not outright acceptance. In comparison, British demands during the 1860s and 1870s over even the simplest matters were stonewalled by Ottoman bureaucrats. The social and political status of the British had changed significantly in Istanbul during this period, and the analysis of local network interactions provide compelling reasons for this, as presented in chapter 5.

related to Tanzimat's implementation and competing spheres of authorities. The information in these documents displayed trends related to various topics relevant to the analysis, such as the implementation of the Tanzimat reforms, the form and function of the CTs, the changing rights and treatment of foreign nationals in the Ottoman Empire. The data used in the analysis in chapter 5 were systematically selected from among many alternatives for clearly displaying the trends seen in the communications.<sup>52</sup> This involved considerations for the dynamics of highly complex factors. For example, the radical suggestions made by the British consul of Larissa in 1856 regarding the form and function of the CT in that location had to be interpreted in the context of numerous elements, such as the structural changes to the CTs proposed by the Ottoman government, the evolution of Euro-Ottoman negotiations over the form of the judicial reforms of 1862, the British interests and spheres of authority threatened by those reforms vis-à-vis other European interests, to list a few.<sup>53</sup> The analysis maintained its coherence during this intricate phase, by comparing the possible implications of the extracted data against the established historical understanding of the same periods during Tanzimat in secondary sources.

Very importantly, many of these communications also included the opinions and suggestions of British officials regarding the course of British policies to ensure the desired outcomes for British interests in the Ottoman Empire. British reports from the local consulates, usually accompanied by written complaints from British subjects or a report of tribunal proceedings by a dragoman, informed the British Embassy in Istanbul and the Foreign Office regarding the impact of the reforms on British interests. The communications of the embassy with the Ottoman government, usually the prime minister's office, displayed the British perceptions of the state of

---

<sup>52</sup>For instance, dozens of similar documents may exist in a journal such as FO 195/890, but one or two may have been selected as exemplifying the trends in the reports and communications, pertaining to topics such as judicial procedures, claims of prejudicial treatment in the CTs or during commercial transactions, etc.

<sup>53</sup>The clashes over the Larissa CT is the same topic referred to in footnote 40 of this chapter. See, chapter 5, pages 134-136 for the details of the bureaucratic and diplomatic confrontations.

the Tanzimat, as well as the steps that British policymakers expected the Ottoman government to take to maintain their alliance.<sup>54</sup> The responses from the Ottoman government and continued communications indicated the perceptions and expectations of each side regarding the Tanzimat, as well as the state of their alliance. Although this type of data proved insufficient to conduct network analysis involving individual historical actors, the data was suitable for a network analysis in which one considered groups of actors as the elements of social networks.

As shown in chapter 5, the local interactions repeatedly highlighted frictions between the Ottomans and their European allies, when the accepted historical narratives suggest more accommodating or inert Ottoman attitudes.<sup>55</sup> Perhaps the most surprising result of this approach was the significantly varied treatment of different European nationalities by the Ottomans at the local level. The data from the BNA almost exclusively involved cases of British merchants, while the data from the BOA presented a much more heterogeneous mixture of cases involving European merchants. Specifically, the analysis of this heterogeneous data, in conjunction with the data from BNA, displayed some unique aspects of the British experiences in the CTs compared to the merchants of other foreign nations. This is an example of an implication uncovered by the analysis of local interactions that extends beyond the current narratives of the Tanzimat.

Without a means to determine whether the anomalies implied by the data varied with significance from more traditional narratives of the Tanzimat, it would have been difficult to

---

<sup>54</sup>The frequency of reports from dragomans indicate that British embassy remained in contact with the Ottoman Prime Minister at least on a weekly basis. For instance, a dragoman of the British Embassy named Count Pisani personally met Prime Minister Âli Paşa over commercial tribunal cases of a routine nature in the early 1860's.

<sup>55</sup>A good example involves a truly nasty fracas between the Ottoman Governor of Baghdad and the British and French consulates in the eve of the Crimean War. That the governor happens to be the person the Ottoman government chooses to promote to the position of Finance Minister and send to the European capitals to negotiate war loans, adds another twist to an already complicated affair. That episode in imperial relations receives thorough coverage in chapter 5.

present a convincing version of chapter 5. This is where the quantitative analysis proved its worth.

## 4.6 METHODOLOGY: QUANTITATIVE ANALYSIS

Correspondence analysis (CA) served as the primary statistical tool in chapter 6.<sup>56</sup> A multivariate technique for categorical data analysis, one can consider CA as a discrete variant of principle component analysis.<sup>57</sup> Essentially, CA visualizes associations between two discrete variables based on significant variances in the data.<sup>58</sup> Elements of the two discrete variables are organized into the rows and columns of a matrix. The visual presentation usually employs biplots (as in chapter 6,) where each row and column is depicted as a point on the graph. CA interprets variances in the data as a measure of how closely the entities represented in the rows and columns are related, and the distances in the graphs provide an easily interpretable means of depicting these relations. In this way, correspondence analysis not only shows that two variables are related, but also displays how the two variables are related.

Accordingly, the archival data needed to be organized into two distinct categorical variables prior to investigating the dynamics of the CT cases through correspondence analysis. Several characteristics that differentiated the experiences of European merchants in the Ottoman CTs formed the first set of variables. The characteristics, such as how often merchants of a nationality won their cases in the tribunals, and how often the Ottoman government worked

---

<sup>56</sup>Technically, correspondence analysis is a method of geometric data analysis.

<sup>57</sup>Michael Greenacre, *Correspondence Analysis in Practice* (Boca Raton: Chapman & Hall/CRC, 2007).

<sup>58</sup>In this section, I aim to provide a user friendly account of correspondence analysis, without any mathematical prerequisites. In the appendices, one can find more accurate depictions of this technique through linear algebra, measure theory, and functional analysis.

against merchants of a nationality (or conversely on their behalf), were extracted from the archival data.<sup>59</sup> This involved tallying counts of how often merchants of different nationalities experienced these characteristics during the course of their cases in the tribunals. Thus, the variances in the tallies of nationalities represented differences in the treatment of different European merchants (locally and in Istanbul).<sup>60</sup> Then, the CT cases and the extracted data were organized by merchant nationality, the second variable. Thus, the resulting matrix of the data from the CT cases had merchant nationalities as row variables, and differentiating experiences in the CTs as column variables.

Application of correspondence analysis to this matrix took place in three steps. In the first step, the frequencies were converted into profiles (percentage values based on row and column sums.) Secondly, a significance test based on the chi-square statistic established that the variances could not be attributed to pure chance—meaning that historical phenomena that required interpretation existed in the Ottoman CTs. Finally, a metric based on the chi-square statistic was used to construct a matrix that contained a spatial description of the relations between the two variables. The application of singular value decomposition to a slightly modified form of this matrix yielded the data for the graphs in chapter 6.

Great care went into the extraction of the data, as well as the proper application of the quantitative method to the problem at hand. Two issues that required extra diligence deserve mention here: avoiding arbitrary factors of correlation, and working with sparse data. The first issue refers to the fact that quantitative methods related to factor analysis, such as

---

<sup>59</sup>As mentioned earlier in the chapter, communications from the British and Ottoman sources provided different types of information that helped to identify the differences in treatment of subjects, judicial procedures, etc. All the characteristics used in the analysis are first converted into a matrix prior to the correspondence analysis. The results of the analysis are displayed through four figures in chapter 6.

<sup>60</sup>These tallies are formally referred to as frequencies.

correspondence analysis, can indicate relationships between variables when none exists.<sup>61</sup> This most commonly occurs when variables are picked arbitrarily out of the available data, and ran through the quantitative wringer to squeeze some interpretable relationships out of them. To avoid this, the categories that appear in the columns of the matrix were carefully selected as representative of the common experiences in the CTs of all the nationalities included in the analysis. The rigid rules of the CTs, though often ignored by especially the participants in the provinces, provided a sufficient baseline to the structure of relations within their confines to discern arbitrary interactions from those that demanded interpretation.

The second issue, sparseness of data posed a more serious problem. The chi-square statistic, a cornerstone of correspondence analysis, may not be applicable when frequency values in the initial matrix falls below 5 in individual cells. This condition did occur in some of the matrices. Yet, as standard practice in such cases, confining the use of correspondence analysis to an exploratory capacity still allowed the inclusion of this powerful method in the analysis. It must be emphasized that while many sources depict CA as strictly an exploratory method, meaning that one should not use it to establish rigorous quantitative conclusions, only the sparse nature of the available data (forty-five CT cases complete with decisions that yielded limited frequency data) necessitated the exploratory utilization of CA in this dissertation.<sup>62</sup> With richer sets of data one can confidently posit more conclusive results, instead of the cautious presentation of hypotheses in the quantitative analysis chapter.<sup>63</sup> The readers are directed in the bibliography

---

<sup>61</sup>A most eloquent explanation of this phenomenon is found in Stephen Jay Gould, *The Mismeasure of Man* (New York: W.W. Norton, 1996), 269-81.

<sup>62</sup>The forty six cases reserved for the quantitative analysis should not be confused with the thousands of communications mentioned earlier. The results of applying CA to the few complete tribunal cases allowed the production of very strong conclusions from the thousands of bureaucratic communications.

<sup>63</sup>For more on this point, see chapters 1 and 2 in Brigitte Le Roux, and Henry Rouanet, *Geometric Data Analysis: From Correspondence Analysis to Structured Data Analysis* (London: Springer, 2011). As a final note, it is strongly suggested to refer to the highly user friendly book of Michael Greenacre prior to reading chapter 6—especially if one needs to brush up on statistical concepts. Furthermore, a thorough account of CA historiography,

towards some of the established works that demonstrate the application of this dynamic quantitative method in numerous fields of research.

---

or even a partial account of the (mis)application of statistical methods in historical research is beyond the scope of this dissertation. However, many sources dedicated to these topics appear in the bibliography.



## **5.0 A TEXTUAL ANALYSIS OF IMPERIAL INTERACTIONS DURING TANZIMAT**

The primary Ottoman strategy for the Tanzimat contained a terminal fault. The Ottomans relied on external support from Europeans to rejuvenate the internal dynamics of their empire. Yet, the concessions made by the Ottomans from their internal dynamics sustained the external support that braced the Tanzimat. This circular arrangement led to frictions between the Ottomans and their European allies throughout the Tanzimat. By their very nature, the Ottoman Commercial Tribunals (CTs) were among the most contentious Ottoman institutions where the Ottoman and European spheres of authority grated to produce some of the most detrimental frictions between the European and Ottoman allies. Archival documents associated with these tribunals shed light on the misguided strategies by all sides that culminated in the failure of the Tanzimat. This chapter presents examples of dissent and mistrust among the Ottomans and their European counterparts, with an analysis that treats interactions as taking place in contested spaces of authority.

### **5.1 BRITISH MISCONCEPTIONS?**

A comparison of British and Ottoman communications yields many contradictory accounts regarding the function and operation of Ottoman commercial tribunals, where British consular

officials display a surprisingly persistent ignorance of the Ottoman judicial system—past and then-present.<sup>1</sup> The acerbic tone of Supreme Consular Judge Sir Philip Francis in a report to the Foreign Office (FO) demonstrates a typically vacuous analysis that misinformed British decision makers. On the topic of the Ottoman judges in commercial tribunals, Francis stated:

The appointment of Judges is regulated by the exigencies of patronage. No legal education is a requisite and the Judges rarely have it or any other judicial qualifications but what they may or may not acquire by practicing on the suitor.<sup>2</sup>

Regarding the application of legal principles to the judicial processes he adds:

...there exists no Civil Code whatever by which the Tidjarets [sic] should govern their decision the Court is therefore left to the “light of nature” or “rules of common sense” which are mere phrases for ‘guessing’ and ‘arbitrary conclusion’. Sometimes however the Court inspects the French Civil Code to assist its decision or inform its ignorance.<sup>3</sup>

This opinion is rather imprecise for an experienced consular judge like Francis. British reports chronicling the development of the Ottoman commercial tribunals sufficiently point out the original exigencies leading to the formation of these tribunals, and reveal the redundancy of Francis’ argument. Indeed, both Ottoman and British sources agree that in the early nineteenth century, the lack of Ottoman legal expertise in international mercantile law necessitated the appointment of Ottoman and European merchants as tribunal judges to arbitrate disputes amongst each other.<sup>4</sup> As before, in Judge Francis’ time, professional familiarity with a wide variety of international commercial customs and practices remained the primary prerequisite for

---

<sup>1</sup>Researchers expressed similar perspectives of British consular officials pertaining to the post-Tanzimat period as well. For example, Avi Rubin documents the “ignorance” and “prejudice” with which British consular officers misrepresent the Ottoman legal system after 1879. See, Rubin, Avi. “British Perceptions of Ottoman Judicial Reform in the Late Nineteenth Century: Some Preliminary Insights.” *Law & Social Inquiry* 37, no. 4 (2012): 999-1005.

<sup>2</sup>FO 195/890, Memo on the Tribunals of Turkey, Commercial, Civil and Criminal, 1868.

<sup>3</sup>Ibid. Sir Francis used the “ignorance” of the tribunal judges as a reason for diplomatic intervention “when the sentence is more than usually monstrous...”—an expected consequence of “one mischief which infests the Turkish Courts....The ignorance and incapacity of the President and the judges.” (Note: “Tidjaret” was a transliteration of the Ottoman word for commerce (Ticaret in modern Turkish), used by Europeans to refer to the commercial tribunals (especially to the Istanbul Commercial Tribunal.))

<sup>4</sup>Strangely, Sir Francis himself mentions these facts at the beginning of the same report.

a tribunal judge to effectively arbitrate a vast variety of disputes. Why, then does Francis rake the Ottoman judges over the coals?

Reports echoing Judge Francis' tone became a staple of the communications the Foreign Office received during the 1860s from British consuls in the Ottoman Empire. Yet, pre-Crimean War era British consular reports display a very different attitude towards Ottoman administration—especially towards interference in judicial affairs by the Ottoman central authority. This suggests that ignorance of British consular staff is not an adequate explanation for the torrent of corruption and incompetence claims levied by the British against the Ottoman administration.<sup>5</sup> A more satisfactory model emerges from the analysis of imperial interactions in the Ottoman hinterland, and how imperial policymakers were informed by those interactions. The severity of the British reports reflects the increasing incompatibility of European and Ottoman visions for the Tanzimat reforms. We start the analysis by presenting British accounts of two commercial tribunal cases, from Larissa and Dardanelles, to demonstrate differences between the reports from the early 1850s and the 1860s.

## **5.2 TWO BRITISH CONSULAR REPORTS**

In 1852, Consul Blunt of Selanik (Thessaloniki) penned a report to Ambassador Canning regarding the ongoing commercial case of Pandasi Coy, an Ionian subject who enjoyed British

---

<sup>5</sup>This is especially so, considering that the nature of British reports still retained their biased tone following the implementation of higher standards for the appointment of consular staff after 1879. The new standards required actual knowledge of Turkish language and history, which allowed consular staff to more actively engage in local affairs (at least on paper). Avi Rubin's explanation that British consular staff merely remained ignorant of Ottoman history and practices despite this additional training, while likely true to some degree, does not preclude other reasons I emphasize here. See, Avi Rubin, "British Perceptions of Ottoman Judicial Reform in the Late Nineteenth Century: Some Preliminary Insights," *Law and Social Inquiry* Volume 37, Issue 4 (2012): 991-1012.

protection.<sup>6</sup> Coy had won a decision in the Larissa Commercial Tribunal against an Ottoman subject named Hallil [sic] Bey for the amount of 20,000 piastres, and had acquired the necessary vizirial letter from Istanbul for the execution of the decision.<sup>7</sup> However, the governor of Trikala, Kâni Paşa, refused to enforce the order from his superiors claiming the inability of the Ottoman subject to pay the required amount.<sup>8</sup> This appears to have surprised Blunt, for he previously had nothing but praises for the newly appointed governor for his very affable character and unwavering commitment to justice.<sup>9</sup> The Consul asked Ambassador Canning to secure another vizirial letter as the best course of action to secure the due payment.<sup>10</sup>

Over a year after the original commercial tribunal decision favoring the British side, Consul Blunt sought yet additional vizirial letters through Ambassador Canning. Yet, the orders from Istanbul proved unable to sway Kâni Paşa to collect from the Ottoman subject. A personal meeting with Kâni Paşa in July 1852 held yet another surprise for Blunt: the Paşa had referred the case to the appellate commercial tribunal in Istanbul. Blunt protested this irregularity, reminding the governor that the rules of commercial tribunals agreed by the Ottoman and European governments, “have sanctioned: for a claim once decided by the Tidjaret [sic] and *confirmed by a vizirial order for its settlement* admits of neither appeal or reference for instructions.”<sup>11</sup>

---

<sup>6</sup>FO 195/371, March 9, 1852, No. 13.

<sup>7</sup>20,000 Ottoman piastres roughly equaled £180 (based on a conversion chart used to calculate British Consular Court fees charged for services rendered in Istanbul.) See, FO 195/890, Constantinople, 9 Nov. 1868, Consular, No. 18.

<sup>8</sup>Based on his personal acquaintance with the Ottoman debtor, Consul Blunt felt this was a ruse.

<sup>9</sup>FO 195/371, Consul Blunt to Ambassador Canning, Nov. 25, 1851.

<sup>10</sup>As an alternative, Consul Blunt also suggested the appointment of a muhassıl (essentially a comptroller sent from Istanbul with authority to supersede the decisions of provincial councils and governors in disputes.) This would have been an extraordinary measure since the institution of muhassılık was abolished in 1842 after a two year phase-out period to replace it with provincial councils. See, Ebubekir Ceylan, *The Ottoman Origins of Modern Iraq Political Reform, Modernization and Development in the Nineteenth Century Middle East* (London: Tauris Academic Studies, 2011), 110. On the other hand, Blunt’s suggestion also shows the detailed knowledge that at least some British officers possessed regarding Ottoman administration.

<sup>11</sup>FO 195/371, July 13, 1852, No. 29 (the added emphasis is mine.) British officials around this time frequently

British concord with the extension of central Ottoman authority, such as the requirement for executive confirmation of judicial decisions, provided a convenient means for the British to protect their interests in the Ottoman provinces.<sup>12</sup> Still, the tone of British consular reports in the 1850s considerably differed from those less than twenty years later. In 1870, less than a day's travel from Constantinople, British Vice Consul Wrench filed a complaint to his Embassy regarding the unacceptable intervention of the Ottoman Governor of Dardanelles in the local commercial tribunals.<sup>13</sup> Wrench described this phenomenon as "an old evil" that plagued consular officers in all Ottoman provinces. The emotional Vice Consul also listed some of the difficulties that a consular officer had to overcome in order to secure a fair trial for British subjects, even before facing the obstacle of administrative interference.<sup>14</sup>

Having overcome the expected difficulties in the case of Bohar Russo vs. James Calvert, Consul Wrench initially found the conduct of the Dardanelles Commercial Tribunal just and fair. However, as soon as the tenor of the tribunal favored Calvert, the Grand Vizier Âli Paşa himself intervened in the case through the agency of the local governor.<sup>15</sup> Wrench emphatically requested Ambassador Elliot to secure a letter from Âli Paşa, ordering the Governor General of Dardanelles to cease and desist his interference in the affairs of the tribunal.

---

refer to the Ottoman commercial tribunals as "Tidjaret." The term is a transliteration of the Ottoman word for commerce ("Ticaret" in modern Turkish.)

<sup>12</sup>Foreign consuls in the Ottoman Empire had no recourse but to rely on Ottoman governors to protect the rights of their subjects. This became apparent especially to consuls who had the misfortune of dealing with unsympathetic Ottoman governors. Instances of governors refusing vizirial orders that favored foreigners against Ottoman subjects appear prominently in British sources. For an example from Musul, see FO 195/367, No. 27 of 1853. For a similar case in Selanik, see FO 195/371, Nov. 23, 1852, No. 45.

<sup>13</sup>FO 195/930, Vice Consul William Wrench, Sept. 21, 1870, Judicial No. 3.

<sup>14</sup>The difficulties Wrench mentioned were endemic in many Ottoman provinces as a by-product of the convenience these tribunals provided to local commercial disputes. For example, Wrench complains of the difficulties in constituting an impartial tribunal for a British merchant. In a small town like Dardanelles, any tribunal would have members that had religious, familial, or business ties. By the book, every eligible assessor would have to recuse himself from the tribunal due to conflicts of interest. Thus, it is unlikely British merchants were singled out for judicial maltreatment as Wrench suggests.

<sup>15</sup>FO 195/930, Vice Consul William Wrench, Sept. 21, 1870, Judicial No.3.

The Governor adopted a rather clever delay tactic in response. He demanded the tribunal to order Bohar Russo, a Jewish Ottoman subject to take an oath. Russo compliantly contacted his local synagogue for this apparently routine matter. Yet, the local Rabbi refused to administer the oath claiming that such an oath would violate the Jewish religion.<sup>16</sup> Bohar Russo's application to the Chief Rabbi of Constantinople also resulted in a rejection for the same reason. In British eyes, the tribunal could not proceed until the Ottomans could fulfill the requirement that they fabricated, and the fulfillment of which they possibly sabotaged behind the scenes.<sup>17</sup>

Numerous exchanges between the British Embassy and the Porte in the following months produced yet another letter from Âli Paşa to the Governor General of Dardanelles. However, as Supreme Consular Judge Sir Francis reported to Ambassador Elliot, the weakly worded letter fell quite short of affecting the change desired by the British.<sup>18</sup> The vizirial letter only mentioned that the case should proceed according to regulations, with no explicit mention of improper administrative interference. Furthermore, Âli Paşa did not specifically mention that the trial should proceed according to the regulations of the tribunal. A crucial omission that the British claimed created the pretext for Ahmet Paşa to continue his interference. The members ("assessors") of the tribunal had no desire to incur the animosity of Âli Paşa or the governor by insisting upon the regulations of the tribunal.<sup>19 20</sup>

---

<sup>16</sup>FO 195/930, Ahmet Pasha, Sept. 20, 1870.

<sup>17</sup>FO 195/930, Vice Consul William Wrench, Sept. 21, 1870, Judicial No.3, Enclosure No.3. The allegation of Ottoman strong arm tactics as the culprit for both Rabbis' refusal is plausible. But, the refusal in both instances due to the reason provided by the Rabbis is equally plausible. The leaders of Ottoman millets actively discouraged their subjects from seeking justice outside of the legal privileges granted to the millets by the Ottoman government, except when absolutely necessary. There is also no information available regarding the standing of Bohar Russo within his community—a relevant factor in the decision of both rabbis.

<sup>18</sup>FO 195/930, 22 Nov. 1870, Judicial No. 69.

<sup>19</sup>Ibid.

<sup>20</sup>Despite the large volume of complaints the British made on the topic of difficulties in collecting upon judgments, the British were not lambs when it came to pay-up either. The British Embassy regularly turned a deaf ear to Ottoman requests for assistance in making collections from British subjects for commercial judgments. See, for example, the two cases from Selanik, BOA HR. MKT. 122/31 and BOA HR. MKT. 174/92, in 1851 and 1856, respectively.

The primary difference between the two reports is the distinct shift in the British perception of imperial Ottoman virtue. The misguided but trustworthy imperial Ottoman leadership of the 1840s and 1850s provided oversight against local misconceptions and corruption that threatened British interests. However, the tyrannous Ottoman imperial leadership of the 1860s purveyed corruption throughout their realm, and now connived to sabotage British interests at every opportunity.

### 5.3 AN ANALYSIS OF THE BRITISH PERCEPTIONS

If one accepts the premises suggested by Consul Wrench, then every actionable communication between the Ottoman center and the periphery regarding the commercial tribunals reduces to a conspiracy to defraud Europeans. This varies considerably from the 1851 reports of Consul Blunt of Selanik, which displayed routine British appeals to the Ottoman executive branch in both regular and irregular judicial matters. This variance has important implications.

First, British interests vitally depended on the re-extension of central Ottoman authority into the Ottoman periphery with the Tanzimat reforms. A well-established network of consulates that promptly informed the highly influential British Ambassador in Istanbul served as the backbone of British policies in the Ottoman Empire.<sup>21</sup> Through the information from the consulates, the

---

<sup>21</sup>British influence in the early stages of the Tanzimat is well known. See, for example, Karal, Enver Z. "Gülhane Hatt-ı Hümayunu'nda Batı'nın Etkisi." In Enver Z. Karal, *Tanzimat Değişim Sürecinde Osmanlı İmparatorluğu*, ed. Halil İnalcık and Mehmet Seyitdanlıoğlu, 65-82. Ankara: Phoenix Yayınevi, 2006. Also, note that as an example of his influence in Istanbul, Ambassador Canning secured the dismissal of three French ambassadors, until following a long struggle a fourth French ambassador secured Canning's dismissal to London in 1857. See, Lynn M. Case, "A Duel of Giants in Old Stambul Stratford versus Thouvenel," *The Journal of Modern History* 35, 3 (1963): 262-273.

British Ambassador effectively used the re-extension of Ottoman central authority as a platform to promote and defend British interests in the Ottoman periphery.

Second, the British sought not to harmonize British interests with the development of the Tanzimat reforms, but to direct the development of the Tanzimat reforms according to British interests. Prior to the Crimean War, the British made no attempts to curb the centralization efforts of Ottoman reformers. On the contrary, the British Ambassadors attempted to push through highly radical financial and social reforms that favored British interests in the Ottoman Empire, on the back of hard-earned Ottoman reform efforts.<sup>22</sup> Thus, the British support offered for the Ottoman reforms predicated on the efficacy of British influence in Istanbul—a situation the Ottoman bureaucrats despised.<sup>23</sup>

So, British officials naturally supported a model of the Ottoman Commercial Tribunals that accepted the strong executive influence of the Ottoman imperial center. Long negotiations with European embassies in 1847 led to the Commercial Tribunal of Istanbul, which operated under strict executive Ottoman oversight.<sup>24</sup> Despite working independently of other Ottoman judicial bodies, the commercial tribunals answered to the Minister of Commerce, a political appointee of the Porte. Indeed, European consuls and ambassadors did not protest the appointment of the

---

<sup>22</sup>While not the definitive factor behind the difficult implementation of the Tanzimat, the radical measures interjected into the reform efforts by the British caused backlash from conservative Ottoman circles. For example, Ambassador Canning secured privileges for Protestants from the Sultan that contradicted Islamic law and doctrine. See, Stanley Lane-Poole, *The life of the Right Honourable Stratford Canning, viscount Stratford de Redcliffe, Vol. 2*, (London: Longmans, Green, and Co., 1888), 100, 102-3. (Also, for an example of an attempt by an Imam to incite a riot during a religious gathering in Istanbul, reportedly against the excessive privileges granted to non-Muslims (such as secured by Canning,) see FO 195/384, Pera, July 14, 1852.)

