

**URBAN TANZÎMÂT, MORALITY, AND PROPERTY IN NINETEENTH-CENTURY
ISTANBUL**

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Abstract

The nineteenth century for Istanbul was a process in which streets increasingly gained a dominant role in the urban character of the city. It was a period of transition from passageways to streets. This dissertation examines the new immediacy of the street in the built environment of the city within the context of the spatio-temporal restructuring that the Ottoman capital went through in this period. The attempts of the government to construct wide and straight streets on a grid system were not only a matter of new urban aesthetics but also a process of value creation in the built environment. Giving a new order to the city was also an attempt to change the relational values of urban property. To moderate such a process and mediate spatial value relations was not easy; therefore, the government had to fashion a fiction of urban rent in which city dwellers could position their interests as property owners. It is this fiction of urban rent within which this study presents property as a social relation in which politics of location and value were played out around concepts like *şeref* that had both moral and economic meanings. This dissertation explores moments of contestation, persuasion, ambiguity, opposition, corruption as well as compliance in the space of the ‘modern’ – the street – where property owners fashioned competing notions of justice and morality in the collective and social production of urban *tanzîmât*. It argues that streets as commodities and *şeref* as an expression of value were social forms that constituted capitalist modernity with all the contradictions between experience and expectation; private and general interest; sacrifices and benefits; and between depreciation and appreciation.

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A Note on Transliteration

When Ottoman Turkish is latinized in this dissertation, only long vowels, *‘ayn*, and *hemze* are indicated as in the examples of *tanzîmât*, *ma‘mûriyet*, and *me‘mûr*. However, no changes are made in the quotations in Ottoman Turkish from published sources, such as Osman Nuri Ergin’s *Mecelle-i Umûr-ı Belediyye*. Place names and names of people are transliterated as they are used in modern Turkish.

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Introduction

For many Ottoman reformers of the nineteenth century, Istanbul was “unique in the world.”¹ It was “such a beautiful city” endowed with “diverse natural charms” and located in an “advantageous position.”² *Tanzîmât* men were sincerely proud of the city, especially of its potential if not its reality. But they seem to have been quite apologetic when they expressed their thoughts and feelings, because all the “uniqueness” of the city was being wasted by, before anything else, fires. It was a wooden city. Its streets were “unseemly,” “messy,” “irregular,” and “crooked.”³ And as such, they were a defect in the pride of progressivist reformers. The city resembled “a big village”⁴ rather than an imperial capital that was supposed to be the true display of the level of “order and civilization” of a state.⁵ It was lagging behind Western capitals. It was a “contemporary” city of “non-contemporaneous,”⁶ “marginalized” by the peremptory examples of Paris, Vienna and London in terms of both time and space.⁷ In other words, the city was not living in the modern ‘now.’ The apologetic manner of many *Tanzîmât* reformers was predicated on this perceived time-lag between Ottoman and European capitals. Urban reforms were necessary to turn Istanbul into a ‘modern’ capital, and place it in the same present as Western cities. Reformers of the *Tanzîmât* period sought the cure in the creation of a uniform urban space on a grid plan with wide and straight streets, and the conversion of the

¹ “dünyada eşi olmayan.” BOA. İ.DH. 572/39882.

² “İstanbul gibi güzel bir beldenin”; “letâfet-i mütenevvi‘-i tab‘îye”; muhassenât-ı mevki‘ye.” BOA. İ.DH. 572/39882.

³ “münâsebetsiz”; karmakarışık”; “gayr-i muntazam”; “eğri büğrü.” BOA. İ.DH. 572/39882; BOA. İ. MVL. 550/24667.

⁴ “İstanbul gibi büyük bir köyden başka sûrette tavsîfi mümkün olmayan bir memleket.” Osman Nuri Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 3 (Istanbul: Istanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı Yayınları, 1995), 1432.

⁵ An official memorandum dated 1856: “intizâm ve medeniyet.” Ibid, 1275-7.

⁶ Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time* (Cambridge, Massachusetts, London: The MIT Press, 1985), 89; Harry Harootunian, *History’s Disquiet: Modernity, Cultural Practice, and the Question of Everyday Life* (New York: Columbia University Press, 2000); “Some Thoughts on Comparability and the Space-Time Problem,” *boundary 2* 32, no. 2 (Summer 2005): 23-52.

⁷ Deborah L. Parsons, “Paris is not Rome, or Madrid: Locating the City of Modernity,” *Critical Quarterly* 44, no. 2 (July 2002): 20-21.

wooden texture of the capital into masonry. After all, being in tune with the “delicate times” was a civilizational necessity.⁸

Ironically, “the *tanzîmât* that such a beautiful city like Istanbul deserves” was dependent on urban disasters in the nineteenth century.⁹ Fires that were deemed to have drastically affected “the growth and progress of civilization and prosperity” were also opportunities to initiate urban reforms.¹⁰ The timing and scope of planning was usually defined by the magnitude of fires. Beginning with the Aksaray conflagration of 1856, all major planning activities in the city were mostly carried out in burnt-down areas. Likewise, all building regulations were largely designed for destroyed districts.¹¹ This study focuses on the Hocapaşa fire of 1865, in particular, which destroyed a huge area in the Istanbul peninsula. But it also includes other small-scale fires that happened before and after the Hocapaşa fire.

In the discursive imaginations of *Tanzîmât* men, the city was subjected to a new kind of abstraction that required a “break with the past.”¹² Urban space was exposed to a “technical rationality” that aimed to create order by geometry.¹³ The streets, in particular, became the object of capitalist modernity. The nineteenth century for the Ottoman capital was a process in which streets increasingly gained a dominant role in the urban character of the city, as broad

⁸ “vakt-i nâzik.” Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1270.

⁹ BOA. İ.DH. 572/39882.

¹⁰ “medeniyet ve ma‘mûriyetin tezâyüd ve terakkisi.” BOA. İ. MMS. 31/1287; Pierre Pinon, “The Parceled City: Istanbul in the 19th Century,” in *Rethinking XIXth Century City*, ed. Attilio Petruccioli (Cambridge, Massachusetts: The Aga Khan Program for Islamic Architecture, 1998), 46-8.

¹¹ Four major regulations were enacted between 1848 and 1882: The Building Regulation of 1848 and of 1849, the Street and Building Regulation of 1863, and the Building Law of 1882. For the transliteration of these regulations see Gül Güleriyüz Selman, “Urban Development Laws and their Impact on the Ottoman Cities in the Second Half of the Nineteenth Century” (MA thesis, METU, 1982), Appendix.

¹² Harry Harootunian, “Some Thoughts on Comparability and the Space-Time Problem,” 32; Stefan Yerasimos, “Tanzimat’ın Kent Reformları Üzerine,” in *Modernleşme Sürecinde Osmanlı Kentleri*, ed. Paul Dumont and François Georgeon (Istanbul: TVY, 1996), 1.

¹³ Sylvain Malfroy, “The Modern Completion of the Nineteenth-Century Fabric Based on the Grid and Blocks,” in *Rethinking the XIXth Century City*, 142.

streets came to be a measure of civilization. It was a period of transition from passageways to streets.¹⁴ Therefore, the Ottoman reformers' concern with streets runs like a red line through archival sources. But nothing is more telling than the name of the commission established after the Hocapaşa fire for the reorganization of the burnt-down area – the Commission for Street Improvement (*Islâhât-ı Turuk Komisyonu*) – to grasp the immediacy of the street as the space of the 'modern.' However, the desire of the Commission's members to create a regular and standard urban space was not only a reflection of a rational administration but also of a process where streets were increasingly commodified. In other words, the construction of wide and straight streets on a grid system was not only a matter of new urban aesthetics but also a process of value creation in the built environment. Giving a new order to the city was also an attempt to change the relational values of urban property.

However, urban reforms were difficult enough to materialize as they required an extensive spatio-temporal re-structuring and planning, within the boundaries of which there was a myriad of historical actors with different narrative, moral, and legal strategies. This dissertation examines how property relations were entangled at the interface of distinctive modes of capitalist modernity. I set out to explain how urban property was mediated in the spatio-temporal lacuna that the fire of 1865 created during which different historical actors negotiated their different modalities of the 'present.' It was a decisive process for property owners where the location and value of each property was to change in relation to another after the fire. To moderate such a process and mediate spatial value relations was not easy, and it required the production of a collective fiction of urban rent.¹⁵

¹⁴ Cem Behar, *A Neighborhood in Ottoman Istanbul: Fruit Vendors and Civil Servants in the Kasap İlyas Mahalle* (Albany: State University of New York Press, 2003), 44-9.

¹⁵ For the phrase 'collective fiction of urban rent,' I was inspired by Duygu Parmaksızoğlu. She uses the expression "rant ortaklığı kurgusu" in her article on contemporary urban redevelopment of Fikirtepe in Istanbul. In the English version of the article, she translates it as "the stakeholder scheme." By playing with the words, I

Such a fiction was crucial to justify expropriation and the relocation of many parcels for the regularization of streets. The government had to persuade every “ash-orphan” (*kül öksüzü*) dweller of the city of the benefits that the development plans would bring about, and create mechanisms to moderate competing visions of urban *tanzîmât*.¹⁶ In other words, it had to offer a vision of a better future where city dwellers could position their interests as property owners. The government conceptualized expropriation as a “sacrifice” (*fedâkârlık*) on behalf of property owners that they were required to make in return for betterment values and the general good. “*Şeref*,” literally meaning ‘honor, pride, or distinction,’ was a key concept that signified this redistributive logic within the relational and relative values of urban property. The Turkish phrase, *emlâk-ı kesb-i şeref*, referred to the expected increase in real estate values after the reorganization. According to the government, everybody was to benefit from urban reforms through the increasing *şeref* of their property.

This expected increase in value was what justified expropriation in the eyes of the state, but the reality of the planning process on the ground was not as straightforward as this official logic. As a matter of fact, the adjustment of betterment values to the ‘sacrifices’ was itself a contingent and contested process as there were competing definitions of ‘general good.’ What was ‘good’ for the more effective circulation of goods and people through the creation of wide and straight streets on a grid system was a matter of social as well as economic scaling that usually discredited tensions between social notions of justice, morality and capitalist modernity.

preferred to use it as ‘collective fiction of urban rent.’ Duygu Parmaksızoğlu, “Evden Emlâğa Fikirtepe: Rant ve Spekülasyon Ekseninde Kentsel Dönüşüm,” <http://www.jadaliyya.com/pages/index/19382/evden-emlaga-fikirtepe-rant-ve-spekulasyon-eksenin>. 28 Sep. 2014; the English version: “From Home to Real Estate: Urban Redevelopment on the Axis of Speculation in Istanbul,” <http://www.jadaliyya.com/pages/index/19508/from-home-to-real-estate-urban-redevelopment-on-th>. 6 Oct. 2014.

¹⁶ Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1122.

Urban renewal projects did not proceed smoothly, because all the locational relations in the area were to change considerably. Property owners were not hesitant at all to object to the rearrangement of their parcels within a block in varying values. Some plots came to gain *şeref*, whereas, others lost it. It was again the term *şeref* that captured the tensions which the locational changes brought about in terms of value relations. *Şeref* was what cemented the collective fiction of urban rent together as a binding theme.

The relief program that was established immediately after the fire was also an important part of the collective fiction of urban rent as a mechanism to persuade people of the harm that the existing material culture imposed on the general good. The target of the relief program was the deep-rooted custom of wood-building in the city. The government fashioned a vision of a better future where the lives and wealth of city dwellers would be safe against fires from which the city suffered for centuries. Masonry buildings and wide streets were the means of protecting the wealth that people accumulated by working hard for years. Communicating the prospects of a better future to the society was one of the duties of the Commission for Street Improvement (hereafter CSI). Betterment values expressed by the term *şeref* were the material embodiment of such a prospect. And it was streets that increasingly came to define *şeref*.

This dissertation therefore aims to position the term *şeref* in the conception of space as a social relation, hence, as something unfixed and relative. By mainly building on David Harvey's theoretical framework, it takes urban *tanzîmât* as competing processes of "depreciation and appreciation" where value took its social character as a struggle over *şeref*. Such an understanding of urban *tanzîmât* also implies the conception of value similar to that of

space, that is, as a social relation.¹⁷ The understanding of space as a social relation is especially important given the fact that private property entails a view of “absolute space” because it is exclusively owned.¹⁸ The line between absolute and social space is a conflictual area just like the one between general and private interest. These tensions are reflected in built environments in various ways.

My conception of a built environment also follows Harvey’s as something that “functions as a vast, humanly created resource system, comprising use values embedded in the physical landscape, which can be utilized for production, exchange and consumption.”¹⁹ This conception implies that built environments reflect different modes of production. In a society that is increasingly becoming capitalist, the elements of the built environment “assume a commodity form.”²⁰ That is to say that streets, for instance, as the basic layout of a city, become commodities. The Ottoman term *şeref* implies relationality with regard to both space and value which mediated the politics of location and the processes of spatial commodification in the city.

Property as a fictitious form of capital

The premise of the present study depends on the Marxist conception of property as a “fictitious form of capital.” The fictitious character of property rests upon the notion of rent that the landowner receives rent as the interest on the amount of money that he paid to buy the land.²¹ Rent as such is, Harvey adds, “interest-bearing capital” just like money invested in

¹⁷ David Harvey, *The Limits to Capital* (London, New York: Verso, 2006), xx.

¹⁸ Ibid, 338-9.

¹⁹ Ibid, 233.

²⁰ Ibid, 233.

²¹ Karl Marx, *Capital: A Critique of Political Economy*, vol. 3 (London: Penguin Books, 1990-92), 911; also see Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 1957), 72.

stocks or corporation shares.²² But what is problematic is the payment to land that is not improved by the human touch, which Marx called ground-rent. Because land is not a product of human labor, this problem is difficult to reconcile with his theory of value which depends on the conception of ‘socially necessary labor time’ that is “the labour-time required to produce any use-value” in a given society.²³ If land is not a product of labor how does it acquire a price? That was the question that concerned Marx. His main interest, therefore, lies in ways in which land is appropriated privately, and some portion of surplus value is taken by the landowner in the capitalist mode of production. In his view, the owner appears as a passive actor, and rent as a ‘tribute.’²⁴

However, Marx slightly touched upon urban property in terms of locational relations and built his conception of ground-rent on that of David Ricardo which mainly concerned agricultural rent in terms of fertility.²⁵ In Ricardo’s view, rent amounts to differences in the quantity and quality of various portions of land:

If all land had the same properties, if it were unlimited in quantity, and uniform in quality, no charge could be made for its use, unless where it possessed peculiar advantages of situation. It is only, then, because land is not unlimited in quantity and uniform in quality, and because in the progress of population, land of an inferior quality, or less advantageously situated, is called into cultivation, that rent is ever paid for the use of it. When in the progress of society, land of the second degree of fertility is taken into cultivation, rent immediately commences on that of the first quality, and the amount of that rent will depend on the difference in the quality of these two portions of land.²⁶

²² Harvey, *The Limits to Capital*, 347.

²³ Marx, *Capital*, vol. 1, 129.

²⁴ Ibid, vol. 3, 908.

²⁵ Harvey, *The Limits to Capital*, 354.

²⁶ David Ricardo, *On the Principles of Political Economy and Taxation* (Cambridge: Cambridge University Press, 1990), 70.

Nevertheless, Marx opposed the claim of Ricardo that agricultural movement proceeds from more to less fertile soil. He showed that this movement can be the other way around as fertility can be improved through chemistry and machinery.²⁷ To Marx, rent is differential depending on fertility, location, and factors like taxation, different levels of development in agriculture, productivity of investments on the land, and the distribution of capital among farmers.²⁸ But, neither Marx nor Ricardo elaborated on the role of location. Marx mentioned “the preponderant influence” that location has on urban rent only in passing.²⁹

In an attempt to overcome the shortcomings of Marx’s rather “tentative thoughts” on rent, Harvey asserts that rental appropriation has a certain “co-ordinating role” with regard to the production of surplus value.³⁰ He seeks the co-ordinating role of rent in ways in which land is put to uses that is open to competition and accumulation.³¹ This role of bringing land to ‘the highest and best use’ is played by the landowner.³² Land values are in that sense reflective of “the temporality of accumulation” as location is reflective of use values in the built environment.³³ Public streets as the sites where other private elements, such as houses, shops, and factories, are positioned structure locational relations. And the location of any element is “a fundamental rather than an incidental attribute” as it exhibits certain social, economic or political choices. In other words, the position of one element is relational to that of others. In that sense, Harvey writes, “The exchange process is, in short, perpetually abstracting from the specifics of location through price formation,” which can be called *şeref* formation in the

²⁷ Marx, *Capital*, vol. 3, 790-8.

²⁸ Ibid, 789.

²⁹ Ibid, 908.

³⁰ Harvey, *The Limits to Capital*, 330-1.

³¹ Ibid, 333.

³² Ibid, 368-9.

³³ Ibid, 371.

Ottoman context.³⁴ The aim of this study is to put his understanding of location as “an active moment within the overall circulation and accumulation of capital” into a historical context, and present urban *tanzîmât* as a fluid process of depreciation and appreciation within the context of capitalist modernity.³⁵

The term ‘fictitious’ also needs to be put into a historical context. Therefore, another purpose of this study is to historicize the concept ‘fictitious,’ and locate historical fictions that constitute it in practical terms. As already suggested, I seek the fictitious character of property and social nature of value in terms like *şeref*. Apart from *şeref*, words like *nâmûs* (honor), *haysiyet* (dignity, honor; value), *i‘tibâr* (esteem, honor; nominal value), and *istikâmet* (uprightness, integrity) were some of the most common terms that both state institutions and property owners employed quite frequently within an ideological economy of planning. But how was honor associated with space and value? The answers to this question are given in different chapters. The common objective in all chapters is to present property less in material terms, and morality more in economic terms. In other words, as the argument of this research goes, honor was not only a moral but also an economic theme that revolved around the question of locational values in this intense period of spatial restructuring.

The way in which property holders associated honor with space and value not only reveals the rhetorical interplay between the notions of morality and justice but also compels us to think the question of property value as a web of social relations imbued with moral values. Furthermore, words like “*yol*” and “*tarîk*” literally meaning road or street, and the term “*istikâmet*,” meaning direction, also have moral and religious meanings in addition to their

³⁴ Ibid, 338.

³⁵ Ibid, 375 and 390.

material senses. Such linguistic interfaces are telling in regard to the totalities of life in which any separation between economics, morality, or politics for that matter, seems to be less real.

After all, it is not a coincidence that the protection of property, honor, and life was the basis of all the reforms edicts of the century and the Constitution of 1876. The individual portrayed in the *Tanzîmât* Edict of 1839 is a man who, being assured of his “life and honor” (*can ve nâmûs*), would not act contrary to “veracity and uprightness” (*sıdk ve istikâmet*). His only purpose is to “serve his state and nation.”³⁶ However, a man whose property is not secured “cannot reconcile himself to his nation, and work for the improvement of his country.”³⁷ Such a man lives in “disquiet and anguish” (*endişe ve ıztırâb*).³⁸ The Reform Edict of 1856 repeats the principle of the protection of life, honor and property with a much more nuanced stress on equality. The state promises to protect everyone’s life, honor and property regardless of religious differences.³⁹ This research aims to illustrate the economic and ideological connotations of the unquestioned term honor in its intrinsic relation to property.

Spatial and temporal regularity

“It was one of the great triumphs of the baroque mind,” Mumford writes, “to organize space, make it continuous, reduce it to measure and order, and to extend the limits of magnitude, embracing the extremely distant and the extremely minute; finally, to associate space with

³⁶ “devlet ve milletine hüsn-i hizmetten.” “Gülhâne’de kırâ’at olunan hatt-ı hümayûnun sûretidir,” 1839. *Düstûr*, 1:1, 5.

³⁷ “ne devlet ve ne milletine ısınamayub ve ne i’-mâr-ı mülke bakamayub.” Ibid.

³⁸ “endişe ve ıztırab.” Ibid.

³⁹ “her dîn ve mezhepte bulunan kâffe-i tebe‘a-i şâhânem hakkında bilâ-istisnâ’ emniyet-i can ve mâl mahfûziyet-i nâmûs.” “İslâhât Fermân-ı ‘âlîsi,” 1856. *Düstûr*, 1:1, 8.

motion and time.”⁴⁰ The commodification process of streets that he dates from the advent of “mercantilist capitalism” from the fifteenth to the eighteenth century in the European context, started in the nineteenth century in the Ottoman capital.⁴¹ This dissertation examines the efforts of the state to create a spatial regularity within a discourse that was shaped around the concept *şeref* as a process of spatial production.

Spatial regularity as it is understood here has certain temporal implications in relation to Marx’s conception of capital as “value-in-process.”⁴² He considers the movement of products to the market as a “locational moment” of the production process.⁴³ But, the movement of products and their transformation into money also have “temporal moment[s]” that have to be shortened.⁴⁴ When viewed in its totality, capital is, Marx writes, “simultaneously present, and spatially coexistent.”⁴⁵ Both temporal and spatial regularity is central to the “constant continuity of the process, the unobstructed and fluid transition of value from one form into the other, or from one phase of the process into the next.”⁴⁶ Capital always needs “greater speed, regularity and certainty” in order to remain as productive capital.⁴⁷ The speed in which value transforms from one form into another during the circulation process is what Marx defined as the turnover time of capital. The velocity of circulation has a crucial role in the determination of value, because it determines the amount of production in a certain span of time, the frequency of the realization of capital, and the production of new values.⁴⁸ The production process creates values

⁴⁰ Lewis Mumford, *The City in History: Its Origins, Its Transformation and Its Prospects* (London, New York: Penguin Books, 1991), 417.

⁴¹ Ibid, 396.

⁴² Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy* (London: Penguin Books, 1993), 536.

⁴³ Ibid, 533-4.

⁴⁴ Ibid, 534.

⁴⁵ Marx, *Capital*, vol. 2, 184.

⁴⁶ Marx, *Grundrisse*, 535.

⁴⁷ Marx, *Capital*, vol. 2, 219.

⁴⁸ Marx, *Grundrisse*, 538.

and surplus values, and these values are multiplied according to the speed of circulation. As the speed of circulation is something external to the production process, the “delays” that shorten the speed of circulation also appear as “external barriers” to production.⁴⁹ These external barriers need to be eliminated in order to increase production and profits, and prevent crisis,⁵⁰ which is achieved by the “annihilation of space by time”:

Capital by its nature drives beyond every spatial barrier. Thus the creation of the physical conditions of exchange – of the means of communication and transport – the annihilation of space by time – becomes an extraordinary necessity for it.⁵¹

Irregular streets are, for instance, a spatial barrier to the turnover time of capital. Therefore, temporal regularity needs to be enforced by spatial regularity. The importance given to the construction of streets, roads, and railways in the nineteenth century by the Ottoman state as something that would save the Empire was closely linked to the need to reduce the turnover time of capital as well as create new markets. For instance, a reform-minded Ottoman statesman Sadık Rıfat Paşa (1807-1857)⁵² pointed at the importance of roads in 1851 by saying that roads are “like veins in human body.”⁵³ Ahmed Vefik Efendi (1823-1891), another influential statesman who initiated several reforms in Bursa, stated in a dialog with the English economist Nassau Senior that “What we most want are roads.”⁵⁴ Their suggestions were emblematic of the cures that Ottoman reformers and intellectuals suggested for economic development. For them, it was the roads that would save the Empire from decline.⁵⁵

⁴⁹ Ibid.

⁵⁰ Harvey, *The Limits to Capital*, 62.

⁵¹ Marx, *Grundrisse*, 524.

⁵² On Sadık Rıfat Paşa, see Ahmet Güner Sayar, *Osmanlı İktisat Düşüncesinin Çağdaşlaşması* (İstanbul: Der Yayınları, 1986), 217-35; Şerif Mardin, “Tanzimat’tan Cumhuriyet’e İktisadî Düşüncenin Gelişmesi (1838-1918),” in *Tanzimat’tan Cumhuriyet’e Türkiye Ansiklopedisi*, vol. 3 (İstanbul: İletişim Yayınları, 1985), 622-3.

⁵³ “bu yol maddesi vücūd-ı insanda mevcūd damârlar gibi olub.” Sadık Rıfat Paşa, *Müntahabât-ı Âsâr* (İstanbul: 1875), 76.