<sup>23</sup>Leading Ottoman bureaucrats of the time, such as Âli and Cevdet Paşas complained of British interference in Ottoman internal affairs and the arm twisting Ottoman bureaucrats had to endure. (For instance, see a letter by Âli Paşa that complains of Ambassador Canning's excessive influence in Istanbul, in Hayreddin Nedim Göçen, Ali Ahmetbeyoğlu, and İshak Keskin, *Belgelerin dilinden Osmanlı ve Avrupa: Vesaik-i tarihiye ve siyasiye tettebbuatı* (İstanbul: Selis Kitaplar, 2008), 85-88.)

<sup>24</sup>Although a commercial court existed in Istanbul, this was the first mixed commercial tribunal sanctioned by all the foreign embassies.



president of local commercial tribunals by the Ottoman executive branch, even in highly strategic and contested tribunals such as Izmir.<sup>25</sup>

This arrangement secured European commercial interests in rural Ottoman provinces, at least on paper. The enforcement of commercial tribunal judgments required approval from the Ottoman central authority. Therefore, when the judgment of a local commercial tribunal arrived in Istanbul for the approval of the Minister of Commerce or the Porte, European embassies had an opportunity to “fine-tune” the judgments through their influence over the Ottoman executive branch.<sup>26</sup> British approval of this model is apparent in the communications of British Consuls concerning these tribunals, as well as the recommendation the Porte received from Ambassador Canning in 1850 to establish “Mixed Commercial Tribunals” throughout Ottoman domains.<sup>27</sup>

These considerations point to the need for additional care in the use of some generally accepted notions about British policies during the Tanzimat, especially concerning the information and intentions that shaped those policies. Clearly, attributing British reports that misrepresent Ottoman judicial system and reform efforts solely to the ignorance of British officials fails in one particular regard: to account for the strong British support of Ottoman centralization and the expansion of central bureaucratic authority. A more comprehensive analysis of this topic needs to take into account other dimensions of the local and imperial interactions among Europeans and Ottomans.

---

<sup>25</sup>BOA MVL 648/36. Examples of the difficulties some Europeans experienced in this tribunal appear later in this chapter.

<sup>26</sup>For example, in the case of Pandasi Coy mentioned earlier, some of the vizirial letters from Istanbul contained higher payment amounts than awarded in the original judgment of the Selanik Commercial Tribunal. This tactic appears to have backfired, at least in this case, by allowing the Ottoman judges and the governor to point to this discrepancy as a reason to delay payment. See, relevant communications of Consul Blunt in FO 195/367.

<sup>27</sup>Canning’s support is mentioned in FO 881/4232, as well as in FO 195/890, Memorandum on the Tribunals of Turkey, Civil, Commercial and Criminal, Sir Francis, Sept. 1868. For an example of a positive message by a British Consul regarding the tribunals, see FO 195/302, Aleppo 2 Feb. 1850, No. 1.

#### 5.4 REASSESSMENT: CONTESTED SPACES OF AUTHORITY

The shift in the tone of the British reports, as well as the deterioration of British confidence in their Ottoman partners, begins to make sense when the Ottoman judicial system is viewed as a contested space of authority. In fact, the struggles within the Ottoman judicial system was a subset of a larger contest for authority involving other European powers, as hinted by Ambassador Canning in 1846: “I need not add we should always expect to enjoy the same degree of privilege or of indulgence, as the most favored foreigners in this country.”<sup>28</sup> Canning’s confident expectations were rooted in the depth of Ottoman relations that he personally had developed over several decades, and from the breadth of British support the Ottomans accepted to navigate through the near-fatal crises of the 1830s.<sup>29</sup> In return for the military and diplomatic support, the British expected to enjoy heftier returns than other Europeans from trade, direct investments, and social reform in the Ottoman Empire.

Yet, these prospects never escaped the penumbra of European pessimism towards Ottoman recovery. Inevitably, European understanding of Ottoman administration as a rachitic and irreparable oriental artifact introduced a short-term urgency to European, and especially the heavily invested British expectations from the Ottoman Empire. The short-term imperatives created a fatal discrepancy between the results needed from the Tanzimat reforms by each side. The Europeans required a short-term turnaround from their risky Ottoman enterprise. On the other hand, the Ottomans needed decades to implement radical socio-economic and political reforms. The negative reactions to the initial implementation of the reforms had already amply

---

<sup>28</sup>FO 195/302, Aleppo 17 April 1847, No. 3

<sup>29</sup>Canning’s relations with the Ottomans started at gunpoint in 1808 when the British Navy forced its way into Istanbul. Canning served as Great Britain’s Plenipotentiary at Constantinople for two years (1810-2), returning to the Ottoman Empire as ambassador from 1825-8. His more significant and longer ambassadorial assignment lasted sixteen years (1841-57). See, Lane-Poole, *The life of the Right Honourable Stratford Canning, Vol. 1 & 2*.

demonstrated to the Ottoman reformers the difficult adjustments awaiting their multi-ethnic society.<sup>30</sup>

Additionally, many prerequisites for European financial success in the Ottoman Empire required the Ottomans to strongly enforce the articles of the capitulations, such as the abolishment of Ottoman monopolies. This placed the Ottomans in a difficult spot. Especially following the loss of Greece and the Egyptian insurrection, the Ottomans could ill-afford to appear weak in the eyes of rural subjects—especially against the foreigners to whom the Ottomans grudgingly owed their survival in the 1830s. Adversely, obedient enforcement of the capitulations in favor of the Europeans would precisely reinforce an image of a weak and dependent Ottoman Empire in the eyes of the public. The Ottomans had to enforce the capitulations in a way that fulfilled the stipulations of their international agreements, while simultaneously sheltering their citizens against the oppressive advantages surrendered to foreigners. The contests for authority between foreign consuls and provincial Ottoman governors reflected these larger incompatibilities between the Ottoman and European needs from the Tanzimat reforms.

The idea of contested spaces of authority, judicial or otherwise is not new. In her work on colonial legal regimes, Lauren Benton referred to the ‘jurisdictional jockeying’ of competing colonial authorities, as well as the strategies employed to undermine other legal authorities.<sup>31</sup> Of course, we would engage in fiction by imagining European-Ottoman relations as colonial. Nevertheless, one finds staggering similarities in Benton’s descriptions of competing colonial legal systems, and the competing imperial legal interests of the Tanzimat displayed in archival

---

<sup>30</sup>Musa Çadırcı, “*Tanzimat’ın Uygulanması ve Karşılaşılan Güçlükler*,” in *Tanzimat*, ed. Halil İnalcık and Mehmet Seyitdanlıoğlu, 151-58. Also in the same volume, see for additional information on the social backlash to the initial implementation of the Tanzimât, Halil İnalcık, “*Tanzimat’ın Uygulanması ve Sosyal Tepkileri*,” 127-50.

<sup>31</sup>Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*, (Cambridge, UK: Cambridge University Press, 2002), 2-3.

documents. For instance, in a judicial report to the Foreign Office in 1865, one discovers British considerations to supplant Ottoman authority using legal privileges gained through the Ottoman capitulations.<sup>32</sup>

On that topic, Sir Edmund Hornby stated that at the time of his appointment as a Judge to the Supreme Consular Court in Alexandria, he was reminded to bear in mind that British “jurisdiction in Turkey rested as much on sufferance and usage as on treaty stipulations.”<sup>33</sup> Hornby was to maintain jurisdiction which had its source in the capitulations, as well as those acquiesced by the Porte.<sup>34</sup> Among the noteworthy observations by Hornby is that if brought to question, “...the jurisdiction as established by usage or custom, two thirds of that assumed and acted on by all Foreign Nations in Turkey, will be found to be groundless,” since these practices were not in accordance with or sanctioned by the capitulations. Yet, an increase in the jurisdiction and power of British judges were valuable concessions regardless of how they came into British possession. The British Empire could use its jurisdictional gains to curry favor among Ottoman subjects, by dispensing British justice against “Ottoman injustice”.<sup>35</sup>

This was not merely a theoretical suggestion, but a fundamental aspect of British policies towards the Ottoman Empire. For example, Consul Werry of Aleppo reported his surprise to Ambassador Canning in 1847, regarding the Ambassador’s support for the new laws that allowed the Ottoman authorities of Aleppo to rescind certain privileges of the *râya* subjects employed by foreign merchants.<sup>36</sup> British merchants had come into the habit of employing certain Ottoman subjects and, although no such stipulation existed in writing, the Ottomans had extended the

---

<sup>32</sup>FO 195/791, Jan 7 1865, Enclosure in Consul Logie No. 5.

<sup>33</sup>Ibid.

<sup>34</sup>Ibid. An example: Ottoman subjects in Alexandria found it to their advantage to use the British Consular Court instead of the Ottoman courts. Hornby writes that the Ottomans allowed this as an exception, separate from other provinces and the capitulations.

<sup>35</sup>Ibid.

<sup>36</sup>FO 195/302, Aleppo 21 April 1847, Dispatch No. 2. *Râya* refers to the non-Muslim subjects of the Sultan.

privileges of the capitulations to these Ottoman subjects by association. The consul argued that such rights “were quite as legally established by Custom and Treaties, as our individual right to claim the protection of our own Law, in all matters connected with our interests in this country.” Consul Werry argued against surrendering the authority gained from the Ottomans, for doing so could embolden the Ottomans to challenge other advantages the British had acquired through customary practice during a period of Ottoman weakness.

Ambassador Canning’s concession likely came from the realization that while this constituted a set-back for British interests, British retention of all such these privileges would deal a heavy blow to the Ottoman attempts to centralize their imperial bureaucracy. Indeed, the Tanzimat reforms had no chance of success without the creation of regional institutions to politically tie local leaders to the central Ottoman bureaucracy.<sup>37</sup> But the Ottomans needed to secure the trust and cooperation of local leaders in order to replace deeply rooted institutions with new ones intimately connected to Istanbul. First and foremost, the Ottomans had to appear strong and vibrant before the eyes of their subjects, or risk further non-cooperation and uprisings by disenfranchised segments of their population.<sup>38</sup> To assure the local leaders of the Ottoman center’s strength, especially in a major trade hub like Aleppo, the Ottomans had to address the complaints of merchants regarding the disadvantages that they suffered due to the capitulations.<sup>39</sup>

---

<sup>37</sup>For example, the Ottomans replaced many positions in local governments that were either appointed centrally or had lifetime appointments through land rights, with provincial councils. For a detailed account from the Baghdad region, see Ceylan, *The Ottoman Origins of Modern Iraq*, 101-31. For a more general perspective, see Stanford Shaw, *History of the Ottoman Empire and Modern Turkey*, Vol. 2 (Cambridge, UK: Cambridge University Press, 1977), 40-44, 83-95.

<sup>38</sup>For the social reactions and the difficulties in Tanzimat’s early implementation, recall footnote 22 in the current chapter.

<sup>39</sup>Such often received complaints generally involved the tax rates charged to foreign merchants vs. local merchants, duties that foreign merchants paid or not paid, etc. Such complaints, also filed by foreign merchants, challenged the commercial tribunals and high-ranking Ottoman officials throughout the Tanzimat period. For an example of a complaint from Aleppo, see BOA A. MKT. UM. 37/18. For a commercial tribunal claim, see BOA

Of course, the Ottomans lacked the leverage to renegotiate the privileges conceded to European merchants by international treaty. However, the Ottomans could attack European privileges established through customary practice, since no written agreements governed or protected them. By barring foreign-employed Ottoman merchants from the privileges of the capitulations, the Ottoman center rendered a partnership with a European merchant less lucrative. This was a small consolation for Ottoman merchants compared to the vast financial advantages conceded to European merchants through the capitulations. Nevertheless, the Ottomans could still appear strong in the eyes of their subjects by providing justice against “European injustice.”

## 5.5 NATURE AND SCOPE OF RURAL CLASHES

The Ottoman Commercial Tribunals were but a frame in the panorama of British activities in the Ottoman realms. But this frame presents a rare vista into the Tanzimat-era Anglo-Ottoman relations from their dawn in the capitulations, to their dusk in the British occupation of Egypt. In simplest terms, Europeans carved out the tribunals as a favorable space within an Ottoman judicial system they deemed archaic and hostile—a space that should have become redundant as the Ottoman reforms produced a bureaucracy organized around European principles. Conversely, European incursions into Ottoman spaces of authority were incompatible with the Ottoman efforts to establish a more dominant central authority—a key component of Tanzimat’s implementation in the far-reaches of the Ottoman Empire.<sup>40</sup> At a finer scale of analysis, these

---

HR. MKT. 122/31. For a commercial tribunal case over customs duties that spanned over twenty years in Beirut and Istanbul, see BOA HR. MKT. 509/39.

<sup>40</sup>The topic of centralization during the Tanzimat is complicated. For example, the incorporation of local leaders into the political mechanism was a primary goal of the centralization efforts (see, for example, Ceylan, *The Ottoman Origins of Modern Iraq*, 119-20.) The reader should also recall numerous reasons covered in the chapter 2 review of

imperial contests allowed local Ottoman subjects to gauge the strength of the Ottoman center. Both peculiar regional deviations in the form of the tribunals and imperial reactions to these local deviations provide opportunities to identify the position of local interests vis-a-vis imperial interests and policies. These deviations also provide an indication of how successfully Ottoman and foreign governments projected their authority into these provinces.

The next subsection investigates the imperial frictions between Ottoman and British officials in the Ottoman hinterland, during the first half of the Tanzimat, 1839-1856, while the following subsection focuses on the local responses to imperial interactions.

## **5.6 EARLY CONTESTS (1847-1856)**

Ottomans granted the initial capitulations to Europeans as privileges that the Sultan could retract or modify at will. During the eighteenth century, however, Russian military victories forced the Ottomans to grudgingly grant privileges they could not easily rescind. The Ottomans negotiated all the subsequent capitulations from a position of economic and military disadvantage against robust European competitors. Still, the capitulations of the Tanzimat differed from those of the past in one crucial way: Europeans vigilantly pursued the implementation of the capitulations from within the Ottoman Empire. European ambassadors in Istanbul acted on reports of irregularities from their consulates in Ottoman provinces by pressuring the Sadrazam to issue immediate orders for their resolution, according to the terms of the capitulations, or customary practices that favored European interests. The high degree of Ottoman reliance on European support in the early years of the Tanzimat allowed European ambassadors to pester even the

---

Ottoman administrative and financial practices dating back to the late seventeenth century.

highest level Ottoman bureaucrats over trivial matters.<sup>41</sup> But in return, the Ottomans received great support in extending their central authority in rural areas, and even some minor concessions from the capitulations.<sup>42</sup>

Despite this, archival documents yield definitive instances of Ottoman resistance against European demands by the early 1850s. While the Ottoman government in Istanbul mostly appeared compliant with European demands (by announcing reform decrees and fiercely restructuring the Ottoman bureaucracy), they slowly began to whittle away at the offensive articles of the capitulations. For example, British consuls had great difficulty protecting their merchants from Ottoman monopolies despite the explicit agreement in the second article of the *Balta Limanı* Treaty (1838) to abolish these institutions.<sup>43</sup> Mounting consular reports of this treaty infraction produced numerous complaints from the British Ambassador. Yet, instead of kowtowing to the demands for compliance, the Porte evoked the clause in the “Additional Articles” of the treaty that guaranteed non-interference in Ottoman internal administration.<sup>44</sup>

Still, the frictions in Istanbul were not as severe as those away from the capital. As the implementation of the laws outside of Istanbul continued to stall at the hands of defiant Ottoman

---

<sup>41</sup>In their defense, European ambassadors had to resort to such measures because of Ottoman centralization efforts, as well as the chaotic nature of the Ottoman bureaucratic reorganization. For examples of the experimental and often puzzling Ottoman bureaucratic configurations, see, Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform*, 128-140ff.

<sup>42</sup>The extension of authority and minor concession referred here is the suspension of “usury” (or the application of interest in any general transaction) in rural towns around Selanik in 1851. Despite Ambassador Canning’s belief that the measure “is calculated to interfere seriously with trade,” Consul Blunt of Selanik (with Canning’s approval) sent a gentle reprimand to several British merchants. These merchants had informed Blunt of their intent to organize protests against the Ottoman law. Blunt reminded them that the British government supported the Ottoman laws and authorities, and in matters of commerce all British subjects in the Ottoman realms had to remain in conformity with “the regulations of those authorities who are the sole competent judges in the event either of difference or dispute.” See, FO 195/371, Consul Blunt to Abbott Brothers, 1 Oct. 1851.

<sup>43</sup>For an example of a commercial tribunal case rising from disputes over monopolies, see BOA A. MKT. 55/36. This case in the Afyon-Karahisar region also had wider implications for other centers of commerce, such as Izmir, Konya, and Bilecik.

<sup>44</sup>In fact, not only did Ottoman monopolies still exist in every major town in 1852, but British reports claim that the complicit Ottoman government farmed out these monopolies to the rural areas. Presumably, blaming rebellious governors for activities against international agreements provided a convenient means to adopt policies the Ottomans could not openly enact against European protests. See, FO 195/367, Enclosure No. 2 in Dispatch No. 44.



governors, British consuls categorically attributed this to the ignorance and/or corruption of these governors. One case in particular supplies reason to reject this assumption.

In 1853, the Governor of Baghdad, Namık Paşa, refused to comply with a vizirial letter from Istanbul ordering him to enforce the second article of the *Balta Limanı* Treaty. The British Ambassador had obtained this letter after the British Consul in Baghdad, Col. Rawlinson, failed to secure the compliance of the Ottoman governor. This followed a long pattern of “hostility to British interests” by Namık Paşa and his predecessor.<sup>45</sup> In this instance, the governor had ignored several requests by the British Consul for the exemption of British merchants from the activities of the tallow monopoly in Baghdad.<sup>46</sup>

Rawlinson met Namık Paşa around August 1853 to enquire why the vizirial letter failed to produce the desired effect. Namık Paşa provided a stunning reply as reported by Rawlinson. The governor had stated that “Baghdad cannot be placed in the same category with the other provinces of the Empire; that the Tanzeemat [sic] has been but imperfectly introduced; ....; that in fact the 2nd Article of the Convention of Balta Liman [sic] cannot be applied in its literal strictness to this government; and that as the Vizirial letter has been issued in a wrong understanding and without taking into consideration the exceptional condition of Baghdad, it is clearly within his discretion as Governor General of the Province, to decline to act upon it, until

---

<sup>45</sup>Consul Rawlinson had difficulties in obtaining any cooperation in numerous commercial disputes, at least from 1847 onwards. See, for instance, FO 195/367, 1851, Dispatch No. 28 and Dispatch No. 30, as well as 1852, Dispatch No. 4. Rawlinson’s problems were not confined to Baghdad, as the governor of Musul also refused an order from Istanbul to collect funds for British plaintiffs, see FO 195/367, 7 Sept. 1853, Dispatch No. 27.

<sup>46</sup>See, for example, FO 195/367, 28 October 1852, Enclosure No. 1 in Dispatch No. 44. Note that the British Consul did not even attempt to have the monopoly abolished, but merely asked for the exemption of specifically named British merchants—not British subjects in general. This is a measure of Consul Rawlinson’s reliance on the governor over all matters of British interest, as well as the success the Ottoman center had projecting its authority to the Baghdad region during this stage of the Tanzimat.

he shall have furnished the Porte with the necessary explanations on the subject, and shall have received their amended or confirmed instructions.”<sup>47</sup>

Defying the authority of two imperial governments with such aplomb constitutes a tall order, even for the highly decorated founder of the Ottoman Military Academy. But what truly renders this opinion unique is the position Namık Paşa held as the Ottoman Ambassador in London from 1834-1835.<sup>48</sup> As one of the crucial Ottoman architects of Anglo-Ottoman relations leading to the Tanzimat, it is impossible to attribute Namık’s vehement criticism of the capitulations and reform implementations to his ignorance.<sup>49</sup> Nor has any evidence surfaced to implicate Namık with corruption, despite evidence of administrative corruption among some high level Ottoman officials in the region.<sup>50</sup> This begs a reason for Namık’s aggressive stance against British interests, especially considering the success of his tenure in London. The strength of the relations Namık built in Europe are apparent in the Ottoman government’s decision to send him to Paris and London in 1854, in a critical mission to secure war loans for the Crimean War—

---

<sup>47</sup>FO 195/367, 9 Aug. 1853, Dispatch No. 22.

<sup>48</sup>Namık Paşa was sent to London in 1832 to conclude the negotiations for Greek independence. He was sent several more times to secure British and French support against the rebellious Egyptian forces. His successes in these missions led to Namık’s appointment as Ambassador to London (1834-5) (Numerous communications in the Ottoman Archives provide a detailed account of these events.) His diplomatic successes also indicate the strength of high-level relations he developed in London (among others, Namık met with King Edward and Foreign Secretaries Duke Wellington and Lord Palmerston on the Egyptian problem, as well as developing Anglo-Ottoman relations (many Ottoman archival sources exist on this,) a curious contradiction with respect to his reported attitude against British (and French) interests while Governor of Baghdad.

<sup>49</sup>Few detailed sources exist on the role of Namık Paşa in the preparation and early implementation of the Tanzimat. However, archival sources show the appointment of Namık as the commander of the Ottoman forces in the Arabian peninsula in the early 1840’s (see, BOA C. AS. 1062/46718,) prior to his appointment as the Commander of the Iraq Army (see, BOA A. MKT. 217/67 and BOA A. MKT. MHM. 16/53,) and later as the governor of Baghdad (BOA MVL. 242/13 and BOA A. AMD. 33/35.) The appointment of an influential administrator like Namık to such distant posts during the critical initial phases of the Tanzimat, distinctly indicates his dissent to Mustafa Reşid Paşa’s handling of the Tanzimat reforms. The coincidence of Namık’s appointments back to Istanbul (as the Commander of the Imperial Armory (BOA A. MKT. MHM. 48/12) and as the Minister of Commerce (BOA A. DVN. 88/99),) with the times Mustafa Reşid had resigned from office further supports this notion.

<sup>50</sup>The Ottoman government made a genuine effort to fight administrative corruption in all corners of the empire during the Tanzimat (numerous British consular reports also confirm this.) For efforts in Baghdad and surrounding regions, see Ceylan, *The Ottoman Origins of Modern Iraq*, 103-5. For examples in the judicial sphere, specifically pertaining to commercial and mixed tribunals, see BOA MVL. 1067/57 (investigation of tax misappropriation by the President of the Filibe (Plovdiv) Commercial Assembly in 1867), or A. MKT. MVL. 116/27 (investigation of how the President of the Şam (Damascus) Commercial Assembly was able to purchase grains at a low rate in 1860.)

even after Namık's tumultuous term in Baghdad that proved unpleasant enough for the British Consul to refer to him as an "incubus."<sup>51</sup>

The answer to this resides in socio-economic variances that required different regional projections of Ottoman authority during these stages of the Tanzimat, and in the responses to these projections by European consuls. As in Baghdad, the Governor of Aleppo also dealt with an ethnically polarized population. But despite not suffering from a shortage of ethnic strife, Aleppo lacked the tribal clashes that characterized the interactions among locals in and around Baghdad, leading to relatively obedient local elites with commerce as a focal point of their common interests in Aleppo. The Governor of Aleppo received accolades in late 1840s British Consular reports for the positive environment for trade fostered by Ottoman policies.<sup>52</sup> On the opposite end of the spectrum, British consular reports heaped opprobrium upon the person and policies of Namık Paşa in Baghdad, who ruled over a region roiling with internecine tribal strife.<sup>53</sup> The projection of Ottoman authority into Baghdad required a harsher and more authoritarian approach, leading to friction between Ottoman and European interests in the region. Shortly, an example of a confrontation between Ottoman and European authority in Baghdad will clarify this point.

## **5.7 LOCAL IMPERIAL INTERACTIONS UNTIL 1856**

Archival evidence from the 1840s to mid-1850s does not support the existence of a monolithic Ottoman resistance against foreign interests away from Istanbul. But, wherever one finds the

---

<sup>51</sup>FO 195/367, Dispatch No. 2 of 1853.

<sup>52</sup>Unlike his predecessors.

<sup>53</sup>Consul Rawlinson regularly reported the status of tribal clashes (with each other and with Ottoman authorities.)

relatively rare positive British report extolling the virtues of an Ottoman governor and his district, one also finds numerous negative reports of cantankerous governors in neighboring districts who presented obstacles against British interests.<sup>54</sup> When proven cases of corruption are removed from consideration, a pattern emerges of interactions that steadily augmented the distrust between Ottoman and European officials at all levels. This section discusses some of the local commercial and social interactions that demonstrate the decay of the trust between the Ottomans and their British allies, and the resultant changes in policy strategies.

We find an indication of such a shift in strategy in the British Consul's resistance to the proposed structure of a "commercial assembly" in Yenişehir (Larissa).<sup>55</sup> Penned by the Governor of Yanya and the President of the Provincial Council of Larissa on December 12, 1856, the request for an official order from the Ministry of Commerce relayed a local quandary that required the immediate attention of the Minister of Commerce or the Prime Minister.<sup>56</sup> Ottoman officials in Larissa requested instructions from the Ministry of Commerce on the form and function of the new commercial assembly, especially regarding the official numbers of foreign and Ottoman representatives needed to resolve local commercial disputes.<sup>57</sup> The composition of representatives ordered in response by the Ministry of Commerce differed significantly from the structure of Mixed Commissions assembled in prior years.