⁵⁴ Cited in Deniz T. Kılınçoğlu, *Economics and Capitalism in the Ottoman Empire* (London, New York: Routledge, 2015), 19-20.

⁵⁵ Ibid, 20.

This study places the activities of the CSI to reorganize the street pattern in the burnt-down area into this wider context that was marked by the productionist concerns of the state. It suggests that the attempts to create spatial regularity were not only the products of aesthetical and imperial concerns in terms of city planning but also of the time pressures with respect to the circulation and realization of capital. The new streets were therefore also the places where time flowed differently; and where the idea of regularity was tried which itself, however, created a mess of social relations with regard to changing locational values.

The developments in transport and communication further contributed to the emergence of new notions of distance, and gradually changed urban rhythms in the city. Such developments were also coupled with the efforts of the state to modernize “Ottoman temporal culture.”⁵⁶ The introduction of timetables, the construction of clock towers, the installment of public clocks, and the institution of official working hours were some of the changes that took place in the nineteenth century. Within the question of temporality, one of the challenges of this study is, therefore, against the implicit assumption that urban reforms of the century happened in a *tabula rasa* space devoid of social relations and through “a homogenous, empty time.”⁵⁷ Time was not simply “empty matrices waiting to be filled” with the reforms of the nineteenth century.⁵⁸ Rather, it was itself on the agenda of reform as something to be modernized and rationalized.⁵⁹ I therefore argue that it was rather urban *tanzîmât* that produced certain spaces and temporalities by imposing a different rhythm and spatiality on the era.

⁵⁶ Avner Wishnitzer, *Reading Clocks, Alla Turca: Time and Society in the Late Ottoman Empire* (Chicago, London: The University of Chicago Press, 2015), 10.

⁵⁷ Walter Benjamin, *Illuminations: Essays and Reflections* (New York: Schocken Books, 1968), p. 261.

⁵⁸ Noel Castree, “The Spatio-Temporality of Capitalism,” *Time and Society* 18, no. 1 (2009), 27.

⁵⁹ Wishnitzer, *Reading Clocks*, 7-8.

The creation of spatial regularity was, however, necessary not only for the reduction of the turnover time of capital but also for the reduction of assumed civilizational ‘time-lags,’ which were in fact inseparable. In that sense, urban *tanzîmât* was the Ottoman response to the global struggle over time and space as the idea of progress and civilization imposed a global temporal regime. Therefore, another part of the planning projects was civilizational concerns. These concerns were reflected best in the representations of civilization in temporal terms like “delay” and “backwardness.” One of the intellectual preoccupations of the century was to “calculate” how far the Empire was “behind” Europe.⁶⁰ In their adoptions of the idea of progress, Ottoman intellectuals and reformers tried to position their place on the “universal timeline” where some societies appeared more advanced while some others backward and delayed. For instance, to one of the most prominent supporters of protectionism among the nineteenth-century intellectuals, namely Ahmed Midhat (1844-1912),⁶¹ the Ottoman Empire was not England, “A country where there are more factories than houses.”⁶² The temporal distance that he saw between the two empires was “two hundred years.”⁶³ This haunting feeling of a big delay occupied all reformist minds and hearts of his contemporaries.

Time, labor and property in Ottoman political economy

The idea of progress was also the background against which Ottoman writers appropriated Western economic theories as an effort to overcome such time-lags, and inspire a “capitalist spirit” in the Empire. The nineteenth century was a “turning point in the making of

⁶⁰ Ibid, 5.

⁶¹ On Ahmed Midhat, see Sayar, *Osmanlı İktisat Düşüncesinin Çağdaşlaşması*, 399-417; Mardin, “Tanzimat’tan Cumhuriyet’e İktisadî Düşüncenin Gelişmesi,” 627-8.

⁶² “Bir memleket ki, hânelerden çok fabrikalar vardır.” Ahmed Midhat, *Hallü'l-Ukad*, transliterated and prepared by Erdoğan Erbay and Ali Utku, *İktisat Metinleri* (Konya: Çizgi Kitabevi, 2005), 272.

⁶³ “iki yüz senelik bir te’ehhur-ı azîm.” Ibid, 274.

a modern nation-state mentality with capitalistic openings,” and their efforts were a part of these “capitalistic openings” in the Empire.⁶⁴ European political economy that they embraced as the science of wealth provided them with new models of society and economy in which people were perceived as self-interested individual producers and consumers in a free market.⁶⁵ On the linear timeline that Ahmed Midhat supposed to exist, the Empire was not even on the stage of what France had been in the time of Maximilien de Béthune (1560-1641), Duke of Sully, who was a mercantilist statesman. Before Adam Smith, the Empire had to pass through the stages of physiocrats like Jean-Baptiste Colbert (1619-1683) and François Quesnay (1694-1774).⁶⁶ These were figures for him that marked the historical stages of development; lives that imprinted political economy on civilization.

In reference to European political economy, reformists and intellectuals like Ahmed Midhat assigned a sacred position to time. In their mindset, there was no time to waste, and every minute had to be seized.⁶⁷ Sadık Rıfat Paşa was, for instance, of the opinion that “the principal capital that everyone has is time,”⁶⁸ and no one should “waste his/her sacred time uselessly.”⁶⁹ In their utilitarian conception of ‘civilized society,’ they saw an intrinsic relation between time, labor, happiness, and morality. The elevation of time to a sacred position was closely linked to the identification of time with labor, and of labor with value. They believed that without labor, time is valueless, and happiness is not possible; and laziness leads to moral degeneration. They presented civilized society as a society that is composed of hardworking,

⁶⁴ Zafer Toprak, “From Liberalism to Solidarism: The Ottoman Economic Mind in the Age of the Nation State (1820-1920),” in *Studies in Ottoman Social and Economic Life/Studien zu Wirtschaft und Gesellschaft im Osmanischen Reich*, eds. Raoul Motika, Christoph Herzog, Michael Ursinus (Heidelberg: Heidelberger Orientverlag, 1999), 172.

⁶⁵ Kılınçoğlu, *Economics and Capitalism*, 85.

⁶⁶ “Biz ki henüz Keznay ve Kolber zamânlarında değil Sülli zamânına bile gelmemişiz.” Ahmed Midhat, *Hallü'l-Ukad*, 273.

⁶⁷ Wishnitzer, *Reading Clocks*, 151.

⁶⁸ “herkesin sermâye-i aslîsi vakitdir.” Sadık Rıfat Paşa, *Müntahabât-ı Âsâr*, 7.

⁶⁹ “Kişi vakt-i ‘azîzini ‘abese sarf ve telef etmemeli.” Ibid.

therefore, happy and honorable people in which time attains a meaning as labor during which value is produced. This same mindset embraced the notion of morality in which ‘wasting time’ was identified with immorality. They saw no place in the society for the “lazy” (*tembel*) who did not produce value through his labor.⁷⁰ The question of how to spend time became a matter of morality from a productionist perspective. Productivity occupied a central position behind the changes in “Ottoman temporal culture” just as it did in the political economy of private property.⁷¹

Ottoman intellectuals were in that sense no different than European political economists in their belief in the “abstract universality” of labor as “a wealth-creating activity.”⁷² Their sentimental and moralistic views were the accessories to the kind of civilization that they envisioned as “a system of general utility.” The idea of “universal industriousness” was, as Marx put it, “the great civilizing influence of capital,” which had a great impact on Ottoman intellectuals, as well.⁷³ However, what they simply conceptualized as a moral and civilizational obligation to spend time industriously is in fact a much more complex relation between value and labor time. Their abstraction of labor as a “transhistorical” “wealth creating activity” was, in fact, a historical product.⁷⁴

This study nevertheless does not see the rationalization of time in a Weberian context and the commodification of time in a Marxist sense as two separate processes that were dichotomously contrasted with premodern and preindustrial notions of time.⁷⁵ Earlier

⁷⁰ “O tembel ve muzır adamı, cem’iyyet-i medeniyeden def’ etmelidir.” Ahmed Midhat, *Hallü’l-Ukad*, 30.

⁷¹ Wishnitzer, *Reading Clocks*, 10.

⁷² Marx, *Grundrisse*, 104.

⁷³ Ibid, 409.

⁷⁴ Moishe Postone, *Time, Labor, and Social Domination: A Reinterpretation of Marx’s Critical Theory* (Cambridge, New York: Cambridge University Press, 1993), 5; Marx, *Grundrisse*, 105.

⁷⁵ Wishnitzer, *Reading Clocks*, 3-5.

conceptions of time persisted, but a break is nevertheless discernible. In his book on Ottoman temporal culture, Avner Wishnitzer considers the adaptation of “the notion of linear historical time” as “a significant break” with earlier conceptions of time, and asserts that “This break is curial to our understanding of the new, future-oriented trajectory which the Ottoman reform project gradually assumed in the second half of the nineteenth century.”⁷⁶ By building on his insight, I argue that a discourse of security in property rights was the backbone of this “future-oriented trajectory.”

It was one of the convictions of political economy that no one would work hard to accumulate wealth without full property rights. Industriousness was the only way to progress, but, without property rights, there was no point in working hard. To Sakızlı Ohannes Efendi (1830-1912), for instance, who was one of most outstanding supporters of free trade among Ottoman intellectuals,⁷⁷ in an environment where property rights were not secured, people would not “think about the future,” and without a prospect of future, no “true improvement” would be possible.⁷⁸ In other words, private property guarantees nothing less than the future itself as it secures expectations. The kind of security that private property provides is a motive to think about the future by forming expectations, exploring the horizons of investment, and perhaps, shaping the present itself in relation to an already designed future. Security in that sense is to have a competitive control over time. Private property conceptualized as such was a civilizational paradigm.

⁷⁶ Ibid, p. 157.

⁷⁷ On Sakızlı Ohannes Efendi, Sayar, *Osmanlı İktisat Düşüncesinin Çağdaşlaşması*, 378-94; Filiz Dıġıroġlu, Hamdi Genç, M. Erdem Özgür, “Giriş,” in *Mebâdi-i İlm-i Servet-i Mîlel*, eds. Filiz Dıġıroġlu, Hamdi Genç, M. Erdem Özgür, *Osmanlı’da Modern İktisadın İzinde I* (Istanbul: Dergâh Yayınları, 2015), 13-48.

⁷⁸ “istikbâle sarf-ı zihin et[mek]”; ıslâhât-ı sahîha.” Sakızlı Ohannes Efendi, *Mebâdi-i İlm-i Servet-i Mîlel*, 131.

Ottoman writers like Ohannes Efendi echoed Bentham who reflected on the relations between property and expectations. To Bentham, property was “nothing but a basis of expectation.”⁷⁹ The certainty that well-defined property rights provide were regarded essential to facilitating investment and production. In that sense, property rights have a role in making the future more predictable. The role of property rights in securing expectations is in line with the view of capital by Jonathan Levy as “a pecuniary process of forward-looking valuation, associated with investment.”⁸⁰ Such a definition implies the conception of capital as a process of “capitalizing” which acts upon expectations from the future. As one face of capital is always forward-looking, thus, contingent, it makes sense to say that capital is a matter of temporal mediation in “relating prospective futures back to the present.”⁸¹ Rental speculation, for instance, can be seen as a calculation on expectations.

Levy writes that “under capitalism it is not so much the past but the future that weighs on the brains of the living – and, often enough, just like a nightmare.”⁸² This also has to do with the changing relations between past and future within the context of progress. Reinhard Koselleck argues that “the more a particular time is experienced as a new temporality, as “modernity,” the more demands made on the future increase”⁸³ The nineteenth century, “delicate times” as reflected in the Ottoman vocabulary of progress, was a “new temporality.” What can be found in the name of delicacy in time was a civilizational refinement in the name of progress, to keep pace with the time in the abstract, and with the “self-accelerating temporality” of the period.⁸⁴ But Koselleck writes that the prospects of the future are shaped in

⁷⁹ Cited in Joshua Getzler, “Theories of Property and Economic Development,” *The Journal of Interdisciplinary History* 26, no. 4 (Spring 1996), 642.

⁸⁰ Jonathan Levy, “Capital as Process and the History of Capitalism,” *Business History Review* (2017), 1 and 3.

⁸¹ *Ibid*, 12 and 18.

⁸² *Ibid*, 18.

⁸³ Koselleck, *Futures Past*, xxiv.

⁸⁴ *Ibid*, 18.

the “experiential space of the present.”⁸⁵ However, the acceleration of time brings about tensions between the past as the realm of experience and the future as that of expectation.⁸⁶ This can also be seen as a part of the tensions between historical time and abstract time which result in the increasing domination of experience by expectation.⁸⁷

If it is socially necessary labor time that defines value, then it becomes imperative to understand the intrinsic relations between labor and property with regard to Marx’s understanding of value as “the civil mode of existence of property.”⁸⁸ The sense of security that property rights provide, as understood by Ottoman writers, was contingent upon the freedom to enjoy one’s fruits of his labor, in other words, the value that a person produces. In that regard, property is a measure of control that one has over the products of his labor, and the ability to sell his labor as commodity is a part of this freedom. At the background of the massive stress on the sacred importance of property rights as the legal and constitutional basis of production was this wider understanding of property as any commodity including human labor, in particular. However, according to Marx, the right of property goes through a “dialectical inversion” in the production process which creates a contradiction that abstract time conceals.⁸⁹

Marx’s conception of value as “the civil mode of existence of property” is by no means self-evident. Its background is an immense critique of classical political economists who abstracted economy from its social constitutions, and curtailed the relations of exploitation and domination. To Marx, value is a social relation. Labor is “motion,” therefore, time is “its natural

⁸⁵ Ibid, 58.

⁸⁶ Ibid, xxiii.

⁸⁷ Ibid, xxiii.

⁸⁸ Harvey, *The Limits*, 18.

⁸⁹ Marx, *Grundrisse*, 457-8.

measure.”⁹⁰ However, the view of labor as the source of wealth is erroneous to Marx. His main problem with this view is its ignorance of the historical social form that labor takes as an antithesis to capital.⁹¹ He distinguishes between two different forms of property: one is property in the products of one’s own labor; and the other is property that rests on the exploitation of the products of others’ labor. He criticizes bourgeois economists for confusing the two.⁹²

Property was the foundation of capitalist production for Marx, too. But his point is radically different than those of bourgeois economists. He rather deconstructs the sacred position of property in the minds of classical writers. The lack of property as the main reason that compels individuals to sell their labor, and the gradual formation of wage labor is one level in Marx’s understanding of property. Another level is property relations in the appropriation of wage labor. In the exchange between capital and labor, the right of property presupposes the “exchange of equivalents,” that is labor in return for money. This relation between the capitalist and the worker seems like an equal relation; the worker as an owner of a use value (his labor), and the capitalist as the buyer of this use value. Therefore, what happens between them appears as an exchange. However, what they gain from this exchange is different. The money the worker receives is only a means of subsistence for him, “a vanishing medium of exchange,” but “not exchange value as such.”⁹³ In other words, the worker sells his labor for money, but this money does not function as capital for him, rather he uses it for his immediate needs.

Furthermore, the money that the worker obtains is for the objectified/necessary labor time, but not for the surplus labor time. In fact, there is no exchange concerning the surplus

⁹⁰ Ibid, 205.

⁹¹ Ibid, 329-30.

⁹² Marx, *Capital*, vol. 1, 931.

⁹³ Marx, *Grundrisse*, 284.

labor time that is “appropriated without equivalent.”⁹⁴ “By selling his labor to the capitalist,” Marx writes, “the worker obtains a right only to the price of labour, not to the product of this labour, nor to the value which his labour has added to it.”⁹⁵ As such, to the worker, the product of his labor is “alien property” that actually does not belong to him.⁹⁶ Therefore, the right of property over the products of one’s labor is actually a right that the worker does not have. He writes that “the right of property originally appeared to be based on one’s own labour. Property now appears as the right to alien labour, and as the impossibility of labour appropriating its own product.”⁹⁷ As it is, the modern right of property is based on the separation of property and labor which is the basis of capital and wage labor.⁹⁸ Marx’s understanding of civilization rests on this separation, whereas, that of classical political economists’ rests on an illusion of property, freedom, and equality.

Ottoman intellectuals were right with their presentation of labor, freedom and ownership as the basis of the science of wealth. In terms of market exchange, the individual is a property owner who is free and have equal rights to buy and sell. The degree to which this was achieved was also the degree of justice that people enjoyed as individuals in the context of nineteenth-century political economy. Their understanding of civilization is reflective of the intellectual margins of a capitalist mentality in the making. But, it is a question if they anticipated the separation of labor from property in an environment where wage labor was not the norm.

It is also a question if Ottoman reformists and intellectuals saw the contradictions between liberalism and capitalism in terms of property. The conviction of liberal economy that

⁹⁴ Ibid, 458.

⁹⁵ Ibid, 308.

⁹⁶ Ibid, 453-4.

⁹⁷ Ibid, 458.

⁹⁸ Ibid, 364.

no one would work hard to accumulate wealth without full property rights was closely linked to the historical question of which form of property is most conducive to the growth of wealth and production. The answer of Ottoman writers was private property. However, the case of the Ottoman Empire is no terrain where any theory of private property can be applied mechanically. State ownership of land was the basis of property relations. The state was the ultimate owner of land, but the distribution of usage rights was a set of power relations between different classes of society which took different forms over time. The confiscation of state lands under the control of provincial notables was not an uncommon practice. The nineteenth century as a period of state centralization witnessed various examples of it. As a part of its efforts to keep small peasantry as its fiscal base, the state redistributed some part of the confiscated lands to direct producers.⁹⁹ However, what is considered confiscation from the perspective of rural elites could be viewed as a kind of social justice from the perspective of actual producers which would perfectly accord with the notion of labor as a creator of rights in property. This does not necessarily make the Ottoman state liberal but, it does pose a contradiction with capitalism. What Ottoman intellectuals advocated as a liberal regime of property was definitely not confiscation.

This dissertation relates such contradictions to the rather unexplored senses of freedom by Ottoman economic writers. They positioned freedom against state regulations in economic and moral terms. But did they have an isolated conception of freedom that was devoid of political freedom and social conventions of justice? Was the question of freedom of property, for instance, a matter of economic or political freedom? Were their politics disguised in moral fictions that were detached from their concrete contexts? Even though they tried to separate

⁹⁹ Şevket Pamuk, *The Ottoman Empire and European Capitalism, 1820-1913: Trade, Investment, and Production* (Cambridge: Cambridge University Press, 1987), 53, 87 and 100; "The Ottoman Empire in Comparative Perspective," *Review* 11, no. 2 (Spring 1988), 133-4.

economy from politics and morality, their writings were immensely imbued with moral and sentimental values. The discourses that they elaborated on morality had both economic and political functions. I show how they attributed bourgeois meanings to morality, and subordinated it to economy. I argue that their demand for economic and political freedom was disguised in moral fictions. Private property that they conceived in moral and sentimental terms in an anxious context of ‘decline’ was not only a matter of security against uncertainty but also a matter of political freedom in liberal terms.

This becomes clearer if we see private property as the ‘liberation’ of the economic from state power, the result of which is “the privatization of political power.”¹⁰⁰ Ellen M. Wood explains private property as a limitation on state power in the following way:

The organization of production under the authority of capital presupposes the organization of production and the assembling of a labour force under the authority of earlier forms of private property. The process by which this authority of private property asserted itself, uniting the power of appropriation with the authority to organize production in the hands of a private proprietor for his own benefit, can be viewed as the privatization of political power. The supremacy of absolute private property appears to have established itself to a significant extent by means of political devolution, the assumption by private proprietors of functions originally invested in a public or communal authority.¹⁰¹

The crucial importance that Ottoman writers gave to private property makes more sense when it is juxtaposed with state ownership of land. The role of the state was especially important in Istanbul. In the nineteenth century, most of the property in the city belonged to various religious endowments, and the state was a central player in property relations as some of these waqfs were under the control of the state. Furthermore, with the growth of Istanbul, *mîrî* (state)

¹⁰⁰ Ellen Meiksins Wood, “The Separation of the Economic and the Political in Capitalism,” *New Left Review* 1, no. 127 (May-June 1981), 86.

¹⁰¹ *Ibid*, 86-7.

lands in the vicinity of the city were opened to settlement which also added to the central role of the state in mediating property relations. But, the state's role was not limited to that. As a matter of fact, the difference between the state and the market in the city where the central bureaucracy as well as the army were located was blurry. In the words of Ethem Eldem, "the state accounted for much of the economic life of the city, as a consumer, an employer, an investor and finally – and perhaps more importantly – as an area of investment."¹⁰² According to Eldem, it was a city of consumption rather than of production.¹⁰³ Provisioning its population was a constant concern. Various merchandise poured into the city from the peripheries, and production in the capital was "essentially restricted to processing these commodities and manufacturing goods from them."¹⁰⁴ The imperial character of the city that overshadowed the identity of the capital as a port city was obviously the main factor in the dominant role of the state in the economic life.¹⁰⁵ This was, however, more or less the case, Emma Rothschild shows, for many European cities, too, before the nineteenth century. She states:

The politics of late eighteenth-century economic thought is unfamiliar in a more profound sense as well. For the "state" and the "market" were not yet understood as the two imposing and competing dominions of society, and they were indeed interdependent. Markets were established by states, or imposed by them upon recalcitrant traders. States were great rambling societies, which include the governments of parishes, guilds, incorporations, and established churches.¹⁰⁶

Given her insight, we can ask how far the market was distinct from the state anywhere in the Empire throughout history. Therefore, the appearance of the state as a landlord and its

¹⁰² Ethem Eldem, "Istanbul: from Imperial to Peripheralized Capital," in *The Ottoman City between East and West: Aleppo, Izmir, and Istanbul*, eds. Ethem Eldem, Daniel Goffman, Bruce Alan Masters (Cambridge: Cambridge University Press, 1999), 163.

¹⁰³ Ibid, p. 162.

¹⁰⁴ Ibid, p. 163.

¹⁰⁵ Ibid, p. 140.

¹⁰⁶ Emma Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge, Massachusetts, London: Harvard University Press, 2001), 30.

dominance over the city's economic life should not lead us to any simple conclusion. The state had control over waqf and *mîrî* property but, there were many changes in the terms of usage rights in the nineteenth century which brought these categories closer to private property. The state tried to make the terms of tenancy on *mîrî* and waqf properties more favorable to investment and production which had certain implications for the accumulation of wealth. Furthermore, there were also various changes in the character of the Ottoman state which were shaped by the demands of capital and the forces of production and exchange. The attempts of the state to create a competitive market, enhance values, increase industriousness and productivity, overcome spatio-temporal barriers to production and circulation, and decrease transaction costs were some of the immediate concerns that marked the era.

However, in the context of the capital city, this study does not assume that the state always knew the best spatial form to promote trade and commerce. We cannot simply assume that planning activities were actually carried out in a way that was most conducive to capital accumulation, even if we leave aside the practical difficulties on the ground. It is also difficult to tell when exactly property relations had taken a capitalist form, and what it is exactly that makes property relations capitalist. According to Marx, it is “the total separation of the ‘land as an instrument of production from landed property and the landowner’” that distinguishes capitalist property from other forms of property.¹⁰⁷ He also sees the transformation of landed property into a “mere exchange value” as a sign of capitalist property relations.¹⁰⁸ To this, Harvey adds that “the increasing tendency to treat the land as a pure financial asset” is the basic characteristic of capitalist property relations.¹⁰⁹ His conception of rent as interest provides Harvey with another angle: “When trade in land is reduced to a special branch of the circulation

¹⁰⁷ Harvey, *The Limits to Capital*, 335.

¹⁰⁸ Marx, *Grundrisse*, 740.

¹⁰⁹ Harvey, *The Limits to Capital*, 347.

of interest-bearing capital, then, I shall argue, landownership has achieved its true capitalistic form.”¹¹⁰

There were certain Ottoman conceptions of property that reflect some of the premises of these explanations. By the nineteenth century, the perception of the cultivator’s land was already that of a productive, “commercially transactable estate,” rather than a quasi-office.¹¹¹ And the power of the state came to be seen closely linked to the development of the productive capacities of these estates. In examining these developments, the literature on property in Ottoman historiography displays a rather disproportionate attention to the *mâlikâne* system, life-time contracts of tax-farming, and the Land Code of 1858 (*Arâzi Kânûnnâmesi*). Various developments over the course of the seventeenth and eighteenth centuries forced the state to share its monopoly over agricultural surplus. The distribution of state monopoly to different layers of society in the form of tax-farming contracts provided the Ottoman state with not only a cash flow but also various contingencies of redistributive policies.¹¹² The rights given to the *mâlikâne* holders came close to the rights of private property, and ruling elites like viziers and high-ranking officials were able to accumulate wealth in various forms.¹¹³ Ariel Salzman argues that “*Malikânization* facilitated privatization of state assets on a new scale and within distinctive entrepreneurial forms.”¹¹⁴

However, towards the end of the eighteenth century, with the growing economic difficulties due to wars and other external developments came “disagreements among

¹¹⁰ Ibid.

¹¹¹ Martha Mundy, Richard S. Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria* (London, New York: I. B. Tauris, 2007), 41.

¹¹² Ariel Salzman, “An Ancien Regime Revisited: “Privatization and Political Economy in the Eighteenth-Century Ottoman Empire,” *Politics and Society* 21, no. 4 (December 1993), 396.

¹¹³ Ibid, 401-2.

¹¹⁴ Ibid, 403.

officialdom over the future of *malikânization*.”¹¹⁵ There was a trend towards making *mâlikâne* contracts on a short-term basis. But to do that required the withdrawal of the existing long-term contracts which, however, created tensions between the state and provincial elites.¹¹⁶ Such political and economic contentions led to the signing of *Sened-i İttifâk* (the Deed of Alliance) between the central government and provincial notables in 1808.¹¹⁷ Ali Yaycıoğlu argues that the Deed was an outcome of the efforts of provincial elites to change their relations with the central government into “a partnership based on mutual trust, security of life and property, and military-administrative reform”¹¹⁸ Therefore, the security of property and wealth against “risk and volatility” was one of the most important demands that provincial elites put forward in the Deed.¹¹⁹ Even though the Deed was not put in force, it was, nevertheless, an important step that framed, Yaycıoğlu claims, the future developments to come in the nineteenth century in political and constitutional terms.¹²⁰ The seeds of the demand for the security of life, property, and honor culminated in the *Tanzîmât* edicts of 1839 and 1856 were sowed in the Deed of Alliance.¹²¹

Even though the *mâlikâne* system, given the life-long securities, encouraged “private entrepreneurial attitudes” in the evolution of the fiscal regime of the Empire,¹²² what the system privatized was not property but taxation. It developed against the background of state ownership of land. The means of direct and individual taxation were limited, and provincial elites acted as

¹¹⁵ Ibid, 407.

¹¹⁶ Ibid.

¹¹⁷ Ibid, 408.

¹¹⁸ Ali Yaycıoğlu, *Partners of the Empire: The Crisis of Ottoman Order in the Age of Revolutions* (Stanford, California: Stanford University Press, 2016), 2.

¹¹⁹ Ibid, 9.

¹²⁰ Ibid, 204.

¹²¹ Ibid, 229; Huri Islamoğlu, “Property as a Contested Domain: A Reevaluation of the Ottoman Land Code of 1858,” in *New Perspectives on Property and Land in the Middle East*, ed. Roger Owen (Cambridge, Massachusetts, London: Harvard University Press, 2000), 40.

¹²² Yaycıoğlu, *Partners of the Empire*, 11.

intermediaries between the state and actual producers. But the question of whether the *mâlikâne* holders were landlords or just officeholders who were granted the right to collect taxes points to a blurry area in property relations. In respect to the productionest concerns of the state, further property rights could be given to direct producers or power holders like waqf administrators, state dignitaries, and provincial notables. This was a salient dilemma that the state was to response in both political and economic terms.

But, this dilemma was not new. It was always at the basis of property relations. Throughout its history, the Ottoman state as the ultimate owner of land renewed its claim to both *mîrî* and waqf land from time to time. The ““antiaccumulationist” tendencies of the state showed themselves best in the large-scale confiscations, and it is no surprise that tax farmers were presented as a “parasitic” class in the *Tanzîmât* Edict of 1839.¹²³ What is less known in Ottoman historiography is, however, the actual relations of production between peasants and intermediaries on the ground. Likewise, the temporal dimension of the *mâlikâne* system embedded in life-long contracts is also an unexplored issue. This is because the *mâlikâne* system has not been examined as a production system in which it was up to local notables how to use time with which “the commodity value of the productive use of the arable land” could be measured.¹²⁴ For that, we simply need more case studies. Another less questioned issue is the position of cultivators vis-à-vis state ownership of land, and the relations between tax, rent, and leasing terms in a historical and legal perspective across different categories of property.

¹²³ Salzmann, “An Anciën Regime Revisited,” 397; Mundy and Smith, *Governing Property*, 41.

¹²⁴ Johansen, *The Islamic Law on Land Tax and Rent: The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London, New York, Sydney: Croom Helm, 1988), 28-9.

As opposed to an unsecure system as *mâlikâne*, the Land Code of 1858 has been seen as the culmination of a transformation from plural entitlements and various claims to both surplus and land to singular and individualized ownership. Much of the scholarly research on property in the nineteenth century has focused on the Code as a turning point that marked the emergence of individual private ownership.¹²⁵ This concentration on the Code, however, has ignored not only the contribution of earlier legal discussions on land to the formation of the Code, as criticized by Martha Mundy and Richard S. Smith, but also types of property other than *mîrî* and rural property.¹²⁶ In contrast to Islamoğlu's presentation of the Code as a rupture, Mundy and Smith consider the nineteenth-century changes as "a gradual reworking of legal vocabularies."¹²⁷ Furthermore, this disproportionate focus on the Code has also overlooked waqf and urban property. Even though the Code classified land in five types, *mîrî* lands, by and large, were the realm that the Code applied.¹²⁸ This made Islamoğlu to argue that the non-*mîrî* lands were left in "an administrative limbo."¹²⁹ But such an argument invites criticism in the face of regulations on waqf property that were issued separately throughout the nineteenth century. This criticism becomes more important when we consider the fact that waqf lands came to comprise a significant portion of all arable lands in the Empire, and revenues generated by waqfs sometimes rose to amounts that were equal to the half of all state incomes.¹³⁰

¹²⁵ Islamoğlu, "Property as a Contested Domain," 3-61; "Towards a Political Economy of Legal and Administrative Constitutions of Individual Property," in *Constituting Modernity: Private Property in the East and West*, ed. Huri İslamoğlu (London: I. B. Tauris, 2004), 3-34; Pamuk, *The Ottoman Empire and European Capitalism*, 87 and 98.

¹²⁶ Mundy and Smith, *Governing Property*, 3.

¹²⁷ *Ibid.*, 40.

¹²⁸ These types are freehold (*mülk*), state lands (*mîrî*), uncultivated lands (*mevât*), common lands (*metrûke*), and waqf lands (*mevkûfe*). "Arâzi Kanûnnâmesi," 1858. *Düstûr*, 1:1, 166. Also see Ahmet Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku Külliyyatı* (Diyarbakır: Dicle Üniversitesi Hukuk Fakültesi Yayınları, 1986), 684.

¹²⁹ Islamoğlu, "Property as a Contested Domain," 30.

¹³⁰ Bahaeddin Yediyıldız, Nazif Öztürk, "Tanzimat Dönemi Vakıf Uygulamaları," in *150. Yılında Tanzimat*, ed. Hakkı Dursun Yıldız (Ankara: TTKY, 1992), 571.

This dissertation diverts the interest from normative to temporal changes in property relations. It takes the changes in inheritance as well as leasing terms of waqf property as temporal interventions in the regime of property. Furthermore, an evaluation of inheritance practices shows that the basis of changes in property relations was not only individual but also familial. Likewise, this research pays attention to notions of security, justice and morality that historical actors fashioned in the social production of property. The discourses on security were not only economic and legal but also political, moral and sentimental. The state tried to provide security by expanding usage rights. The basic state rationale was that the more usage rights were extended the more the holders would improve *waqf* and *mîrî* property with more labor and capital, which would result in greater wealth and production over which the state could impose more taxes. It is, however, still difficult to tell how far through various efforts the state managed to transform rent into interest-bearing capital without withdrawing its title to *mîrî* and waqf property. But my aim is not to prove categorically that private property existed in the Ottoman Empire, but to suggest a more holistic context for richer fictions that transcends the static category of private property.

Institutional and legal context

To liberal Ottoman writers, free trade appeared to be an antidote against immorality just like autonomy in municipal affairs seemed to some reformers and intellectuals as a remedy against corruption. Similar to the perception of state regulations in trade as the primary of source of immorality, the involvement of the state in municipal affairs was seen as an obstacle to the development of electoral politics and accountable local governments that would put a check on inertia, arbitrary practices, and corruption. A discourse of honor was concomitantly a moral tool against corruption in fashioning institutional ideologies as well as a rhetorical mechanism to

demand local autonomy. Throughout the nineteenth century, the administrative structure of the capital changed considerably, and municipal changes were marked by the question of autonomy.

No one has been more influential in documenting and narrating the municipal history of Istanbul than Osman Nuri Ergin (1883-1961) who has been considered “the first urban historian of the Republican period.”¹³¹ His significance comes from the fact that his intellectual endeavors were interwoven with his professional experience at the *Şehremâneti*, a municipal institution modelled after the French Prefecture, where he held various posts from 1901 until 1947. He was also among the founders of the Istanbul Municipal Archives. He produced many works that are indispensable sources on the municipal and urban history of Istanbul in which he usually included official documents, such as institutional dispatches and regulations. One of his widely-used works is *Mecelle-i Umûr-ı Beledîyye* [Book of Municipal Matters] which is a vast collection of state documents pertaining to municipal issues in nine volumes.¹³² In *Mecelle*, he also inserted his own ideas here and there between the lines of official materials, and comparisons with European cities. And it was Ergin’s positivistic understanding of autonomy that made the history of *Şehremâneti* into a ‘failure’ story.

This study focuses on the question of autonomy through Ergin’s prism and explores its connections with property relations. According to Ergin, actors like real estate speculators, financiers, and businessmen did not have a significant role in urban matters because of the lack of local autonomy, and the nature of municipal administration in the city remained bureaucratic to a large extent as in the example of the *Şehremâneti*. This dissertation admits the merit in his

¹³¹ Abdullah Taha İmamoğlu, “Osman Nuri Ergin: Cumhuriyet Döneminin İlk Şehir Tarihçisi,” *Türkiye Araştırmaları Literatür Dergisi* 3, no. 6 (2005), 553-569.

¹³² Ergin, *Mecelle-i Umûr-ı Beledîyye*, 9 vols.

argument but, rejects the presentation of the *Şehremâneti* as a ‘failure’ on three grounds. First, Ergin’s conception of ‘failure’ largely depends on his generic comparisons between Istanbul and Western cities. In other words, failure means divergence from the European model that he took granted. Second, he confined the question of local participation to liberal notions of electoral politics and ignored the long-established practices of participation in urban politics, such as petitioning. This is because the actors who were supposed to be involving in local affairs by Ergin were wealthy groups of bankers, industrialists, and owners of large properties, but not ‘ordinary’ people who were at best petty owners, such as women. Third, in spite of Ergin’s idea to the contrary, local autonomy and state centralization were not always mutually exclusive.

That the Ottoman municipalities did not have a ‘civil’ nature has been an argument that other historians also took over after Ergin. For instance, Gabriel Baer and Timur Kuran shared Ergin’s assumption that local autonomy and state centralization are mutually exclusive, and Ottoman municipalities were uniformly controlled by the central state.¹³³ This dissertation focuses on what Ergin as well as later generations of historians missed as examples of cooperation between the central state and local actors. One such example is the institution of real estate tax in the nineteenth century. During this intense period of institutional change, urban government increasingly came to mean services (*hizmet*) distributed centrally in return for taxes while economic needs of the state brought about new conceptions of urban property together with the idea of taxing real estate which, until then, was exempt from taxation. By building on the works of historians who have distanced themselves from the narrative of failure set by Ergin, such as Christoph K. Neumann and Tarkan Oktay, I suggest that an ideology of services was at the basis of the overlap between the development of municipal institutions and the institution

¹³³ Gabriel Baer, “The Beginnings of Municipal Government in Egypt,” *Middle Eastern Studies* 4, no. 2 (January 1968), 118-40; Timur Kuran, “The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System,” *Law and Society Review* 35, no. 4 (2001), 841-98.

of taxes on property.¹³⁴ At the same time, the redistributive logic that was built into the principle of services in return for taxes on property was inherent in the concept of *şeref* that was central to the relational values of urban property.

It is true that the state gained an increasing control over property through cadastral surveys, registers, and renewal projects. But this process went hand in hand with the development of an ideology of services. The idea of municipal services financed by the taxes paid by those who benefited from these services was an outcome of the liberalization process in local governments. But new conceptions of taxation and state officialdom brought certain limitations to state power. According to Ottoman writers, there had to be a proportionality between taxes and services provided by the state. Such a proportionality was seen as the legitimate basis of taxes. In other words, taxes were to “serve the general happiness” of society, otherwise, they would only lead to immorality and corruption.¹³⁵ Because taxes were a “sacrifice” that people make from their capital which could be otherwise put into production, taxpayers had a right to hold the state accountable as to how their taxes were spent.

Furthermore, when taken as a factor in the creation of property rights, taxes can also be seen as one of the means in which money was transformed into political power by different groups of society. People pay taxes in return for the protection of their property. This mutual relation worked very well in England, for instance, even though the country’s property regime

¹³⁴ Christoph K. Neumann, “Marjinal Modernitenin Çatışma Mekanı Olarak Altıncı Daire-i Belediye,” in 6. *Daire, İlk Belediye 1857-1913: Beyoğlu’nda İdare, Toplum, Kentlilik Sergi Kataloğu*, prepared by Beyoğlu Belediyesi and İstanbul Bilgi Üniversitesi Toplum, Ekonomi, Siyaset Araştırma Merkezi (TESAR) Yerel Yönetimler Araştırma Birimi (İstanbul, 2004), exhibition catalog; Tarkan Oktay, *Şehremaneti, Osmanlı’da Büyükşehir Belediye Yönetimi* (İstanbul: Yeditepe Yayınevi, 2011).

¹³⁵ “sa’âdet-i ‘umûmiyeye hizmet.” Nuri Bey, *Mebâhis-i ‘İlm-i Servet* (İstanbul: Mahmud Bey Matba’ası, c1881/1299), 11.

was quite “irrational.”¹³⁶ Historians argue that at the basis of “Britain’s pioneering industrialization” were property rights secured by taxation.¹³⁷

It is this redistributive relation that creates a “neutral” space in which rights and obligations are mutually binding.¹³⁸ This neutral space is also the normative space in which injustice is defined. Koselleck writes that “The totality of the politically neutral claim of a fixed, eternally valid morality necessarily turns political acts and attitudes, once they are subjected to a moral test they cannot pass, into total injustice.”¹³⁹ The source of morality becomes society rather than the state. The power of this morality is its “political anonymity.”¹⁴⁰

Demands for accountability was in line with the efforts of the state to professionalize and rationalize bureaucracy. A moral discourse was central to the transformation of state officials into honorable civil servants. The attempts of the state in administrative reforms were also a reaction to the perception of bureaucracy as a corrupt and unproductive system. With this process came a new twist to the ideology of officialdom, as well, that the salaries of municipal officials are in fact paid by the taxpayers rather than by the state. This is what was new in the ideology of services, its conception as a market exchange.

This study also examines the legal implications of the question of autonomy. Ergin included municipal jurisdiction in the meaning of local autonomy, and criticized the fact that Istanbul qadis gradually lost their municipal authorities over the course of the nineteenth

¹³⁶ Getzler, “Theories of Property,” 644-5.

¹³⁷ Ibid, 650.

¹³⁸ Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge, Massachusetts: The MIT Press, 1988), 38.

¹³⁹ Ibid, 152.

¹⁴⁰ Ibid, 147.

century, whereas, the prefects of the city were not granted enough jurisdictional powers. In other words, he criticized the separation of judiciary from administration. Even though it was not enough in the eyes of Ergin, municipal institutions were, nevertheless, granted certain jurisdictional powers which had important consequences for the settlement of property conflicts caused by planning projects. During this active period of urban *tanzîmât* and legal reform, property disputes were not resolved through qadi adjudication. It was rather administrative councils and commissions of various types which were mobilized for the job. To put it differently, judiciary was not separated from administration when it came to property conflicts under study here.

However, this had serious consequences in terms of corruption. Judging from cases of property disputes under study, municipal institutions usually acted both as the judge and the defendant at the same time. Given the conflicts of interest, hence, the partial nature of municipal adjudication, corruption was only rampant. Autonomy as understood by Ergin was not always an antidote against corruption. Earlier networks of patronage and corrupt bureaucratic practices were difficult to be eliminated by the attempts to professionalize urban services, and discipline state officials. As a matter of fact, corruption as a structural problem was at the basis of the fiction of urban rent.

When E. P. Thompson conceived of the term “moral economy” he did not think of corruption as one of its defining elements as J. P. Olivier de Sardan later did in an African context.¹⁴¹ The association of moral economy with any form of corruption is “surprising,”

¹⁴¹ E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present*, no. 50 (February 1971), pp. 76-136; J. P. Olivier de Sardan, “A Moral Economy of Corruption in Africa?,” *The Journal of Modern African Studies* 37, issue 1 (March 1999), 25-52.

Sardan states, because corruption has been “unanimously stigmatized as amoral or immoral.”¹⁴² However, “seen from the actors’ point of view,” he argues, corruption is not necessarily to be morally condemned but also socially legitimized.¹⁴³ It is of course hard to disagree with him if we confine “the actors” to those who benefit from corruption this way or another. Nevertheless, the processes in which corruption is legitimized constitute an angle from which one can see corruption as a part of a moral economy. Within the context of this dissertation, I present a different angle: with or without social legitimization, corruption was already an integral part of a moral economy in which the concept of honor as employed both by real estate owners and state institutions was not only a moral but also an economic theme that revolved around the question of locational values in an environment in which property relations were in a constant state of change due to the planning activities in the city.

Furthermore, most probably, it did not take too much for property holders to confuse illegality with immorality as the line between the corrupt and non-corrupt was subject to the same netted relation. Indeed, it would be a mistake to confine the range of “*uygunsuz*” (improper) and “*yolsuz*” (irregular) behaviors, as the nineteenth-century language of morality and corruption most commonly had it, to those defined by laws. The labelling of such behaviors reflects a much broader context than the one specified by the law. They usually reflect what was perceived as a violation of justice, and of moral order rather than what was conceived as a legal transgression.¹⁴⁴ Therefore, this dissertation takes urban *tanzîmât* as, among other things, an occasion to be ‘corrupt.’ Contrary to the tendency to see corruption ahistorically, I take it as

¹⁴² Sardan, “A Moral Economy of Corruption,” 25.

¹⁴³ Ibid.

¹⁴⁴ Lévy-Aksu’s study on how the concept of honor was used by the Ottoman police forces in order to fashion an ideological and professional identity of their own during the Young Turk period also points to this direction. She demonstrates how the lines between illegality and immorality were blurry. Noémi Lévy-Aksu, “Building Professional and Political Communities: The Value of Honor in the Self-Representation of Ottoman Police during the Second Constitutional Period,” *European Journal of Turkish Studies* 18 (2014), 5.

a critical locus of analysis in order to understand notions of justice and morality that historical actors fashioned in the social production of urban *tanzîmât* and property relations.

Capitalist modernity

Drawing on a large corpus of neglected petitions presented by property owners, this dissertation gives voice to the ideologies of honor and justice that local people invoked in juxtaposition to uneven and compelling processes of capitalist modernity in their daily environment. Their petitions are what renders capitalism non-linear, non-generic and seemingly contradictory, and reprints modernity as an experienced present as opposed to an all-encompassing and cohesive “condition.”¹⁴⁵

This research treats modernity, as Moishe Postone does, as a “specific form of social life” characterized by “abstract social structures” like commodity and capital.¹⁴⁶ That is to say that my point of departure is capitalism as a “totality” from which varied processes emanate in which people position themselves vis-à-vis the abstraction of their concrete contexts.¹⁴⁷ Socially necessary labor time as the basis upon which this totality is constructed denotes “a quasi-objective social necessity” that constitutes the “temporal dimension of the abstract domination” in capitalism.¹⁴⁸ In other words, as analyzed by Postone, capitalism is “a historically specific form of social interdependence with an impersonal and seemingly objective character.”¹⁴⁹ This definition implies an “opposition” between the individual and society in the

¹⁴⁵ Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley, Los Angeles, London: University of California Press, 2005), 114.

¹⁴⁶ Postone, *Time, Labor, and Social Domination*, 4 and 30.

¹⁴⁷ Cooper, *Colonialism in Question*, 125.

¹⁴⁸ Postone, *Time, Labor, and Social Domination*, 191.

¹⁴⁹ *Ibid.*, 3.

sense that the individual has to conform to “society as an extrinsic sphere of objective necessity.”¹⁵⁰ In an attempt to place the larger question of modernity in the narrower context of urban *tanzîmât*, my interest lies in demonstrating the historical shape that this opposition took in the empirical realm of experiences.

However, this realm is not the sphere of production in the context of this research, at least not directly. Urban space is also a totality in itself in which production, distribution, exchange, and consumption take place at the same time, which are, as defined by Marx, all “members of a totality, distinctions within a unity.”¹⁵¹ By taking streets as commodities and *şeref* as an expression of value, I seek the opposition between the individual and society as embedded in the contradictions between depreciation and appreciation; sacrifices and benefits; private and general interest; and between experience and expectation. Modernity in the context of urban *tanzîmât* in the global nineteenth century was a social process of abstraction of time and space.

Petitions as the empirical realm of experiences

Among other sources, such as state archival documents, legal and economic journals, laws and regulations, literature on political economy, and newspapers, this research utilizes petitions that property owners presented to city authorities. Even though such petitioners were not the ‘locals’ that Ergin had in mind in terms of local participation in urban affairs, their petitions give important insights into the practical and daily consequences of renewal projects on the ground. By taking the long-established practice of petitioning as a form of engagement

¹⁵⁰ Ibid, 191.

¹⁵¹ Marx, *Grundrisse*, 99.

in local affairs, this study is also a challenge to the confinement of the question of local participation to the liberal notions of electoral politics that developed in the nineteenth century. From the perspective of property owners, petitioning was a means to communicate their understanding of justice by positioning themselves vis-à-vis the contradictions of urban modernity. It was also a mechanism to involve in local politics.

This dissertation furthermore aims to question the masculine biases of urban politics by illustrating the role of women in city administration and property relations as far as we can infer from the petitions presented by female property owners. I introduce several cases of property disputes that involve female owners who fiercely challenged the city's urban personnel who 'represented' state institutions in varying capacities. Their challenge was constitutive of local networks through which state power was exercised and urban policies were formulated. Their example as well as the examples of male actors demonstrate the less visible dynamics of local communities, and show how they negotiated value and morality in relation to justice, and positioned their private interests vis-à-vis the general interest.

Yuval Ben-Bassat points to the role of petitions in creating "a shared moral world" between the central government and people.¹⁵² The role of petitioning in defining the moral obligations of the state is important in terms of mutually constitutive relations between the state and its subjects. Within the context of this study, petitions had a twofold utility from the perspective of the government. They played a role in fighting corruption by coopting city dwellers into the state's surveillance technologies. They provided a window of local knowledge on the ground that enabled the state not only to police and arrest corruption but also fashion an

¹⁵² Yuval Ben-Bassat, *Petitioning the Sultan: Protests and Justice in Late Ottoman Palestine, 1865-1908* (London, New York: I. B. Tauris, 2013), 59.

image for itself as a just and regulatory power. They informed the government about the daily and ordinary appearances of corruption which could otherwise go easily unnoticed. The state needed to fashion itself as a legitimate power by creating the channels for property owners to object to the misdeeds of state officials during the reorganization activities. After all, seen in the mutual logics of public virtue, property owners had every right to complain when state actors violated the norms of disinterested and regular official behavior while their property was being expropriated for the general good.