For example, a mixed commission assembled in Istanbul to resolve several trade disputes in 1852 had four Ottoman and four British representatives, highlighting a principle of equality in

---

<sup>54</sup>For example, while Consul Blunt of Selanik generally supplied high praises for Kâni Paşa of Tırhala (Trikala) (see, FO 195/371, Salonica, November 25 1851, Consul Blunt to Sir S. Canning, Private,) he complained of the mischief caused by "Sami Pasha" (Imperial Commissioner for Bosnia) and "Youssef Sadik Pasha" (Governor of Salonica) (see, FO 195/371, Salonica 23 November, 1852, Consul Blunt, No. 45.)

<sup>55</sup>The city of Larissa already had a Commercial Tribunal (dating back to around 1851, based on Ottoman and British sources.) The term "commercial assembly" mentioned here matches the description of a Mixed Commission dedicated to commercial disputes.

<sup>56</sup>BOA HR. MKT. 184/88.

<sup>57</sup>As mentioned before, up to this point, Mixed Commissions were only assembled to hear cases deemed too sensitive for the Commercial Tribunals. Such cases usually involved large sums and well connected individuals.

numbers from each side.<sup>58</sup> But, in Larissa the Ottoman center wanted no less than three representatives selected from among local Ottoman merchants, and two additional deputies appropriately selected for the position. The Ottomans stipulated the joint appointment of only one of the three local representatives with the consulates in Larissa, chosen from among Ottoman merchants with the official privilege to trade with European merchants.<sup>59</sup> In this arrangement, the Ottomans would have four representatives (including the President of the Commission), against only one consular representative (contingent upon Ottoman approval). Very significantly, the French and Austrian Consuls agreed to this Ottoman proposal, while the British Consul adamantly rejected it.

The British counter-proposal demanded that the composition of the Larissa Commercial Assembly match that of the Commercial Tribunal in Istanbul: the Ottoman representatives would consist of two Ottoman subjects as deputies, two Muslim Ottoman merchants, one Christian Ottoman merchant, and one Jewish Ottoman merchant, while the consulates would appoint six representatives of their choice.<sup>60</sup> The final order from the Ministry of Commerce agreed with the British demand for the presence of Ottoman and British members in equal numbers within the

---

<sup>58</sup>The British members were composed of an experienced member of the embassy and three British merchants selected by the embassy. An additional member of the embassy acted as secretary and interpreter (without voting rights). At least one of the British merchants acting as judge simultaneously had a claim to be decided by this commission. See, FO 195/384, Pera, July 30, 1852, Simmons to Colonel Hugh Rose.

<sup>59</sup>The duties of the two deputies in this context are not clear. Ali Akyıldız points out that beginning in 1839, two deputies were assigned to commercial cases strictly to guard the door and prevent the interruption of the proceedings, see, Akyıldız, *Tanzimat Dönemi Osmanlı Merkez Teşkilâtında Reform*, 130. Yet, Ottoman orders sanctioning provincial commercial tribunals after 1847 included a separate section for the appointment of two merchants as deputies (See, for example, BOA A. MKT. MVL. 36/93, and BOA İ. MVL. 194/5900 for the Izmir Commercial Tribunal in 1850.) This makes it unlikely that the deputies in these tribunals served merely as doormen at this stage of the development of these tribunals. It is likelier that the deputies carried additional clerical duties to assist tribunal proceedings. For example, one of the deputies could have ensured the tribunal's adherence to the rules of conduct, while the other recorded the essential information of the case and discussions. In this scenario, the deputies would also have judicial authority in the court cases (which makes sense in the light of the British counterproposal for six members on each side, including the Ottoman deputies.) Thus, with the caveat of the assumptions, the "appropriate" selection of deputies could ensure the participation of Europeans and Ottomans in equal numbers in the tribunals.

<sup>60</sup>BOA HR. MKT. 184/88. The Minister of Commerce served as the President of the Commercial Tribunal of Istanbul with a tie-breaking vote.

assembly. Even so, the ministry insisted on assigning, solely in cases involving foreigners, one Ottoman member and one foreign representative (appointed by the relevant consulate.)<sup>61</sup> Both representatives would operate under the President of the Commercial Assembly, an Ottoman appointee. Thus, the Ottomans still maintained a de facto superiority in numbers.

Such disputes over the structure of local judicial processes indicates that the Anglo-Ottoman relations had already passed a watershed moment. In the initial phase of the Tanzimat, British policies cautiously supported Ottoman centralization, while diligently guarding the opaque boundaries of the British privileges gained by treaty or customary practice. But in the course of implementing the radical bureaucratic transformation of the Tanzimat, the traditional regional variances within the empire often forced the Ottoman reformers to push these boundaries beyond their breaking point. To their credit, both sides demonstrated flexibility during the first fifteen years of the Tanzimat by developing often uncomfortable compromises. However, there remained points of friction between the two contiguous imperial spheres of authority that neither side was able to relinquish. The differences between the Ottoman and British proposals for the assembly in Larissa reveal such a point of friction between the two partners: the extension of the capitulations' privileges to non-Muslim Ottoman merchants.

The Ottoman proposal in Larissa reveals a bold initiative to effectively neutralize foreign influence within the provincial commercial assemblies. By limiting the number of non-Muslim Ottoman merchants in the assemblies, through whom European influence extended into all provincial mixed tribunals, the Ottomans would effectively take full control of the proceedings in

---

<sup>61</sup>BOA HR. MKT. 186/91. The Ministry of Commerce essentially reiterated the arrangement originally suggested by the local Ottoman officials in Larissa, stating that this "arrangement was in accordance with the current rules and needs of the time". This configuration did not last as can be gathered from a report of Consul Guarracino of Candia (Crete) in 1862. There, the established practice described by the Consul exactly matches the British counter-proposal for the structure of the Larissa Commercial Tribunal. See, FO 195/726, Enclosure in Sir E Hornby's dispatch No. 20 of 7<sup>th</sup> March 1862.

these institutions. The motives behind the British counter-proposal are more ambiguous. Interestingly, the counter-proposal attempts to limit the number of Muslim subjects representing the Ottoman side in the assembly. This betrays some British distrust of the Turkish elements governing the empire, as well as a British perception that non-Muslim Ottoman elements were more open to foreign connections than their Muslim counterparts.

This wrangling over a vital choke-point of authority in the Ottoman judicial system differs greatly from the more congenial atmosphere of the Anglo-Ottoman relations demonstrated in 1851 by Ambassador Canning.<sup>62</sup> What compelled the two partners to draw lines in the sand just five years later? An event from Baghdad exemplifies the type of rural experiences that increased the mistrust between the Ottomans and Europeans, and informed imperial policy-makers of the need for aggressive strategies to further expand their spheres of authority.

The reverberations of a chance meeting in the hustle and bustle of the Baghdad Bazaar on July 28, 1851 reached Istanbul within days. As Governor Namık Paşa and Michael Sekzan approached on horseback from opposite ends of the bazaar, they failed to notice each other before finding themselves almost face to face.<sup>63</sup> Sekzan enjoyed the protection of the capitulations as an employee of the French Consul at the time. As Sekzan later claimed, he hesitated to dismount his horse—a curious quandary, since all Ottoman subjects would know to dismount as a sign of respect and recognition of a high ranking Ottoman leader’s authority. Whatever the reasons for Sekzan’s confusion, Namık Paşa interpreted the hesitation as an inexcusable public insult. The governor ordered the group of soldiers behind him to “Knock

---

<sup>62</sup>It is important to recall footnote 42 of this chapter in this context.

<sup>63</sup>According to Sekzan’s later account of the encounter.

down the Giavour [sic],” who swiftly reacquainted Sekzan with the proper etiquette expected of Ottoman citizens.<sup>64</sup>

The British reports of this incident chronicle the extensive injuries Sekzan suffered, as well as the consequent complaints and reprimands Namik Paşa received.<sup>65</sup> At the local level, the outraged French Consul’s complaint produced an order from the Provincial Council of Baghdad for Namik Paşa to pay 6,000 piastres (around £55) to Sekzan as compensation, along with a public apology from the governor. The French Ambassador supported this effort by immediately securing a letter from the Porte for the implementation of the provincial council’s order. The perceptions that motivated Namik’s uncompromising stance are apparent in his public refusal of the Porte’s orders, as reported by the British Consul: “...if an indemnification is to be offered by the Porte to a Rayah, *abusively enjoying French protection*, some other intermediary must be entrusted with the duty; for that he himself as the representative of his sovereign cannot submit to the degradation which that duty would impose on him.”<sup>66</sup> Namik also made no secret that he viewed the Provincial Council’s order against him as a “concession....extorted from the council by the mere importunity of a foreign minister.”<sup>67</sup>

The hegemonic foreign economic influence that the Ottomans grinned and beared for the sake of survival became impossible to manage as its reverberations penetrated deeper into the heterogeneous Ottoman social order. The Tanzimat brought with it uncertainties for all strata of the heterogeneous Ottoman society. A clear separation had existed for centuries between the millets of the Ottoman Empire, accentuated by separate legal and social customs. Now, all

---

<sup>64</sup>FO 195/367, Baghdad, 29 July, 1851, No. 20. ‘Gâvur’ is a derogatory Ottoman word of Persian origin, meaning an especially cruel and troublesome infidel.

<sup>65</sup>Ibid. For an example of Baghdad British Consul’s complaints to the Ottoman Government against Namik Paşa, see, BOA HR. TO. 242/16.

<sup>66</sup>FO 195/367, Baghdad, 29 July, 1851, No. 20. The added emphasis is mine.

<sup>67</sup>Ibid.



stratas of Ottoman society struggled to interpret the implications of Tanzimat on their social, political, and economic standing in a new social order based on an ambivalent homogeneous Ottoman citizen. In this context, the non-commercial privileges of the capitulations enjoyed by European citizens within the Ottoman domains were already a scarlet letter carved on the face of Ottoman authority. These privileges, approaching the boundaries of modern diplomatic immunity, advertised the superiority of Europeans over their Ottoman counterparts. From the Ottoman center's perspective, the associative extension of these non-commercial privileges to Ottoman subjects sent an unacceptable message to the Ottoman population: the Ottoman citizens who supplied useful resources or services to Europeans could assume the superior European authority to circumvent the inferior Ottoman authority.

This is precisely how Namık Paşa and Ottoman leaders of his stature viewed the “abusive” French protection of Sekzan. Ottoman failure to neutralize the elevation of their subjects into elites through European influence would debase Ottoman authority to a provincial status—deferent to some hegemonic imperial authority. Any delay in countering these foreign beachheads into the sphere of Ottoman authority would encourage stronger and deeper ties between increasingly influential Ottoman citizens who were empowered by European connections, and other leading Ottoman citizens who also wanted to enjoy the same benefits.<sup>68</sup>

---

<sup>68</sup>In the case of the commercial tribunals, the Ottomans could not do much but obfuscate either the function or the judgments of the tribunals through executive interference. Then, the commercial cases would either come before the Istanbul Commercial Tribunal, or before a Commercial Assembly (Istanbul, or provincial). Since commercial assemblies originally convened under extraordinary circumstances, their rules were not bound by treaty or law as the commercial tribunal rules in 1847. This flexibility made the commercial assemblies preferable for resolving especially difficult cases, or when one of the parties involved in a commercial dispute felt underrepresented in a commercial tribunal. For example, two separate commercial assemblies tried (and re-tried) a commercial case in Benghazi upon the request of Consul Dennis in 1865. The first Commercial Assembly consisted of six Ottoman and two Italian members, whereas the second assembly consisted of three British, two Italian, and four Ottoman members (see, FO 195/828, Constantinople, 19<sup>th</sup> May 1865.) But, in an 1858 case, the local assembly assigned to resolve an especially nasty commercial dispute between a French merchant and a local customs officer consisted of four “appropriately selected” local merchants, with a fifth to be assigned if necessary to cast the decisive vote (the order from Istanbul was quite nebulous on purpose, for reasons that will become clear shortly.) For this case, which will appear again on pages 144-145, see, BOA HR. MKT. 262/67.

This accounts for much of the European complaints of vigorous Ottoman resistance to European demands during the Tanzimat, often inadequately associated by historians with Ottoman corruption, incompetence, or infirmity.

But, why then did the French and Austrian Consuls agree to the Ottoman proposal for the Larissa Commercial Assembly that clearly weakened their access into the Ottoman economy and society? The strongest possibility here emerges as a preference most merchants made to use their personal networks for dispute resolution in the Ottoman centers of commerce, rather than risking their reputation and ruining valuable relations in drawn out court battles.<sup>69</sup> The success of a merchant depended on an extensive network of diverse local contacts (Muslims, Christians, and Jews) through which business and relations could expand. Therefore, the form and function of the commercial assemblies did not pose a severe threat to French and Austrian merchants relying on the older networks of relations established by Catholic, Orthodox Armenian, and Jewish mercantile networks.

The Protestant British merchants, on the other hand, appear to have suffered setbacks not only for the economic threat they posed, but also the social threat their religion posed to the established Orthodox and Catholic Ottoman communities.<sup>70</sup> British merchants had little chance

---

<sup>69</sup>Mafalda Ade, *Picknick mit den Paschas: Aleppo und die Levantinische Handelsfirma Fratelli Poche (1853-1880)* (Beirut: Orient-Institut Beirut, 2013), Ch. 5, 6, 7. The letters and records of two merchant families (French) in Aleppo during the second half of the nineteenth century confirm this. Another reason provided in the families' business communications for avoiding courts: high rate of bankruptcies that prevent collection of judgments. (Numerous archival commercial cases that deal with or lead to bankruptcies, also suggest this was the case throughout the Ottoman Empire.)

<sup>70</sup>British Consular reports contain numerous cases of persecution suffered especially by Orthodox converts to Protestantism. The religious privileges for Protestants that Ambassador Canning secured with great difficulty from the Sultan in 1846, appear to have alarmed and mobilized the millets within the Ottoman Empire against the upstart Protestants. The Orthodox Armenian community in South Eastern Anatolia and the Middle East appears to have reacted most harshly to the Protestant threat, often with the aid of Ottoman governors. The strength of the ties between the appointed regional Ottoman officials and the established millets are apparent in the following account. According to an anonymous British consular report from 1852, four Protestant religious leaders assigned to lead the newly established Protestant community (a new millet composed of Armenian converts) in Antep were attacked and flogged by Orthodox Armenians. Afterwards, the Governor of Antep incarcerated two of the Protestant victims, while banishing the other two to their hometown of Maraş. When the Deacon in the group attempted to present the

of competing against the established ties between non-Protestant European merchants and the non-Muslim Ottoman communities.<sup>71</sup> The best chance for the British to establish competitive networks in the Ottoman hinterland was through the newly established institutions of the Tanzimat, the development and implementation of which they strongly supported. Thus, the British could find additional advantage in having Christian and Jewish representatives from the Ottoman side in the Commercial Assemblies, especially in the rural Ottoman centers of commerce. In the best case scenario, this could allow British networks to acquire a competitive foothold in the Ottoman hinterland against the more established Catholic and Orthodox networks, which the British could not otherwise penetrate effectively.<sup>72</sup>

## 5.8 UNRELIABILITY OF THE OTTOMAN CENTER

Records from the mid-1850s regularly yield examples of a new-found confidence with which local Ottoman officials and citizens opposed the wider application of the capitulations by

---

vizirial order that granted Protestants millet status in Antep, the governor dismissed it with the words, “If you bring me, not merely a Vizierial [sic] letter, but even a Ferman with the Sultan’s own seal, I will pay no attention to it.” See, FO 195/384, Pera, May 30, 1852.

<sup>71</sup>Or, for that matter, with the relations between Orthodox Christian Ottoman subjects and the Ottoman center. For example, an Ottoman report in 1860 complained of the injustice in the recognition (and medal) given to the Russian Consul of Crete by his government, for his role in converting Catholics on the island to Orthodox Christianity. The Ottoman report claimed that the conversions were facilitated instead by the Ottoman governor of the island. See, BOA A. MKT. UM. 423/33. The Ottomans actively competed with foreign powers during the Tanzimat for influence over the Ottoman minorities, employing different strategies as required by the ethnic makeup of various provinces. Therefore, it is not surprising that the activities of the Russian Consul and the Ottoman governor coincided with the efforts of the French Consul to convert the Orthodox population of the island to Catholicism (with some limited success). See, BOA A. M. 21/24.

<sup>72</sup>A rigorous analysis of this requires a large amount of multidimensional data on the interpersonal relations between the merchants, the local and imperial Ottoman officials, and European actors, as well as other sources such as tax documents and shipment logs. An estimation of the effort required to collect and analyze such data, based on works of a similar scale by Bourdieu, place such research far beyond the scope of this dissertation (even if such data were readily available.) But, many opinions submitted by British consular staff strongly suggest these British difficulties. For instance, as one of the greatest obstacles that prevented the commercial tribunals from functioning properly, Sir Francis pointed to the quality of the multi-ethnic judges. Aside from their lack of proper training, “...there is great difficulty in getting fit assessors, who moreover are always liable to go into court as partisans of their Countrymen.” See, FO 195/917, Constantinople, 1<sup>st</sup> June 1872, Sir Philip Francis, Judicial, No. 28.

Europeans, especially those applications adopted through customary practice. One case is especially worth mentioning as an example of Ottoman adaptability that must have infuriated Europeans, but one that likely also served as a cautionary tale for local Ottoman officials who put their trust in the Ottoman center in vain.

In the 1858 report by the Provincial Council of Birecik regarding a particularly difficult commercial tribunal case, an interesting justification appears for the confiscation of goods belonging to a French merchant named Dirende Felikros.<sup>73</sup> The port manager in Birecik, likely with a smirk, had provided “established customary practice for customs duty infractions” as the justification for the confiscation. The Europeans were not the only ones who could manipulate the opaque boundaries of authority through claims over customary practices.<sup>74</sup>

The Commercial Tribunal of Birecik rendered its judgement in favor of the customs official despite heavy pressure from the local governor and the French Consul.<sup>75</sup> Yet, any glee felt by the customs official must have been short lived. In answer to Felikros’ stream of protests, the Porte yielded to the French Ambassador’s appeals to reevaluate the judgement of the local commercial tribunal through a commercial assembly in Birecik.<sup>76</sup> A strongly worded letter

---

<sup>73</sup>The name is transliterated from the Ottoman reports.

<sup>74</sup>BOA HR. MKT. 262/67. In this case, an Ottoman merchant named Felikros under French employment in Birecik (South Eastern Anatolia), appointed a business associate named Bedros for the customs and loading process of wool exports. The local customs officer and Bedros became entangled in a fierce argument over the customs rates and processes, leading to the appointment of another business associate, an Ottoman merchant called Agobcan. The Ottoman report especially mentions that Agobcan assisted in the case by showing the appropriate respect to the Ottoman officials and performing his duties “without a hidden agenda”. The Ottoman officials allowed the shipment of the wool after Bedros showed certain securities as collateral, promising to pay the necessary customs fees in the second part of the wool shipment. Bedros failed to make the necessary payments in the second shipment as well, prompting the Ottoman authorities to confiscate the wool. The Commercial Tribunal of Birecik decided in favor of the Ottoman customs official, citing the attempts of Felikros to bribe the local officials, as well as lying under oath. One should especially note the assertion of authority by a regular Ottoman customs official, who applied the letter of the law against the informal extension of European authority without fear of reprisal.

<sup>75</sup>Ibid. One justification of the tribunal’s conclusions (presented with the judgment) was a ferment of the Sultan (written order, equivalent to the law of the land) that affirmed the legality of the customs official’s actions.

<sup>76</sup>Ibid. The Porte and the French ambassador alternately refer to this commercial assembly as a “mixed commission” and a “mixed assembly”. This is a common occurrence in British documents as well, accounting for much of the confusion surrounding these often impromptu legal constructs.

condemning Felikros by the Commercial Tribunal of Birecik went unheeded, along with their recommendation for the case to be moved to the Istanbul Commercial Tribunal.<sup>77</sup> The final order to the local governor from the Porte, following a predictable commercial assembly judgement favoring Felikroz, included a request (from the Porte himself) for the customs official's mouth to be "nicely kept shut," while making payments to Felikros for damages suffered.<sup>78</sup>

Cases of this type display some major Ottoman missteps during the Tanzimat with remarkable clarity. Firstly, the unwavering support that the Provincial Council of Birecik provided to the customs official shows the common interests of the local and imperial Ottoman elites in presenting a united front against European intrusions into their common spheres of authority. Yet, imperial and local Ottoman interests also often found themselves in conflict during the Tanzimat. In the case of Hasan Efendi, the Ottoman government chose to prioritize its strategic European relations with France, over the strategic local relations the Ottoman center aspired to build through the Tanzimat institutions.<sup>79</sup> Such choices by the Ottoman central elite that favored international imperial concerns over local imperial concerns emerges as a major factor in the failure of the Tanzimat. Imperial interests took precedence over local interests. But each time European interests diverted the Ottoman imperial interests away from local interests, the Ottomans lost authority and respectability in the eyes of their subjects.

---

<sup>77</sup>Along with the strong preference of British and French officials for the commercial assemblies in lieu of the local tribunals, this is a strong indicator that the commercial assemblies (despite the selection of their members from the local commercial tribunals) were prone to favoring the European side (presumably, due to the "appropriate" selection of the assembly members.)

<sup>78</sup>Ibid. The commercial assembly affirmed the French Ambassador's demand for the customs official (Osman Efendi) to be personally held accountable for the payment of damages, as a warning to any other Ottoman officials who would dare to "transgress the boundaries of commercial etiquette."

<sup>79</sup>The specific order to silence Hasan Efendi during the compensation is, in effect an acknowledgement by the Ottoman government of the injustice that Hasan Efendi had to endure for the sake of imperial concerns he could hardly fathom.

Second, the imperial Ottoman elites appear to have acceded, in this case to the French argument that international treaties supersede local customary or variable practices.<sup>80</sup> This is an issue over which the Ottomans repeatedly failed to establish a position consistent with their interests and policies. When the British grabbed undue privileges during the 1840s through claims of customary practice, the Ottomans failed to adequately enforce treaty stipulations to defend their authority.<sup>81</sup> Similarly, the Ottomans failed to adequately defend their citizens against aggressive enforcement of treaty stipulations by Europeans, by using treaty articles that forbade European interference in Ottoman internal affairs—a strategy infrequently employed with success against the British.<sup>82</sup> Instead, the Ottomans opted for passive resistance by utilizing the executive branch of the central government to audit the activities of other governmental institutions that dealt with the affairs of foreigners in the Ottoman Empire.<sup>83</sup> This approach sent mixed signals regarding the Ottoman commitment to their European partnerships and the Tanzimat reforms. The accumulation of inconsistent policies and actions further amplified the distrust among Europeans, Ottoman elites, and the general population at all levels of interaction.

One final note must address the severe tone of the French Ambassador Thouvenel against the local Ottoman official, Hasan Efendi. In the post-war diplomatic scene of Constantinople in 1857, Thouvenel stood as the most influential European diplomat, earning this status through the aggressive reminders he delivered to the Ottoman elites regarding the importance of French

---

<sup>80</sup>Ibid. The first justification of the local Ottoman officials for the confiscation of the French goods was from “customary practice,” which evolved later in the case to “conformity with general local conditions.”

<sup>81</sup>Recall footnotes 32-35 on pages 122-123.

<sup>82</sup>Following the trail of British and French complaints in multiple archives leads to, among many other things, examples of this phenomenon. The frequency of such findings suggests a pattern of behavior at the highest level of Ottoman government. For instance, one of the leaders of the Tanzimat, Fuad Paşa had also prevented the export of firewood by a British merchant, by claiming a technicality in a tariff as his justification. See FO 195/384, Pera, May 30, 1852. Also, FO 195/384, Pera, August 24, 1852.

<sup>83</sup>Recall, for instance, that the Office of the Prime Minister or the Ministry of Commerce had to confirm the judgements of local tribunals prior to the collection of the amounts awarded by those tribunals.

support for the well-being of the Ottoman Empire.<sup>84</sup> Thouvenel's degrading treatment of Hasan Efendi was a show of French authority, as the mantle of European hegemon behind the Tanzimat passed from Britain to France.<sup>85</sup> As shown by the aggressive tactics displayed by Thouvenel, the French hawkishly pursued their interests by challenging the Ottomans.<sup>86</sup> But, the French and British approaches differed in one crucial way: the French pursued their interests within the confines of the laws and regulations set by Ottoman authority, while the British sought to change the structures of Ottoman authority at the local and imperial levels when it suited British needs to do so.<sup>87</sup> This difference had profound consequences for how the two European empires fared in the Ottoman realms as the Tanzimat progressed.

The case of Hasan Efendi is a prime example of the mixed messages sent by the Ottoman center to rural populations during the tumultuous implementation of the Tanzimat. While the protection offered by Ottoman governors heartened rural Ottoman citizens, that protection and support could prove quite fallible at critical times. The locals lacked the leverage against the Ottoman center that Europeans found in treaties, diplomatic and military support. The support of

---

<sup>84</sup>Where three of his predecessors had succumbed to the influential British Ambassador Stratford, Thouvenel turned the tables on Canning by securing his return to London. See, Case, "A Duel of Giants in Old Stambul Stratford versus Thouvenel," 262-273. It should also be noted that the aggressive French diplomatic stance (attributed by Turkish historians to the bitterness and disappointment of Napoleon III over disappointing French gains following the Crimean War) over the allegedly fixed Moldavian elections, ballooned into an international crisis that threatened the Concert of Europe. In order to appease the French, Ottoman elites bent backwards to comply with Thouvenel's demands. For an intricately detailed account of this affair, including why the French interference over Moldavia and Wallachia did not constitute interference in Ottoman internal affairs, see Enver Z. Karal, *Osmanlı Tarihi*, vol. 6, 2nd ed. (Ankara: Türk Tarih Kurumu Basımevi, 1976), 51-63.