Petitioning was also an important part of the planning process as a legal mechanism through which property disputes were settled. According to Ben-Bassat, “A petition can be broadly defined as a plea that subjects submit to a ruler to authorize steps in an extra-judicial manner that bypasses or supersedes the regular justice system when all other avenues have been exhausted or are believed to be devoid of utility.” Petitioning was a long-established “form of appeal system” for provincial subjects.¹⁵³ Through petitions that they sent to Istanbul, Ottoman subjects had the opportunity to complain about a variety of matters like over-taxation, official abuses, or their exploitation by rural power holders. In terms of the interests of an imperial state, petitioning was a means of centralization and surveillance over provincial elites and bureaucrats.¹⁵⁴ Ben-Bassat and Fruma Zachs claim that petitioning gained a more central role in the nineteenth century due to the intensification of relations between the central government and subjects¹⁵⁵ which can be seen in the fact that the Constitution of 1876 recognized petitioning as a right.¹⁵⁶ However, in the context of this study, petitioning does not seem to be an “extra-

¹⁵³ Ben-Bassat, *Petitioning the Sultan*, 2.

¹⁵⁴ Ibid, 4.

¹⁵⁵ Yuval Ben-Bassat and Fruma Zachs, “Correspondence Manuals in Nineteenth-Century Greater Syria: Between the Arzuhalci and the Advent of Popular Letter Writing,” *Turkish Historical Review* 4 (2013), 8-10.

¹⁵⁶ Gülden Sarıyıldız, *Sokak Yazıcıları: Osmanlılarda Arzuhaller ve Arzuhalciler* (Istanbul: Derlem Yayınları, 2010), 30 and 85-96. Ben-Bassat, *Petitioning the Sultan*, 39.

judicial system.” It was itself the only legal mechanism available to property owners. This has to do with the fact that the settlement of property disputes became an administrative matter which took its shape within the limits of municipal jurisdiction.

Even though petitions are taken as historical sources from which we can interpret “the initiative and agency of Ottoman subjects,” they are not without limits.¹⁵⁷ First, as most of the petitions were not written by property owners themselves, we need to consider the role of professional petition-writers (‘*arzuhâlcî*’) in the rhetorical structure of petitions. We hear the voices of historical actors through the mediation of petition-writers. We can assume that the role of petition-writers in the wording of the opening and ending sentences of a petition were larger, which are usually formulaic expressions praising the sultan and the statements by petitioners of their belief in his justice. It is usually the middle part of a petition that the voice of property owners could be inferred better. This is the part where the details of the problem are described.

Unfortunately, we do not know much about petition-writers. But we do know that they were not state officials.¹⁵⁸ A petition-writer could be a retired clerk, or a school teacher who was familiar with bureaucratic language.¹⁵⁹ It could also be a local person with a general knowledge of the administrative system.¹⁶⁰ Baldwin points to the possibility that in some cases, it might have been qadis who wrote petitions, especially in small rural towns.¹⁶¹ Studies show

¹⁵⁷ James E. Baldwin, “Petitioning the Sultan in Ottoman Egypt,” *Bulletin of the School of Oriental and African Studies* 75, issue 3 (October 2012), 505.

¹⁵⁸ Ben-Bassat, Zachs, “Correspondence Manuals,” 10.

¹⁵⁹ Ben-Bassat, *Petitioning the Sultan*, 51.

¹⁶⁰ *Ibid.*

¹⁶¹ Baldwin, “Petitioning the Sultan,” 506.

that petition-writers sometimes also acted as legal representatives in qadi courts.¹⁶² Apart from being literate, petition-writers were supposed to be “honest,” and knowledgeable about basic laws and regulations.¹⁶³ Ben-Bassat informs us that petition-writers in Istanbul had a guild of their own which set certain rules about the profession.¹⁶⁴ Gül den Sarıyıldız states that in 1860, the total number of petition-writers in and around the New Mosque in Eminönü was 18, and 30 around Babıali in 1867.¹⁶⁵ And it is highly likely that some of the petitions discussed in this dissertation were written by them.

Second, it is difficult to ascertain the representative quality of petitions for several reasons. First, because petitions are scattered in different catalogs in the Ottoman archives, it is almost impossible to establish a statistical base. More importantly, the gender, ethnic, religious, and class related characteristics of the petitions invite a number of questions which are not always easy to answer, such as the high number of petitions presented by Muslim women – including cases against the top bureaucrats of the century – but only rare presence of non-Muslim women among the petitioners. Therefore, the picture drawn in this study is only a partial reconstruction of intriguing and complex social relations of property.

Orientation

In the first chapter, I focus on the Hocapaşa fire of 1865 and the planning activities that were undertaken by the CSI following the fire. I examine how streets became central to urban

¹⁶² Sarıyıldız, *Sokak Yazıcıları*, 110; Avi Rubin, “From Legal Representation to Advocacy: Attorneys and Clients in the Ottoman Nizamiye Courts,” *International Journal of Middle Eastern Studies* 44, no. 1 (February 2012), 115.

¹⁶³ Sarıyıldız, *Sokak Yazıcıları*, 102.

¹⁶⁴ Ben-Bassat, *Petitioning the Sultan*, 51. Also see, Sarıyıldız, *Sokak Yazıcıları*, 101-5.

¹⁶⁵ Sarıyıldız, *Sokak Yazıcıları*, 107.

renewal projects in the nineteenth century. I also explain how the relief program functioned as a tool to persuade city dwellers in changing the material texture of the city from wood to masonry. I show that the relief program created a mechanism of social control within a narrative of accusation that was multidirectional in nature. Those who insisted on wood-building were vulnerable when they were caught up in a property dispute against neighbors who complied with new regulations. But the imposition of masonry construction as well as expropriation and the relocation of individual parcels were altogether a contested process. Chapter I demonstrates the twofold character of urban *tanzîmât* embodied in the conflictual processes of depreciation and appreciation.

Chapter II introduces private property as a civilizational paradigm within the context of Ottoman political economy, and explores the relations between time, labor, happiness and morality. It shows how Ottoman intellectuals conceptualized private property as a means of civilizational happiness and of security, both material and emotional, and how they measured happiness against general interest and material wealth. Their discourses on morality were centered on productivity, whereas, their political agendas were subtle demands that appeared as moral checks on the state power. This chapter also focuses on the changes in the regime of property that the state tried to establish in the nineteenth century.

Chapter III provides the institutional and legal context within which I situate the property disputes that I take as case studies in Chapter IV. This part focuses on the question of local autonomy against state centralization, and the role of honor in building institutional identities in reference to corruption. It explores the relations between the emergence of an ideology of services and the institution of real estate tax, and touches upon the changes in the meanings of taxation and state officialdom. This chapter also questions the nature of municipal

jurisdiction with regard to both legal and administrative reforms, and how far the administration was separated from judiciary.

And finally, Chapter IV introduces three cases of property disputes, and demonstrates how “the administration was a judge in its own cause” in this period, and corruption was an intrinsic part of the fiction of urban rent. These cases illustrate how re-planning after disasters like fires touched upon important social issues like corruption, justice, morality, and the self-fashioning of communities. They also show well the rhetorical world in which urban reforms were localized and translated into everyday language, and how corruption as a web of commodified relations was constitutive of *tanzîmât* and *şeref* rather than a mere result of urban reforms.

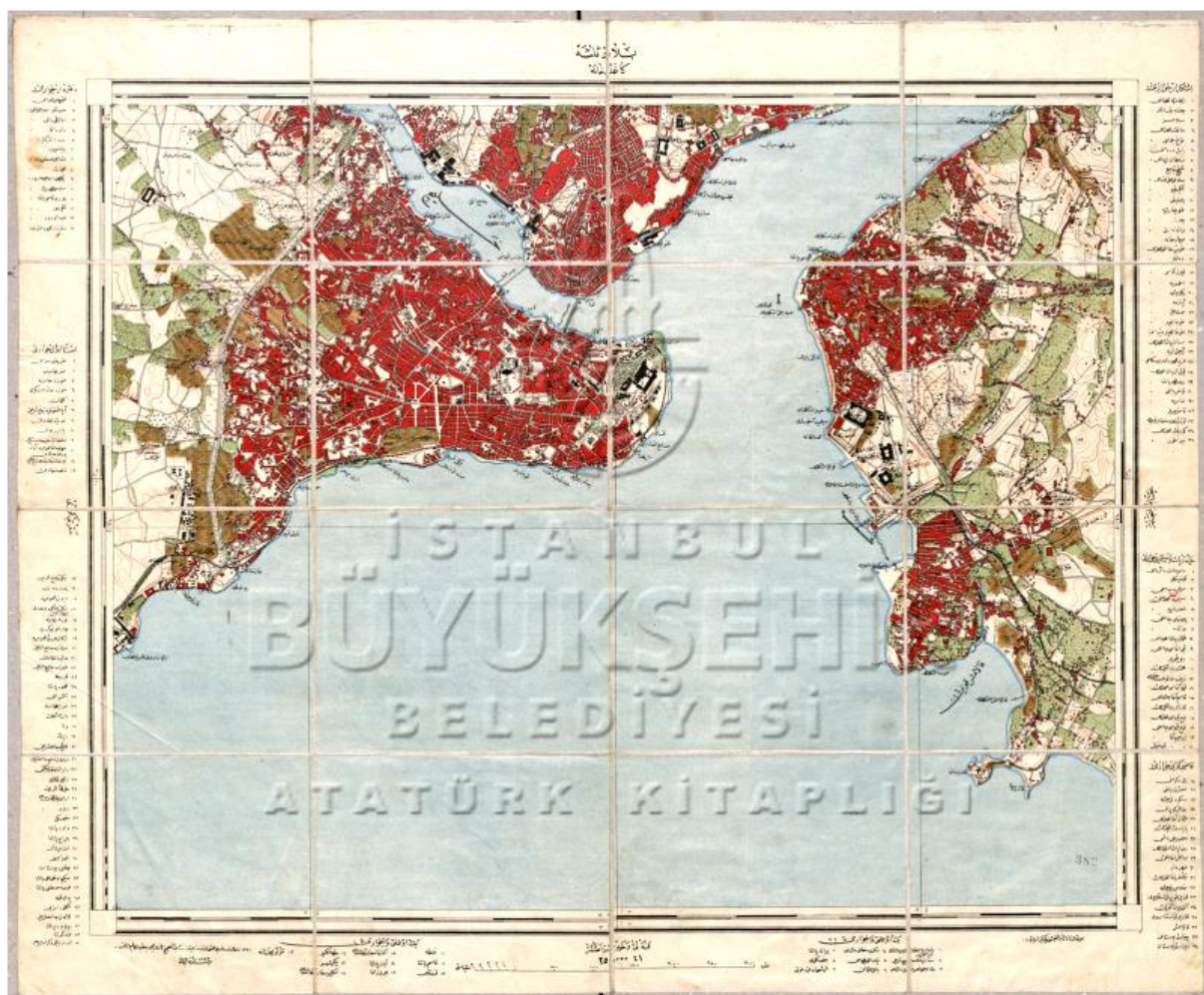


Figure 1: A map of Istanbul, 1910s (1331) (Source: İ.B.B. A.K. Hrt_Gec_000005).

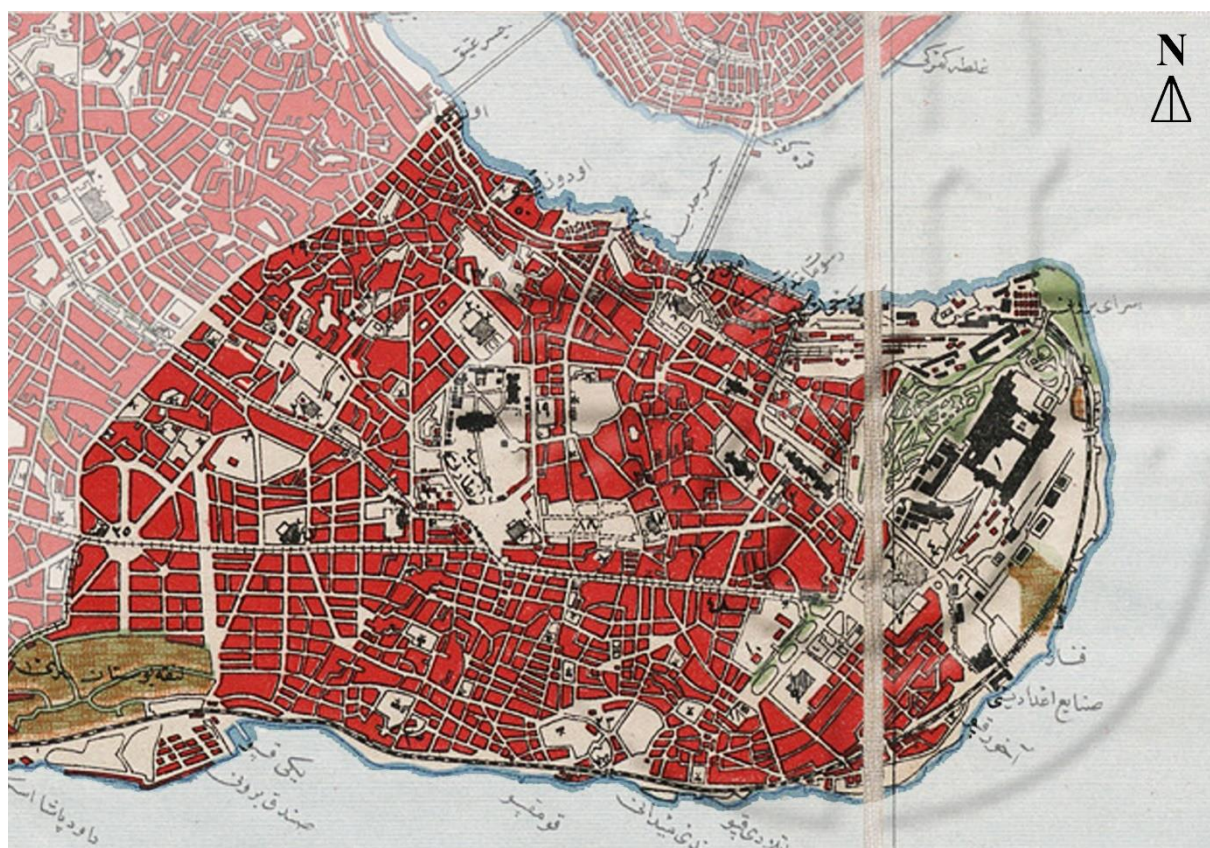


Figure 2: Istanbul Peninsula, 1910s (1331) (Detail from the map of Ī.B.B. A.K. Hrt_Gec_000005).



Figure 3: Panoramic view of the city from the Istanbul peninsula, 1900 (Source: Ī.B.B. A.K. Krt_004239).



Figure 4: View of the Bosphorus from the Istanbul peninsula (Source: İ.B.B. A.K. Krt_004305).



Figure 5: View of the Istanbul peninsula (Source: İ.B.B. A.K. Krt_004668).



Figure 6: Fatih after the Çirçır fire of 1908 (Source: İ.B.B. A.K. Krt_004093).



Figure 7: Petition-writers (Source: İ.B.B. A.K. Krt_000858).

Chapter I: Urban *Tanzîmât* and the Hocapaşa Fire of 1865

The Ottoman capital woke up to smoke-filled skies on the 7th of September 1865 after one of the biggest fires of the century engulfed the city throughout the night. It was a day of dispossession and calamity, and many found themselves hopeless against the merciless force of the catastrophe. Centuries-old tales of blazing wooden homes perishing in Istanbul probably did not help them to fathom the destruction sparked in the Hocapaşa district of the city. In less than twenty hours, about 1200 families were left in complete destitution.¹⁶⁶ Some more fortunate homeowners with means feared that they would have to become renters, whereas, others less fortunate faced the much more sobering prospects of not being able to afford renting and having to live on the streets.¹⁶⁷ The fire only doubled their misery because an epidemic of cholera had already been raging through the city for some time. It was “a calamity as destructive to property as the epidemic has been to lives.”¹⁶⁸ An enormous section of *intro muros* Istanbul was devastated: 2751 buildings in 27 neighborhoods burned to ashes, including 1879 houses, 751 shops, 22 mosques, 3 churches, and other buildings.¹⁶⁹

Although the Hocapaşa fire was devastating for imperial Istanbul, it nevertheless presented a “splendid opportunity” for urban reform, as one writer at *The Levant Herald* pointed

¹⁶⁶ BOA. İ.DH. 542/37739; *Takvîm-i Vekâyi*’, 23 November 1866.

¹⁶⁷ The common Ottoman idioms in the petitions are: “kirâ köşelerine düşmek” (having to become a renter), “mekânsızlık cefâsı” (the pain of homelessness), “hânesizlik” (homelessness), “nâ-mekân” (without a place), “kirâ bucâkları” (rental holes), “bî-mekân evrâk-ı hazân gibi” (homeless like an autumn leaf), “kirâ hânelerinde sergerdân-ı sefâlet” (bewildered by poverty in rental houses). In a petition, it is stated that the minimum rent around the burnt-down districts was 150 piasters: BOA. A.}AMD. 139/1.

¹⁶⁸ *The Levant Herald*, 13 September 1865.

¹⁶⁹ BOA. İ.DH. 542/37739. Another document places the total number of the burnt-down buildings at 2879: BOA. İ.DH. 540/37356; *Takvîm-i Vekâyi*’, 23 November 1866. According to yet another document, the number of burnt houses was 2031, 1436 of which were occupied by owners, and 941 by renters. However, 1436 plus 941 equals to 2377 instead of 2031: BOA. A.}AMD. 119/60.

out, since it gave the government a pretext to re-imagine and reshape a more ‘modern,’ ‘progressive’ Istanbul along the lines of its Western sister-cities:

In view of the immense aggravation to this special peril of the place which the present system carries with it, the Government would have been more than justified in prohibiting wood-building altogether, and for doing so would have the precedent of every other capital in Europe. The reform would no doubt have at first worked hardly on individuals, but so does nearly every railway, drainage, and other public improvement Act which is yearly added to our own statute-book. The few must suffer, more or less, that the many may gain. In this instance, however, scarcely one of the objections to compulsory legislation applies, and a splendid opportunity therefore offers for initiating the reform on a scale that will virtually compel imitation in the case of all future re-erectations.¹⁷⁰

The fire was also a chance to overcome the perceived time-lag between Ottoman and European capitals, as Istanbul was, at best, “relatively little,” and at worst, “two centuries” behind London according to the same newspaper that compared the event to the Great Fire of 1666 in the British capital.¹⁷¹ While bearing such imperious views of foreign newspapers, Ottoman reformers of the era had to develop a renewal project that would set a break with centuries-long practices. The term *tanzîmât* already meant a heavily entrenched ideology by the time of the fire that could be harnessed by the government immediately in its response to the disaster. On this particular occasion, the government could take advantage of the situation to erase the narrow and labyrinthine streets that prevailed throughout the city and decree that *kârgir* (stone and brick) must henceforth be used in lieu of the combustible, wooden building materials. In other words, the rebuilding of these districts could serve as a pilot project that would put all of Istanbul on par with its Western contemporary cities.

¹⁷⁰ *The Levant Herald*, 13 September 1865.

¹⁷¹ *Ibid*, 13 and 20 September 1865.

To be sure, such solutions to the disaster of fires were not unknown before 1865. Mustafa Reşid Paşa, one of the most influential reformers of the century, had already complained about foreign newspapers' comments on fires in the Empire as early as 1836. He was very taken aback by the fact that foreign writers dismissed Muslims as "stupid" or "backward" for their clinging to their long-established insistence on wood-building despite the fact that conflagrations consistently ravaged cities and towns throughout the realm.¹⁷² An article published in *The Times* after the Hocapaşa fire contains such comments that the paşa would have resented:

Some considerations arising out of this great fire earnestly press themselves upon public notice. For instance, with a strange perversity, notwithstanding the warnings of successive, destructive conflagrations, almost all the new houses erected in Stamboul continue to be built of wood, with every now and then the same obvious result... Stone is close at hand and abundant; bricks could be readily and comparatively cheaply made; the fatuity, therefore, with which wood is preserved in for the construction of houses in Constantinople is inexplicable.¹⁷³

Prompted by the examples of Western cities he visited during his diplomatic services in London, Paris and Vienna, Mustafa Reşid Paşa proposed to apply geometrical rules (*kavâ'id-i hendese*) to the city in order to create a uniform urban space with wide and straight streets and change the timber fabric of the capital into masonry.¹⁷⁴ Yet, no one seemed to heed his calls to revamp the city, and his proposal largely remained on paper until a fire broke out in the Aksaray district of Istanbul in 1856. It was then for the first time that the government attempted to implement a grid system by employing an Italian engineer, Luigi Storari. The result was not a

¹⁷² Cavid Baysun, "Mustafa Reşid Paşa'nın Siyasi Yazıları," *İstanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi* 11, no. 15 (1960), 124.

¹⁷³ *The Times*, 20 September 1865.

¹⁷⁴ Baysun, "Mustafa Reşid Paşa'nın Siyasi Yazıları," 124-25. It is possible to trace similar proposals back into the eighteenth century. For example, Tatarcık Abdullah Efendi (1730-97) recommended the same points in 1792 to Sultan Selim III. See Murat Gül and Richard Lamb, "Mapping, Regularizing and Modernizing Ottoman Istanbul: Aspects of the Genesis of the 1839 Development Policy," *Urban History* 31, no. 3 (2004), 423-24.

complete grid system, though it marked a change in the determination of the state to play a larger role in urban planning.¹⁷⁵

The scope of the Hocapaşa conflagration forced the government to find a decisive solution to the calamity of fires. Immediately following the fire, the government initiated both a relief and a planning program. However, the exhausting character of the reorganization necessitated the establishment of a special body in 1866 under the name of the Commission of Street Improvement (CSI). The members of the CSI were appointed by the government, and they were all high-ranking Muslim bureaucrats: Refik Efendi, Subhi Bey, Mustafa Efendi, and Atıf Bey, members of the Judicial Court; Kamil Bey Efendi, the Master of Ceremonies; Server Efendi, councilor of commerce; Ferid Efendi, a member of the Court of Inquiry; Mahmud Paşa, a military official; and Ahmed Muhtar Efendi, member of the Council of the Ministry of War.¹⁷⁶ The importance of the Muslim composition of the members becomes conspicuous when one considers the predominantly non-Muslim districts that fell victim to the multiple paths of the fire.

The duty of the CSI was to reorganize the urban landscape of the Istanbul peninsula. What mattered most was the streets. According to the members, “the present streets of Istanbul do not even deserve to be called streets.”¹⁷⁷ Commuting and transportation was both difficult and expansive in the twisted alleys of the city. Therefore, their main duty was to reorder the burnt-down area “in a way that would foster wealth and capital.”¹⁷⁸ The results of the planning

¹⁷⁵ Pierre Pinon, “The Parceled City,” 49 and 54; Zeynep Çelik, *The Remaking of Istanbul: Portrait of an Ottoman City in the Nineteenth Century* (Berkeley, Los Angeles, London: University of California Press, 1993), 53-55.

¹⁷⁶ BOA. İ.MVL. 550/24667.

¹⁷⁷ “İstanbul’un şimdiki sokâklarına tarîk ismi verilmek bile şâyân olmayub.” Ibid.

¹⁷⁸ “inşâ’ olunacak ebniyelerin memleketçe servet ve sermâyeyi mûcib olur güzel bir hâlde yaptırılması ve sokâkların dahî vüs‘atli olarak tesviye ve tanzîm olunması.” BOA. İ.MVL. 567/25507.

activities carried out by the CSI are still present in the urban landscape of contemporary Istanbul, the most visible being Divanyolu that was – and still is – the major thoroughfare of the peninsula that connects Topkapı Palace in the east to the gate of Edirne. Districts like Babıali, Divanyolu and Gedikpaşa became, according to Ergin, “the most prosperous and distinguished districts” of Istanbul.¹⁷⁹ In the end, the fire bore a ‘success story’ that inspired him to argue that “The Great Hocapaşa fire brought about happiness for Istanbul rather than disaster.”¹⁸⁰

However, behind what was considered “happiness” by Ergin was a difficult process marked by dark complexities. Contrary to what was implied by the newspaper *Levand Herald*, the fire did not create a *tabula rasa* space where, the CSI noted, “it would have been much easier to build a city anew.”¹⁸¹ The creation of a regular and standard urban space was much messier on the ground than it looked on paper. The government as well as the CSI had to fashion a fiction of urban rent within which property owners were persuaded of the benefits of urban reforms.

A fiction of urban rent and streets as commodities

The Hocapaşa fire of 1865 created a spatio-temporal lacuna where property owners were temporally dispossessed for a period in which expropriation rates, and if necessary, relocation of plots were decided. As codified in the expropriation laws of the century, the rate of

¹⁷⁹ “İstanbul’un bugün en mâmur ve en kibar semti olan Bâbiâli, Divanyolu, Gedikpaşa.” Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1222.

¹⁸⁰ Ibid.

¹⁸¹ BOA. İ.DH. 572/39882.

expropriation without any compensation was decided to be one quarter of the plot in question.¹⁸² This rate was not insignificant and had the potential to stir up many objections, which, in fact, can be considered a form of “accumulation by dispossession.”¹⁸³ The Ottoman state was not a state that could afford investing huge amounts of capital in the built environments, but a state that could impose expropriation laws so that it could create wider streets with a relatively small sum of expenditure on paving. But expropriation required some convincing. Betterment values were what the CSI used to justify expropriation in convincing property owners. The calculation of the CSI was simple: a plot of 100 *arşûn* (57.4 square meters) in Hocapaşa would be priced at 3.000 piasters at maximum before 1865; after the reorganization of the area, this value would increase to 5.000 piasters; for owners, the cost of expropriation for one quarter of 100 *arşun* would be 1.250 piasters. Accordingly, even after their land’s being expropriated, property holders would gain a *şeref* of 750 piasters, “the profit of reform,” in value of their property. Therefore, they “came to reason and said nothing,” the CSI claimed.¹⁸⁴

Expropriation for the enlargement of streets was one difficulty. Another was the creation of a block system as regular as possible. However, this meant the relocation of many parcels. In terms of urban typology and street layout, Ottoman reformers and planners had two options. The first was the mere “enlargement” (*tevsî’*) of old streets; and the second was the application of the *tarlâ* principle that assumed an urban fabric on grid system. In comparison to the first option, the *tarlâ* principle necessitated a larger scale of planning as it involved the creation of

¹⁸² Three legislations concerning expropriation directly related to city planning were inaugurated: *Menâfi’-i ‘Umûmiyye için İştirâ’ olunan Arâzi ve Emlâk Hakkında Nizâmnâme* (The Regulation for the Expropriation of Land and Real Estate for General Interest of 1856), *İstimlâk Karârânâmesi* (The Expropriation Decree of 1879), and *İstanbul’da ve Vilâyatta Devâ’ir-i Belediyeye Nâmına İstimlâk Olunacak Mahallerin Sâret-i İstimlâkı Hakkında Kânûn* (The Law of 1914 Concerning the Manner of Expropriation by Municipalities in Istanbul and Provinces). See Ergin, *Mecelle-i Umûr-ı Belediyeye*, vol. 4, 1756-68.

¹⁸³ Harvey, *The Limits*, xvii.

¹⁸⁴ BOA. İ.DH. 572/39882; BOA. İ.MVL. 550/24667.

regular building blocks and an effective street network. In other words, the *tarlâ* system required much more substantial changes and holistic interventions in city space. As such, it was in fact one of the most contented novelties of the century in terms of urban planning.

The novelty of the grid system for the Ottoman capital becomes clearer when we juxtapose it with the role of streets in the urban character of the city in earlier periods. Cem Behar's study on the Kasap İlyas neighborhood in the Istanbul peninsula shows that houses that were surrounded by walls in the sixteenth century were "somewhat at a distance from each other. The gates or facades of these houses did not have to face each other or to run parallel to the street. They did not have to follow any preestablished symmetry, building plan, or pattern either."¹⁸⁵ He demonstrates that the streets of the neighborhood were mainly composed of "blind alleys."¹⁸⁶ In his work on the Divanyolu, Maurice Cerasi observes something similar: "Street form in the Divan axis, and in Istanbul generally, had evolved out of a conception in which street-flow and serial composition were not referential denominators: streets were not seen as important elements in the identity of urban space."¹⁸⁷ That many monumental buildings were not usually aligned to streets assesses to the rather secondary role given to city streets. He furthermore argues that concepts like "street façade" and "street flow" that were central in European city planning did not find an expression in Ottoman understandings of urban space.¹⁸⁸ Unlike many Western cities, the Ottoman capital did not have a "serial regularity" structured along a symmetrical web of streets. The elements of the built environment were not put together in an "architectural narrative" that would give a sense of flow and continuity in space.¹⁸⁹

¹⁸⁵ Behar, *A Neighborhood in Ottoman Istanbul*, 44-5.

¹⁸⁶ Ibid, 48; Also see, Yerasimos, "Tanzimat'ın Kent Reformları Üzerine," 2.

¹⁸⁷ Maurice Cerasi, "The Urban and Architectural Evolution of the Istanbul Divanyolu: Urban Aesthetics and Ideology in Ottoman Town Building," *Muqarnas* 22 (2005), 216-7.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid, p. 217.

Even though Cerasi stresses on the centrality of principles like street flow in European urban planning, many Western towns were not radically different from Istanbul in terms of winding streets. Mumford writes something similar for medieval towns of Europe which echoes what Cerasi says for the Ottoman capital:

The street occupied in the medieval town a quite different place than in an age of wheeled transportation. We usually think of urban houses as being ranged along a line of predetermined streets. But on less regular medieval sites, it would be the other way about: groups of trades or institutional buildings would form self-contained quarters or 'islands,' with the building disposed without relation to the public ways outside.¹⁹⁰

However, it is true that the grid has been an important form of urbanism throughout history, and developed earlier in European cities than in the Ottoman capital. For Hippodamus of Miletus, for instance, the grid was a sign of "the rationality of civilized life."¹⁹¹ For the Romans, it was an important model for military camp formation during battles.¹⁹² The grid form later continued to be an important part of European cityscapes. The rebuilding of London after the Great Fire of 1666 was, for example, designed on a grid form. Likewise, many American cities developed on the grid and block system.¹⁹³ Sennett argues that the modern grid however had a different function than that in Roman times. The grid form in American cities has been "a plan that neutralizes the environment" by the continuous repetition of blocks, and the imposition of a "mechanical, tyrannical geometry."¹⁹⁴

¹⁹⁰ Mumford, *The City in History*, 354.

¹⁹¹ Richard Sennett, *The Conscience of the Eye: The Design and Social Life of Cities* (London, Boston: Faber and Faber, 1990), 47.

¹⁹² Ibid.

¹⁹³ Ibid, 47-8.

¹⁹⁴ Ibid, 48 and 52.

In terms of economic implications of the grid's neutralizing effects, Mumford writes that "The resurgent capitalism of the seventeenth century treated the individual lot and the block, the street and the avenue, as abstract units for buying and selling, without respect for historic uses, for topographic conditions or for social needs."¹⁹⁵ In his view, the grid creates "the most favourable possibilities for real-estate speculation."¹⁹⁶ The grid and the block system make it easier to divide the complexities of cities into measurable units in terms of buying and selling. The individual lot is such a unit.¹⁹⁷ However, judging from the lack of cases to the contrary in the sources, it appears that the post-fire situation in the Ottoman capital did not create a wave of investment in speculative building. In a developed system of capitalist production where credit system is well advanced, house building becomes a large-scale business involving the construction of whole blocks or districts for the market.¹⁹⁸ Speculation is an integral part of this process.

But the case of Istanbul at the time was no London, for example, in terms of the scale of speculative building. Marx abbreviates from a builder in nineteenth-century London:

In his youth, he [the builder] said, houses were generally built to order, and the price was paid to the contractor in installments as stages of the construction were completed. There was little speculative building; contractors would resort to this principally just to keep their workers regularly occupied and hold their labour force together. In the last forty years all that has changed. There is now little building to order. If someone wants a new house, he looks for one that has already been built on speculation, or is already in the process of being built. Today the contractor no longer works directly for a client, but rather for the market; just like any other industrialist, he has to have finished goods for sale. Whereas previously a contractor might have built three or four houses at a time on speculation, he now has to buy an extensive piece of land (in the Continental sense, he leases it, usually for ninety-nine years), erect on it up to 100 or 200 houses, and thus involve himself in an undertaking that exceeds his own means some twenty to fifty times over. Funds are procured by taking out a mortgage, and this money is put at the

¹⁹⁵ Ibid, 53; Mumford, *The City in History*, 480-1.

¹⁹⁶ Mumford, *The City in History*, 347.

¹⁹⁷ Ibid, p. 481.

¹⁹⁸ Marx, *Capital*, vol. 2, 311.

contractor's disposal bit by bit as the building of the houses progresses. ... The profit on the actual construction is extremely slight; the main source of profit comes from raising the ground rent, and from clever selection and exploitation of the building land.¹⁹⁹

That was not the case in Istanbul. To be sure, the CSI did build some shops for sale. And of course, there were some individuals who constructed commercial buildings. For instance, an Ottoman merchant named Kiryakor Haçopulo built twelve "storehouses" (*tüccâr mağâzası*) in Mahmutpaşa on a land of 1938.3 square meters.²⁰⁰ In addition, the efforts of the government to enhance the rents of waqf properties that were rebuilt after the fire were a part of the process in which ground-rents in the city gradually increased. For instance, from a document dated 1869, we learn that some shops around Ayasofya were demolished and rebuilt around the Sultan Ahmet square, and their rents were increased.²⁰¹ However, these examples rather show that speculative building was limited in scale in this part of the city.

Nevertheless, the importance given to the construction of perpendicular streets points to the emergence of the street as a central factor in urban planning which was closely linked to the growing importance of wheeled traffic at the expense of other urban functions. The street, once a footway, "a line of communication for pedestrians," turned into a network of wheeled traffic.²⁰² To Mumford, this was a process in which the neighborhood was increasingly replaced by the street as "the unit of planning."²⁰³ The neighborhood was scattered within the geometry of the street. In the nineteenth century, the grid and transportation were already the two underlying concerns in urban projects.²⁰⁴ Broad streets indeed became a marker of progress and

¹⁹⁹ Ibid, 311-2.

²⁰⁰ 3376 *zirâ'*. BOA. MVL. 1035/180.

²⁰¹ "eski dükkânların vakıflarına 'â'id icârât-ı kadîmenin usûl ve emsâli dâ'iresinde tesviyesi." BOA. A.} MKT. MHM. 436/71.

²⁰² Mumford, *The City in History*, 354.

²⁰³ Ibid, 447.

²⁰⁴ Ibid, 484.

civilization. In his comparison of the ‘organic’ city with cities of later periods where the “wholesale regimentation of space” was the aim, Mumford writes of order and life: “In the first case, order was still an instrument of life; in the second, life had become an instrument of order.”²⁰⁵ Sennett agrees with Mumford in saying that the grid was “a space for economic competition, to be played upon like a chessboard,” and in reference to Weber, he considers it “the Protestant ethic of space.”²⁰⁶

In old and clogged cities like Paris, planners confronted greater difficulties in the application of the grid. But Haussmann had the power to demolish the crooked streets of the city, which were for him where “disease, crime, and revolution” took hold.²⁰⁷ His success in putting the city land into capitalist competition was tellingly expressed by Zola: “the new streets were speculated in as one speculates in stocks and shares.”²⁰⁸ In contrast to the case of Haussmann, the Ottomans usually had to wait for urban disasters, because large-scale demolition was too expensive for them to afford. And what was lost with the dominance of the grid, “the secrecy and the surprise, the sudden opening and the lift upwards, the richness of carved detail,” in many European cities like Paris was, however, largely still there in nineteenth-century Istanbul with additions of new forms.²⁰⁹ In fact, the city remains surprising if not chaotic.

The grid system’s disregard for “historic uses” mentioned by Mumford was something that Yusuf Ziya Bey, the prefect of Istanbul between December 1918 and May 1919, criticized in a rather nationalistic way. According to him, European experts could have been

²⁰⁵ Ibid, 401.

²⁰⁶ Sennett, *The Conscience of the Eye*, 55.

²⁰⁷ Ibid, 62.

²⁰⁸ Cited in David Harvey, *Paris: Capital of Modernity* (New York, London: Routledge, 2003), 131-2.

²⁰⁹ Mumford, *The City in History*, 351.

commissioned to materialize urban reforms, “but the Istanbul they would have planned would not be Istanbul, but perhaps a European city,” because foreign planners could not have valued “our national monuments,” and as a consequence, the city would lose its “oriental smell.”²¹⁰ What happened to the Aksaray district after the fire of 1856 was exactly the case in point. A document regarding the reorganization of the area shows that the fire was indeed seen as an “opportunity” (*imkân*) to apply the *tarlâ* system.²¹¹ The government employed an Italian engineer, Luigi Storari, to redesign Aksaray on grid pattern. The document also reveals that it was expected that some owners “who are incapable of comprehending the benefits [of the reorganization] for them, and cannot see that the value of their lands will be two-three times more” would complain at first, but, they “will be thankful later.”²¹² However, Yusuf Ziya Bey claimed that in the process of reorganization there involved “neither science nor logic” as many “religious and national monuments” were destructed in order to regularize the streets.²¹³ Therefore, he thought, “our country could be reorganized only by the [local] men of science.”²¹⁴

However, his criticism on Storari’s grid system in Aksaray does not mean that he was against the grid. On the contrary, he also criticized the tendency to choose the *tevsî’* system over the grid. According to him, “the dominant idea” was not to apply the *tarlâ* principle, because it was “assumed” that the widening of the old street network without substantial changes was less costly.²¹⁵ However, this was not a fact “based on calculation” but an

²¹⁰ “Avrupa’dan, büyük şehirler tanzim etmiş büyük mütehassıslar celbedilerek belki daha güzel bir şekil verilebilirdi. Fakat onların tanzim edeceği şekilde İstanbul, İstanbul olmaz, belki bir Avrupa şehri olurdu”; “âbidât-ı milliyemiz”; “şark kokusu.” The report of Yusuf Ziya Bey which he wrote after the Cibali-Fatih-Altımermer fire in 1918. Cited in Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1249.

²¹¹ “bütün bütün yanmış ve ıslâhına imkân gelmiş iken.” BOA. A. MKT. MHM. 76/10.

²¹² “ashâb-ı menâzil ve dekâkinden ba’zı ‘aklı ermiyenlerin bunun kendülerince olacak fevâ’idini ve ‘arsalarının kıymeti bu takrîb ile iki-üç katı olacağını nazare-yi evvelide göremeyerek bilâ-mûcib biraz sızlanmaları melhûz ise de o makûlelerin dahî bilâhare teşekkür edeceklerinde.” Ibid.

²¹³ “tanzimatta fen ve mantık da yoktur”; âbidât-ı diniyye ve milliye.” Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1250.

²¹⁴ “memleketimiz, ancak kendi yetiştirdiği erbâb-ı fenni vâsıtasıyla tanzim edilebilir.” Ibid.

²¹⁵ “hükûmran olan fikir”; “zannedilmekte.” Ibid, 1251.

“assumption.”²¹⁶ The mathematical results that he presented to prove his point reveals the technical rationality behind the *tarlâ* principal. He was probably happy with the CSI because there was no foreign planner in this commission, and in spite of “the dominant idea” to the contrary, the CSI tried to apply the *tarlâ* system after the Hocapaşa fire. Central to the applicability of the *tarlâ* principle was the right of the government to expropriate one quarter of the plot in question without compensation.

The grid system was seen indispensable to a regular street network. But, the efforts of the state and the CSI to build an efficient street network cannot be seen in isolation from various developments in transport and communication within the city in the second half of the nineteenth century. Various new means of communication that were largely financed by foreign investment contributed to the expansion of the city and the development of new districts, and gradually changed the rhythms of commuting. Wishnitzer writes that infrastructural investments in transportation and communication were “all intended to alleviate physical impediments to the free flow of traffic, impediments that resulted in the “loss of time” along the route and inevitable discrepancies between schedules and reality.”²¹⁷ The speed of the new means of public transportation like ferries and trams also gave birth to a new “sense of haste” in the city, and gradually changed the notions of distance.²¹⁸

The foundation of the Beneficent Company (*Şirket-i Hayriye*) in 1851 was one of the major developments in sea transportation. Unlike many foreign transportation companies, *Şirket-i Hayriye* was an Ottoman corporation, and the grand vizier Mustafa Reşit Paşa was one of the leading figures of this local enterprise. The initial goal of the company was to provide

²¹⁶ “bir hesaba müstenid olmayıp”; “zan.” Ibid.

²¹⁷ Wishnitzer, *Reading Clocks*, 132.

²¹⁸ Ibid, p. 138.

the members of the state bureaucracy with a speedier and more efficient means of commuting through the usage of steamboats. Therefore, the connection of the Istanbul peninsula, the bureaucratic center of the city, to the villages along the Bosphorus where many members of the ruling elite had their ostentatious mansions was the primary concern.

The “regularity of transportation to and from government bureaus” was also a part of the temporal organization of bureaucracy within the larger context of administrative reforms.²¹⁹ Wishnitzer sees a correlation between temporal and legal rationalization that aimed at creating state officials who were not only ‘procedurally accountable and correct’ in their conduct but also punctual and responsive to working hours.²²⁰ It is perhaps no coincidence that one of the ferries of the company was named “*İnzibât*,” literally meaning discipline and order.²²¹ The priority given to state officials by the Beneficent Company furthermore reveals that the bureaucratic population in the city was an important factor in infrastructural developments. A quay constructed in 1859 close to Yalıköşkü in the Istanbul peninsula was, for instance, designed for the use of civil servants.²²² But, even though the schedules of the company were largely designed according to the working hours of state officials,²²³ in time, the company established new routes from Eminönü to Üsküdar, to the Prince’s Islands that were largely inhabited by non-Muslims, and to the Golden Horn districts in which many workshops and factories were located.²²⁴

²¹⁹ Ibid, 130.

²²⁰ Ibid, p. 45; Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).

²²¹ Wishnitzer, *Reading Clocks*, 136.

²²² Ibid, 131.

²²³ Ibid, 130.

²²⁴ Çelik, *The Remaking of Istanbul*, 84-7.

The construction of several bridges over the Golden Horn was another step to improve the communication between the two shores. The rapid development of Galata and Karaköy after the 1830s as an important trade and financial center was one of the factors that made bridge construction indispensable. The growing commercial activities in the area needed to be well connected to the long-established commercial center around Eminönü on the other shore. The first Galata Bridge was completed in 1845, and consequently replaced several times in 1863, 1878, and 1912.²²⁵ Inland transportation was furthermore improved by the construction of tramways and railroads. After considering several proposals for the building of a tramway system, the state finally granted a concession to Krepano Efendi in 1869, and he founded the Istanbul Tramway Company (*Istanbul Tramvay Şirketi*). The Company run various horse-drawn tram lines on the both side of the Golden Horne. The construction of tramways also necessitated expropriation. The municipal organizations and the Ministry of Public Works acted as negotiators between property owners and foreign investors in urban infrastructure.²²⁶

Another foreign investor who succeeded to gain concession for the construction of a subway system between Karaköy and Pera was Eugène Henri Gavand. In 1872, he founded his company, the Metropolitan Railway of Constantinople, but because of the problems with the owners of real estate that needed to be expropriated, it took him several years to put the subway (*Tünel*) into service.²²⁷ Railroads between cities also provided stops within Istanbul, such as Sirkeci, Kumkapı, Yedikule, Bakırköy, Yeşilköy, and Küçükçekmece on the railroad that linked the city to Sofia.²²⁸ Two rail stations were opened: the first one was completed in 1887 and located in Sirkeci, an area very close to the commercial center Eminönü in the Istanbul

²²⁵ Ibid, 88-9.

²²⁶ Ibid, 90-3.

²²⁷ Ibid, 96-7; Vahdettin Engin, *Tünel* (Istanbul: Simurg, 2000), 47-52.

²²⁸ Çelik, *The Remaking of Istanbul*, 99-100.

peninsula; and the other was built in 1909 in Haydarpaşa on the Asian side.²²⁹ As a consequence of the infrastructural investments, the positions of Eminönü and Galata-Karaköy on the two shores of the Golden Horn even became more central as business areas.

Street construction was a crucial part of the efforts to improve the overall communication and transportation within the city. The reorganization of the streets in the Istanbul peninsula was necessary to link the districts on the waterfront like Eminönü and Sirkeci to the inland neighborhoods. The growth in the volume of trade and the increasing population were important factors that shaped infrastructural investments. However, this study does not see economic aspects of street formation in isolation from aesthetic and imperial concerns of the state. It is clear that in the reorganization of the area, it was not only the productionist but also imperial interests that were in play. Furthermore, the existing streets in the area already had many different characters: commercial, bureaucratic, monumental and imperial, which were further complicated by class and ethno-religious composition.

Divanyolu is an excellent example of a street that had different identities. According to the government, the most important thoroughfare to be reorganized was the street connecting Hocapaşa via Babiali to Divanyolu.²³⁰ Some part of the importance given to Divanyolu was certainly ideological. It used to be an imperial road where many royal ceremonies took place.²³¹ It was the “road of the Pashas” which accommodated the most ‘glorious’ architectural monuments financed by the ruling elite.²³² According to Cerasi, “It was indeed the main space,

²²⁹ Ibid, 102.

²³⁰ BOA. İ.MVL. 550/24667.

²³¹ In the official dispatches, the imperial character of Divanyolu was expressed in the following way: “tarîk-i mezkûrun nâm nâmî-i hazret-i pâdişâhiye mensûbiyeti ve diğer tanzîm ve küşâd olunacak caddelerin dahî ba‘zı ecdâd-ı ‘azâm-ı magfîret-i ittisâm cenâb-ı hilâfet-penâhiye nisbeti.” Ibid.

²³² Maurice Cerasi, *The Istanbul Divanyolu* (Istanbul: Orient-Institut, 2004), 8.

involving the whole town, in which was enacted the public representation of the state.”²³³ At first glance, the character of Divanyolu looks more imperial and bureaucratic than commercial. However, Divanyolu was not, Cerasi shows, a “single street or avenue; rather it was a fasciculus of streets running from Ayasofya-Topkapı to Edirnekapı and Yedikule,” and it was this feature that gave it multiple identities.²³⁴ In addition to its imperial scene, it also functioned as the thoroughfare that connected the main commercial areas into each other.²³⁵ Likewise, many important commercial buildings like Elçi Han, Vezir Han, Hasan Paşa Han, and Sabuncu Han were located on the Divan axis.²³⁶

The emergence of Babiali as a new political and bureaucratic center distinct from the palace brought about changes in the character of Divanyolu in the nineteenth century.²³⁷ The members of this new bureaucratic core were important actors in the housing of the area, especially in the *konâk* (mansion) building.²³⁸ The eastern part of Divanyolu became, Cerasi shows, “an upper-middle-class environment of *konâks* and coffeehouses of various types.”²³⁹ Likewise, the part of the axis between Çemberlitaş and Beyazıt emerged as an alternative entertainment area to Galata and Pera, accommodating many “teahouses and coffee shops and, later, theaters and cinemas.”²⁴⁰

The imperial aspirations of the state were most visible in the efforts of the CSI to underline the monumentality of the city including the Divan axis. For this reason, the CSI

²³³ Cerasi, “The Urban and Architectural Evolution,” 189.

²³⁴ Ibid, 191.

²³⁵ Ibid, 195.

²³⁶ Ibid, 195.

²³⁷ Ibid, 212.

²³⁸ Ibid, 211-2.

²³⁹ Ibid, 212.

²⁴⁰ Ibid, 197.

decided to clear the vicinities of several important buildings to spotlight their monumentality as they stated in their first report in 1867. For instance, the structures in the surrounding of Ayasofya, and the shops around the Süleymaniye mosque overshadowed the magnificence of these historical monuments, therefore, they were decided to be removed.²⁴¹ The Çemberlitaş square was another spot to be highlighted. Therefore, one of the sides of Elçi Han, several shops, and a part of the Çemberlitaş bath near the square were planned to be demolished.²⁴² Such monuments were an important part of the imperial character of the city, and the clearance of their surroundings was necessary. But, at the same time, it was also necessary to construct wide and straight streets, thus, the CSI had to demolish parts of historical buildings while preserving others. This was a source of tension between preservation and demolition.