<sup>85</sup>Despite his stern reputation, there exist no accounts of Canning displaying such imperious spitefulness in the course of expanding British influence in the Ottoman Empire, as Thouvenel displayed against Hasan Efendi. Even Prime Minister Âli Paşa, an undeniable French supporter, implied in a harshly worded letter to Thouvenel in 1857, how the aggressive French actions against Ottoman interests reminded him of the animosity Russians displayed prior to the Crimean War. See, *ibid*, 59-60.

<sup>86</sup>French Consuls apparently continued to reflect Thouvenel's bellicose attitude, as well. In an 1867 commercial case in Aleppo, the Ottoman governor and local officials bent over backwards in conciliatory attempts to come to an agreement with the French Consul. Contrarily, the French Consul remained belligerent throughout the affair. See, Ade, *Picknick mit den Paschas*, 193-6.

<sup>87</sup>Ambassador Canning referred to the British strategy as "active but friendly interference."

provincial councils that served as a trump card against local competitors proved of little help against European-backed competitors with access to powerful outside networks.

Thus, as Hasan Efendi found much to his chagrin, local networks alone proved insufficient against foreign elites and the international networks with which they pressured the Ottoman center.<sup>88</sup> With the capability to provide this type of brokerage, foreign merchants provided their allies with a vast assymetric advantage against competitors with access only to tight-knit regional networks.<sup>89</sup> Concurrently, cases like the humiliation of Hasan Efendi advertised the merits of belonging to the networks of foreign merchants rather than the relatively impotent local Ottoman merchant networks. Each time European brokerage proved more valuable than Ottoman power, the Ottomans depleted social capital they could not replace.

## **5.9 IMPERIAL AVENUES AND LOCAL SOLUTIONS (1856-1876)**

Even with the increased tensions caused by their passive resistance, the Ottoman center could still find a silver lining in the limited successes of their soft push against European interests. But such developments alarmed Europeans, prompting all parties to craft more assertive policies to solidify and expand their spheres of influence in the Ottoman domains. The adamant stances

---

<sup>88</sup>BOA HR. MKT. 262/67. Despite the fierce support of local merchants through the Birecik Tribunal of Commerce, Hasan Efendi succumbed to the French merchant who could access wider networks through his consulate—a resource most Ottoman merchants lacked, which the unreliable support of the Ottoman center could not replace.

<sup>89</sup>A broker links previously unconnected networks by providing the resources or opportunity for the connection (by filling a “structural hole” between the networks.) Access to previously unavailable resources potentially enriches the previously unconnected networks, as well as empowers the broker for providing access. See, Ronald S. Burt, *Brokerage and Closure an Introduction to Social Capital* (Oxford: Oxford University Press, 2006), 11-19. In the case of Ottoman merchants, those with access to the brokers (European merchants and officials) had an immense competitive advantage against the Ottoman merchants who did not.



assumed by the Ottomans and Europeans in the latter part of the Tanzimat sprang from the lessons each side learned from their earlier interactions.

Despite losing their dominant position in Constantinople, British influence in the Ottoman provinces during the 1860s continued to rely on the central Ottoman bureaucracy. Along these lines, British strategies in the Ottoman judicial sphere continued to focus on restructuring judicial bodies towards more favorable forms for British merchants. In the second half of the Tanzimat, however, the British officials showed far less interest in a healthy implementation of the Ottoman reforms than in establishing and guarding bureaucratic structures they found to their advantage. The following example features some local reflections of these policies.

Unlike the cautiously optimistic tones of his predecessor in the 1850s, British Consul Skene's reports from Aleppo in the 1860s increasingly reflected a region where the British faced difficulties from the French and local Ottoman officials. In conjunction with his embassy in Istanbul, British Consul Skene experimented with different approaches to secure British interests in an increasingly hostile environment. As British appeals in Istanbul proved less potent in the absence of Ambassador Canning, Skene limited the participation of British merchants in the Aleppo Commercial Tribunal.<sup>90</sup> British plaintiffs suing Ottoman subjects continued to appeal to the commercial tribunal to adhere to the letter of the Ottoman law. But, by boycotting the tribunal in cases brought forth by Ottoman plaintiffs against British merchants, the consul effectively secured the consideration of those cases in the British Consular Court of Aleppo.<sup>91</sup> The negotiations with the Porte led to the creation of a new commercial court in Aleppo

---

<sup>90</sup>With the authority of the Foreign Office through the British Embassy in Istanbul.

<sup>91</sup>FO 195/759, Aleppo, 16 May 1862, Consul Skene to Sir Edmund Hornby. Recall that the rules of CTs did not allow for the proceedings to take place if one of the sides walked out, or did not appear for the proceedings altogether. Thus, if Ottoman plaintiffs desired to legally settle a dispute with a British merchant, the only venue available in Aleppo at this time was the British Consular Court. One can surmise how local merchants would have found this rather aggravating.

(1862)—an outcome long desired by the British.<sup>92</sup> The new Commercial Court of Aleppo consisted of three European members assigned by the consulates, and three “Turkish members detached from the Tidjaret Medjlis [sic] or Commercial Tribunal of the town.”<sup>93</sup> The new commercial court would now receive all commercial cases of a “mixed nature “ in Aleppo.

Sadly for the British, the new court they fought so hard to implement also disappointed them. By October of 1863, Consul Skene had reenacted the previous protocol: any consideration of cases brought by Ottoman plaintiffs against British merchants would only take place in the British Consulate.<sup>94</sup> This likely occurred following a failed attempt by the British to follow a new strategy to negate the influence of Euro-Ottoman networks on the commercial assemblies. British Consuls attempted to appoint judges of other European nationalities to commercial tribunal cases involving British merchants—essentially employing an established local broker who had access to local networks that the British lacked, and who did not fear reprisal from networks of Ottoman merchants backed by other European powers.<sup>95</sup> Prime Minister Âli Paşa refused the request on the grounds that rules governing the selection of judges in Istanbul and the

---

<sup>92</sup>Note that the new Aleppo CT was formed after the Ottomans passed a law (Usul-i Muhakeme-i Ticarete Dâir, 1861) that outlined the procedures to be followed by all Ottoman CTs following long negotiations with the European powers. The British stance in Aleppo indicates the displeasure of the British with the outcome of these negotiations and their inability to influence them in the desired direction.

<sup>93</sup>Ibid. “Medjlis”, or more appropriately transliterated “Meclis” means “Assembly”. The confusion and chaos that ruled over the imperial negotiations at this point is apparent in the note by Consular Judge Edmund Hornby, who upon being consulted on the legality of the new commercial court, confessed his unawareness even of the negotiations. The British negotiators and consular staff had somehow neglected to inform the leading British expert and authority on Ottoman law and legal customs about a new Ottoman court relevant to British interests! See, FO 195/759, Galata, 23 Nov 1862, Sir Hornby to Consul Skene. Also note, for the sake of thoroughness, that acting Consular Judge Francis later additionally stipulated the presence of a British Consular Dragoman in all British cases in the new mixed tribunals or assemblies. See, FO 195/759, 4 June, 1862, Act. Judge Francis to Consul Skene.

<sup>94</sup>FO 195/759, 25 October 1863, Sureyya Pasha to Aali Pasha. The original copy of this message from the Governor of Aleppo to Sadrazam Âli Paşa, possibly intercepted by British intelligence, could not be located in the Ottoman archives. Somewhat amusingly, the title of the report, as it appears in the British Archives at Kew is “Pretension to jurisdiction of Her Majesty’s Consul.”

<sup>95</sup>FO 195/759, Constantinople, Sept 16, 1863, Sir E Hornby Memorandum. The British argument in favor of this change claimed that this was the common practice in cases where legations did not have local merchants from among which to select tribunal judges. Ottoman sources also confirm this. See, Ekrem B. Ekinçi, *Osmanlı Mahkemeleri: Tanzimat ve Sonrası* (İstanbul: Arı Sanat, 2004), 113. Also, note the strong indication of (Protestant) British failure to establish a strong presence in the commercial tribunals or assemblies that would have afforded respectability and recognition to the newly formed Protestant millet.

provinces could not be manipulated in favor of any one place—a curious argument from the Ottomans, who by tradition and in practice routinely made exceptions to provincial laws according to the needs of their heterogeneous society.<sup>96</sup>

In addition to highlighting the British inability to establish reliable local influence, this snub shows the lack of rapport the British had in Constantinople after the Mustafa Reşid/Canning alliance, as well as the British inability to effectively penetrate local networks to secure reliable support in legal proceedings. The British attempts to circumnavigate the commercial tribunals further tightened the Ottoman resistance against British demands. Indeed, no one could misunderstand the purpose behind the orders from the Porte to the Governor of Candia (Crete) in 1862.<sup>97</sup> The governor informed European Consuls on the island of a change in the constitution of the “mixed Commercial Tribunal or Tidjaret Medjliss [sic] of Candia.” By the order of the Porte, this commercial assembly with equal numbers of Ottoman and foreign representatives, would henceforth operate without the foreign representatives.<sup>98</sup> Instead, a dragoman were to watch the proceedings on behalf of the foreign party in the dispute.

The Ottoman effort in Candia came after a period of intense negotiations with European embassies regarding the form and function of the commercial courts, as well as unilateral Ottoman efforts to regulate them.<sup>99</sup> The rejection of Ottoman reform proposals for the

---

<sup>96</sup>FO 195/759, Constantinople, Sept 16, 1863, Sir E Hornby Memorandum. In conjunction, recall the reasons discussed in chapter 2 for the Ottoman willingness for variety in their administration and laws, reaching back to the earliest periods of the Empire.

<sup>97</sup>This proposal should also take into account the Ottoman awareness of a growing independence movement on the island. The Ottomans wanted to solidify their authority against the growing tide of nationalism, and any European incursions into this delicate region caused concern for the Ottomans.

<sup>98</sup>FO 195/726, Constantinople, 7 March, 1862, Sir Edmund Hornby, No. 20. The British report notes that the Porte had also attempted this in Beirut, and also retracted his order following diplomatic protests (and most likely, threats.) However, an 1860 order from Istanbul required the presence of four Ottoman and four foreign representatives in the Beirut Commercial Assembly, while a later communication prescribed three representatives on each side (following negotiations with the embassies in Istanbul.) The above British report may have referred to an aberrant practice initiated by the locals in Beirut, rather than one initiated by the Porte. See, BOA A. MKT. UM. 461/84, and A. MKT. MHM. 215/44.

<sup>99</sup>The Ottomans carried out an empire-wide study of the commercial tribunals in 1859-60. Although records in

commercial tribunals in 1861 indicate the continued European concerns over the Ottoman ability to provide justice for foreigners in the absence of active European oversight.<sup>100</sup> Thus, Europeans who pressured the Ottomans after the Crimean War to expedite the Tanzimat reforms, simultaneously refused to allow the Ottomans to carry out the reforms. Concerns over the privileges of the capitulations prevented Europeans from completely surrendering the helm of the Tanzimat to the Ottomans.<sup>101</sup> Although the privileges were secured through treaties, Ottoman resistance increasingly mired the execution of the privileges and drove Europeans towards excessive caution. This paradoxical European position also increased Ottoman concerns over the predatory intent of European partners.

British consular and legal communications from this point forward tends to depict tenacious stances the Ottomans and the British assume in all matters, important or trivial. In the tenth year of a simple dispute over money owed to the widow of a British subject, the typically frustrated Judge Hornby wrote, “It is, Sir, extremely unsatisfactory, that British authority should be compelled month after month, and year after year to recapitulate facts, and to urge requests, with the sole object of inducing the local authorities to discontinue a most unwarrantable interference

---

the Prime Ministry’s Ottoman Archives indicate the reception of a large number of reports in Istanbul, the actual reports could not be located during this research. The relevant documents in the Ottoman Archives are listed in the bibliography.

<sup>100</sup>Despite the European obstruction of their reform efforts, the Ottomans continued their attempts to improve the productivity of their bureaucracy according to the post-Crimean War European demands. In 1860, for instance, the Porte ordered only the most vital matters to be henceforth referred to his office, while all “normal” matters were to be handled in relevant government ministries and departments. See, BOA A. MKT. UM. 449/46. But, the embassies continued to submit trivial matters (for example, small claims of foreign merchants from Ottoman merchants) to the Porte’s attention in an abuse of the privileged access they enjoyed with the Porte.

<sup>101</sup>In the defense of Europeans, the Ottomans still struggled to achieve standards of conduct in line with the stipulations of the capitulations, even in 1860. There exist numerous cases of orders from Istanbul to provincial commercial tribunals to enforce the rule for the presence of representatives appointed by consulates in cases involving foreigners. For an example from the Siroz (Serres) Commercial Tribunal, see BOA HR. MKT. 364/29. Also, Statements by Ottoman leaders like Âli Paşa, such as referring to the written constitution of mixed tribunals as a concession that Ottomans could rightfully change at will, most certainly did not bolster European confidence in the Ottoman capacity or willingness to purvey justice. See, FO 195/826, 27<sup>th</sup> May 1862, Sir E. Hornby to Earl Russell, Enclosure in Sir E. Hornby’s Despatch No. 43.

with the course of justice, and with the well known and admitted rights of British Subjects and British Authorities as secured by the Capitulations.”<sup>102</sup>

This outburst came in the course of Hornby’s legal opinion regarding an order of Prime Minister Âli Paşa to the president of a commercial tribunal. As a pre-condition to his executive order authorizing the collection of the judgement, Âli Paşa had ordered the tribunal to yet again verify the validity of the British plaintiff’s claim by ascertaining that the widow indeed had the right to collect the debt owed to her deceased husband. Rather tensely, Hornby interpreted this simple request as “(interference with)...what terms British Consular Authority shall administer the Estates of deceased British Subjects,” since an Ottoman judicial body only had the authority to request—not investigate—this information.<sup>103</sup> The distrust among the two allies had impaired their interactions, until the minutiae of even the most mundane request required a thorough legal analysis to determine its impact on imperial authority. The British now found only gridlock in the once clear imperial avenues to the Ottoman provinces.

## **5.10 IMPERIAL ACTION AND INACTION AS LOCAL STRATEGIES**

Some Ottoman provinces proved more troublesome for the British than others, but consular reports continued to point to the Porte as the culprit behind troublesome local officials.<sup>104</sup> Yet,

---

<sup>102</sup>FO 195/759, Constantinople, 5 Dec, 1863, Sir Edmund Hornby, No. 78. The case was recorded as D. Valliano v. Sartinsky in the British records.

<sup>103</sup>Ibid.

<sup>104</sup>In an 1863 report, Supreme Consular Judge Hornby wrote, “...unless some serious remonstrance is addressed the Sublime Porte in the conduct of its local tribunals, complications inevitably will rise if not with ourselves, with other powers, that may interfere with the maintenance of those friendly relations which it appears at least to be our policy to sustain and promote.” See, FO 195/759, Constantinople, 22 Oct, 1863, Sir Edmund Hornby to Earl Russell, No. 80. Such opinions signify the British belief that the Ottoman center either instigated, or at least tacitly supported the chronic irregularities in provincial tribunals to impair European interests. These beliefs are voiced more openly in FO 195/759, 13 Aug, 1863.

despite their shared belief in the Porte's insincerity, Europeans had little choice but to continue relying on the centralized Ottoman bureaucracy to defend and expand their interests in the Ottoman realms.<sup>105</sup> This placed the central Ottoman bureaucracy, which had repeatedly and reluctantly deformed itself to satisfy European demands, under even more pressure from the embassies. Local challenges and European strategies to overcome them serve to further clarify the rationale behind the Ottoman and European policies that wrecked the Tanzimat.<sup>106</sup>

At first glance, the vibrant port of Izmir (Smyrna) with its multi-ethnic and international population might have appeared as an ideal location for British commercial interests to flourish. But this outwards appearance belied a city that proved quite unpleasant for British consuls and merchants—especially in their dealings with the Izmir Commercial Tribunal.

Izmir appears to have posed an unusual problem for the British: even in 1862, no mixed commissions existed in the city.<sup>107</sup> Unlike colleagues in other cities, the British Consul could not avoid the environment of hostility in the commercial tribunal through the more flexible structure of a mixed commission or assembly.<sup>108</sup> Consul Cumberbatch attempted to confront the problem

---

<sup>105</sup>In at least one instance, the British managed to circumvent the bothersome judicial process entirely through the influence of the Ottoman executive branch. Citing the lack of a British Consul in the city of Samsun (Northern Anatolia) as an excuse, the British Ambassador secured an order from the Porte that directed the Governor of Samsun to provide any assistance necessary to the agent of a British merchant for the collection of owed funds. See, FO 195/791, Constantinople, 22 April 1865, Consul General Logie, No. 9. The proper course of action would have been to invoke "fonde de pouivre," and represent British interests in the Samsun Commercial Tribunal through proxies.

<sup>106</sup>It is important to note that a few exceptions do appear in archival documents on this point. Not all locations appear to be hostile to British merchants, nor does the central Ottoman government show a uniform mistrust against Europeans in all locales. For example, in the case of a British merchant, *Abbott of Selanik v. the Ottoman government* (over customs duties), the Ottoman government appointed a British subject (Richard Edwards) to defend its interests in a mixed commission in Istanbul. See, FO 195/834, 20 March, 1867, Guarracino to Lord Lyons. Since such events are infrequent and isolated, they are difficult to analyze for motive.

<sup>107</sup>FO 195/759, Smyrna, 12<sup>th</sup> June 1863, Consul Logie to Consul Francis, Despatch No. 8. Also, for the continuation of these difficulties for the British in Smyrna, see, FO 195/759, Constantinople, 15<sup>th</sup> January 1868, Acting Judge Lane, No. 2 Judicial.

<sup>108</sup>Many British Consuls were instructed not to participate in the local Commercial Tribunals beginning in the 1860's, instead insisting on the formation of a commercial or mixed assembly (a recourse previously reserved for special cases only.) There exist numerous examples of this from major centers of commerce, such as Cairo and Aleppo. One report emphasizes that the only reason for the British to use the commercial tribunals would be to avoid the local and imperial courts that operated under Sharia (religious) law—a non-existent issue by the privileges

by appointing a competent advocate to provide British subjects with the strongest representation in the tribunal. However, the local Ottoman officials and merchants, as well as the European tribunal representatives vehemently objected to the appointment of Henry Rose, a well-known lawyer and British subject in Izmir.<sup>109</sup> The Governor General of Izmir claimed that the admission of lawyers to the tribunals violated established “ancient custom,” which he could not repeal.<sup>110</sup> The Porte also denied an appeal for the one-time appointment of Rose as “a procurator”—a circumstance allowed by the “Code of Civil Procedure now in use in Turkish Courts,” according to Judge Hornby.<sup>111</sup>

The bureaucratic considerations behind that half-hearted appeal reveals the vicious rivalries among European powers aiming for dominance in the Ottoman Empire.<sup>112</sup> On one hand, the British desperately wanted to insert competent advocates into a hostile tribunal. On the other hand, they specifically wanted to avoid a precedent that other European powers could employ to their advantage, in Izmir or other locales.<sup>113</sup> Instead, the British opted to invoke the principle of “fonde de pouvoir,” or proxyholder, in a highly irregular manner. Although the Prime Minister had rejected a similar British request for Aleppo in the previous year, the Minister of Commerce ordered the officials in Izmir to accept the British request.<sup>114</sup> Much to British chagrin, this effort

---

of the capitulations, see FO 195/828, 23 Feb 1866. As an example of the type of advantage (or convenience) the British enjoyed in the Mixed Commissions vs. the Commercial Tribunals, Âli Paşa easily agreed to the presence of a professional lawyer on the British side of a Mixed Commission in Istanbul, see, FO 195/759, Constantinople, 14<sup>th</sup> September 1863, Sir Edmund Hornby, No. 62. (The lawyer could not participate in the discussions or vote. He strictly explained the facts of the case for the other members of the commission.) This stands in stark contrast to the difficulties Mr. Rose faced in his attempts to represent one of his clients in the Izmir Commercial Tribunal.

<sup>109</sup>FO 195/828, Constantinople, 6<sup>th</sup> January 1865.

<sup>110</sup>FO 195/791, Smyrna, 26 August 1864, Mr. H. Rose to Consul Logie. Also, for the continuation of these difficulties for the British Consulate and merchants in Izmir, see, FO 195/759, Constantinople, 15<sup>th</sup> January 1868, Acting Judge Lane, No. 2 Judicial.

<sup>111</sup>Only legations that lacked local merchants in the locale of a commercial dispute used this concept to assign merchants of another European nationality to defend their subjects in the tribunals.

<sup>112</sup>FO 195/828, Constantinople, 6<sup>th</sup> Jan 1865, Consul General Logie’s Memorandum.

<sup>113</sup>Ibid.

<sup>114</sup>FO 195/791, Constantinople, 22 September 1864, Sir Edmund Hornby, No 73. Dragoman Casolani later appended a short account of his meeting with “Safeti Paşa” on 3 Oct. 1864 to the report. As a curious note, the

also failed. The defiant local Ottoman officials, critically with the support of other European members of the tribunal, simply refused to comply with the order.<sup>115</sup> This is a remarkably clear indication that local and imperial Ottoman interests actually converged more acutely in this period.

Izmir's location, a mere 350 miles from Istanbul by land route in Western Anatolia, placed it within the strong influence of the Ottoman government. The central Ottoman government certainly possessed the ability to force the removal of rebellious local officials in Izmir if necessary.<sup>116</sup> But the Ottoman government chose not to take actions that would strengthen British authority in Izmir, even at the risk of appearing faceitous and weak in the eyes of Europeans.

Assessing the Ottoman center's local strategy (selective feebleness to avoid supporting European provincial interests,) requires a consideration of developments at the imperial level during this period. The Ottoman leadership, including staunch Francophiles like Prime Minister Âli Paşa and Foreign Minister Fuad Paşa, still reeled from the aggressive French actions that effectively cost the Ottoman Empire its Moldavian and Wallachian provinces.<sup>117</sup> The Ottomans did not receive sympathy or quarter from their European allies in internal or international affairs. Indeed, in assessing the recommendations of the "Foreign Consular Body" regarding the continuation of the Ottoman capitulations in the semi-autonomous Wallachian and Moldavian

---

Istanbul Tribunal of Commerce accepted the presence of advocates as procurators in cases, if both sides in the dispute agreed upon the point. However, the Porte specifically refused to allow the replication of this procedure in provincial commercial tribunals. See, FO 195/890, Constantinople, 1<sup>st</sup> Nov 1864, Acting Judge Lane, No. 62.

<sup>115</sup>FO 195/828, Constantinople, 6<sup>th</sup> Jan 1865, Consul General Logie's Memorandum.

<sup>116</sup>As mentioned before on page 126, central Ottoman regime assigned the President of the Commercial Tribunal of Izmir, as in all other Ottoman provinces. In any case, the Ottoman government projected its authority at this time to much farther provinces such as Baghdad. For instance, the Ottoman government sent back the former Governor of Baghdad, Namık Paşa, on 18<sup>th</sup> September 1852 to take charge of the Ottoman forces to quell unrest in the region. The Paşa was reassigned to Istanbul on 6<sup>th</sup> July 1853 after the successful completion of his mission. See, BOA A.MKT. NZD. 60/48, and BOA A. MKT. UM. 120/80.

<sup>117</sup>Mentioned in footnote 84 in this chapter.



principalities, British considerations pointedly avoided revising treaty stipulations that could favor the Ottoman Empire.<sup>118</sup> With Britain prioritizing European peace over countering French influence in the Ottoman Empire, the Ottomans appear to have reciprocated by no longer prioritizing British demands as they once had during the bygone times of Ambassador Canning.

The British responded to the Ottoman reticence by expanding their soft power within the Ottoman bureaucracy. For example, the British Embassy in Istanbul very enthusiastically endorsed the employment of a consular official as a legal consultant by the Ottomans.<sup>119</sup> So, as local Ottoman officials thwarted British attempts to establish reliable footholds in provincial venues, and as the French influence remained ascendant in Istanbul, the British attempted to create safe legal nodes in the Ottoman center to protect provincial interests they managed to divert to Istanbul. This strategy produced mixed results, with an increase in undesirable outcomes for the British in the 1870s.<sup>120</sup>

---

<sup>118</sup>Specifically, Consul General Hornby pointed out that “[The rules] framed by the Consular Body in the Principalities, should be considered not only with reference to the Principalities, but with regard to the whole of the Ottoman Empire, for it will be wholly impossible to refuse to grant to Turkey proper, that which is to be conceded to the semi autonomous states under the Suzereignty [sic] of the Porte; and as the consent of the Turkish Government must necessarily, I conclude be obtained before any modification can be made in the Capitulations, *it will be as well to be prepared, so as to avoid invidious distinctions when the subject is to be discussed from a Turkish point of view.*” (Emphasis added is mine.) See, FO 195/726, Enclosure in Sir Edmund Hornby’s Despatch No. 35 of the 1<sup>st</sup> May 1862.

<sup>119</sup>FO 195/791, Foreign Office, 11 Aug 1864. There exists at least one instance of the Ottomans also hiring a French specialist in 1860 in the Ministry of Commerce for a similar purpose. See, BOA A. MKT. NZD. 342/68.

<sup>120</sup>For example, Izmir Commercial Tribunal still continued to pose problems for the British in 1869 by excluding British procurators on the grounds that they were advocates. The British finally secured the satisfactory resolution of the case involving Henry Rose that had begun in 1864, five years later upon an appeal to the Istanbul Commercial Tribunal. The decision, although not optimal (Sir Francis advised Mr. Wolff, the British plaintiff, to not disturb the judgment due to the weakness of the British side’s argument) was secured by the joint efforts of Consul General Francis and Mr. Parnis—a British citizen and legal expert formerly employed by the British Embassy in Istanbul. See, FO 195/930, Constantinople, 19 Feb 1869, Sir P. Francis, Judicial, No. 21.