But the activities that aimed at highlighting the monumentality of the Istanbul peninsula had to be placed into a wider context to be meaningful. The monumentality of Ayasofya, for instance, could not be fully appreciated unless it appeared in an orderly environment of wide and regular streets. However, the streets of Istanbul were very narrow and crooked. Commuting and transportation was difficult, time-consuming and expensive.²⁴³ Some streets were too narrow to let carriages pass by, therefore, people usually had to use horses alone to carry their things and goods. Pavements were mostly too ruined that carriage accidents and physical injuries were ordinary happenings.²⁴⁴ And struggling against mud was a common challenge especially in winters.²⁴⁵ The condition of the streets were furthermore detrimental to public

²⁴¹ BOA. İ.DH. 572/39882.

²⁴² Ibid.

²⁴³ “Der‘aliye’de eşyâ naklinde derkâr olan su‘ûbet.” BOA. İ.MMS. 31/1287.

²⁴⁴ “araba devrilmek ve binek ve yük hayvânâtı düşüb sakatlanmak ve çoluk çocuğun ba‘zı a‘zâsı incinmek gibi hâlât-ı mükerrere vukû‘u her-bâr eksik olmadığından.” BOA. MV.L. 430/46.

²⁴⁵ “çamurdan ve kaldırımların bozukluğundan dolayı sokaklarına geçilemez bir hâlde bulunub.” BOA. İ.DH. 572/39882.

order, as well. The CSI writes that policing in the city was like “protecting a messy forest,” but if there had been a regular street layout it would have been easier to maintain order.²⁴⁶

Therefore, the organization of the streets was the main concern of the CSI. According to the bill on the foundation of the CSI, Divanyolu and the Aziziye and Mahmudiye streets were decided to be 25 *zirâ*’s (19 meters) as the widest arteries.²⁴⁷ Other streets were categorized as 15, 12, 10, and 8 *zirâ*’s (11.3, 9.1, 7.6, and 6.1 meters respectively).²⁴⁸ In the report of the CSI dated 1867, the widths of streets in Hocapaşa, Demirkapı and Kumkapı were arranged into three groups: the first group was composed of streets of 25 *zirâ*’s wide; the second of between 15 and 10 *zirâ*’s wide; and the last group included side streets of 8 *zirâ*’s wide.²⁴⁹ There were three major building regulations that passed before the Hocapaşa fire. The Street and Building Regulation of 1864 was the one that was in effect when the fire happened. This regulation defined four categories of streets: 15, 12, 10, 8 *zirâ*’s.²⁵⁰ However, we see that the CSI did not exactly conform to it with regard to street widths. As a matter of fact, we also observe that the *tarlâ* principal that was legally introduced by the Building Code of 1882 was already applied by the CSI before that date. It seems that local circumstances and the character of the area as the imperial and bureaucratic core of the city affected the decisions of the CSI.

One of the measures that the CSI took in order to facilitate masonry construction is telling in respect to the importance of regular streets for an effective circulation of goods and people. The opening of new streets to make the transportation of brick, stone, sand, and other construction materials easier and less expensive was indeed one of the priorities of the CSI. The

²⁴⁶ “emr-i zâbîta karışık bir ormanı muhâfaza etmenin ‘aynı olub.” BOA. İ.MVL. 550/24667

²⁴⁷ The Building of 1882 states that one *zirâ*’ is equal to 75.8 meters. Selman, “*Urban Development Laws*,” A65.

²⁴⁸ *Takvîm-i Vekâyi*’, 1 July 1866.

²⁴⁹ BOA. İ.DH. 572/39882.

²⁵⁰ Selman, “*Urban Development Laws*,” A47.

Aziziye street connecting the seashore to the inland neighborhoods was one of the streets built for this purpose. This artery also made commuting easier for “the Babıali officials and the men of business.”²⁵¹ The other streets that were reorganized included Mahmudiye, Orhaniye and Osmaniye together with the construction of pavements and sewage lines.²⁵²

Another priority of the CSI was to widen the Mahmudpaşa street because it was one of the main routes of tradesmen,²⁵³ and one of the “busiest and crowded” parts of the city.²⁵⁴ Many commercial buildings and economic activity were located around Mahmudpaşa.²⁵⁵ The street was designed to be 12 *zirâ*’s.²⁵⁶ Another street was Orhaniye which became, the CSR seems to have been proud to report, “the most beautiful road of Istanbul.”²⁵⁷ In spite of financial difficulties, the CSI was able to construct very “regular” (*muntazam*) and “wide” (*vâsi* ‘) streets in Demirkapı.²⁵⁸ The opening of streets connecting the area to the waterfront, and the demolition of the fortification walls were other plans. The CSI thought that the removal of the walls would increase the value (*şeref*) of the district.²⁵⁹ However, it was not possible to construct completely “straight” (*müstakîm*) streets in Hocapaşa and Cağaloğlu because of the hilly topography of the area and the existence of stone buildings including some mosques that could not be demolished.²⁶⁰

²⁵¹ “bu iskele ve cadde Babıali me’mûrîn ve ashâb-ı masâlihine pek çok teshîlât verdiğinden.” BOA. İ.DH. 572/39882.

²⁵² Ibid.

²⁵³ “Mahmudpaşa tarîki ‘umûmen çarşu esnâfının güzergâhı olarak.” Ibid.

²⁵⁴ “işlek ve cemiyetli.” BOA. İ.MVL. 568/25519.

²⁵⁵ Cerasi, “The Urban and Architectural Evolution,” 195.

²⁵⁶ BOA. İ.MVL. 568/25519.

²⁵⁷ “İstanbul’un en güzel bir yolu olmuş.” BOA. İ.DH. 572/39882.

²⁵⁸ Ibid.

²⁵⁹ “kale duvarının hedmi oranın istikmâl-i şeref ve meziyetine en büyük medâr olacağı.” BOA. İ.MVL. 567/25507.

²⁶⁰ BOA. İ.DH. 572/39882.

Judging from the first lengthy report of the CSI dated 1867, its members did not imagine their activities limited to the burnt-down area. Quite satisfied with the results of their efforts, they had a vision of gradual change in other parts of the city.²⁶¹ Therefore, they also included in their report the plans that they had in mind to undertake in the next year. The opening of a street from Bahçekapısı to Mahmudpaşa, the organization of streets around Ayasofya, and of the Vezneciler, Koska, Fincancılar, and Unkapanı streets were some of their intentions.²⁶² The completion of Divanyolu, the clearance of the Firuz Ağa Mosque's vicinity, and the organization of the Beyazıd square were also on their agenda.²⁶³ So was the organization of the streets in Samatya and Balat which were planned to be designed on the map as regular "like a chessboard" as "similar to those in the most recently reorganized cities in the world."²⁶⁴

However, the success of the CSI was to a significant extent hindered by the financial difficulties. The financial support that the CSI received from the government was not sufficient to undertake all the plans that they envisioned, and its members had to find additional sources of income.²⁶⁵ Selling expropriated lands was one option. The CSI expropriated one quarter of all the plots in the area no matter whether it was actually necessary for the reorganization of streets. Those pieces of land that did not become a part of streets were sold in order to generate revenue to finance the activities of the CSI,²⁶⁶ which was, however, not a practice that property owners always accepted.²⁶⁷ But, it seems that the income gained in this way was not very high. In the report dated June 1867, for instance, it was 125.000 piasters.²⁶⁸ The construction of some

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ "dünyada en yeni tanzîm olunan memleketlere şebîh olmak üzere satrançvâri ve pek müstakîm olarak yaptırıldığı misillü." Ibid.

²⁶⁵ BOA. MVL. 876/19; BOA. İ.DH. 572/39882.

²⁶⁶ BOA. İ.DH. 572/39882.

²⁶⁷ BOA. A.}AMD. 137/41.

²⁶⁸ BOA. İ.DH. 572/39882.

shops for sale was another measure that the CSI took to yield income.²⁶⁹ However, it appears that the number of such shops was not really significant either. The government also decided to levy an extra tax on masonry buildings that were not burnt-down in return for the value that these buildings would gain as a result of the overall planning. This tax on betterment value was called *şerefiye*, and the income it generated was planned to be spent for street construction.²⁷⁰

In the last report written by Server Efendi, it seems that it was sometimes the need to gain the appreciation of foreign visitors which motivated the priorities of the CSI. The organization of the street from Tophane to the Austrian Embassy was, for instance, considered particularly important, because it was the first place that European travelers would see upon their arrival.²⁷¹ In this report, Server Efendi pointed to the need to create regular streets, similar to those in Europe, which would function as “perfect examples” for the city dwellers to see and embrace.²⁷² He used the term “boulevard” (*bulvâr*) for Divanyolu in reference to Western cities. Another issue that Server Efendi mentioned is that some parts of the city lost “value” (*şeref*) due to the lack of regular streets. He gave the examples of Fatih and the area of Sultan Selim mosque, and stated that even though these places were “privileged” in terms of “air and view” they were in a process of depreciation for they were not well connected to the other parts of the city.²⁷³ This was also the case with Beyazıd and Aksaray. There were no carriage roads that linked these places to the waterfront, hence, transportation costs were quite high.²⁷⁴

²⁶⁹ Ibid.

²⁷⁰ BOA. İ.MVL. 550/24667.

²⁷¹ “bu tarık ise züvvâr ve seyyâhîn-i ecnebîyenin birinci derecede görecekleri mahal olmasıyla tesviyesi lâbüdd olduğundan.” BOA. İ.DH. 592/41216.

²⁷² “araba ve yaya yolları Avrupa şehirlerinde yapılan usûl üzere muntazaman tesviye edilerek ıslâhât-ı belediyece şehir ve ahâliye bir numûne-i mükemmele gösterilmesi lâzım olmağla.” Ibid.

²⁷³ “hevâ ve nezâretçe mevâki’-i mümtâzesinden ma’dûd iken yolsuzluk hasebiyle ‘itibârdan sâkıt olan Fatih ve Sultan Selim tarafları.” Ibid.

²⁷⁴ “Beyazıd ve Aksaray ve Fatih taraflarından Bağçekapısı’na ve sâhile araba işleyebilecek bir yol olmaması sebebiyle ol havâlîde bulunan ahâli havâyic-i zarûriyelerinden olan odun ve kömür ve sâ’ir bu makûle mübâya’a ettikleri eşyâ-yı nakliye-yi yol arabasıyla celb ettiremeyerek bârgîrler ile nakl eylemekle ve binâ’en-‘aleyh ziyâde masraf etmeğe muhtâç oldukları misillü.” BOA. İ.DH. 572/39882.

Judging from the last report that Server Efendi personally wrote, he had a more holistic approach to the city, and his vision was not limited to the burnt-down area. Likewise, an official document, most likely written by Server Efendi, criticizes the fact that the scale of urban *tanzîmât* was depended on urban disasters like fires. In the document, the term “*tanzîmât-ı ‘umûmîye*” (general *tanzîmât*) is employed as opposed to fragmentary planning attempts in order to show the need for a holistic approach to the city.²⁷⁵ Therefore, a commission was formed under the authority of Mahmud Paşa with the duty of preparing a general map of the city.²⁷⁶ According to Server Efendi, this was a crucial duty in making sure that any renewal projects in the future would be undertaken in a systematic way.²⁷⁷

He seems to have been aware of the fact that small-scale and piecemeal renewal projects were not enough for the expansion of value in the built environment. What was perhaps more important to him than the increased *şeref* of individual properties was the overall increase in the ground-rents in the reorganized neighborhoods. In order to achieve that goal, the urban fabric of the city also needed to be converted into masonry in addition to the street enlargement and the creation of a block system. The relief program established after the fire was directed to that goal. The relief program as a whole was couched into a narrative in which city dwellers would break with the tradition of wood-building and, as a result, step into a safer world with their properties increasing in value.

²⁷⁵ “harîk mahallerinde icrâ edilen tanzîmât ve tevsî’ât yalnız ebniyesi muhterik olan bir kıt’a ve dâ’irenin cihât-ı mahdûdesi içinde cereyân eyleyerek şehrin tanzîmât-ı ‘umûmîyesi i’tibârına göre tesviye olunamadığı cihetle her harîk mahalli bir kıt’a-yı müfreze hükmüne girerek.” BOA. A.}AMD. 141/77.

²⁷⁶ Ibid.

²⁷⁷ BOA. İ.DH. 592/41216.

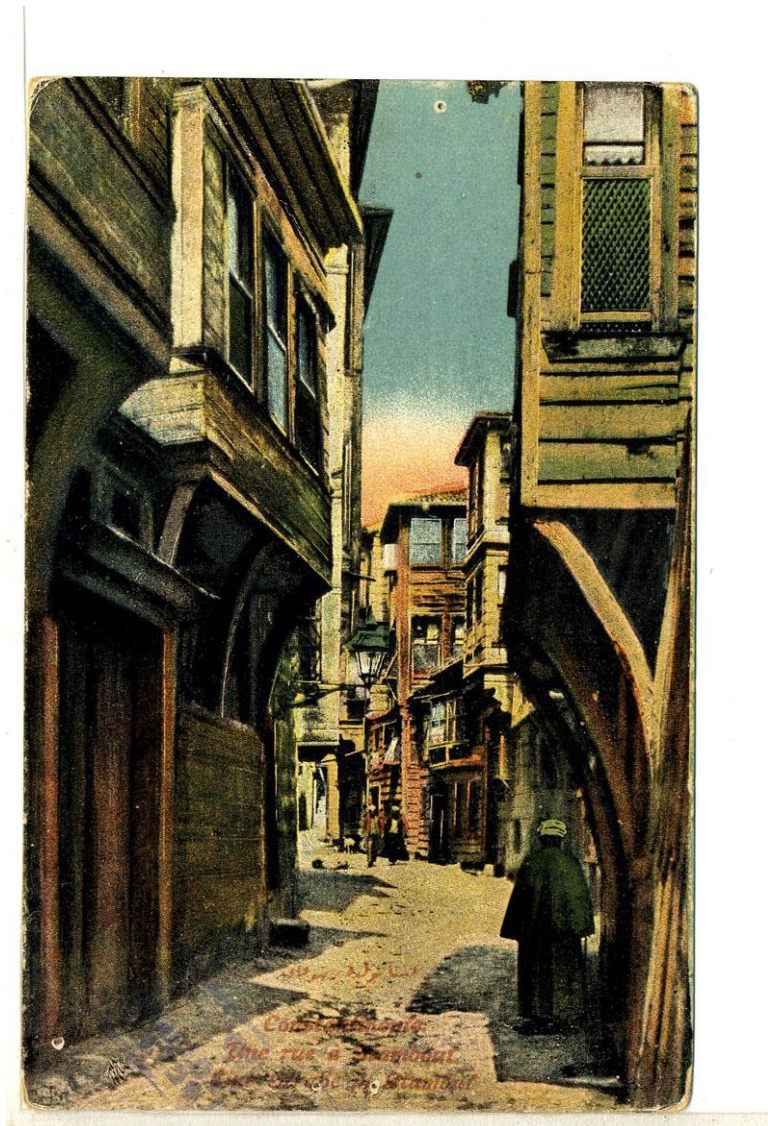


Figure 8: An example of a narrow and crooked street with wooden houses (Source: İ.B.B. A.K. Krt_004672).

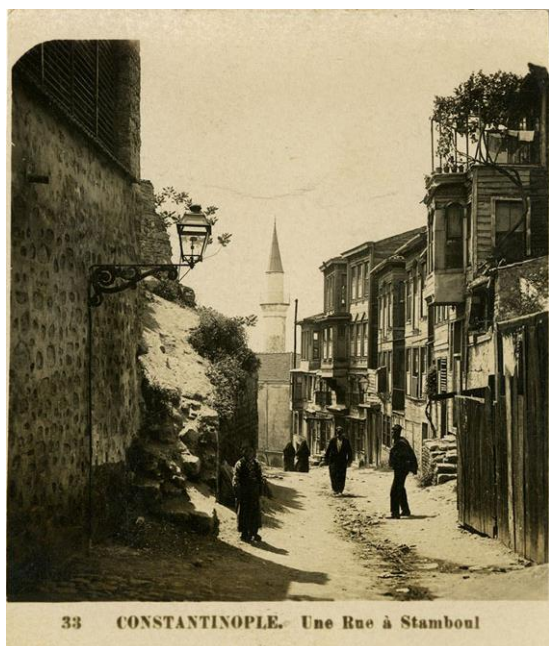


Figure 9: A narrow street in the Istanbul peninsula (Source: İ.B.B. A.K. Krt_014789).

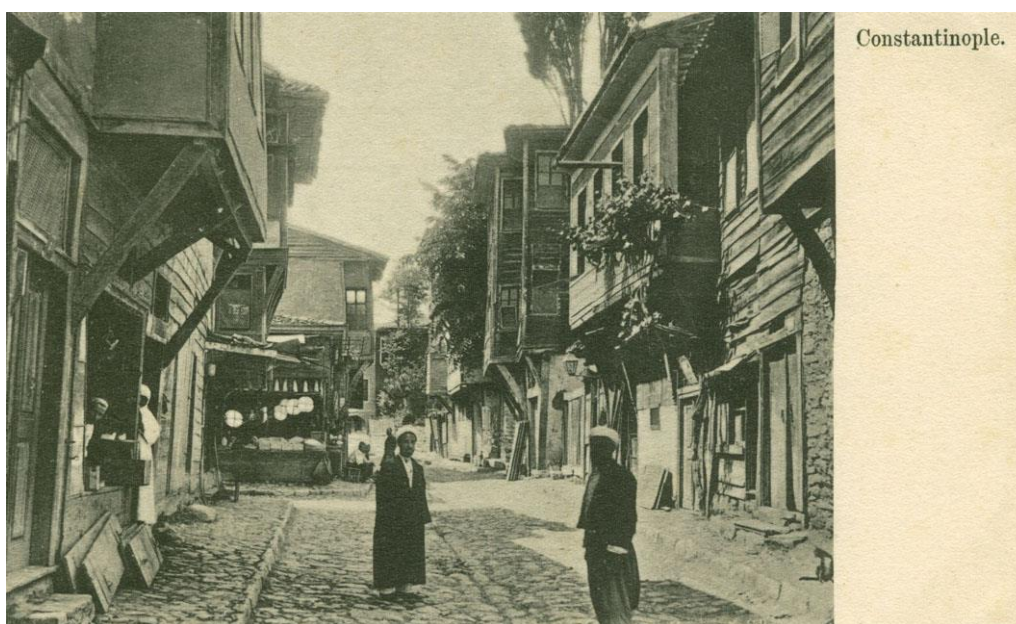


Figure 10: Another street with wooden houses (Source: İ.B.B. A.K. Krt_011707).



Figure 11: Galata Bridge (New Bridge), 1912 (Source: İ.B.B. A.K. Krt_000465).



Figure 12: Galata Bridge (Source: İ.B.B. A.K. Krt_011855).



Figure 13: Eminönü (Source: İ.B.B. A.K. Krt_002276).



Figure 14: Eminönü (Source: İ.B.B. A.K. Krt_004667).



Figure 15: Sirkeci (Source: İ.B.B. A.K. Krt_014559).



Figure 16: Divanyolu (Source: İ.B.B. A.K. Krt_004533).



Figure 17: Divanyolu. On the right are Çemberlitaş (The Column of Constantine) and the Mosque of Atik Ali Paşa (Source: İ.B.B. A.K. Krt_012127).



Figure 18: Divanyolu (Source: İ.B.B. A.K. Hrt_011089).

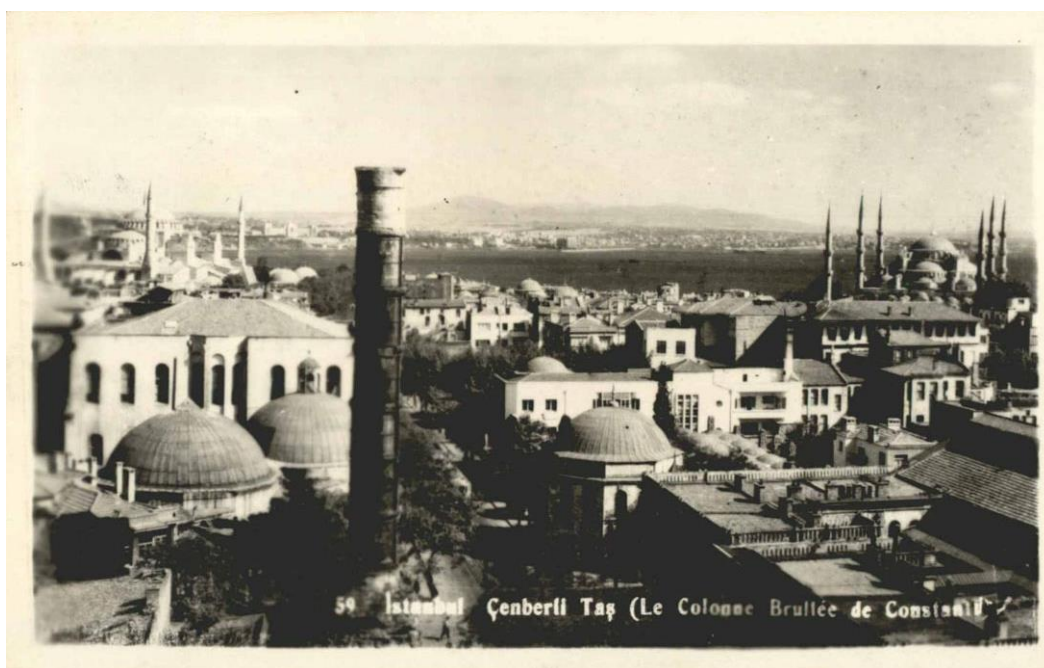


Figure 19: The vicinity of Çemberlitaş (Source: İ.B.B. A.K. Krt_012765).



Figure 20: Ayasofya (Source: İ.B.B. A.K. Krt_011109).



Figure 21: Ayasofya (Source: İ.B.B. A.K. Krt_011448).



Figure 22: View of the Istanbul peninsula from the seashore to the Süleymaniye Mosque on the top (Source: İ.B.B. A.K. Krt_004649).



Figure 23: Proposed parceling of Demirkapı, May 1866 (Source: İ.B.B. A.K. Hrt_006990).

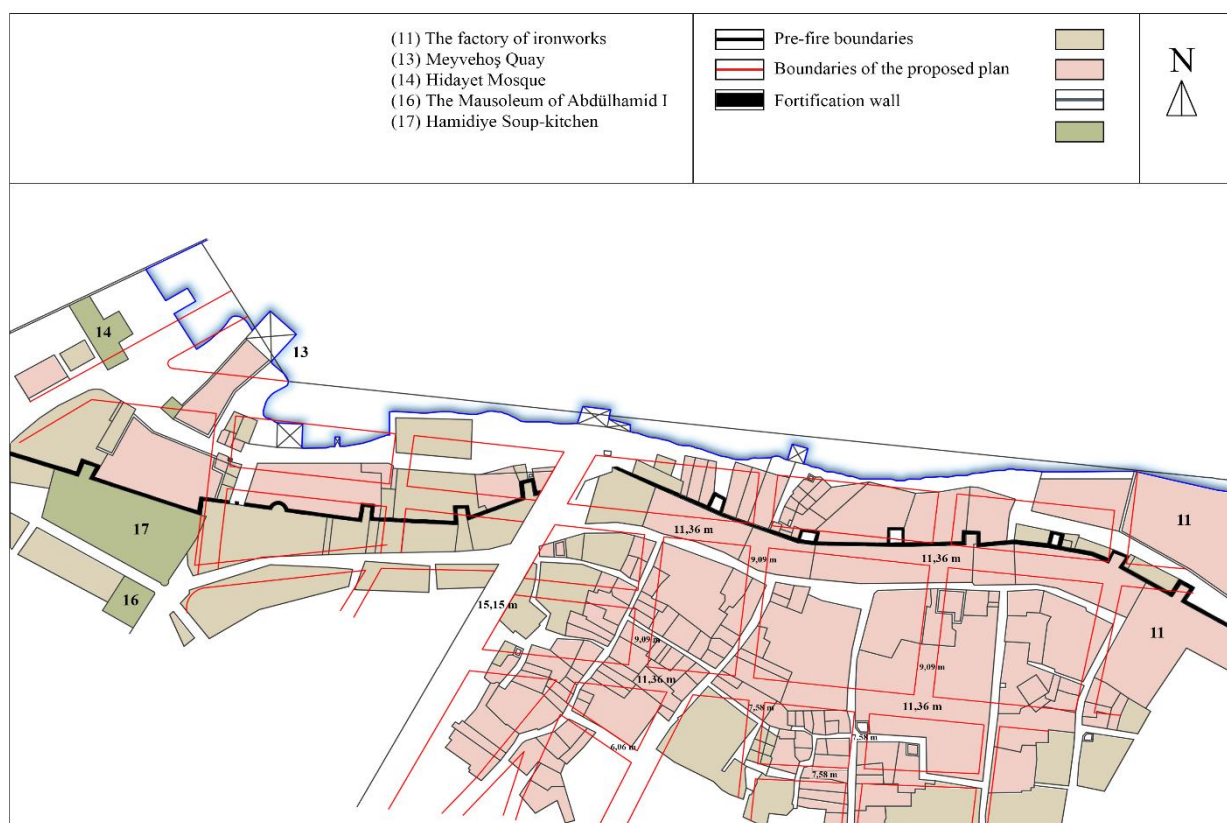


Figure 24: Blocks and street widths in Demirkapı, May 1866 (Reproduction of the original map of İ.B.B. A.K. Hrt_006990).