## 5.11 DIGGING IN AND MOVING OUT

Following decades of intense rivalries over the lucrative potential of Ottoman markets and natural resources, British foreign direct investment (FDI) in the Ottoman Empire precipitously declined from 56.2% of total FDI in 1888, to 14% in 1914.<sup>121</sup> In contrast, French FDI in the Ottoman empire rose from 31.7% to 45.3% of the total in the same period. Why did the British cut and run after forty hard-fought years in the Ottoman Empire, while the French persevered?<sup>122</sup>

The 1875 Ottoman default on foreign loan repayments, as well as the increase in negative European public sentiments towards the Ottomans, served as critical tipping points for the British divestment and the demise of the Tanzimat.<sup>123</sup> These developments, however, provide no help in explaining the expansion of French interests following the British divestment. Negative public sentiments towards the Ottomans existed just as fiercely in France, and the Ottoman default on loan payments scalded French investors just as much as the British. The key point to resolving this dilemma is found in the patterns of commercial and legal interactions between Ottoman and

---

<sup>121</sup>Creating the infrastructure to support the external trade of the Ottoman Empire (quintupled between 1840 and 1870) required numerous large scale projects (e.g. railroad projects in Western Anatolia.)

<sup>122</sup>A very important omission must be addressed here. Where are the Germans? Archival research for this study did not uncover cases involving German merchants in the commercial tribunals, which could be attributed to their relatively small commercial presence in the Ottoman Empire compared to the British and French presence prior to the 1880s. Another possibility is that German and Austrian merchants were lumped together in trade figures, or that German merchants chose to operate in the Ottoman realms with Austrian partners. For instance, see Necla Geyikdagi, *Foreign Investment in the Ottoman Empire: International Trade and Relations* (New York: Tauris Academic Studies, 2011), 66, where trade figures for “German-Austrian” imports show a threefold increase to match British levels in the port of Izmir from 1880-1908. Based on the findings in this chapter and chapter 6, one would expect Protestant German merchants to experience similar difficulties in the Ottoman provinces as their British counterparts.

<sup>123</sup>Other factors to consider in a thorough analysis of Tanzimat’s end must include the post-1871 Ottoman political instability, change in the balance of power in continental Europe following the Franco-Prussian War, and the rise of nationalism within Ottoman minorities. With that said, one cannot overestimate the significance of the Ottoman loan default of 1875. With their completely ruined reputation following the loan default, the Ottomans found it impossible to secure foreign loans until 1886. This meant an inability to militarily match their Russian nemesis, even if the Ottomans had retained a modicum of European diplomatic support against the Russians—or for that matter any European sympathy towards Ottoman attempts to preserve territorial integrity. The Ottomans had no choice but to accept the Ottoman Public Debt Administration in 1881, losing any effective means of resisting further economic incursions by the European powers.

European actors during the Tanzimat. There was no single tipping point, but a series of critical tipping points at various levels of imperial engagement, such as the scuffle over the Tribunal of Larissa at a micro-level, the negotiations over the implementation of the capitulations in the Ottoman Principalities at a meso-level, and the Ottoman default on loan payments at a macro-level.

The Ottoman government pushed events over such a tipping point by making its move to take decisive control of the Commercial Tribunals in 1868. Fuad Paşa circulated a radical proposal to the embassies in Constantinople to inform them of the Ottoman intent to eliminate the mixed nature of the tribunals. Having arrived on the heels of an aggressive French-led effort to dictate to the Ottoman leadership the terms and conditions for the next phase of the reforms, the Ottoman proposal likely aimed to oppose another European hijacking of the Tanzimat reforms in the strongest terms possible. The French effort had come in 1867, nearly thirty years after the launch of the Tanzimat reforms. Foreign minister de Moustier campaigned in leading European capitals for a European coalition to demand the immediate fulfillment of overdue Ottoman reform pledges.<sup>124</sup> In his communications, de Moustier placed the full blame of the ethnic and economic difficulties straining the unity of the Ottoman Empire on the failed implementation of the Tanzimat reforms.<sup>125</sup> The French foreign minister was not alone in his belief that a strong Ottoman Empire would serve as a linchpin of the Concert of Europe, whereas the apparent trajectory of the Ottomans allured European powers increasingly towards another conflict.

---

<sup>124</sup>Specifically, the reforms promised in the Hatt-ı Hümayûn declaration by the Ottomans in 1856. FO 195/873, March 23, 1867 No 48.

<sup>125</sup>FO 195/873, Paris, March 22, 1867 L. Cowley No 13.

De Moustier's proposal to the Ottomans contained a point by point implementation strategy for the articles of the *Hatt-ı Humayun*.<sup>126</sup> These did not significantly differ in scope from the suggestions regularly received by the Ottomans during the 1850s and 1860s. But the tone of this letter had more than a trace of the urgency felt by the European powers to stoke the embers of the Ottoman reforms. Apparently, it also provoked the Ottomans to decisively draw the boundaries of European influence in their affairs by eliminating the mixed nature of the Ottoman tribunals.

At this late hour, however, Fuad Paşa's proposal only irritated the leery Europeans. The embassies voiced two main concerns as a basis to dismiss the Ottoman effort. Whether the Ottomans could find hundreds of qualified judges to fairly assess the cases of both Ottoman and European citizens remained questionable. Moreover, the Ottoman proposal did not address a primary concern of the embassies: the compilation of a modern Ottoman Civil Code.

These issues still remained unresolved at the time of yet another revised Ottoman proposal along the same lines in 1872. The European ambassadors, notably after meeting in the Russian Ambassador's residence, rejected the Ottoman proposal on the same grounds. This time, however, the British Foreign office directed the British Ambassador to wait for Judge Francis' opinion before joining the declaration of rejection by the other ambassadors.<sup>127</sup> Sir Elliott's report produces a stunning contrast against the established pattern of British interference in Ottoman reform efforts.<sup>128</sup>

Sir Elliott wrote, "I entirely and cordially concur in the views expressed in [the report], of the inexpediency of interfering to prevent reforms being carried out by the Turkish Government

---

<sup>126</sup>FO 195/873, FO March 23, 1867 No 48.

<sup>127</sup>FO 195/917, Foreign Office, May 16 1872, Lord Granville to Sir Elliott.

<sup>128</sup>Sir Francis' report appears in FO 195/917, 1<sup>st</sup> June 1872, Sir Philip Francis, Judicial, No. 28. A much more comprehensive report by Francis is found in FO 195/890, Memo on the Tribunals of Turkey, Commercial, Civil and Criminal, 1868.

because they do not appear to the Foreign Representatives as perfect as they may be capable of being rendered.”<sup>129</sup> Elliott continued, “...nothing has so much contributed to discourage the Turkish Govt. [sic] from attempting administrative reforms as the knowledge that the proposals will go through the ordeal of an assembly of the heads of Missions....for the last four years I have been striving to put an end to this system, and have insisted with my colleagues that we have no right and are not called upon to “accept or reject” administrative measures which do not interfere with the rights secured to Foreign subjects by Treaty.” There is no way to verify whether Ambassador Elliott indeed privately pursued the course he suggests in this message with his colleagues from other embassies. However, the public British stance remained in line with the other European powers, and the disparity between the public policies and private stances of the British ambassador must not have escaped the attention of Ottoman policymakers.

By the time the British changed their position towards supporting the Ottomans, the negotiations over the legal reforms had already reached an impasse. The Ottomans had also made up their minds to not only obfuscate British interests, but ostracize the British from internal Ottoman affairs as much as possible.

## **5.12 DIGGING IN**

The following account summarizes a typical commercial dispute of the 1870’s involving British and Ottoman merchants. Although typical, the case is impressive in terms of squandered effort and goodwill.<sup>130</sup> The case also illuminates both the inabilities of Ottoman and British

---

<sup>129</sup>FO 195/917, Therapia, June 5<sup>th</sup> 1872, Sir Elliott, No. 44.

<sup>130</sup>The case was pieced together by cross-checking documents from The British Archives at Kew (FO 198/33) and The Prime Minister’s Ottoman Archives in Istanbul (BOA A. MKT. MHM 464/24, 464/63, ŞD 2891/34,

bureaucracies to cope with the changes of the Tanzimat, as well as the final positions the empires assumed to effectively end their partnership.

The case of the Harmancık chrome mines near the city of Bursa started out like so many other commercial disputes that the British embassy increasingly dealt with by 1875: the Ottoman government had erected bureaucratic hurdles to prevent a British merchant's seemingly routine transaction.<sup>131</sup> The case involved Mr. White and Co., manufacturing chemists from Glasgow, and their partners in the Ottoman Empire: a merchant named Patterson from Smyrna, and two Armenian-Ottoman subjects called Messehian and Donelian.<sup>132</sup> Representing White and Co., Patterson had overseen the mining operations in Harmancık, and purchased several thousand tons of chrome ore from Messehian. Along with his partner Donelian, Messehian had rented the rights to mine the ore in Harmancık from the Ottoman government for a period of five years. When the time came to export the mined ore, in excess of 10,000 tons, the Civil List denied Messehian's request for an export permit.<sup>133</sup> The Civil List officials claimed that Messehian and his partner Donelian had not acquired the license to extract the chrome ore, legally placed under the trust of the Civil List.

Indeed, when Mr. White and Co. referred the matter to the British Embassy, it quickly became evident that Messehian and Donelian had acquired their license to search for chrome from the Council of Mines. Then, they had extracted the ore without the proper authorization from the Civil List, which managed the ore by the authority of the Council of State.<sup>134</sup> To further complicate matters, the Civil List had granted permission to an Italian resident of Istanbul named

---

2416/67, 2416/72, 2418/14, 2418/48, 2894/34, 2895/32, 2419/7, 2420/56, 2899/6, 279/45, 279/56.)

<sup>131</sup>The case actually involved two separate mines, Harmancık (Harmancık) and Dagardı (Dağardı), often referred together as Harmancık mines in the communications.

<sup>132</sup>In the absence of a standardized system of transliteration both sides take every creative liberty imaginable with the spelling of these names in different reports.

<sup>133</sup>The Ottoman Civil List is the portion of Ottoman Empire's assets under the personal control of the Sultan.

<sup>134</sup>The Council of State was the highest tribunal in the Ottoman Empire, with membership composed of the cabinet ministers and the Prime Minister.

Giustiniani to mine the same ore.<sup>135</sup> Realizing that Patterson and Messihian had performed the hard work of extracting the ore, Giustiniani now laid claim to the ore above and below the ground.

One should particularly note here the reticence of the British Embassy to demand a mixed tribunal to resolve the issue, the preferred method by which all embassies and consulates resolved disputes that involved both foreign and Ottoman subjects. The British Consul General suggested contacting the Ottoman government for a mixed commission on June 23, only after exhausting all other available options to resolve the dispute. The Ottoman government agreed to the mixed commission on August 4th, but the negotiations over the powers and scope of the commission still continued in November. The Ottomans vehemently refused to authorize any powers to the commission beyond examining the affair and reporting its merits. This further stoked the British fears that the Ottomans intended to refer the case to “the Council of State, or what is perhaps still worse, to the Council of Ministers, where it is likely to remain in abeyance for an indefinite amount of time like so many other affairs affecting the interests of Foreign subjects.”<sup>136</sup>

On April 15, 1876, the two British representatives to the mixed commission, Consuls Wrench and de Castro, sent a lengthy and rather depressing report regarding the prospects of the British case. The case appeared deadlocked and awaiting its transfer to likely its final resting place: an Ottoman state council. With dim prospects of a victory, White and Co. requested Ambassador Elliott to contact the Porte on April 25th to secure a permit to transport 2,000 tons of chrome to cover the basic expenses and losses incurred during the lengthy legal affair. The Ottoman government received the request after the Porte ordered the Finance Ministry to take over the

---

<sup>135</sup>The two departments apparently had no clear lines of communication despite the similarities in their responsibilities concerning mining rights.

<sup>136</sup>FO 198/33, 31 Oct 1875.

issue from the Department of Mines and Forests. In a show of generosity that likely flabbergasted the British side, the Finance Minister granted White and Co. permission to export 7,000 tons of chrome ore on June 30th. The ink had barely dried on the British report commending the Minister of Finance and the Director of Mines and Forests for a “sense of justice shown in the matter,” when the Porte inexplicably increased the amount of the export permit to 8,000 tons.

No information exists in British communications to indicate how they interpreted the meteoric rise in goodwill between the two empires. If the British bore suspicions regarding the authenticity of the change in their fortunes with the Ottomans, they were proven right on July 18th. On this day, Mr. Harten and Co. of Manchester contacted the British Foreign Secretary to inform him of the truly farcical dimensions of the case.

Mr. Harten and Co. had purchased the rights to the ore in question in 1869 for five years from the Civil List, further extending the rights in 1873 until May 1879. The British Embassy, unaware of Harten and Co.’s position, had placed its full might behind two Ottoman citizens in hopes of saving White and Co.’s investment.<sup>137</sup> In short, two different British merchants had found their way to the same Ottoman chrome ore through two different local Ottoman partnerships, and two different Ottoman bureaucratic bodies with similar authority over the ore. A year of fact gathering and negotiations by experienced members of the British Foreign Office had misled the British Embassy to commit a scandalous error. The bureaucratic maze the

---

<sup>137</sup>Although Harter and Co.’s partner in the Ottoman Empire, Giustiniani, could have cleared this mess earlier in the affair by fully informing all sides of Mr. Harter’s claim, Giustiniani was indisposed. He was busy illegally carting off 1200 tons of the extracted chrome ore on the backs of hundreds of donkeys and camels. Unbeknownst to most, the President of the Board of Mines Ferid Paşa had provided Giustiniani with permission (of dubious legality) to sell the extracted ore in June 1875. Giustiniani had kept busy in Harmancik during the year of legal wrangling in Istanbul.



Ottomans had erected in response to European demands had mutated beyond the ability of the British Embassy to cope with.<sup>138</sup>

The embarrassment of the British Ambassador and the Foreign Secretary produced a flurry of communications, and resulted in the appointment of the British Supreme Consular Judge in Constantinople to investigate the case. Because it marked one of the more ironic exchanges of the Tanzimat, Foreign Secretary Salisbury's response to Judge Fawcett's report deserves recognition here. After months of fact finding and deliberation, including meetings with Messehian and the prolific Giustiniani, Fawcett submitted his report to Ambassador Layard on April 24, 1878. The new Foreign Secretary, the Marquess of Salisbury, especially took exception to two statements in the report. Salisbury found the statement "...on which side is the influence of Her Majesty's Embassy to be thrown with the avowed object of biassing [sic] the decision of the Ottoman legal tribunals..." too extraordinary to include in an official report. But far more amusingly, Salisbury objected to Fawcett's recommendation that neither the conduct of Mr. White, nor of Mr. Hartner deserved the support of the Embassy. Salisbury instructed Ambassador Layard to have Fawcett send a new report, strongly implying that the revised report should recommend the Embassy to support Mr. White. After forty years, the Ottomans had finally taught the British the fine art of executive interference in judicial affairs.<sup>139</sup>

---

<sup>138</sup>Judge Fawcett reported that in order to prevent the research for the Harmancik case interfering with his regular duties, he held nineteen multi-hour sessions early in the mornings (meetings with the plaintiffs, relevant British consular staff, etc.). He received his orders to investigate the case in October 1877 and submitted his report in April 1878. There exists dozens of such cases from various parts of the Ottoman Empire in the 1870s and 1880s, which severely taxed British consular resources.

<sup>139</sup>Excerpts from Judge Fawcett's poignant response to Salisbury are worth mentioning here: "I extremely regret to have so completely misunderstood the instructions received from the Foreign Office but I conceived that the word report bore its usual signification viz: an investigation of a question and an opinion thereon. As it appears no opinion of mine was required. I beg to withdraw it and have erased it....I am still unable to see how the Majesty's Embassy can act in the matter except by using its influence to induce these tribunals to give a decision which in the opinion of Her Majesty's Government is consistent with equity." See, FO 198/33, Constantinople, Sept 26 1878, Consul General Judge Fawcett, No. 74. Salisbury does not appear to have been amused by the response, as there are indications of an unofficial bribery or embezzlement investigation targeting Judge Fawcett after the exchange.

The case continued with all its twists and turns until 1880, when a judgement from the Department of Mines and Forests favoring Messehian and Mr. White was overturned by the final judgement of the Ottoman State Council favoring Giustiniani and Mr. Harten.<sup>140</sup> The final reports of the case show Messehian and Mr. White appealing the case to no avail. All sides submitted extensive requests and explanatory memoranda over the course of the ordeal. These included information that clearly distinguished the Anglo-Ottoman interactions during Tanimat from the Franco-Ottoman interactions, and displayed why Anglo-Ottoman relations were far more strained in the second half of the Tanzimat.

For instance, Mr. White's partnership with Mr. Patterson of Smyrna dated back to the 1850s. Mr. Patterson began acquiring Ottoman chrome in 1855, but necessarily acquired Ottoman partnerships since the Ottoman government did not allow foreign lessees to mine underground resources at that time. The Ottomans naturally wanted to receive the highest taxes possible from the sale and transport of the extracted ore. Apparently, the Ottomans found taxing Ottoman merchants more profitable and less troublesome than directly dealing with European merchants who wielded the privileges of the capitulations. Yet, using the privileges of the capitulations, Mr. Patterson found it necessary to force his way into an ongoing chrome ore deal between the Ottoman government and an Armenian subject in 1858.<sup>141</sup> The Ottoman government, ostensibly displeased by the reduction in fees and taxes they had planned to collect from the sale, erected various bureaucratic hurdles to prevent Mr. Patterson from completing the transaction. The

---

<sup>140</sup>The story has far more detail and complications than the space available here. But, the Ottoman government based its final judgment on Giustiniani's claims that predated Messehian's claims. Mr. White's arguments that the new Ottoman Mining Regulations of 1869 nullified the claims and authority of the Civil List over the mines went unheeded.

<sup>141</sup>By treaty stipulations, Mr. Patterson could bid on a public contract for chrome released by the Ottoman government. He outbid the Armenian merchant who had acquired the contract, which appears to have displeased the Ottoman government (reduced fees and taxes).

British Embassy began to pressure the Ottoman government over the issue in 1859, and the case closed when both sides accepted an “amicable” deal in 1861.

British influence had once again badgered a concession from the unwilling Ottoman government; a pattern that continued over many diverse commercial and financial matters throughout the 1860s. The difficulties Mr. Patterson encountered in renewing his five year lease over the Harmancık mines in 1873 indicate the increasingly hostile methods the Ottomans adopted to crowd out foreign investments they deemed less than optimally profitable. In order to keep unwanted European merchants out of the bidding (which the Europeans had a right to participate in by treaty stipulations,) the Ottoman government printed the legally required advertisement for the contract in an obscure Turco-Armenian newspaper—providing eligible bidders only two days to send in offers. This active exclusion attracted the predictable protests from the British Embassy and allowed Mr. Patterson, yet again, to extract favorable terms from the unwilling Ottomans.

The use of British influence to bias Ottoman decisions, which Foreign Secretary Salisbury refused to acknowledge, continuously drove a wedge between the two partners throughout the Tanzimat. In the process, the British Embassy increasingly found itself in contradictory positions. After the Ottoman Council of State rendered its final verdict in favor of Harten and Co., the British Ambassador continued to press the Ottoman government to modify its rules for accepting bids on public contracts, so that Mr. White and Co. could renew their lease on the Harmancık mines—against the interests of British citizens Mr. Harten and Co.! The pattern of such paradoxical displays convinced the Ottomans of the insincerity of their British counterparts, directly resulting in harsher resistance against British interests and demands.<sup>142</sup>

---

<sup>142</sup>The permission granted by the Finance Minister for Messehian to export 7000 tons of ore, which the Porte inexplicably upgraded to 8000 tons should also be interpreted along these lines. It is possible that the Ottomans

Despite aggressive outbursts such as demonstrated by Thouvenel over the problematic Ottoman Principalities, the comparatively subdued French approach towards internal Ottoman affairs appeared more harmonious with Ottoman designs in the second half of the Tanzimat.<sup>143</sup> The British, on the other hand, failed to offer the sensible concessions Ambassador Canning had periodically made in the first half of the Tanzimat to preserve the Anglo-Ottoman alliance.<sup>144</sup> Instead, the British distinguished themselves in the second half of the Tanzimat through argumentative challenges they posed against Ottoman authority, as well as inconsistent policies and demands.

### 5.13 FULL DIVERGENCE

On the topic of mining operations in the Ottoman Empire, Judge and Consul General Sir Francis commented: “[The mines are] of great interest....not only to the Turkish Government, but to European states, and among them, and chief among them, to England.”<sup>145</sup> Furthermore, Francis unambiguously stated the European view of the Ottoman Empire after thirty years of reform: “It is on good grounds believed that there is much mineral wealth in Turkey. But that the Turks themselves, without experience, capital or spirit of enterprise for such undertakings, should take

---

woke up to the facts of the case sooner than their British counterparts, and attempted to quickly settle on the side of the two Armenian-Ottoman citizens (potentially maximizing fees and taxes, as well as maintaining authority over the natural resource without disputes involving the privileges of the capitulations.) The Ottomans appear to continue along this line of reasoning until the decision of the Board of Mines for Messehian. Backroom deals that offered more favorable terms to the Ottoman government by the wily Giustiniani may be behind the sudden re-involvement of the Council of State (in a matter it had already deferred to the Board of Mines.)

<sup>143</sup>BOA HR. MKT. 184/88. Recall the French and Austrian compliance over the Ottoman demands for the Commercial Assembly of Larissa.

<sup>144</sup>See footnote 43.

<sup>145</sup>FO 195/930, Constantinople, 25 March 1869, Sir P. Francis, Judicial, No. 34.

advantage of this wealth, is hopeless—but that they should profit by the successful working of their mines, is reasonable.”

From the European perspective, the advantages of the capitulations were wielded quite magnanimously in the course of expanding European influence and economic interests; according to Sir Francis, even generously allowing the unqualified Ottomans to benefit from European toils over Ottoman natural resources. Thirty years of inconsistent and ineffective Ottoman attempts to correct the course of the Tanzimat had left Europeans with a severely skewed interpretation of Ottoman abilities and motives.

Europeans were certainly aware of the difficulties the Ottomans experienced due to the capitulations, as well as the Ottoman desire to implement the Tanzimat differently than European interests demanded.<sup>146</sup> Yet, neither Great Britain nor France earnestly entertained any ideas of renegotiating the terms of the capitulations.<sup>147</sup> In response, the Ottomans adopted passive-aggressive stances to counter the Europeans, whom they viewed as obstructive and avaricious. The Ottomans resisted in order to realign the Tanzimat with their vision of achieving equality among European peers, by first shifting the Tanzimat away from denigrating European reveries (such as Sir Francis’ vision of the Ottomans as a subservient beneficiary of European lordship).<sup>148</sup> However, not wanting to crowd-out all European investments—just those of the

---

<sup>146</sup>Recall Consul General Hornby’s remarks in footnote 116.

<sup>147</sup>While Ambassador Bulwer and other British officials mentioned the need for renegotiating the terms of the capitulations, perhaps even with consideration for the onerous burdens the capitulations placed on the Ottomans and the Tanzimat reforms, no real steps were taken in that direction. For an example of such a suggestion by Bulwer, see FO 78/1637, no. 9, Sir H. Bulwer to Lord J. Russell, Constantinople, July 26, 1859, p. 16.

<sup>148</sup>Sir Francis very clearly carried a pejorative attitude towards Turks. His official reports and memoranda, which generally begin in a formal and professional manner, increasingly display demeaning and cynical phrases to belittle Turkish customs, methods and attitudes. Phrases such as “... following their practice of imitating Europeans at all events in external, ...,” unnecessary for any purpose other than to express personal derision, peppers Francis’ descriptions of Turks and their practices. While I would not point to such free expressions of derision by British officials as a primary cause of the decline in Anglo-Ottoman relations, such deep seated contempt undeniably prevented the establishment of sincere communications and relations between the two empires. As such statements and their source did not receive rebuke, they indicate the irreconcilable divergence of imperial aims in the strained Anglo-Ottoman relationship.

troublesome British—the Ottomans did not direct their stiffest resistance uniformly towards all Europeans.

In addition to the expected bureaucratic and economic changes during the first half of the Tanzimat, British policy in the Ottoman Empire necessarily sought radical transformation in the Ottoman social sphere, and engaged in opportunistic expansions of British influence beyond those agreed upon by treaty. The British were not the sole infringers, but they were the most aggressive towards Ottoman institutions and authority. In the second half of the Tanzimat, the British increased their intrusive challenges against Ottoman institutions and reform efforts, to compensate for their loss of influence in Constantinople among other things.

Although the bellicose French policies over matters of an international or imperial scale disturbed the Ottomans, they belonged to the domain of diplomatic relations and negotiations. Though strongly and consistently demanding Ottoman compliance with treaty stipulations and promised reforms, the French did not pressure the Ottomans with arbitrary and inconsistent demands for structural legal changes at the local level. Consequently, the Ottomans perceived British actions as a much closer threat to Ottoman interests and authority. The expansion of British influence at the local bureaucratic level posed an internal threat to the Ottomans—an affront to Ottoman authority that eventually required excision.

The ill-conceived and mismanaged Euro-Ottoman alliance pitted multiple drivers to vie for the control of a single steering wheel. Although far from ideal, this arrangement could have worked—had the drivers the same destination in mind. As such, the alliance failed to navigate through the treacherously serpentine virages of the Tanzimat.

## **6.0 CORRESPONDENCE ANALYSIS USING THE COMMERCIAL TRIBUNAL CASES**

### **6.1 INTERROGATING ARCHIVAL DATA**

Quantitative methods provided two valuable services to this research. With the assumption of a normally distributed data set, statistical methods provided an objective means to measure the validity and likelihood of various interpretations of the archival data. But more importantly, the partial treatment of British merchants among other Europeans in the Ottoman provinces had not been considered as an analytical possibility at the start of this project. Yet, quantitative analysis of the archival data necessitated the integration of this perspective into the narrative as a central argument. The rejection of British brokerage in the Ottoman provinces required explanation, but also provided an opportunity to explain the decline of the Euro-Ottoman alliance that bolstered the Tanzimat, as well as the decline of Ottoman-British relations throughout the Tanzimat. Past narratives emphasized the role of Ottoman elites polarized by their political alliances with different European powers, the onerous economic demands of the capitulations, as well as the changing balance of power in continental Europe among the factors behind the failure of Tanzimat. The quantitative analysis presented in this chapter first uncovered, and then provided support for some of the radical arguments in chapter 5.