Figure 25: Boundaries of shops and houses before and after the fire in Kumkapı, 1866 (Source: İ.B.B. A.K. Hrt_004813).



Figure 26: Boundaries of shops and houses before and after the fire in Kumkapı, 1866 (Reproduction of the original map of İ.B.B. A.K. Hrt_004813).



Figure 27: Kumkapı (Source: İ.B.B. A.K. Krt_004185).

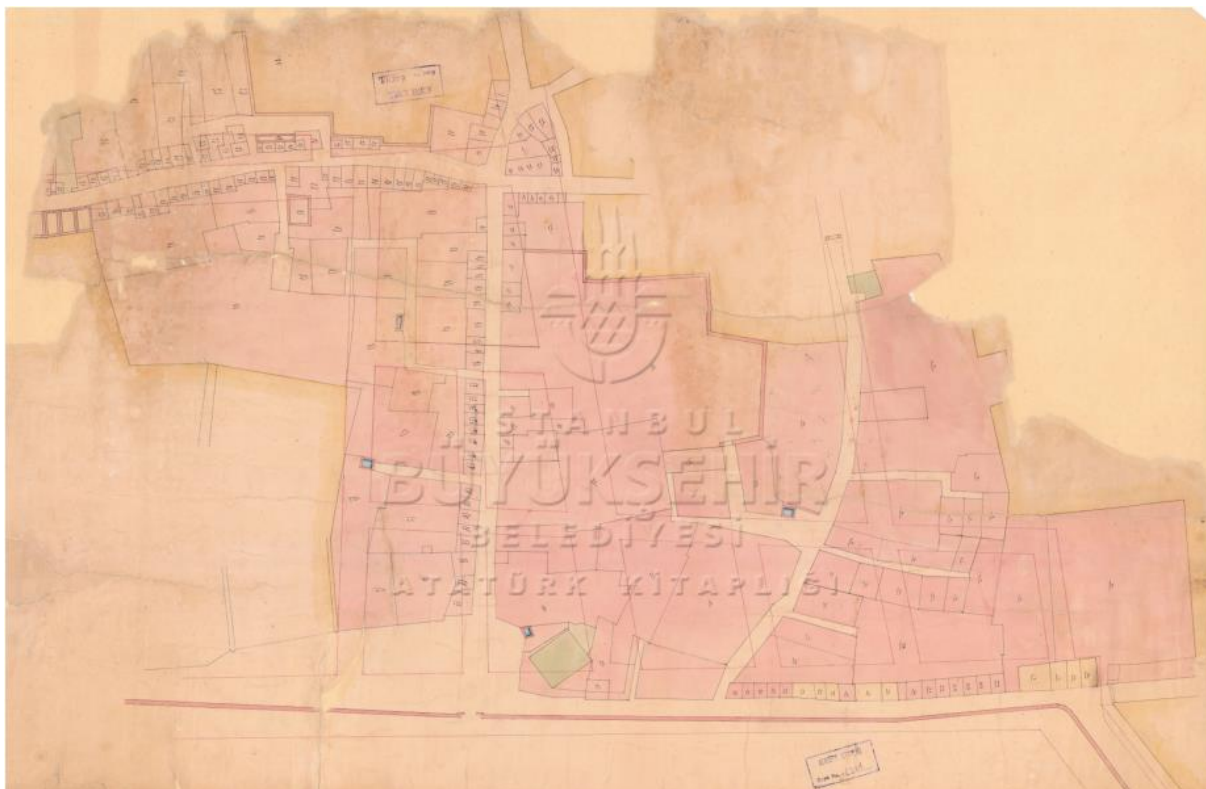


Figure 28: Proposed parceling of Mercan after the fire (Source: İ.B.B. A.K. Hrt_006201_02).



Figure 29: Proposed parceling of Mercan after the fire (Reproduction of the original map of İ.B.B. A.K. Hrt_006201_02).

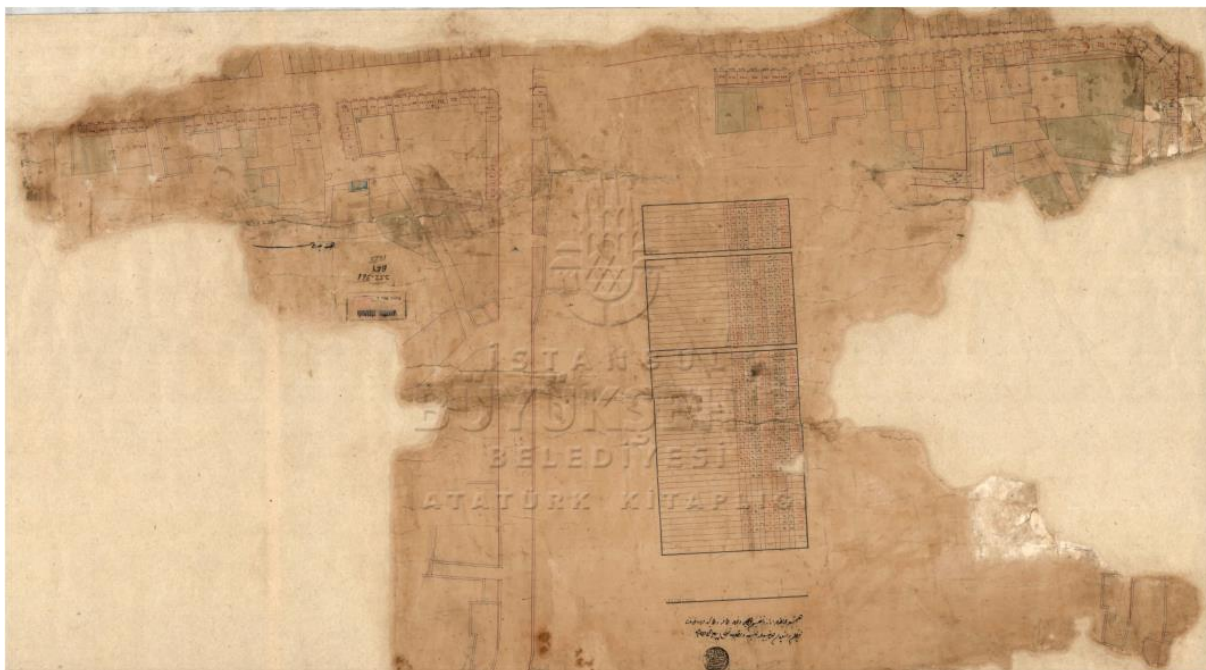


Figure 30: Uzunçarşı and Fincancılar streets, July 1868 (Source: İ.B.B. A.K. Hrt_003953).



Figure 31: Uzunçarşı and Fincancılar streets, July 1868 (Reproduction of the original map of İ.B.B. A.K. Hrt_003953).



Figure 32: Street leading to the Sublime Porte (Babiali) (Source: İ.B.B. A.K. Krt_000691).



Figure 33: The Sublime Porte (Source: İ.B.B. A.K. Krt_004221).



Figure 34: Nuri Osmaniye street (Source: İ.B.B. A.K. Krt_004558).



Figure 35: Nuri Osmaniye Mosque (Source: İ.B.B. A.K. Krt_011847).

The relief program as a form of persuasion

Following the fire, the government launched a relief program in order to communicate the fiction of urban rent to different layers of society. A relief commission was formed with the duty of collecting and managing the donations from all parts of the Empire, from the sultan and high-ranking statesmen to modest state officials and individuals in the provinces, both Ottoman and foreign. The collected sum was significant, which however was not distributed to the sufferers (*harîkzedegân*) completely. The relief commission decided to allocate half of the sum to the victims of the fire for their immediate needs. The other half was used to cover some expenses of the planning, especially for the cost reduction of construction materials “in a way rendering continuous prosperity.”²⁷⁸ The commission prepared an inventory of damage, and divided those who were in need of support into three groups in an order of priority, and subdivided each group into three according to the size of the house they had.²⁷⁹

Number of House Owners	1 st Group	2 nd Group	3 rd Group
Small	245	425	165
Medium	63	136	51
Big	8	11	-
Total	316	572	216

Figure 36: Number of house owners (Source: BOA. İ.DH. 542/37739).

The number of rooms was the criterion to determine the size of a house. Accordingly, houses with one to four rooms were considered small, with five to ten rooms medium, and with more than ten rooms big. These numbers suggest that small house ownership was dominant in the burnt-down area with gardens, water wells and other outdoor parts’ not being counted. The

²⁷⁸ BOA. İ.DH. 542/37739.

²⁷⁹ Ibid.

first group included widows, orphans, the old and disabled, and those whose sole property was their house and all of their possessions the fire destroyed inside. The second group was composed of those who were able to save some of their moveable properties, and the third group was lucky enough to pull their all portable possessions out of the fire. Shop owners together with those who had more than one house, and a salary above 1.500 piasters were excluded from the relief program. Mehmed Rüṣdi Paṣa, the former grand vizier, Rauf Bey, the chief secretary of the Supreme Council of Judicial Ordinances, Fahreddin Efendi, the official representative of a provincial governor, and other high-ranking statesmen and officials who lost their *konâks* (mansion) were probably among this excluded group whose losses were regarded as worth mentioning in the pages of a newspaper.²⁸⁰

The half of the relief money was distributed in the following way:

The amount of donation in piaster	1 st Group	2 nd Group	3 rd Group
Small house owners	2000	1600	1200
Medium house owners	2400	2000	1600
Big house owners	3200	2400	-

Figure 37: Distribution of the donations (Source: BOA. İ.DH. 542/37739).

The other half of the donations was spent to facilitate *kârgir* construction. After the Hocapaşa fire, the government banned wood-building as suggested in the columns of *the Levant Herald*. However, it was well aware of the fact that the ban could not be enforced unless it took some measures in order to make the cost of stone construction more or less equal to that of

²⁸⁰ *Rûznâme-i Cerîde-i Havâdis*, 9 and 14 September 1865.

wood building. The concern was to make the inhabitants of the capital “accustomed” to *kârgir* building.²⁸¹ But doing so was not easy. Judging from Sadık Rıfat Paşa’s comments on masonry construction, it seems that people were still hesitant to break the tradition of wood building in the 1840s for various reasons. “The lack of courage” was one reason according to the paşa.²⁸² Another was the fear that the state would impose taxes on masonry buildings. In other words, it was the hesitation to look “rich” as it was believed that the state might target it.²⁸³ It was the feeling of insecurity. Therefore, the paşa felt the need to write that the state “does not have its eye on anybody’s property.”²⁸⁴ That the state would not demand taxes, he proposed, be published in newspapers, so that people would be assured.²⁸⁵

But the main reason was probably that wood-building was cheaper and less time-consuming. Masonry construction was therefore something to be forced otherwise everybody would construct a “fire temple” (*ateşkede*) again if it were left to their decision.²⁸⁶ After the fire, the government took several measures to facilitate masonry construction, which were conceptualized as a “sacrifice” (*fedâkârlık*) that the state made out of its “mercy” (*merhamet*) and “compassion” (*şefkat*) towards its subjects. This “sacrifice” was necessary for the “prosperity” (*ma‘mûriyet*) and “wealth” (*servet*) of the capital and its peoples. The reports on the issue written after the great disaster present masonry buildings as a source of security against being left in complete destitution at the slightest chance of a fire, and indispensable to the progress of prosperity and civilization, and the protection of public wealth.

²⁸¹ BOA, İ.MMS. 31/1287.

²⁸² “‘adem-i cesâret.” Sadık Rıfat Paşa, *Müntahabât-ı Âsâr*, 36.

²⁸³ “beni zengin bellerler de sonra bir harâca sürürler vâhimesiyle çekindikleri.” Ibid.

²⁸⁴ “devlet-i âliyenin hiçbir kimsenin mâl ve emlâkında gözü olmayub.” Ibid.

²⁸⁵ Ibid, 37.

²⁸⁶ BOA, İ.DH. 572/39882.

Within less than two months following the fire in 1865, the government started the negotiations with brick makers in Kağıthane. These were individual brick makers with small workshops. At the time, there was no large-scale brick factory in the city. The government also employed a brick master from Belgium.²⁸⁷ In order to decrease brick prices, the wood necessary for brick production was decided to be provided by the government for free. Likewise, the gunpowder needed in stone quarries was provided at lower prices. The abolition of taxes on construction materials like timber and lime was another measure. The government also took some action to ease the transportation of construction materials to the burnt-down area. Another plan was to build several *kârgir* houses as examples to encourage people to do the same.²⁸⁸ With the foundation of the CSI in 1866, the building of carriage roads in the area became an important part of the planning process in order to reduce the transportation costs in construction materials.²⁸⁹ The taxes on masonry buildings that were built after the fire were also abolished.²⁹⁰

An important dimension of the relief program was publicity. Through newspapers, both the relief and the planning program was couched into a public narrative. Following the fire, several newspapers announced the formation of a relief commission, and introduced its members to the public with an image of a merciful sultan who was more “grieved and vexed” than anyone else because of the fire.²⁹¹ Newspaper articles also presented the government as the protector of its subjects against those tradesmen who attempted to sell construction materials at prices above the fixed rates.²⁹² The newspaper *Rûznâme-i Cerîde-i Havâdis* even went further

²⁸⁷ Ibid.

²⁸⁸ BOA. İ.MMS. 31/1287.

²⁸⁹ BOA. İ.MVL. 550/24667.

²⁹⁰ BOA. İ.DH. 572/39882.

²⁹¹ “müte’essir and melûl.” *Takvîm-i Vekâyî*, 20 September 1865; *Rûznâme-i Cerîde-i Havâdis*, 13 September 1865; *Tasvîr-i Efkâr*, 13 September 1865.

²⁹² *Takvîm-i Vekâyî*, 17 August 1866.

to accuse some roof tile sellers of being “villain” for they sought their personal interests in people’s misery.²⁹³

One part of this publicity was to publish the lists of donators with the amount of money they contributed. As the donations were made public, the sufferers also expressed their gratitude publicly. The official newspaper of the state *Takvîm-i Vekâyî* ‘ published two letters on the 27th of March 1866, one sent by the “Muslim population” (*ahâli-i Müslime*), and the other by the “Armenian community” (*Ermeni milleti*). Unfortunately, the letters’ authorship and indeed their collective nature remain unclear, though the form and vocabulary used in these letters suggest formal and bureaucratic affinities. Both praise the sultan for the degree of “mercy and grace” (*merhamet-i seniyye ve ‘inâyet*) that was “unheard of” (*işitilmemiş*), and for which they would always be grateful.²⁹⁴ Another newspaper, *Rûznâme-i Cerîde-i Havâdis*, devoted some space to the letter sent by the dwellers of the Hüseyin Ağa neighborhood together with their *imâm* and *muhtâr* (headman of the quarter). The language they employed is much more vernacular, and they eulogized the grand vizier rather than the sultan for his efforts to extinguish the fire. Apart from expressing their gratitude, the publicity was too good an opportunity to pass up, and they also asked for a new carpet for the mosque of the neighborhood. Even more intriguing is that they did not miss the chance to mention some “disgraced persons” (*eşhâs-i erâzil*) who gathered around coffee houses, barbershops, and taverns, and were careless enough to “throw their burning cigarettes here and there,” which caused fires.²⁹⁵ This narrative of accusation employed by the residents of the Hüseyin Ağa neighborhood reflects the multidirectional character of the relief program as a form of social control. It was not simply the state persuading its subjects

²⁹³ “eşhâs-ı habâset.” *Rûznâme-i Cerîde-i Havâdis*, 14 September 1865.

²⁹⁴ *Takvîm-i Vekâyî* ‘, 27 March 1866.

²⁹⁵ “ellerindeki sigarayı yanar olduğu hâlde ortaya berüye atmakta oldukları.” *Rûznâme-i Cerîde-i Havâdis*, 11 September 1865.

through charity for *kârgir* construction. Victims of the fire also used it to express their discontent with those they regarded as “disgraced.”

Furthermore, since wood-building became something incompatible with the imperial visions of urban renewal, it also became a social leverage for property disputes. The reorganization process created a mechanism of social control of its own. Property owners sometimes presented collective petitions against some neighbors who allegedly involved in construction that was against the building regulations.²⁹⁶ If their opponents were wood-building people were not hesitant to support their claims on the basis of the dangers that wood-construction potentially posed for the general welfare.²⁹⁷

In spite of the efforts of the CSI and the government to encourage masonry construction, wood-building continued in Istanbul well until the 1920s.²⁹⁸ This was something that Ergin criticized quite strongly. According to him, Istanbul remained to be a wooden, thus a “tumble-down,” city because of “the short-sightedness and the superfluous compassion and mercy of the government,” by implication, towards the poor, in particular.²⁹⁹ It is ironic that for others like Sakızlı Ohannes Efendi, it was actually the poor who would benefit most from the organization and enlargements of streets. In his view, large streets were “more beneficial to the poor who are obliged to live in narrow and rotten streets in summer and winter than to the rich

²⁹⁶ “Ayazma kapusunda Lonca sokağı köşesinde kasâp Halil Ağa’nın mugâyir-i nizâm olarak yaptırmakta olduğu ebniyesinin paydos ettirilmesini müsted’i civârında bulunan ashâb-ı dekâkîn tarafından verilen ‘arzuhal.’ BOA. MVL. 541/93.

²⁹⁷ BOA. MVL. 506/53; BOA. MVL. 506/81;

²⁹⁸ For the custom of wood-building and its existence until the 1920s in Istanbul see, Uğur Tanyeli, “İstanbul’un Ahşap Geleneği: Bir Tarihlendirme Denemesi,” *İstanbul*, no: 25 (April 1998), 52-57; Kemalettin Kuzucu, “İstanbul Konut Mimarisinin Şekillenmesinde Yangınların Rolü: Ahşaptan Kargire,” *İstanbul*, no: 32 (January 2000), 41-49.

²⁹⁹ “Şehrin böyle kereste yığını ve harabe halinde kalmasının yegâne sebebi hükûmetin kötehbinliği [kûtâhbinlik] ve lüzumsuz şefkat ve merhametidir.” Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 3, 1239.

who can afford to live in a summer house.”³⁰⁰ However, due to the “superfluous and redundant mercy” of the state, as put by Ergin, it could not be possible to reorganize the streets, and change the urban fabric of the city into masonry.³⁰¹

“The few must suffer, more or less, that the many may gain”³⁰²

Given the relief program and the help provided for the sufferers, wood-building would be nothing but “absurd” in Istanbul as the government and the CSI envisioned.³⁰³ However, many victims of the fire found it beyond their means to construct stone houses. Some dwellers of burnt-down areas presented collective petitions in order to gain permission for wood-construction. For instance, a group of residents from the Hocaapaşa and Cağaloğlu neighborhoods who were, within a year of the fire, still homeless living in “cellars” with their children and families, asked for “mercy” (*merhamet*) from the government, because they could not afford masonry construction.³⁰⁴ Some owners justified their demand for wood-building in reference to the location of their properties. For example, following a fire in Ayvansaray, the owners of around 60 houses in the Hocaali neighborhood thought that the ban on wood-building could be bended, because Ayvansaray was an “outskirt” (*kenâr şehir*).³⁰⁵

Another petition presented in 1866 and signed by more than 120 persons from different neighborhoods also illustrates how difficult it was for many dwellers to comply with the ban

³⁰⁰ “sokakların cânib-i hükümetten tanzîm ve tevsî’i istedikleri halde sayfiye tedarikine muktedir olan ağniyâdan ise dar ve müte‘affin sokaklarda yaz, kış ikamete mecbur olan fukaranın işine yarar.” Sakızlı Ohannes Efendi, *Mebâdî-i ‘İlm-i Servet-i Milel*, 335.

³⁰¹ “Bu lüzumsuz ve zâid merhametin.” Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 3, 1240.

³⁰² *The Levant Herald*, 13 September 1865.

³⁰³ BOA. İ. MMS. 31/1287.

³⁰⁴ BOA. MVL. 504/143.

³⁰⁵ BOA. A. }AMD. 124/51.

on wood-building. What was “absurd” for them was the imposition of stone construction in view of the fact that people, “apart from several ministers and their descendants who were known by everyone, were from the group of the poor.”³⁰⁶ Those who were economically in an “average condition” before the fire became “dependent on charity” and “scattered” after the great disaster.³⁰⁷ They were homeless, and “winter was coming.”³⁰⁸ They would be only too glad if they could afford a “shed” (*salâş*) that could protect them from “the hardness of the cold weather.” In a word, they were in “debt” and “misery.”³⁰⁹ As it was their situation, the imposition of masonry building was not only “absurd” but also “in contradiction with Islamic law and justice.”³¹⁰ Therefore, they demanded permission to build their homes with wooden materials.

Breaking the deep-rooted custom of wood-building and talking the sufferers into *kârgir* construction was not the only problem. The government also needed to mediate what the general good was especially with regard to the regularization of streets. Expropriation rates sometimes rose to a point that property owners had to present collective petitions to question the reasons behind such excesses.³¹¹ For example, in Kumkapı, the expropriation rates went up to 42 per cent which, however, had to be reduced to 25 per cent upon the objection of property owners.³¹²

³⁰⁶ “tekâlîf-i ‘abes.”; “herkesin ma‘lûmu olan birkaç vükelâ ve vükelâzâdelerinden ma‘adâsı fukarâ’ gürûhundan ma‘dûd olarak.” BOA. MVL 514/91.

³⁰⁷ “vasatü’l-hâl”; “sadakaya muhtâç”; “perîşân.” BOA. MVL 514/91.

³⁰⁸ “eyyâm-ı şîta takarrüb eylemekte olduğundan.” Ibid.

³⁰⁹ “gıřiftâr olduğumuz düyûn ve sefâlet.” Ibid.

³¹⁰ “hilâf-ı şer‘-i şerîf ve mugâyir-i hakkâniyet.” Ibid.

³¹¹ “Mahmudpaşa caddesinde vâki‘ harîk mahallinde küşâd olunan tarîkten dolayı ‘arsalarından emsâline nisbetle ne sûrette ziyâde zâyî‘ât vukû‘ bulduğu beyânıyla istirhâmı şâmil Serkez nâm kimesne ile ahâli nâmına verilen ‘arzuhal.” BOA. MVL. 541/97; “Mahmudpaşa civârında kâ’in Hacı Küçük mahallesi harîk mahallinden ne vecihle fazla yer terk ettirilmesine teşebbüs olunduğundan bahisle karâr hâricinde sokak içün yer alınmaması istid‘âsı.” BOA. MVL. 528/117.

³¹² “harîk-i kebirde sokakların tanzîm ve tesviyesi içün ashâb-ı emlâka % 42 zâyî‘ât isâbet edüb ‘arsalar ashâbı istiksâr ile bu sûretle tesviyeye muvâfakat göstermediklerinden % 25 derecede zâyî‘ât ile tesviye edilmesi cihetle.” BOA. ŞD. 700/30; BOA. ŞD. 706/7.