## 6.2 DATA AND APPLICATION

Records and communications involving forty-five Ottoman Commercial Tribunal (CT) cases between 1853 and 1870 constitutes the data used in the correspondence analysis.<sup>1</sup> Despite the availability of information on hundreds of commercial disputes in the Ottoman and British archives, the forty-five cases were selected for yielding the most complete information from the local Ottoman commercial tribunals. Crucially, these cases included the reports and decisions of the local tribunals, the names of the tribunal judges, as well as communications from the involved consulates and/or Ottoman officials in Istanbul. Thus, the nature of the dispute, the allegations of the involved parties, the bureaucratic procedures and interactions could now be used for statistical analysis.

However, the sparse nature of the data required careful application of the appropriate multivariate statistical methods. Among these, correspondence analysis (CA) stood out for its broad applicability to discrete categorical data, as well as its natural extension into network theoretical applications.<sup>2</sup> As the first step of CA, archival data was processed to form a data matrix with the tribunal cases as row variables, and the discerning attributes of the cases as column variables.<sup>3</sup> Organized by nationality of the plaintiff and the date submitted to the local tribunal, the matrix contained sufficient information to uncover significant variances in the operations of the local tribunals.<sup>4</sup>

---

<sup>1</sup>See Appendix B for a list of the cases.

<sup>2</sup>Network theoretical applications, especially those investigation social interactions require much denser and varied data—issues that future research on the social impact of the commercial tribunals will address.

<sup>3</sup>As described in greater detail in chapter 4. It would be helpful for the readers to also keep in mind some of the chronology of the CTs presented in chapter 4, for instance the 1861 laws pertaining to the standardization of the CTs in the Ottoman Empire (pages 99-101, and footnote 24 in chapter 4) will have significance in the analysis presented in this chapter.

<sup>4</sup>The analysis included information on any appeals to the primary commercial tribunal in Istanbul, contingent upon availability of archival documents.



The quantitative analysis is summarized in four graphs. The first two graphs, figures 6.1 and 6.2, present the experiences of different nationalities in the Ottoman CTs from 1853-1862. Among many things, these two graphs indicate the differences in the experiences of British merchants in the Ottoman CTs compared to the experiences of other European merchants. In contrast, the next two graphs, figures 6.3 and 6.4, present the experiences of only the British merchants over a longer period, 1853-1870, categorized into three periods: 1853-1861, 1862-1865, and 1866-1870. It must be noted that the two sets of graphs are separate from each other. Direct comparisons between, for example, figure 6.1 and 6.3 must be avoided.<sup>5</sup>

### 6.3 RESULTS

Figure 6.1 displays the variability in the experiences of Austrian, British, French, Ottoman, and Russian plaintiffs in the local commercial tribunals from 1853-1862. Here, the local difficulties of British plaintiffs relative to other European merchants draws a stark contrast. The Win and Loss columns tally the local tribunal decisions in favor and against the merchant plaintiffs from the five selected nationalities. Extra Collection Effort (local) column tallies the cases where the plaintiff or the defendant experienced difficulties collecting upon the judgment of the local tribunal.<sup>6</sup> Such difficulties point towards a number of pressures on the local bureaucracy and the Ottoman governors that indicate strong imperial and local interactions, such as pressures placed

---

<sup>5</sup>One would ideally like to make such comparisons. However, the available archival data allowed for the analysis of the comparative experiences of European merchants only during 1853-1862. The archival data of British merchants' experiences covered the wider time frame of 1853-1870, thus curtailing the scope of the comparative analysis of experiences by nationality. Ideally, one would like to have a larger data set for the experiences of each nationality in the CTs to conduct a comparative analysis mirroring figures 6.3 and 6.4, but inclusive of all European nationalities (around 20 CT cases for each nationality and for each of the three periods (1853-1861, 1862-1865, 1866-1870) would be sufficient.)

<sup>6</sup>The data is too sparse to distinguish between plaintiff and defendant, or foreign and Ottoman difficulties in collecting due funds locally. Richer data sets should be analyzed with such distinctions in mind.

on Ottoman governors to protect Ottoman merchants against “unjust” legal decisions in favor of foreign merchants, or conversely pressure placed on tribunal members to decide in favor of a foreign merchant who cannot otherwise acquire fair access to the Ottoman markets dominated by established merchants.

In a similar way, the Successful Local Collection column tallies the collection by foreign merchants upon a favorable decision. The data in this column provides a measure by which we can gauge the favorable integration of merchants into local networks, differentiated by national affiliation. Of course, favorable judgement could be acquired through diplomatic pressure placed on the Ottoman administration in Istanbul. But successful collection could only take place through the cooperation of local entities, providing indications of constructive network interactions at the local level. Accordingly, the next two columns, Collection Order From Local CT To Governor and Collection Order From Istanbul to Governor provide a measure of how much assistance foreign merchants required from Istanbul in their attempts to collect upon favorable tribunal judgments at the local level<sup>7</sup>.

The final column, Request Initial Trial in Istanbul, also suggested how much external dependence foreign merchants required to compete in the local markets. Additionally, this final column also provided some indication of Ottoman projection of authority in favor or against the local interests of foreign merchants, as well as how much foreign merchants demanded special treatment and breach of protocol.<sup>8</sup>

---

<sup>7</sup>Recall from chapter 5 that executive approval of local commercial tribunal judgements did not always receive support from local governors, who had to balance the needs of local elites against the imperatives of international alliances

<sup>8</sup>Protocol (established by treaty and law) required the initial tribunal hearing to take place locally. Yet, there existed ample examples of foreign merchants requesting the initial trial take place in Istanbul, claiming corruption or improper conduct of local tribunals as a reason.

Table 6.1: Merchant experiences in the Tanzimat-era Ottoman Commercial Tribunals.

	Win	Loss	Extra Collection Effort (Local)	Successful Local Collection	Collection Order from Local CT To Governor	Collection Order From İstanbul To Governor	Request Initial Trial in İstanbul
Austrian	2	2	3	2	2	1	0
British	3	6	6	2	2	4	5
French	3	4	2	3	2	0	2
Ottoman	2	1	3	0	3	3	0
Russian	5	0	5	2	5	3	0

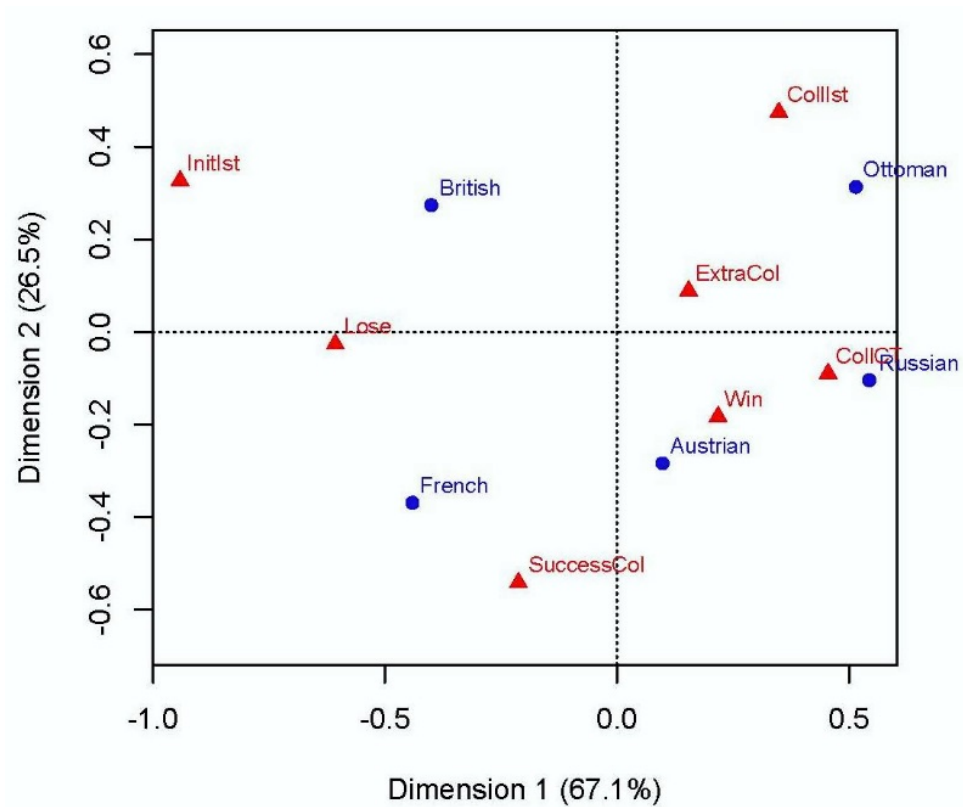


Figure 6.1: The CA projects 93.6% of the variance between the row (black) and column (red) variables into two dimensions. The column variable names are shortened as follows: ExtraCol = Extra Collection Effort (Local), SuccessCol = Successful Local Collection, CollCT = Collection Order From Local CT to Governor, Collİst = Collection Order From Istanbul to Governor, Initİst = Request Initial Trial in Istanbul. Also, see Appendix B.

Table 6.2: Bureaucratic interactions in the Tanzimat-era Ottoman Commercial Tribunals.

	Unusual Interpretation/Practice of Law/Treaty	High-level Involvement	Ottoman Center Uncooperative	Foreign Consulate Uncooperative	Alignment of Interests (Ottoman Center and Periphery)	Alignment of Interests (Ottoman Center and Europeans)	Alignment of Interests (Ottoman Periphery and Europeans)	Ottoman Center Refuses Assistance to Subject
Austrian	3	3	0	1	0	4	0	1
British	8	8	6	0	4	4	0	0
French	4	4	0	0	0	5	1	1
Ottoman	3	3	0	2	2	0	0	0
Russian	2	3	0	0	0	3	0	2

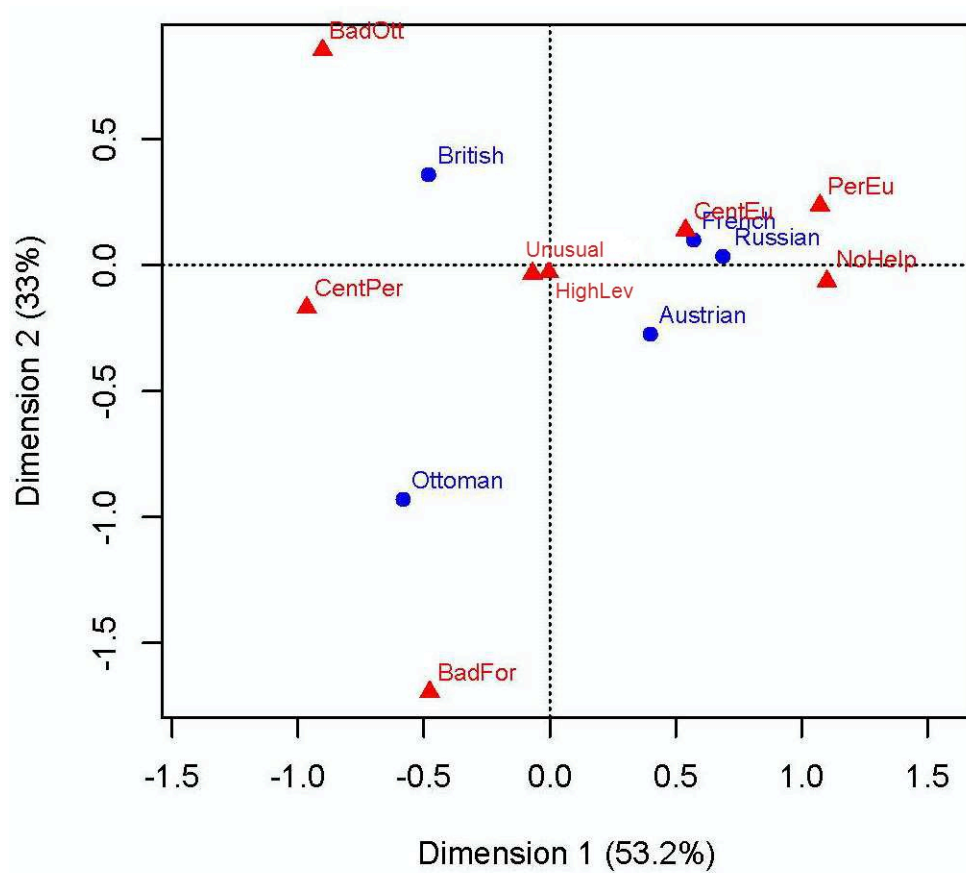


Figure 6.2: The CA projects 86.2% of the variance among the row and column variables onto two dimensions. Column variable names are shortened as follows: Unusual = Unusual Interpretation/Practice of Law/Treaty, HighLev = High-Level Involvement, BadOtt = Ottoman Center Uncooperative, BadFor = Foreign Consulate Uncooperative, CentPer = Alignment of Interests (Ottoman Center and Periphery), CentEu = Alignment of Interests (Ottoman Center and Europeans), PerEu = Alignment of Interests (Ottoman Periphery and Europeans), NoHelp = Ottoman Center refuses assistance to subject. Note that the variables HighLev and Unusual appear very close to each other at the center of the graph, creating a clear separation between the British and other Europeans.

The graph clearly separates the British and French cases from the more successful Austrian and Russian cases. However, the success of French and Austrian merchants collecting upon favorable judgments contrasts sharply against the failure of Russian and British merchants to secure payment. While the difficulties of Russian merchants make perfect sense given the timing of the Crimean War and Russo-Ottoman frictions, the contrast posed by British merchants poses a surprising quandary. Additionally, the British cases most strongly associate with attempts to move the initial trial to Istanbul during this period.

These findings strongly support the narrative and textual analysis of chapter 5. Difficulties of British merchants to penetrate established local mercantile networks would increase the difficulty of securing payment from debtors.<sup>9</sup> The expectation of such unfavorable local circumstances likely also motivated British merchants to move the initial hearing of the case to Istanbul, in hopes that the British Embassy could secure more favorable conditions for British subjects from Ottoman officials.

In figure 6.2, the first column tallies the cases where local tribunals failed to follow established protocol or procedures, or were ordered by the Ottoman center to perform their duties under special rules. Especially after 1862, for example, the Ottoman center refused to recognize a number of tax related commercial cases as appropriate for CTs, and instead ordered local CTs to convene as “commercial assemblies.”<sup>10</sup> Other instances displayed the failure of many local Ottoman CTs to convene with equal number of foreign and Ottoman representatives. In yet

---

<sup>9</sup>Mafalda Ade, *Picknick Mit Den Paschas: Aleppo Und Die Levantinische Handelsfirma Fratelli Poche (1853-1880)* [in German] (Beirut: Orient-Institut Beirut; Ergon Verlag in Kommission, 2013).

<sup>10</sup>This created confusion among those involved in the CTs—both administratively and legally for several reasons. Most prominent among them, each commercial assembly required negotiations to establish jurisdiction and scope of powers. The Ottomans negotiated to keep these assemblies in an advisory capacity, while Europeans wanted the assemblies to have full judicial and executive power to render a final judgement on the case. While this was a common occurrence in Istanbul and experienced personnel could navigate through the pitfalls of the process, the provincial applications usually posed too many problems to resolve locally. This created a dramatic increase in the number of cases referred or appealed to Istanbul.

other anomalous cases, tribunal procedures reflected the requirements of sharia law rather than the accepted procedures, even as late as in the year 1857.<sup>11</sup> Such practices brought protests from foreign consulates and embassies, and usually resulted in a transfer of the case to the appellate CT in Istanbul prior to a local decision.

Such improper conduct at the local level resulted in the interference (and sometimes from the interference) in the tribunal proceedings by high-level Ottoman officials, such as the Ottoman Sadrazam (prime minister) or advisers from his office, instances of which are tallied in the second column.<sup>12</sup> These cases indicate a purposeful interference with the agreed-upon procedures of the CTs to affect legal and political outcomes. Such instances reflect the divergence of foreign and Ottoman imperial interests from the principles agreed upon in the earlier stages of the Tanzimat. To highlight stark cases of imperial obfuscation, the next two columns tally instances when central Ottoman bureaucrats or foreign diplomatic personnel refused requests of assistance by their counterparts. Such requests usually involved a bureaucratic bottle-neck or purposeful obfuscation that prevented the hearing or conclusion of local CT cases.<sup>13</sup>

The following three columns tallied instances where local or imperial Ottoman bureaucrats provided unusual assistance, especially coinciding with certain shifts in policy. In one of the cases tallied in the Alignment of Interests (Ottoman Center and Periphery) column, for instance, the Ottoman center supported a local CT decision in favor of an Ottoman merchant, despite diplomatic protests from the British embassy.<sup>14</sup> The protests failed to prevent the confiscation

---

<sup>11</sup>HR. MKT. 183/28.

<sup>12</sup>Care was taken to distinguish between regular procedures (e.g. approval of a CT verdict by the Minister of Commerce prior to the execution of the judgement) and acts that fell outside the boundaries of established protocol to deserve a designation of executive interference.

<sup>13</sup>Recall Consul Wrench's report in chapter 5, 122-3.

<sup>14</sup>BOA HR.MKT. 174/92.

and sale of coal purchased by the British merchant to cover amounts still owed to the Ottoman merchant. Since this decision by the Ottoman center coincided with attempts to impose taxes on goods exported by foreign merchants from the Ottoman Empire, the Ottoman center's support of a local CTs decision marked an alignment of Ottoman local and imperial interests against foreign interests.<sup>15</sup>

The final column marked cases where the Ottoman center refused assistance to a local subject despite favorable proceedings in a local CT, instead bending the rules along lines suggested by a foreign consulate or embassy. While not common, such cases highlighted circumstances where the Ottoman center accepted a loss of face in front of local subjects, and prioritized imperial strategies over local prestige.

The British cases are isolated from other European cases in figure 6.2 by a strong association with an uncooperative Ottoman regime in Istanbul, and a strong alignment of imperial and local Ottoman interests against British imperial interests. While procedural anomalies appear to plague all the cases roughly equally, the relative position of the British cases on the graph suggests a disproportionately adverse treatment. The strong association of French (and surprisingly Russian) cases with alignments in Ottoman interests further accentuates the unfortunate distinction of the British in Ottoman esteem.

Since the period from 1853-1862 coincides with the Crimean War, the Paris Conference, as well as the death of Tanzimat's chief proponent (and staunch British ally) Mustafa Reşid Paşa, there exists no shortage of variables in interpreting these findings. However, the association of Ottoman cases with uncooperative foreign consulates in figure 6.2 provides a natural opportunity to connect the CA findings with the arguments presented in the previous chapter. For example,

---

<sup>15</sup>As a reminder, the most economically onerous concession granted by the Ottomans to British merchants in 1838 involved lowered tax rates, in comparison to the high rates Ottoman merchants still faced.

in one of the cases considered in the above graph, the British Consulate in Selanik refused to aid the Ottoman officials in collecting upon a commercial tribunal judgment in favor of the Ottoman plaintiff. While British officials held their Ottoman counterparts accountable for the debts and actions of Ottoman subjects against British subjects, they did not reciprocate when the Ottomans demanded cooperation.<sup>16</sup> The combination of aggressive British demands from the Ottomans with British failures to support Ottoman central authority at the local level accounts for an important dimension of the phenomenon.<sup>17</sup>

Despite the sparse data, figures 6.3 and 6.4 capture the deteriorating state of Anglo-Ottoman relations during the 1860s. A much larger data set would allow for a more robust analysis, but the available data strongly indicates that the continued failure of British strategies in the Ottoman Empire can best be explained by the arguments in chapter 5.

Figure 6.3 shows that British merchants faced difficulties collecting on cases they won in the Ottoman CTs in each of the three periods. However, British merchants were more likely to collect in the 1853-1861 period than in the other periods. On the other hand, British tendency to request Istanbul as the initial trial venue rather than the local CT shows an increase in the latter two periods compared to 1853-1861.<sup>18</sup> This poses an interesting quandary since the strongest association between collection efforts from Istanbul versus local collection efforts occurred

---

<sup>16</sup>BOA HR. MKT. 174/92. Following numerous letters from the Ottoman side, the British Consulate in Thessaloniki refused assistance on the basis that the British debtor had not received any guidance from the consulate in this affair.

<sup>17</sup>I will not repeat here the arguments from the previous chapter regarding the deleterious effects of British attempts to force their way into Ottoman markets through executive interference, or the failure of British policies to support Ottoman interests at the international stage. However, they remain pertinent here as well.

<sup>18</sup>The data for the 1853-1861 period is quite sparse on this point, and one would ideally like more data points for further investigation. One should also note the very strong association of the points in figure 6.3 with only one of the axes. This is an indication that more data is needed to display clearer separation between the points on the graph along multiple axes. Figures 6.1, 6.2, and 6.4 show such separation involving both axes, indicating that the findings represented in figure 6.3 should be scrutinized through further research.



Table 6.3: Experiences of British merchants in the Tanzimat-era Ottoman Commercial Tribunals.

	Win	Lose	Extra Collection Effort (Local)	Successful Local Collection	Collection Order from Local CT To Governor	Collection Order From İstanbul To Governor	Request Initial Trial in İstanbul
British 1853-61	2	3	5	2	2	4	1
British 1862-65	6	2	2	0	0	0	6
British 1866-70	8	4	5	2	2	3	8

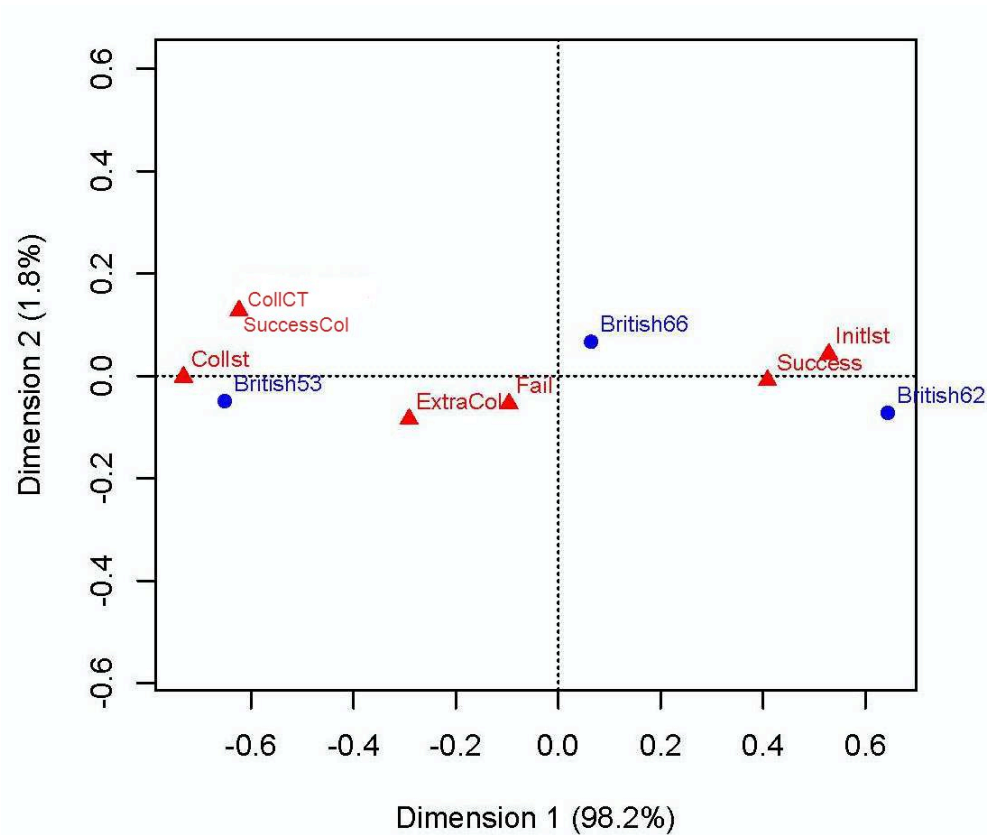


Figure 6.3: 98.2% of the variance is projected onto dimension 1 (the data is sparse and variance is unusually concentrated in dimension 1, yet interpretable variance exists. Additional data would clarify the distribution of the variance across dimension 2, but the available data clearly shows the distribution of the variance in dimension 1.) Column variable names are shortened as in figure 6.1: ExtraCol = Extra Collection Effort (Local), SuccessCol = Successful Local Collection, CollCT = Collection Order From Local CT to Governor, Collst = Collection Order From Istanbul to Governor, Initlst = Request Initial Trial in Istanbul.

Table 6.4: Bureaucratic activities in the Tanzimat-era Ottoman Commercial Tribunals (British cases).

	Unusual Interpretation/ Practice of Law/Treaty	High-level Involvement	Ottoman Center Uncooperative	Foreign Consulate Uncooperative	Alignment of Interests (Ottoman Center and Periphery)	Alignment of Interests (Ottoman Center and Europeans)	Alignment of Interests (Ottoman Periphery and Europeans)	Ottoman Center refuses assistance to subject	Shift in Ottoman Center's Stance
British 1853-61	4	3	1	0	2	4	0	0	0
British 1862-65	5	8	6	0	2	2	0	0	0
British 1866-70	10	12	10	1	5	4	2	1	5

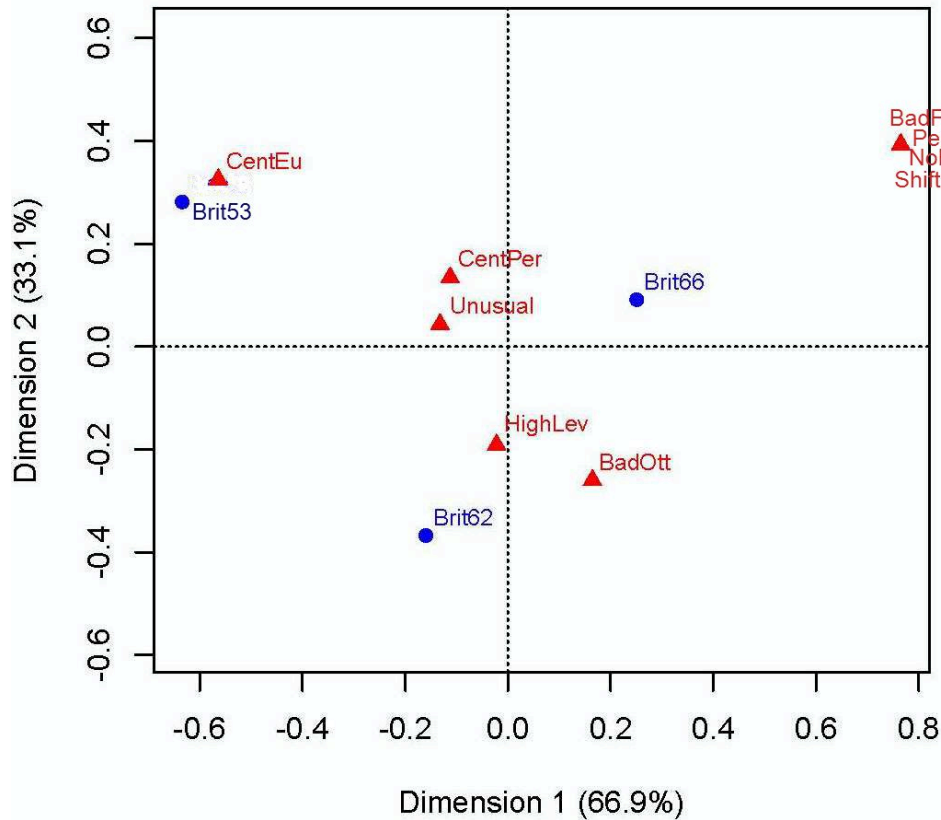


Figure 6.4: Dimensions 1 and 2 account for 100% of the variation in the data. Column variable names are shortened as in figure 6.2 (Unusual = Unusual Interpretation/Practice of Law/Treaty, HighLev = High-Level Involvement, BadOtt = Ottoman Center Uncooperative, BadFor = Foreign Consulate Uncooperative, CentPer = Alignment of Interests (Ottoman Center and Periphery), CentEu = Alignment of Interests (Ottoman Center and Europeans), PerEu = Alignment of Interests (Ottoman Periphery and Europeans), NoHelp = Ottoman Center refuses assistance to subject), with the addition of the column variable Shift = Shift in Ottoman Center's Stance.

between 1853-1861, indicating the decrease in the British Embassy's ability to pressure the Ottoman central government to interfere on their behalf in the CTs. Why did the British merchants and officials continue to request a change of venue to Istanbul while their political status continued to deteriorate there? The answer is that British merchants and officials failed to secure the necessary support from provincial Ottoman elites, which is to say that they failed to effectively access local Ottoman networks. The only recourse available to British actors was continued reliance on the central Ottoman authority to safeguard British provincial interests, despite the deteriorating Anglo-Ottoman relations and the increasing divergence in imperial expectations from the Tanzimat reforms.

These findings are reiterated in figure 6.4, where the relations between the Ottoman center and British actors show far stronger association in the 1853-1861 period than in the other periods. In contrast to their positions in 1853-1861, the British actors show a greater association with the growing alignment between the interests of the Ottoman center and the Ottoman provinces, as well as with Ottoman interference detrimental to British interests in the CTs. Thus, in figures 6.3 and 6.4, the British cases from 1853-1861 show a strong association with an alignment of interests with the Ottoman center. Conversely, the British cases from 1862-1870 show a strong association with the alignment of Ottoman center and peripheral interests, high level bureaucratic involvement, procedural anomalies and uncooperative Ottoman officials in Istanbul.

To place these findings in the context of Tanzimat's implementation, we should recall that the Ottoman government attempted to address the stalled Tanzimat reforms by restructuring and repurposing bureaucratic units of the government, especially in the post-Crimean War period. Yet Ottoman officials were now informed by the Euro-Ottoman provincial interactions during

the first half of the Tanzimat, and aimed to implement the Tanzimat reforms in ways that pushed-back against the expanding spheres of European authority. In the case of the CTs, the Ottoman center supported local efforts to mediate disputes outside of the tribunals. These mediations probably relied heavily on established local merchant networks. Commissions organized by CTs merely acted as fact establishing units prior to official tribunal hearings, and served as a means to reduce bureaucratic bottlenecks involving commercial disputes by steering cases towards out-of-court settlements (with the blessing of the Ottoman center.)<sup>19</sup>

Such efforts had the most deleterious impact on British merchants, who, especially in Eastern and South-Eastern Anatolia, experienced great difficulties accessing local merchant and ethnic networks. The complaints in British reports of Ottoman corruption and incompetence point towards the incompatibility between British reliance on central Ottoman authority to achieve a competitive balance in rural Ottoman markets, and the Ottoman efforts to reestablish the momentum of stalled unpopular reforms. The use of CTs as fact-finding units served the Ottoman goal of establishing new Tanzimat institutions to bind its peripheries to the center through local involvement in imperial bureaucratic units. However, the CTs harmed British interests by supporting customary practices of local networks that remained closed or costly to British merchants. This explains much of the aggressive British efforts to not only resist changes to the CTs, but to affect changes in the form and function of the CTs to solely benefit British interests—in direct opposition to imperial Ottoman goals.

---

<sup>19</sup>See, for instance, BOA HR. MKT. 164/28.

## 6.4 A NETWORK MODEL FOR EXTENDING THE ANALYSIS

The previous point deserves greater consideration, and if possible, testing against more archival data. While the complex phenomena at the local and imperial levels discussed above and in chapter 5 individually require attention, a proper historical analysis also requires a holistic perspective that places them in relation to one another. There exists two strong arguments for choosing a social network model to achieve this goal. Firstly, social networks with their emphasis on structural relations provide a natural framework to analyze the Tanzimat. Above all, the Ottoman center aimed to effect social and economic change by imposing a new bureaucratic structure upon their existing imperial hierarchy. This makes categorization of structural relations at different levels of analysis essential. However, focusing solely upon structure can favor deterministic approaches, which is not desirable for historical analyses. Thus, secondly, stochastic methods incorporated by network theory provide the probabilistic approaches where needed (such as when considering human opinions and beliefs).

This network model focuses on the quality of interactions between European and local Ottoman merchants. The quality of interactions are determined by three factors: roles in the relationship (partner, competitor, broker), intensity of interactions (number of trades, types and volume of trade, impact on other partnerships and trade), and duration of interactions (less than 2 years, 3-5 years, greater than 5 years).<sup>20</sup> Using this data, the model then displays the economic and social dynamics of brokerage in the Ottoman provinces.<sup>21</sup> The most important indicator of

---

<sup>20</sup>The data will be extracted from tax and customs records, as well as a more in depth look at commercial tribunal and Ministry of Trade records in the Ottoman Archives. Efforts will be made to locate relevant data in other national archives to cross-check and supplement this data whenever possible.

<sup>21</sup>The model closely follows Burt's conception of a brokerage-closure cycle, see Ronald Burt, "Network duality of social capital," In *Social Capital: Reaching out, Reaching In*, eds. Viva Ona Bartkus and James H. Davis (Cheltenham: Edward Elgar, 2010), 60. Closure refers to the strengthening of internal ties within a network—essentially the opposite of brokering external links. Closure allows for members of a network to reap the benefits of

successful brokerage would be a link between network activities and social capital. This model would measure such a link by the level of integration achieved by the broker in the provincial networks—in other words, by whether the brokerage leads successfully to closure.<sup>22</sup>

The crux of the analysis is determining whether the brokers managed to establish links with members of provincial Ottoman networks, and whether the quality of these links increased over time. This is measured through network constraint—a function that determines the concentration of network ties on a single node.<sup>23</sup> Consider the European merchant,  $j$ , and the local Ottoman merchant,  $i$ . Then, the network constraint measuring the extent of relations between potential broker  $j$  and the provincial network that  $i$  belongs to is:

$$c_{ij} = (p_{ij} + \sum_q p_{iq} p_{qj})^2, q \neq i, j,$$

where  $p_{ij}$  is the proportion of  $i$ 's provincial network connections that are now focused on potential broker  $j$  (with  $0 < p_{ij} < 1$ ,  $\sum_j p_{ij} = 1$ ). The matrix with elements  $p_{ij}$  is constructed from the three categories representing the quality of relations between  $i$  and  $j$ , as well as data regarding the interactions of  $i$  within the provincial network. Note that  $\sum_q p_{iq} p_{qj}$  is the portion of  $i$ 's connections within the provincial network to other members  $q$ , who are in turn connected to  $j$ . In the case of British merchants, I would expect this sum to be low or zero, while meaningfully higher for merchants of other European nationalities.

---

brokerage, and is marked by increased identity and trust within the group. Without achieving closure, a brokerage attempt fails to produce social capital, and even causes disruptions in the case of the Ottoman provincial networks.

<sup>22</sup>Podolny's emphasis on reputation as a significant (if not the significant) factor in successful integration of an entrant into a network will also serve as an important element of the model. See, Joel Podolny and Fiona M. Scott Morton, "Social Status, Entry and Predation: The Case of British Shipping Cartels 1879-1929," *Journal of Industrial Economics* 47, no. 1 (1999): 41-67. Here, the more the social background and status of a broker differs from the members of the differentiating network, the more the members of the network will attempt to exclude the broker. Shared culture, on the other hand, provides a basis for trust and mutually beneficial partnership. This concept captures the negative British experience in the Ottoman provinces vis-à-vis the relatively better integration of other European merchants into local networks.

<sup>23</sup>Ronald Burt, "A Note on Social Capital and Network Content," *Social Networks* 19, no. 4 (1997): 367.

The narrative of the last chapters focused on the perceptions of authority and their impact on the implementation of the Tanzimat reforms. The crucial questions involved whether merchants of different nationalities received significantly different treatment across the Ottoman Empire, if so, why? The social network model places the merchants and the provincial networks at the center of the inquiry, with informed assumptions over brokerage opportunities—especially pertaining to the British merchants in the Ottoman provinces. In the next stage of research, questions regarding the provincial level of interactions will focus on the strategies used by British merchants to access Ottoman markets using their economic advantages. Did they seek partnerships? What type of partnerships? How did these approaches compare with the strategies of other European merchants who also enjoyed the economic advantages of the concessions?

Based on the interactions depicted in chapters 5 and 6, one can reasonably surmise that British merchants did not seek long-lasting, mutually beneficial partnerships in the Ottoman provinces. Accordingly, further archival evidence should verify that the activities of British merchants focused on utilizing the maximum benefits of the economic concessions, forcing local merchants to accept undesirable terms using central Ottoman authority when possible. On the other hand, the network interactions of non-Protestant European merchants should display greater acceptance and social integration, indicated by more robust local ties and mutually beneficial long-term partnerships.

## **7.0 TRUST AND THE LIMITS OF FLEXIBILITY**

Despite the intimations of numerous contemporary British officials to the contrary, the Ottomans of Tanzimat did not ride into nineteenth century modernity barefoot on a donkey. The Ottoman bureaucratic and judicial system had evolved in complexity over many centuries to flexibly strike a balance between the needs of the Ottoman center and the provinces. During times of severe strain, the flexibility of the Ottoman system allowed radical structural rearrangements that other empires lacked the capacity to withstand. Such structural transformations prior to Tanzimat, for instance the radical decentralization of early eighteenth century, only involved the internal dynamics of the Ottoman Empire. In contrast, Ottoman recentralization efforts during Tanzimat predicated on external and internal dynamics. European support afforded the Ottoman center the breathing room to implement the radical reforms, while the success of those reforms required the cooperation of Ottoman provinces with great sacrifices to their local economic and bureaucratic autonomy. Narratives of European involvement in the shaping and implementation of Tanzimat have mostly remained within the confines of diplomatic relations between imperial capitals. Meanwhile, imperial interactions in the provinces have failed to receive the deserved attention and scrutiny as a major factor behind the failure of Tanzimat.

Yet, it was local frictions that exposed the severe Ottoman miscalculations over the social and economic consequences of Tanzimat's implementation. The same local frictions eroded the capital most needed for successful brokerage activities at all levels of network interactions: trust.



In a painful irony, the very structure of the CTs implemented to alleviate some of the local difficulties caused by the lack of trust and rapport, also required trust and cooperation to properly function. The failures of the CTs from the very beginning of their implementation sent clear signals to Istanbul of the need for drastically different policies. But both the British and Ottoman policymakers had already bet the house on the same losing hand—structural reforms that required unacceptable economic, social and political sacrifices from the Ottoman provinces.

Consequently, these three factors account for the resolute provincial rejection of British brokerage during the Tanzimat, despite the best efforts of Anglo-Ottoman allies in Istanbul. First, the burdens of the economic concessions rendered cooperation with foreign merchants impossible for many local Ottoman elites. No feasible way existed for certain nodes in local Ottoman merchant networks to accept brokers who wielded such absolute economic advantage over them. However, economic hegemony alone cannot account for the magnitude of resistance faced by British brokers. Other provincial Ottoman subjects were alienated by the ham-fisted introduction of socially alien brokers into their networks by an unfamiliarly authoritative central Ottoman regime. The empowerment by the incoming brokers of certain merchants (usually non-Muslim Ottoman subjects) with privileges approaching diplomatic status, only magnified the negative perceptions and distrust among provincial Ottoman subjects.

Neither inspiring sufficient positive expectations to sustain economic cooperation, nor to achieve social acceptance within the local networks they hoped to access, British policymakers followed the only remaining course available to them. British interests increasingly relied on the authority of the Ottoman center to extract the desired resources and outcomes from the Ottoman provinces, which their rejected brokerage attempts had failed to secure. Along with exceptional demands involving radical social change, often at odds with Islamic law and culture, British

officials hoped that the projection of central Ottoman authority into the provinces would provide the final convincing push for the local acceptance of British interests. These strategies not only increased the local resistance against British merchants, but also depleted the Ottoman center's political and social capital in the provinces along with what little appeal the Tanzimat had left.

Secondly, the dynamics that created friction at the local level also disrupted the Euro-Ottoman relations in the Ottoman center. As the implementation of Tanzimat and the enforcement of the concessions faltered, European policy demands began to sharply diverge from the Ottoman center's aims and interests. This divergence continued until the breaking point, as the strong personalities that had willed difficult concessions to sustain a fragile alliance during the first half of the Tanzimat were slowly replaced by far less capable men.

Thirdly, competition among foreign interests at the local level led to conflicting demands from European governments to successive Ottoman administrations, which forced counterproductive and contradictory Ottoman actions. These interactions further deteriorated European estimations of Ottoman ability, as well as Ottoman trust in European motives. Ottoman elites appear to have increasingly viewed the British actors as the most egregious disputants, whose demands required not only arbitrary infractions of established legal and bureaucratic practices, but also for the Ottomans to prioritize British interests over their own at politically, socially, and economically inopportune instances. Evidence suggests that British merchants received the worst end of these interactions, especially in locations such as Izmir and Aleppo.

Imperial policymakers consistently failed to coordinate their efforts to effectively address these frictions. The Ottomans lacked the decisive leadership, while the Europeans lacked the unity to dare halt the juggernaut that had proved so difficult to start moving in the first place.

This essentially institutionalized the provincial frictions into a component of the Euro-Ottoman alliance that continued to provide negative feedback to policymakers throughout the Tanzimat. The feedback received by European policymakers served as a constant reminder of the disparity between their glowing economic expectations from supporting the Ottomans, and the growing complaints of provincial ventures that left foreign merchants in frustration. Thus, proponents for greater flexibility towards Ottomans in European halls of power found it increasingly difficult to build support for their case in the face of growing local frictions in the Ottoman provinces. Consequently, imperial policies noticeably shifted towards defending imperial spheres of authority against encroachment, rather than pursue mutually beneficial goals.

On the Ottoman side of the feedback mechanism, the mismanaged initial implementation of the Tanzimat fomented stiff resistance against the reforms, both locally and at all levels of the bureaucracy. Every day that the Tanzimat failed to produce the promised results strengthened its opponents and made it that much more difficult for the reformers to sustain the momentum required to achieve such an enormous transformation. This resulted, even before the Crimean War, in rigid pockets of Ottoman bureaucracy that rejected the Tanzimat (or its implementation) and demanded alterations to the concessions—both unacceptable premises for Europeans.

These strains in the Euro-Ottoman alliance continued to increase in the immediate aftermath of the Crimean War. Especially following the heavy toll Britain and France paid for their Ottoman ally in the war, both powers increased their demands for the prompt implementation of the lagging Ottoman reforms. Changing British and French imperial policies at this time are indicative of the pressures placed on the Ottomans to make them more receptive to European advice. Markedly, international French policies more aggressively targeted Ottoman interests, while the strong British support the Ottomans had enjoyed against such imperial incursions in the

past appeared to the Ottomans to have lost potency. But, while French demands in internal Ottoman affairs also assumed a more aggressive tone (recall Ambassador Thouvenel), British demands for erratic policy changes at the local level triggered especially adverse reactions from the Ottoman center. The loss of Greece and the devastating Egyptian rebellion of only a generation earlier had sensitized the Ottoman elites towards local challenges to authority—a sensitivity exacerbated by two decades of increasing foreign influence in internal Ottoman affairs. This magnified Ottoman perceptions of the intrusiveness of British activities in the provinces. That these perceptions coincided with a changing of guard in both foreign and Ottoman bureaucratic leadership in Istanbul only increased Ottoman suspicions of British policies and motives.<sup>1</sup> In the following years, especially the British leg of the Euro-Ottoman alliance suffered from increasingly staunch hardline imperial stances in Istanbul. Compounded by the bureaucratic bottlenecks and social pressures of the failed reforms, the mounting clashes over conflicting imperial needs slowly dragged the Tanzimat towards a dead-end slough.

The results of the analysis confirm that despite the structural subservience of local interactions to high-level interactions at the imperial center, variations at the local level informed imperial policy makers of the necessity to alter their policies to achieve the desired outcomes of Tanzimat. Tragically, the resulting imperial policies only accentuated the disparities between the Ottoman and European expectations from the reforms. Among other things, the results of this study clearly establish that no complete understanding of the Tanzimat is possible without considering imperial interactions in the Ottoman provinces.

Significantly, the analysis strongly suggests reasons and mechanisms that account for the sharp drop in British trade and foreign direct investment in the Ottoman Empire following the

---

<sup>1</sup>Recall that the Francophile duo, Âli and Fuad, assumed power following Reşid Paşa's death, while the French Ambassador Thouvenel had secured the recall of the powerful British Ambassador Canning around the same time.

1880s. Specifically, the difficulties British merchants had in accessing local Ottoman markets (despite the concessions of 1838) created increasingly divergent imperial needs for the Ottoman and British allies. Decades of bitter wrangling over disappointing economic and political ventures had depleted British patience for the Ottomans, and vice versa.

In the end, European powers could not maintain their difficult entente over the Eastern Question—just as the Ottomans could not fulfill their reform obligations. Abrasion from decades of failed reforms, imperial frictions, and a chronically unstable commercial tribunal system had firmly established the limits of Ottoman flexibility.

## APPENDIX A

### SOME NOTES ON CORRESPONDENCE ANALYSIS

Singular value decomposition (SVD) is a method of linear algebra used extensively in correspondence analysis. Recall from linear algebra that, in general terms SVD decomposes an  $I \times J$  matrix  $A$  into three matrices:

$$A = U \Gamma V^T,$$

where  $\Gamma$  is a diagonal matrix of singular values,  $\{\gamma_l\}$ , and  $\max(l)$  is the rank of  $A$ .  $U$  and  $V$  are orthonormal matrices of left and right singular vectors, respectively. But where does matrix  $A$  come from?

Recall from chapter 4 that the data for the correspondence analysis was acquired by extracting and tallying scores from archival data, and organizing them as a matrix.<sup>1</sup> Call this matrix of frequencies  $F$ . We normalize the data by dividing each element of  $F$  by the sum of all elements of  $F$ , calling the resulting matrix of profiles  $P$ . The components of matrix  $A$  are simply the square roots of the terms comprising a “normalized” chi-square statistic for matrix  $P$ . In other terms, for  $F = [f_{ij}]$ , an  $I \times J$  matrix,

---

<sup>1</sup>Recall chapter 4, pages 107-9

$$P = [p_{ij}] = \left[ \frac{f_{ij}}{n} \right], \text{ where } n = \sum_{i=1}^I \sum_{j=1}^J f_{ij}$$

and the chi-square statistic is

$$\chi^2 = \sum_{i=1}^I \sum_{j=1}^J \frac{(p_{ij} - e_{ij})^2}{e_{ij}},$$

where  $e_{ij}$  are the expected values for the profiles,  $p_{ij}$ . Then, we “normalize” each element used

in the calculation of the chi-square statistic and acquire the matrix A:

$$A = \left[ \frac{\frac{(p_{ij} - e_{ij})}{n}}{\sqrt{\frac{e_{ij}}{n}}} \right].$$

These choices begin to make sense, when we note that the numerator in each element of matrix A,  $\frac{(p_{ij} - e_{ij})}{n}$ , is simply the expression of the amount by which each profile deviates from the expected amount as a fraction of the total frequency. Similarly, the square of the denominator,  $\frac{e_{ij}}{n}$ , is the expected amount for a profile, also expressed as a fraction of the total frequency.<sup>2</sup> From this perspective, correspondence analysis is simply the decomposition of a normalized form of the chi-square statistic. As is evidenced by the involvement of chi-square in the calculations, the point of the decomposition is to identify the variables most responsible for the variance in the profiles.

Indeed, matrix U of left eigenvectors acquired through the SVD is rescaled to graphically represent the contributions of each row variable to the overall variance. Similarly, a rescaled matrix V of right eigenvectors capture the contributions of the column variables to the overall variance. The singular values are used in this process to determine along which orthonormal

---

<sup>2</sup>The sum of the squared elements of A is known as the total inertia, or Pearson’s mean-square contingency, denoted by  $\phi^2$ . In correspondence analysis,  $\phi^2$  is used to assess the quality of the graphical representation, and also as a measure of the variation in the data.

axis, or dimension, each variable makes their contributions, as shown by the formula:

$$\phi^2 = \frac{\chi^2}{n} = \sum_{l=1}^K \gamma_l^2, \quad K = \text{rank}(A),$$

where the Pearson's mean square contingency  $\phi^2$ , or as it is referred to in correspondence analysis, total inertia, quantifies the total variation in the data. The equivalence of  $\phi^2$  to the sum of the squared singular values provides a practical opportunity to calculate the amount of total variance accounted for in each dimension, through the association of each dimension with a unique  $\gamma_l$ .

In the application of correspondence analysis in this study, the nationalities of the merchants are the row variables, and the factors discerning their experiences in the commercial tribunals are the column variables. The graphs in chapter 6 represent the contributions of these variables to the overall variance.



## **APPENDIX B**

### **LIST OF COMMERCIAL TRIBUNAL CASES**

The list of forty-five Ottoman commercial tribunal cases used in the correspondence analysis appears below. The list is ordered by archive (the Office of the Prime Minister's Ottoman Archives (BOA) in Istanbul and The National Archives (BNA) in London.)

Table B.1: The list of commercial tribunal cases used in the correspondence analysis.

Date (Hicri)	Date (AD)	Plaintiff(s)	Plaintiff Nationality	Defendant(s)	Defendant Nationality	Location	Source	Source Info
	11/14/1862	Panayi Couri	British	George Sqouridi	Ottoman	İstanbul	BNA	FO 195/726
	11/19/1862	Dionisio Ippodimatopulo	British	Seraskeriat	Ottoman	Istanbul	BNA	FO 195/726
	11/20/1862	Ottoman Bank	British	Veli Pasa	Ottoman	Izmir	BNA	FO 195/726
	12/19/1862	Livani	British	Estate of Rassim Bey	Ottoman	Istanbul	BNA	FO 195/726
	1862-1864	Swan	British	Haji Kamil	Ottoman	Philippopolis	BNA	FO 195/791, FO 195/828
	06.16.1864	Leahy	British	Ottoman Government	Ottoman	Istanbul	BNA	FO 195/791
	1864-1878	Robert Abbott	British	Ahmed Resid Efendi	Ottoman	Selanik and İstanbul	BNA	FO 198/36
	1865-1866	Black & Co.	British	Governor Mehmet Bey (Magnesia)	Ottoman	Istanbul	BNA	FO 195/828, FO 195/834
	04/26/1866	Gabriel Johnson	British	Adjouri	Ottoman*	Yozgat and Aleppo	BNA	FO 195/836
	10.10.1866	Ziongo	British	Pandeli	Ottoman	İstanbul	BNA	FO 195/828
	1866-1868	Hutchinson	British	Ottoman Government	Ottoman	İstanbul	BNA	FO 195/836
	1866-1869	DeCastro	British	Mustafa Nuri Paşa	Ottoman	İstanbul	BNA	FO 195/835
	2/27/1866	Fernandez	British	Ottoman Government	Ottoman	İstanbul	BNA	FO 195/836
	4/19/1866	Baker and Hayden	British	Skiades Efendi	Ottoman	İstanbul	BNA	FO 195/828
	5/1/1866	Castro	British	Anastassi	Ottoman	İstanbul	BNA	FO 195/828
	1867-1869	DeCastro	British	High Rabbi	Ottoman	Istanbul	BNA	FO 195/828, FO 195/835
	07/27/1869	Alexander Ionide	British	Comiano	Ottoman	Köstence	BNA	FO 195/843
	1869-1870	Manchester Creditors	British	Adjouri and Co. of Manchester	Ottoman	Aleppo	BNA	FO 195/842
	09/21/1870	James Calvert	British	Bohar Russo	Ottoman*	Dardanelles	BNA	FO 195/930
1276 R 18	11/14/1859	Corco Visoka	Austrian	İsmail Bey, Hacı Ahmed Ağa, et al.	Ottoman	Siroz	BOA	HR. MKT. 313/70
1275 Za 13	6/14/1859	Corci Muski	Austrian	İzvorimikli Mahmud Paşa	Ottoman	Bosna (Bosnia)	BOA	HR. MKT. 292/7
1277 C 16	12/30/1860	Kosti İstavroviç	Austrian	Atnas Valkidi	Ottoman	Edime	BOA	HR. MKT. 361/36
1277 Za 22	6/1/1861	Yorgiştan (or Borgistan)	Austrian	Atina (or Etene)	Ottoman	Larnaka	BOA	HR. MKT. 379/56
	1/1/1853	Mauro Kordato	British	Ottoman Government	Ottoman	Selanik (Thessaloniki)	BOA	HR. MKT. 122/31
1274 Ra 28	12/16/1857	Petro Akagos	British	Nikola Garço	Ottoman	Tırhala (Trikala)	BOA	HR. MKT. 215/93
1275 R 3	10/11/1858	İlyay Eykanomo	British	Panayotsi İstoyano	Ottoman	Timova	BOA	HR. MKT. 264/40
1275 Z 17	7/18/1859	Cerasimo Englese	British	Nikola (for Hacı Hacı)	Ottoman	Tırhala (Trikala)	BOA	HR. MKT. 296/63
1277 Ca 28	1/11/1861	Aristidi Musuri	British	Abduharbani	Ottoman	Yenişehir	BOA	HR. MKT. 359/62
1275 Ce 23	12/29/1858	Edvard Foster	Dutch	Safer Altun	Ottoman	İzmir	BOA	HR. MKT. 343/2
1271 Za 4	7/19/1855	Fozineri	French	Hacı Dimitri Elya	Ottoman	İzmir	BOA	HR. MKT. 113/99
1274 C 23	1/9/1858	Şovin	French	Goynar	Ottoman	Ayvalık	BOA	HR. MKT. 226/76
1275 Ra 22	11/29/1858	Bedros Kileri (on behalf of Hoca Dirende Felikros)	French	Ottoman Gov.	Ottoman	Birecik	BOA	HR. MKT. 262/67
1274 Ca 22	2/7/1858	Bonal Brothers	French	Kara Manifson Dirdiryan	Ottoman	Bursa	BOA	HR. MKT. 229/89
1276 S 7	9/5/1859	Korte (or Kurte)	French	Halil Razi Bey	Ottoman	Midilli	BOA	HR. MKT. 303/94
1277 Ra 22	11/7/1860	Oble	French	Kaptan Nikola Yorgi	Ottoman	Istanbul	BOA	HR. MKT. 351/37
1277 M 16	8/4/1860	French Bank	French	Greek Orthodox Bishop, et al.	Ottoman	Larnaka	BOA	HR. MKT. 344/9
1273 S 15	10/15/1856	Osman Efendi	Ottoman	Perdoyaç	Russian	İzmir	BOA	HR. MKT. 164/28
1273 Ca 28	2/23/1857	Tanaş	Ottoman	Apostoli	British	Selanik (Thessaloniki)	BOA	HR. MKT. 174/92
1276 Re 13	10/10/1859	Terzi Yani	Ottoman	Rafael Bartelmis	French	Erdek Sancağı	BOA	HR. MKT. 313/34

Table B.2: The list of commercial tribunal cases used in the correspondence analysis (continued).

Date (Hicri)	Date (AD)	Plaintiff(s)	Plaintiff Nationality	Defendant(s)	Defendant Nationality	Location	Source	Source Info
1273 C 27	1/23/1857	Şah Nazarof	Russian	Sekban Mehmed Ağa	Ottoman	Tekfirdağ (Tekirdağ)	BOA	HR. MKT. 183/28
1273 Za 21	7/13/1857	Todori Mihal	Russian	Hacı İstapan	Ottoman	Ankara	BOA	HR. MKT. 197/30
1275 Ş 7	3/12/1859	Corci Mavridi	Russian	Filibeli Karareisli Ali Bey	Ottoman	Edirne	BOA	HR. MKT. 280/8
1276 M 29	8/28/1859	Yorgi Mavridi	Russian	Molla Veli Ağa	Ottoman	Filibe (Plovdiv)	BOA	HR. MKT. 306/88
1277 B 2	12/16/1860	Kiryako Panoli	Russian	İbrahim Efendi	Ottoman	Silistre	BOA	HR. MKT. 363/46
	5/8/1867	Halil Meşaka	British	Mısırlıoğlu Anton Bey	Ottoman	Beyrut	BOA and BNA	HR. MKT. 509/39, FO 195/844

## BIBLIOGRAPHY

### Primary Sources

Ottoman commercial tribunal cases used in the correspondence analysis (chapter 6):

Başbakanlık Osmanlı Arşivi [Ottoman Archives of the Prime Minister's Office] (BOA):

HR.MKT. (Hariciye Nezareti, Mektubî Kalemi Belgeleri) 113/99; HR.MKT. 122/31; HR.MKT. 164/28; HR.MKT. 174/92; HR.MKT. 183/28; HR.MKT. 197/30; HR.MKT. 215/93; HR.MKT. 220/24; HR.MKT. 226/76; HR.MKT. 229/89; HR.MKT. 262/67; HR.MKT. 264/40; HR.MKT. 280/8; HR.MKT. 292/7; HR.MKT. 296/63; HR.MKT. 303/94; HR.MKT. 306/88; HR.MKT. 313/34; HR.MKT. 313/70; HR.MKT. HR.MKT. 343/2; HR.MKT. 344/9; HR.MKT. 351/37; HR.MKT. 359/62; HR.MKT. 361/36; HR.MKT. 363/46; HR.MKT. 379/56; HR.MKT. 509/39.

The National Archives of the UK (BNA):

FO (Foreign Office) 195/726; FO 195/791; FO 195/828; FO 195/834; FO 195/835; FO 195/836; FO 195/842; FO 195/843; FO 195/844; FO 195/930.

Diplomatic and bureaucratic correspondences (chapter 5):

BNA:

FO 78/1323; FO 78/1593; FO 78/1631; FO 78/1632; FO 78/1633; FO 78/1637; FO 78/1760; FO 78/1831; FO 78/1835; FO 78/1864; FO 78/1865; FO 78/1917; FO 78/1918; FO 78/1999; FO 78/2000; FO 96/249; FO 195/299; FO 195/302; FO 195/367; FO 195/371; FO 195/381; FO 195/384; FO 195/726; FO 195/759; FO 195/771; FO 195/791; FO 195/793; FO 195/828; FO 195/834; FO 195/836; FO 195/837; FO 195/839; FO 195/840; FO 195/841; FO 195/842; FO 195/843; FO 195/844; FO 195/846; FO 195/848; FO 195/862; FO 195/873; FO 195/890; FO 195/917; FO 195/930; FO 195/981; FO 198/13; FO 198/33; FO 198/36; FO 198/37; FO 198/38; FO 424/35; FO 424/43; FO 618/1; FO 618/2; FO 626/8; FO 626/9; FO 626/11; FO 626/13; FO 626/14; FO 780/10; FO 780/27; FO 780/36; FO 781/65/24; FO 881/4232

BOA:

A. AMD. 33/35; A. DVN. 88/99; A. M. 21/24; A. MKT. 55/36; A. MKT. 217/67; A. MKT. MHM. 16/53; A. MKT. MHM. 48/12; A. MKT. MHM. 215/44; A. MKT. MHM 464/24; A. MKT. MHM 464/63; A. MKT. MVL. 36/93; A. MKT. MVL. 116/27; A. MKT. NZD. 60/48; A. MKT. NZD. 342/68; A. MKT. UM. 120/80; A. MKT. UM. 423/33; A. MKT. UM. 449/46; A.

MKT. UM. 461/84; A. MVL. 242/13; C. AS. 1062/46718; HR. MKT. 122/31; HR. MKT. 174/92; HR. MKT. 184/88; HR. MKT. 186/91; HR. MKT. 262/67; HR. MKT. 288/28; HR. MKT. 364/29; HR. MKT. 509/39; HR. TO. 242/16; İ. MVL. 194/5900; MVL 648/36; MVL. 1067/57; ŞD 279/45; ŞD 279/56; ŞD 2416/67; ŞD 2416/72; ŞD 2418/14; ŞD 2418/48; ŞD 2419/7; ŞD 2420/56; ŞD 2891/34; ŞD 2894/34; ŞD 2895/32; ŞD 2899/6.

#### Secondary Sources (Books and Articles)

Ottoman, Legal, and Tanzimat:

Abu-Manneh, Butrus. "The Sultan and the Bureaucracy: The Anti-Tanzimat Concepts of Grand Vizier Mahmud Nedim Pasa." *International Journal of Middle East Studies* 22, no. 3 (1990): 257-74.

———. "Mehmed Ali Pasa and Sultan Mahmud II: The Genesis of a Conflict." *Turkish Historical Review* 1, no. 1 (2010): 1-24.

Ade, Mafalda. *Picknick Mit Den Paschas: Aleppo Und Die Levantinische Handelsfirma Fratelli Poche (1853-1880)* [in German]. Beirut: Orient-Institut Beirut; Ergon in Kommission, 2013.

Ahmad, Feroz. "Ottoman Perceptions of the Capitulations 1800–1914." *Journal of Islamic Studies* 11, no. 1 (2000): 1-20.

Ahmet Cevdet Paşa. *Tezâkir*. Translated by Cavid Baysun [in Turkish.] Ankara: Türk Tarih Kurumu Basımevi, 1986.

———. *Sultan Abdülhamid'e Arzlar (Ma'rûzât)*. Translated by Yusuf Halaçoğlu [in Turkish]. İstanbul: Babıali Kültür Yayıncılığı, 2010.

Akyıldız, Ali. *Tanzimat Dönemi Osmanlı Merkez Teskilâtında Reform : 1836-1856* [in Turkish]. İstanbul: Eren, 1993.

Bağış, Ali İhsan. *Osmanlı Ticaretinde Gayri Müslimler: Kapitülasyonlar, Avrupa Tüccarları, Berath Tüccarlar, Hayriye Tüccarları, 1750-1839* [in Turkish]. Ankara: Turhan Kitabevi, 1983.

Barkey, Karen. *Bandits and Bureaucrats: The Ottoman Route to State Centralization*. Ithaca: Cornell University Press, 1997.

———. "Changing Modalities of Empire: A Comparative Study of Ottoman and Habsburg Decline." In *Empire to Nation: Historical Perspectives on the Making of the Modern World*. Edited by Joseph Esherick, et al., 167-197. Lanham, Md., Rowman & Littlefield, 2006.

- . *Empire of Difference: The Ottomans in Comparative Perspective*. New York: Cambridge University Press, 2008.
- Baykara, Tuncer. *Osmanlı Taşra Teşkilatında XVIII. Yüzyılda Görev Ve Görevliler (Anadolu)* [in Turkish]. Ankara: Vakıflar Genel Müdürlüğü Yayınları, 1991.
- Ceylan, Ebubekir. *The Ottoman Origins of Modern Iraq: Political Reform, Modernization and Development in the Nineteenth Century Middle East*. London: Tauris Academic Studies, 2011.
- Clay, C. G. A. *Gold for the Sultan: Western Bankers and Ottoman Finance 1856-1881: A Contribution to Ottoman and to International Financial History*. New York: I.B. Tauris, 2000.
- Çadırcı, Musa. “Tanzimat’ın Uygulanması ve Karşılaşılan Güçlükler.” In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu* [in Turkish]. Edited by Halil İnalcık and Mehmet Seyitdanlıoğlu, 151-158. Ankara: Phoenix Yayınevi, 2006.
- . *Tanzimat Döneminde Anadolu Kentleri’nin Sosyal ve Ekonomik Yapıları* [in Turkish]. Ankara: Türk Tarih Kurumu Basımevi, 1991.
- Davison, Roderick H. *Reform in the Ottoman Empire: 1856-1876*. Princeton: Princeton University Press, 1963.
- Darwin, John. *The Empire Project: The Rise and Fall of the British World-System, 1830-1970*. New York: Cambridge University Press, 2009.
- Ekinci, Ekrem Buğra. *Osmanlı Mahkemeleri: Tanzimat ve Sonrası* [in Turkish]. İstanbul: Arı Sanat, 2004.
- Ergene, Boğaç A. “On Ottoman Justice: Interpretations in Conflict (1600-1800).” *Islamic Law and Society* 8, no. 1 (2001): 52-87.
- . *Local Court, Provincial Society, and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)*. Boston: Brill, 2003.
- Findley, Carter V. *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte 1789-1922*. Princeton: Princeton University Press, 1980.
- Fleischer, Cornell H. *Bureaucrat and Intellectual in the Ottoman Empire: The Historian Mustafa Âli (1541-1600)*. Princeton: Princeton University Press, 1986.
- Gallagher, J. and R. Robinson, “The Imperialism of Free Trade,” *The Economic History Review* 6, no. 1 (1953): 1-15.

- Gerber, Haim. *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective*. Albany: State Univ. of New York Press, 1994.
- Geyikdagi, V. Necla. *Foreign Investment in the Ottoman Empire: International Trade and Relations*. New York: Tauris Academic Studies, 2011.
- Güvenç, Bozkurt. *Türk Kimliği: Kültür Tarihinin Kaynakları*. Ankara: Kültür Bakanlığı, 1993.
- Hamadeh, Shirine. "Ottoman Expressions of Early Modernity and the "Inevitable" Questions of Westernization." *Journal of the Society of Architectural Historians* 63, no. 1 (2004): 32-51.
- Hanioğlu, Şükrü M. *A Brief History of the Late Ottoman Empire*. Princeton: Princeton University Press, 2008.
- Hayreddin, Nedim, İshak Keskin, and Ali Ahmetbeyoğlu. *Belgelerin Dilinden Osmanlı ve Avrupa: Vesâik-i Tarihiye ve Siyasiye Tettebbuâtı* [in Turkish]. İstanbul: Selis Kitaplar, 2008.
- Hill, Joshua P. "The Agency Problem." A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, George Mason University, 2009. <http://hdl.handle.net/1920/5668>. Accessed February 28, 2015.
- Hodgson, Marshall G. S. *The Venture of Islam: Conscience and History in a World Civilization, The Gunpowder Empires and Modern Times, Vol. 3*. Chicago: University of Chicago Press, 1974.
- Horowitz, R. S. "International Law and State Transformation in China, Siam, and the Ottoman Empire During the Nineteenth Century." *Journal of World History* 15, no. 4 (2004): 445-486.
- Imber, Colin. "Review of History of the Ottoman Empire and Modern Turkey." *The English Historical Review* 93, no. 367 (1978): 393-395.
- . *The Ottoman Empire, 1300-1650: The Structure of Power*. New York: Palgrave Macmillan, 2009.
- İnal, İbnülemin Mahmut Kemal. *Son Sadrazamlar* [in Turkish]. İstanbul: Dergah Yayınları, 1982.
- İnalcık, Halil. *The Ottoman Empire: the Classical Age, 1300-1600*. New York: Praeger Publishers, 1973.
- İnalcık, Halil, and Donald Quataert. *An Economic and Social History of the Ottoman Empire*. New York: Cambridge University Press, 1997.

- İnalcık, Halil, and Mehmet Seyitdanlıoğlu. *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu* [in Turkish]. Ankara: Phoenix Yayınevi, 2006.
- Issawi, Charles Philip. *The Economic History of Turkey, 1800-1914*. Chicago: University of Chicago Press, 1980.
- Karal, Enver Ziya. *Osmanlı Tarihi, Vol. 5, 6, 7, 8* [in Turkish]. Ankara: Türk Tarih Kurumu Basımevi, 1976.
- . “Gülhane Hatt-ı Hümayûnu’nda Batı’nın Etkisi.” In *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu* [in Turkish]. Edited by Halil İnalcık and Mehmet Seyitdanlıoğlu, 65-82. Ankara: Phoenix Yayınevi, 2006.
- Kasaba, R. “Treaties and Friendships: British Imperialism, the Ottoman Empire and China in the Nineteenth Century.” *Journal of World History* 4, no. 2 (1993): 215-241.
- Kayaoglu, Turan. *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, The Ottoman Empire, and China*. Cambridge, Cambridge University Press, 2010.
- Kazgan, Haydar. *Galata Bankerleri, Vol. 1, 2* [in Turkish]. Ankara: Orion Yayınları, 2006.
- Köksal, Yonca. “Rethinking Nationalism: State Projects and Community Networks in 19th-Century Ottoman Empire.” *American Behavioral Scientist* 51, no. 10 (2008): 1498-1515.
- Kutay, Cemal. *Sultan Abdülaziz’in Avrupa Seyahati* [in Turkish]. Boğaziçi Yayınları, 1991.
- Kütükoğlu, Mübahat S. *Osmanlı-İngiliz İktisâdi Münâsebetleri* [in Turkish]. Ankara: Türk Kültürünü Araştırma Enstitüsü, 1974.
- Lane-Poole, Stanley. *The Life of the Right Honourable Stratford Canning, Viscount Stratford De Redcliffe, Vol. 1 & 2*. London; New York: Longmans, Green, 1888.
- Lewis, Bernard. *The Emergence of Modern Turkey*. New York: Oxford University Press, 1968.
- Makdisi, Ussama. “Ottoman Orientalism.” *The American Historical Review* 107, no. 3 (2002): 768-796.
- Mehmet Memduh, Paşa, and Hayati Develi. *Tanzimattan Meşrutiyete, Mirât-ı Şüûnat* [in Turkish]. İstanbul: Nehir Yayınları, 1990.
- Meriwether, Margaret Lee. “The Notable Families of Aleppo, 1770-1830: Networks and Social Structure.” PhD dissertation, University of Pennsylvania, 1981.
- . *The Kin Who Count: Family and Society in Ottoman Aleppo, 1770-1840*. Austin: University of Texas Press, 1999.



- Ortaylı, İlber. *İmparatorluğun En Uzun Yüzyılı* [in Turkish]. İstanbul: Timaş Yayınları, 2010.
- Owen, Roger. *The Middle East in the World Economy 1800-1914*. London: I.B. Tauris, 1993.
- Öztuna, Yılmaz. *Tanzimat Paşaları: Âli Ve Fuâd Paşalar* [in Turkish]. İstanbul: Ötüken Neşriyat, 2006.
- Pakalın, Mehmed Zeki. *Mahmud Nedim Paşa* [in Turkish]. İstanbul: Ahmet Sait Matbaası, 1940.
- Pamuk, Şevket. *Osmanlı-Türkiye İktisadi Tarihi 1500-1914* [in Turkish]. İstanbul: İletişim Yayınları, 2009.
- Pamuk, Şevket, and Jeffrey G. Williamson. "Ottoman De-Industrialization 1800-1913 Assessing the Shock, Its Impact and the Response." Cambridge: National Bureau of Economic Research, 2009. <http://www.nber.org/papers/w14763> (Report, accessed February 28, 2015), 5-6.
- Peirce, Leslie. *Morality Tales: Law and Gender in the Ottoman Court of Aintab*. Berkeley: University of California Press, 2003.
- Rubin, Avi. *Ottoman Nizamiye Courts: Law and Modernity*. New York: Palgrave Macmillan, 2011.
- . "British Perceptions of Ottoman Judicial Reform in the Late Nineteenth Century: Some Preliminary Insights." *Law & Social Inquiry* 37, no. 4 (2012): 999-1005.
- Salzmann, Ariel. *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State*. Leiden: Brill, 2004.
- Shaw, Stanford J., and Ezel Kural Shaw. *History of the Ottoman Empire and Modern Turkey*, 2 vols. New York: Cambridge University Press, 1976.
- Tunçer, Hadiye. *Osmanlı İmparatorluğunda Toprak Taksimi ve Âşar* [in Turkish]. Ankara: Güney Matbaacılık ve Gazetecilik, 1948.
- Van den Boogert, M. H. *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beraths in the 18th Century*. Boston: Brill, 2005.
- Weiker, W. F. "The Ottoman Bureaucracy: Modernization and Reform." *Administrative Science Quarterly* 13, no. 3 (1968): 451-470.
- Zarinebaf, Fariba. *Crime and Punishment in Istanbul: 1700-1800*. Berkeley: University of California Press, 2010.

Correspondence Analysis, Statistics, and Applications:

- Beh, Eric J., and Rosaria Lombardo. *Correspondence Analysis: Theory, Practice and New Strategies*. Chichester: John Wiley & Sons Ltd, 2014.
- Bookstein, Fred L. *Measuring and Reasoning: Numerical Inference in the Sciences*. New York: Cambridge University Press, 2014.
- Gigerenzer, Gerd, et. al. *The Empire of Chance: How Probability Changed Science and Everyday Life*. New York: Cambridge University Press, 2000.
- Gould, Stephen Jay. *The Mismeasure of Man*. New York: W.W. Norton, 2008.
- Greenacre, Michael J. "Canonical Correspondence Analysis in Social Science Research." <http://repositori.upf.edu/bitstream/handle/10230/4794/1154.pdf?sequence=1>. Last accessed on March 13, 2015.
- . "Power Transformations in Correspondence Analysis." <http://repositori.upf.edu/bitstream/handle/10230/1151/1044.pdf?sequence=1>. Last accessed on March 13, 2015.
- . "Log-Ratio Analysis Is a Limiting Case of Correspondence Analysis." *Mathematical Geosciences* 42, no. 1 (2010): 129-134.
- . *Correspondence Analysis in Practice*. Boca Raton: Chapman & Hall/CRC, 2007.
- Greenacre, Michael J., and Jörg Blasius. *Correspondence Analysis in the Social Sciences: Recent Developments and Applications*. San Diego: Academic Press, 1994.
- Le Roux, Brigitte, Henry Rouanet. *Multiple Correspondence Analysis*. Los Angeles: Sage Publications, 2010.
- . *Geometric Data Analysis: From Correspondence Analysis to Structured Data Analysis*. London: Springer, 2011.
- Lehmann, E. L. "The Fisher, Neyman-Pearson Theories of Testing Hypotheses: One Theory or Two?" *Journal of the American Statistical Association* 88, No. 424 (1993): 1242-1249.
- . *Fisher, Neyman and the Creation of Classical Statistics*. New York: Springer, 2011.
- Murtagh, Fionn. *Correspondence Analysis and Data Coding with Java and R*. Boca Raton: Chapman & Hall/CRC, 2005.
- Van der Heijden, P. G. M., et al. "Correspondence analysis of transition matrices, with special attention to missing entries and asymmetry." *Animal Behaviour* 40, no. 1 (1990): 49-64.

Social Networks:

- Bartkus, Viva Ona, and James H. Davis. *Social Capital: Reaching out, Reaching In*. Cheltenham: Edward Elgar, 2010.
- Borgatti, S. P., et al. "Network Analysis in the Social Sciences." *Science* 323, no. 5916 (2009): 892-895.
- Burt, Ronald S. *Structural Holes: The Social Structure of Competition*. Cambridge: Harvard Univ. Press, 1995.
- . "A Note on Social Capital and Network Content." *Social Networks* 19, no. 4 (1997): 355-73.
- . *Brokerage and Closure: An Introduction to Social Capital*. New York: Oxford University Press, 2007.
- . *Neighbor Networks: Competitive Advantage Local and Personal*. New York: Oxford University Press, 2010.
- Carrington, Peter J., John Scott, and Stanley Wasserman. *Models and Methods in Social Network Analysis*. New York: Cambridge University Press, 2005.
- Diani, Mario and Doug McAdam. *Social Movements and Networks: Relational Approaches to Collective Action*. New York: Oxford University Press, 2009.
- Emirbayer, M. and J. Goodwin. "Network Analysis, Culture, and the Problem of Agency." *American Journal of Sociology* 99, no. 6 (1994): 1411-1454.
- Faust, Katherine. "Very Local Structure in Social Networks." *Sociological Methodology* 37, no. 1 (2007): 209-56.
- Gould, Roger V. *Collision of Wills: How Ambiguity About Social Rank Breeds Conflict*. Chicago: University of Chicago Press, 2003.
- . "Uses of Network Tools in Comparative Historical Research." In *Comparative Historical Analysis in the Social Sciences*. Edited by Mahoney, J. and D. Rueschemeyer, 241-268. New York: Cambridge University Press, 2003.
- Lin, Nan, Karen S. Cook, and Ronald S. Burt. *Social Capital: Theory and Research*. New York: Aldine de Gruyter, 2001.
- Macy, Michael W., et al. "Polarization in Dynamic Networks: A Hopfield Model of Emergent Structure." In *Dynamic Social Network Modeling and Analysis: Workshop Summary and*

- Papers*. Edited by Ronald Breiger, et al, 162-173. Washington, D.C.: National Academies Press, 2003.
- Meriwether, Margaret Lee. "The Notable Families of Aleppo, 1770-1830: Networks and Social Structure." PhD Dissertation, University of Pennsylvania, 1985.
- Moldoveanu, Mihnea and Joel A. C. Baum. "'I Think You Think I Think You're Lying': The Interactive Epistemology of Trust in Social Networks." *Management Science* 57, no. 2 (2011): 393-412.
- Podolny, Joel M., and Fiona M. Scott Morton. "Social Status, Entry and Predation: The Case of British Shipping Cartels 1879-1929." *Journal of Industrial Economics* 47, no. 1 (1999): 41-67.
- Radicchi, F., et al. "Defining and Identifying Communities in Networks." *Proceedings of the National Academy of Sciences of the United States of America*.  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC365677/>. Last accessed on March 13, 2015.
- Wasserman, Stanley, and Katherine Faust. *Social Network Analysis: Methods and Applications*. Cambridge: Cambridge University Press, 2009.
- Wetherell, C. (1998). "Historical Social Network Analysis." Supplement, *International Review of Social History* 43, no. S6 (1998): 125-144.