The same petition presented by over 120 dwellers also illustrates the impasse of the balance between ‘the sacrifices’ and ‘the benefits’ that one had to make and gain during the replanning process. For these “poor” people as they portray themselves, wide streets meant tiny pieces of land that they were reallocated only ‘reluctantly.’³¹³ In other words, the wider the streets the narrower the parcels they were given according to their ‘adjustment’ logic. Some parcels became too small after expropriation that it was impossible to maintain their pre-fire usage. The petition of Şerife Ganime Hanım who was a resident of the Hocapaşa neighborhood shows the language that people employed to express their despair with such cases. She was an owner of a house and an adjacent tobacco shop on a land of 69 *zirâ*‘ (39.6 square meters). After expropriation, her land was reduced to 52 *zirâ*‘ (29.8 square meters) which, according to her, was too small a size that even “a bed could not fit into.”³¹⁴ This was, however, slightly an exaggeration that she made to convince the CSI to give her extra land for free. But her effort did not yield a positive result. Nevertheless, it might have been the case that it did not occur to these people to think wide streets as something ‘beneficial’ even though ‘the benefits’ were at the core of the nineteenth-century projects of city planning.

There were objections to the application of the *tarlâ* system even before the Hocapaşa fire of 1865. For instance, some residents of the Divanali neighborhood in Gedikpaşa presented a petition in 1863 following a fire that destroyed around 58 houses and 30 shops. They requested that the burnt-down area be reorganized according to the *tevsî*‘ rather than the *tarlâ* principal. They expressed that they were “gladly and gratefully” willing to sacrifice some portion of their

³¹³ “hâne yapılacak mahalle aralarına bî-luzûm cesîm sokaklar ihdâsından hâne inşâ olunacak ‘arsalar [...] ve köşe kıyı ve bucâk misillü tenk ü târ yerler kalarak ol yerlerin dahî ashâbına gösterilmekte hezâr güne nâz ve istiğnâ eylediklerinden.” BOA. MVL 514/91.

³¹⁴ “bir döşek sığmaz.” BOA. MVL. 510/107.

lands for street enlargement as required by the regulations.³¹⁵ However, the rearrangement of the neighborhood according to the *tarlâ* rule would be, they wrote, a “great injustice and harm” for them.³¹⁶ Even though we do not know the local circumstances, their petition shows that some city dwellers were not happy with the scale of change that the *tarlâ* principal necessitated in their living environment. Likewise, some property owners in Samatya presented a petition requesting the same thing in 1866. Even though we do not have their petition in this case, we learn from the official dispatch that they preferred the *tevsî*’ over *tarlâ* rule, because the latter meant a greater loss of property. In addition, they also demanded permission to build their houses with wooden materials.³¹⁷

There were also some property owners who were left in an uncertainty after the fire which took a form of injustice. The reallocation of their parcels sometimes took a long time during which they went through a bureaucratic oppression. For example, the case of a property owner, namely İbrahim who presented himself as a “servant” (*kûl*) of the state working at the imperial bakery of the palace, illustrates the degree of uncertainty over the future of people’s properties. After losing his house in the fire, İbrahim was left with a land of 370 *arşûn* (212.4 square meters) in size. Half of his land was expropriated for street widening, and the other half was reallocated to other persons instead of being given to him. Even though he insisted on his original land, the chief engineer told him that he would be given a new parcel whose *şeref* would be equal to that of his pre-fire land. The officials showed him two different pieces of land in different times, and every time, he accepted what he was offered. However, upon the objections of other property owners, he could not get any of these plots. He had to go to the Commission’s office “every day for six months” in order to reclaim his property that he earned

³¹⁵ “memnûnen ve müteşekkiren.” BOA. MVL. 415/78.

³¹⁶ “külli gadr ve rahne.” Ibid.

³¹⁷ BOA. MVL. 500/26.

honestly by “serving the state for twenty-five years at the imperial bakery.”³¹⁸ The officials did try to find a solution, however, in the end, they said there was no “vacant land.”³¹⁹ Unfortunately, we do not know why he was not given his original land, and how long more İbrahim had to wait until a suitable land was found for him.

Another similar example is the case of a bakery somewhere close to Ayasofya which provided a livelihood for 42 persons and their families. The shop was expropriated completely, and when its runners presented a petition they had been already waiting for five months for the CSI to allocate them a new parcel.³²⁰ In the meantime, it must have been quite hard for them to survive. Some owners had to wait even longer, such as Todorı and Hristo who were prevented from renting their flower garden in Langa for four years after the Aksaray fire because of the delays in the reorganization of the area. In their petition, they wrote that they had “no certainty over their property.”³²¹ In such cases, it is difficult to imagine that these people saw any benefits of urban *tanzîmât*.

Urban reforms affected some more than others because of the nature of their property. The runners of a yogurt workshop and a vegetable garden in Fazlıpaşa, including Nikola, Yani, İlya, Petro, and their families, were some of these more unfortunate city dwellers. Even though their property did not burn, it was included in the reorganization scheme because of its proximity to the burnt-down area. The wall that surrounded their property was demolished, and a new street was opened which divided their vegetable garden into two pieces. As a result, they

³¹⁸ “altı aydan berü beher gün”; “25 seneden berü hâs firûnda devlete hizmet edüb mâlik olarak kazanmış olduğum.” BOA. MVL. 511/136.

³¹⁹ “hâli ‘arsa.” Ibid.

³²⁰ BOA. A.}AMD. 138/19.

³²¹ “mu‘allakta bırakılub dört seneden berü tesviyesini istîrham olunmakta isem de te’sîr etmeyüb beher sene on bin gurûş icârdan mahrûm olub ve mâlîm dahî ma’lûm olunamadığından.” BOA. A.DVN. 149/25.

found themselves “deprived of their livelihood.”³²² In their petition, they stated that it was not possible for them to pay the taxes anymore unless their garden was restored to its previous condition.³²³ They used the taxes as a bargaining chip. However, unfortunately, we do not know what the official response was to their plea. The demolition of garden walls that surrounded people’s houses was sometimes used as a side line of argumentation in terms of the problems that it created for the privacy of women.³²⁴ Likewise, the destruction and expropriation of masonry buildings that were unburnt, outdoor parts of a property, such as kitchens, baths, cellars, and water wells, was another difficulty that the CSI had to face.³²⁵

It was not only in the name of individual properties that city dwellers presented petitions. It was sometimes public properties that people tried to preserve. The struggle of the residents of three neighborhoods nearby the Mahmudpaşa bazaar to protect their public fountain is telling in regard to the tensions between different understandings of public good. One night during the reorganization of the bazaar street, as they told the story, some officials came to demolish the fountain. They tried to convince the officials of the essential importance of the fountain for the people of the district. However, the officials responded with “all sorts of nonsense.”³²⁶ Furthermore, they even physically attacked the neighbors. Therefore, local people felt compelled to present a “petition of the truth of the matter,” as they called it, to the authorities in order to demand that their fountain be preserved, and the officials be punished for their fault.³²⁷ Even though we do not know what happened next, the case shows that something that was once built for the general interest as an endowment (*hayrât-ı şerîfe*) could be destroyed for

³²² “bostânımızın dahî mu‘attal edilerek bunca fâmiyâmızın idâre-i ta’yîşlerine hâlel.” BOA. MVL. 553/10.

³²³ “bostânın virgüsünü bi’z-zarûri veremeyeceğimizden.” Ibid.

³²⁴ BOA. A.}AMD. 137/41.

³²⁵ BOA. MVL. 507/57.

³²⁶ “envâ’-yı güne hezeyân.” BOA. MVL. 546/42.

³²⁷ ““arzuhal-i hakikat-i keyfiyet.” Ibid.

another general interest defined by new urban institutions that gradually took over the municipal functions of waqfs.

It was sometimes the construction of tramlines that created the necessity for expropriation. Streets were usually too narrow for the operation of trams; therefore, expropriation was indispensable. However, property owners differentiated between expropriation for general interest and expropriation for the interests of a tramway company. This was exactly the case in which some shop owners on the Koska street protested against the expropriation of their property without compensation in 1872. In their first petition, they wrote that this situation caused a great “misery” (*perişâniyet*) for them.³²⁸ And they openly stated in their second petition that “the individual interests of the poor cannot be sacrificed for the private interests of the tramway company.”³²⁹ They demanded to be compensated for their loss. They also added that in reference to the cases of compensated owners in Galata and Beşiktaş, “nobody can be treated exceptionally in [terms of] ownership” according to justice and law.³³⁰ However, we do not know if their demand was met.

Another similar example is the case of some owners whose property was expropriated for the construction of a railway station in Demirkapı nearby the Sirkeci quay in 1873. Unlike the case of property owners on the Koska street, they were compensated for their loss. But, they were not satisfied with the amount of compensation. They presented several petitions in which they claimed that the actual value of their properties was higher than what was estimated by the railway commission. However, they were accused of being “obstinate” (*ta’annüd*). In their third

³²⁸ “tramvay kumpanyasının menâfi-i külliyesi için ahali-i fukaranın zaruret ve perişaniyetlerine.” BOA. ŞD. 676/29.

³²⁹ “tramvay kumpanyasının menâfi‘-i mahsûsası yoluna fukarâ‘-yı ahâlinin fevâ‘id-i şahsîyesi fedâ edilmeyeceği.” BOA. ŞD. 676/35.

³³⁰ “tasarruftan kimesneyi mevki‘-i istisnâda tutmadığı.” Ibid.

petition addressed to the grand vizier, they rejected this accusation: “We servants are not obstinate”³³¹; and voiced their disappointment: “Should we feel grieved for being insulted every time or for not being able to express our problem?”³³² They also added that “You are a grand vizier, you will see our unjust treatment.”³³³ However, their demand for an increase in value of their property was rejected on the basis of general interest as defined by expropriation regulations.³³⁴

All these examples show that general interest was an abstract form of domination that these people had to conform to in relation to a prospect of a better future. Their present private interests were not really compatible with the fiction of urban rent that the government promoted as the material expression of general interest. The adjustment of the sacrifices to the benefits was a contradictory process full of injustices, insults, and even physical violence. However, this is not to say that it was only opposition that characterized the relations between the government and people. The process of urban restructuring also included compliance, and more importantly, corruption as a set of monetized negotiations not only between the government and people but also between the people themselves.

Nothing demonstrates more clearly the reciprocal and multidirectional character of these social relations than the petition of a scholar (*müderriş*) by the name of Mehmed Emin. He presented his petition in 1868-9 in order to “warn” (*ihâtâr*) the authorities that street widening for public good was a “canonically permitted” and “customarily approved” practice.³³⁵ His petition almost reads like a fatwa (legal opinion) except for the specific information that he

³³¹ “Kûlları ta‘annüd değiliz.” BOA. A.}MKT.MHM. 449/48.

³³² “herbâr-ı hakâret olunduğumuza mı yoğsa derdimizi anlatamadığımıza mı yanalım.” Ibid.

³³³ “siz bir vezîr-i â‘zamsınız bizim gibi mağdûriyeti görecekseniz.” Ibid.

³³⁴ BOA. A.}MKT.MHM. 449/48; BOA. A.}MKT.MHM. 449/85; BOA. A.}MKT.MHM. 451/69.

³³⁵ “şer‘en câ‘iz ve ‘örfen umûr-ı müstahsene.” BOA. A.}AMD. 140/15.

provided about the case. He did not talk generically about the practice of street widening. The circumstances he mentioned were certainly particular: the necessity to expropriate and demolish some houses for the reorganization of the street from the Fincancılar Han in Mahmutpaşa to the Süleymaniye complex in order to fix the problems of circulation and congestion. He supported his “warning” by referring to the “books of fiqh” and citing the saying that “the best people are those who are most useful to others.”³³⁶ He moreover claimed that it was even permissible to expropriate properties of a mosque if required for a street to be broadened.

But why did he feel the need to present such a fatwa-like petition? Why the need for such justification in spite of the fact that expropriation laws had already made the practice legal? Was it an attempt to forge a historical continuity in expropriation practices by linking the laws of the ‘modern’ century to earlier canons of Islamic law? And what authority did he see in himself to “warn” the authorities? Unfortunately, we have no answers to these questions, and his petition does not provide any clue that the case was somehow personal for him as he seems impartial like a mufti should be in writing a fatwa. Even though his motivations are unknown to us, his petition clearly suggests that there were also people who approved expropriation as there were conceptions of general good that did not always legitimize it.

There were, of course, also some people who were somehow successful to avoid expropriation, but again, as in the case of wood-building, they were likely to become a target of collective complaints as neighbors were quick to expose those who failed to pay for the public good. For instance, Zehra Hanım, a resident in Demirkapı, was among those who was accused of getting away with expropriation by her neighbors.³³⁷ Likewise, those who

³³⁶ “kütüb-i fikhiye”; “hayrū’n-nâs min yenfi’e’n-nâs.” Ibid.

³³⁷ BOA. MVL. 484/46.

appropriated public streets as their own property were sometimes denounced by their neighbors.³³⁸

Furthermore, the government was also aware of the ideological problems that expropriation created within the liberal notions of property that advocated the security of ownership. As a matter of fact, in one occasion in 1910, the Council of State defined expropriation as an “exception to the founding principle of the security of the right of possession.”³³⁹ Moreover, one of the memorandums of the Council of State suggests that the constant possibility of expropriation in a period of intense urban reform sometimes affected property values negatively. In that sense, urban reforms not only meant new opportunities and expansion of value but also insecurity and instability that made real estate values decrease as expressed by the Council of State.³⁴⁰

All in all, urban *tanzîmât* was a twofold process, of depreciation and appreciation. Some people found their properties replaced in a *şerefsiz* location, whereas, others came to have more *şerefli* places.³⁴¹ They were all actors who took a part in the definitions of general interest. The position of one actor was relational to that of others within which the fiction of urban rent was socially constructed. But, general interest had an abstract character as well that was shaped by the impositions of capitalist modernity which appeared in the form of ‘objective’ civilizational necessities like broad streets and masonry buildings.

³³⁸ BOA. MVL. 493/26.

³³⁹ “hakk-ı tasarrufun masûniyeti kâide-i esâsiyyesine şâzz teşkil eden istimlak keyfiyeti.” Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 7, 3711.

³⁴⁰ “birçok emlâkın böyle suret-i dâimede tebeddülâta ma’rûz kalması yüzünden kıymetlerinin tedennîsine sebebiyet verilmesi.” The decision of the Council of State on the articles of the Building Law on expropriation, 1917. Ibid, 3744.

³⁴¹ BOA. MVL. 499/34; BOA. MVL. 474/102.

Chapter II: Love, honor, happiness, labor, and property

“Is it possible to live in this world without love?” Ahmed Midhat asks in his book *Sevdâ-yı Sa’y ü ‘Amel* (The Love of Effort and Work).³⁴² In his view, the love of work, or, in French words, ‘*amour de travail*,’ is no different than romantic love. Neither is “the love of freedom” nor “patriotic love.”³⁴³ Even though love is “innate” (*mecbûl*) in people, he writes, some get blunted in “amorous feelings,” which is something to be fixed through *terbiye*.³⁴⁴ “Innate” qualities like love need to be ‘brought up, nursed, and bred,’ which is the function of *terbiye*, in order for them to “flourish and extend” (*inbisât*). A “lazy” (*tenbel*) person, for instance, is a person who is blunted in the love of work, hence, deprived of the pleasures that work brings. Therefore, a lazy man is an unhappy man. A hardworking (*çalışkan*) individual, in contrast, finds more joy in work than in romantic love³⁴⁵ as “a lover of effort and work.”³⁴⁶ He feels “a pleasure in his heart” when he starts spending his earnings for the things that he desires.³⁴⁷ Ahmed Midhat depicts an ordinary craftsman:

He comes back home with an oke of bread under his arm, and a bag of fruit. The man has worked all day. He has earned money in order to buy things that would make his children pleased. Look, his two-three children are entreatingly swarming around him. And there, his wife welcoming him. She is not ugly at all. Perhaps, she is even more beautiful than the ladies of ostensible lords. This woman is not interested in any man other than her husband, either. Look, the dinner is ready. They ate and drank. The children, they first of all liked the apples and oranges. They played with them for a while. Finally, they started to eat them. The father is smoking his pipe. He enjoys watching his children while looking suggestively at the face of a sultan wife. The guy is happy, happy!³⁴⁸

³⁴² “Bu dünyâda aşksız yaşanır mı?” Ahmed Midhat, *Sevdâ-yı Sa’y ü ‘Amel*, ed. Hilmi Uçan (İstanbul: Kitap Dünyası Yayınları, 2016), 24.

³⁴³ “sevdâ-yı hürriyet,” *sevdâ-yı vatan*.” Ibid. 4.

³⁴⁴ “Hissiyât-ı âşikâne,” Ibid, 6.

³⁴⁵ “sevdâ-yı sa’y ü amelin insânı işgâl ederek eğlendirdiği kadar aşk dahî eğlendiremez.” Ibid, 24.

³⁴⁶ “âşık-ı sa’y ü amel.” Ibid, 20.

³⁴⁷ “yüreği içinde bir lezzet.” Ibid, 36.

³⁴⁸ “Koltuğu altında bir okkalık ekmek ve mendilinde meyve dolu olduğu hâlde işte hânesinin kapısından giriyor. Herif bütün gün çalışmış. Çocuklarını hoşnûd edecek eşyâyı almak için para kazanmış. Bakınız iki üç çocuğunun kimisi eline kimisi eteğine sarılıyor. Tâ işte karısı da kendisini istikbâl eyledi. Hem çirkin de değil. Belki olur olmaz lordların leydilerinden daha güzel. Bâ-husûs bu kadının kocasından başka hiçbir kimsede gözü

This is a simple world where work has a virtuous meaning as Ahmed Midhat depicts the love of work as a moral quality. The peoples of “progressed countries” are “the happiest” in the world, because like this ordinary craftsman, they find great pleasure in their work.³⁴⁹ As the love of work in their hearts is ever-growing, they explore new “human sensations” and pleasures of progress.³⁵⁰ However, unlike the situation in Europe, he argues, the love of work is not known very well among the peoples of the Ottoman Empire, in particular, among the Muslim population, due to the lack of *terbiye* and progress that would make innate moral qualities like industriousness civic norms in his society. Even though there are some Quranic verses and hadiths as well as proverbs that dignify work, Ottoman people appear to have failed to foster a love of work. Therefore, as his logic goes, they cannot be considered a very happy people.

He nevertheless adds that even in Europe, there are lazy people. He gives examples from “European polite societies” where those who hate work do nothing but “kill time.”³⁵¹ If you ask “why,” when someone suggests to play a game, “they say “*pour tuer le temps*” that is a polite and elegant expression which means “to kill time.””³⁵² He contrasts the attitude contained in this expression with the saying ‘Time is money’ in order to elevate time to the same sacred position that labor occupies in his sentimental world of progress and civilization. In contrast to the time of loiterers, that of the men of work passes quickly. “It passes quickly, because it does

de yokdur. İşte sofra hâzır! Yediler içtiler. Çocuklara gelince onlar evvelâ elmalarıyla portakallarını sevdiler. Sonra bir hayli zamân onlar ile oynadılar. Nihâyet yemeğe başladılar. Baba efendi çubuğu yakmış. Hem bunları seyr idüp eğlenir hem de aralıkda bir bacı sultanın yüzüne ma’nâlı ma’nâlı bakar! Herif mes’ûddur mes’ûd!” Ibid, 31.

³⁴⁹ “memâlik-i müterakiyenin semere-i sa’yiyle dünyâca en mes’ûd bir hâlde bulunan ahâlisi” Ibid. 4 and 9.

³⁵⁰ “hissiyât-ı beşeriye.” Ibid, 22.

³⁵¹ “Fengistan’ın kibâr meclisleri”; “vakit öldürmek.” Ibid, 25.

³⁵² “Eğer “niçün?” diye hikmetini soracak olursanız “pour tuer le temps” derler ki kibârâne ve zarîfâne bir ifâde olup ma’nâsı “vakit öldürmek içün” demektir.” Ibid.

so very pleasantly” like “the time that a desirous lover spends with his beloved.”³⁵³ Time was, for Ahmed Midhat, a very valuable and pleasurable blessing. But the time that is spent without work is just wasted.

In this quite sentimental picture drawn by Ahmed Midhat, there emerges an intriguing relation between time, labor, happiness, and morality. He believed that civilization and progress can be achieved only through hard work, so does happiness and good morals as one can earn “fame and honor” only through effort and labor.³⁵⁴ His understanding of the relations between time, labor, happiness, and morality was utilitarian in its basic premises. The kind of morality that he advocated is liberal while happiness is proportional to general interest and wealth. To him, the more exchange is facilitated the more general happiness is achieved,³⁵⁵ and progress is about the greatest utility of “civilized blessings” by the greatest number.³⁵⁶ His definition of progress rests on this utilitarian understanding:

What is called progress is the purchase and consumption of commodities that are the means of prosperity, peace, and happiness of a civilized society by everybody through their production in a better, regular, quicker, easier and cheaper way, and in a greater amount.³⁵⁷

His perception of progress includes the “universalizing tendency” of capital towards the unimpeded process of production and circulation.³⁵⁸ In that sense, what was civilization to him

³⁵³ “Pek tatlı geçtiği için çabuk geçiyor. Aynıyla bir âşık müştâkın mâ‘şûkasıyla geçen vakti gibi ki pek çabuk geçer.” Ibid, 26.

³⁵⁴ “şân ve şeref.” Ibid, 33-4.

³⁵⁵ “teshîl-i mübâdele mes’ûdiyyet-i umûmiyyenin dahi husûlünü teshîl demektir.” Ahmed Midhat, *Ekonomi Politik*, transliterated and prepared by Erdoğan Erbay and Ali Utku, *İktisat Metinleri* (Konya: Çizgi Kitabevi, 2005), 70.

³⁵⁶ “Terakkî, herkesin ni’am-ı medeniyeden mebzûlen mütena’im olmasıdır.” Ibid, 43.

³⁵⁷ “terakkî denilen şey, mevâd ve yahut eşyâ-yı matlûbenin hem daha güzel ve muntazam, hem daha serî ve kolay ve hem daha ucuz ve çok hulûlüyle cem’iyyet-i medeniyenin esbâb-ı refâh ve huzûr ve mes’ûdiyyeti demek olan eşyanın, herkes tarafından mübâyâ’a ve isti’mâl ve onlardan istifâde olunabilmesinden ibârettir.” Ibid.

³⁵⁸ Marx, *Grundrisse*, 540.

was basically capitalism. Even though intellectuals like Ahmed Midhat perceived labor in abstract terms as “a wealth-creating activity,” they believed that no society could accumulate wealth without the right of property. They took labor in its capacity to create property rights and defined the right of ownership as a person’s legal authority to “use things that legally belong to him/her with complete freedom and without any interference.”³⁵⁹ They saw a proportional relation between the “security” (*te’minât*) that the right of ownership provides and the growth of production and the progress of civilization.

This chapter approaches to private property as a civilizational paradigm as it was embedded in both moral and temporal relations. It takes morality as a discursive field of sentiments in which the politics of productivity was played out as the love of work, and political demands found their subtle shapes with reference to corruption. Spending time productively gained a new immediacy as a measure of morality just as honor took a form of property. Liberal Ottoman writers located corruption in state interventions in economy and presented free trade as an antidote against immorality. All this happened in spite of the fact that they attempted to separate economy from morality and politics at the same time. Even though the nineteenth century was a process in which wealth (*servet*) and morality (*ahlâk*) were turning into two distinct sciences, their discourses were unmistakably moral.

What was new in their approach was not a strict separation but rather the transformation of moral values into economic credibility, into motivation and discipline to work harder and more efficiently. Their conception of morality was quite instrumental in nature. To put it differently, the nineteenth century was a larger process in which morality as an abstract ideal

³⁵⁹ “hakk-ı mülkiyet, insanın meşru’an kendisine ait olan şeyleri, hiçbir taraftan dâhil ve taarruz olunmamak üzere kemâl-i serbestî ile isti’âl edebilmesi hakkıdır.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlîl*, 129.

gained capitalist qualities and occupied a shifting place between economy and politics. Ottoman writers believed that persons who are intelligent, hard-working, and with a clean record of “credit” in the form of “honor and reputation” which is not stained by “evils like stealing, corruption and bankruptcy” can legitimately expect to become “rich” even though they do not have “money capital.”³⁶⁰

Ottoman intellectuals placed private property into this moral context. In their view, private property was not only “the strongest and the most effective motor of civilization” but also a means to elevate morals.³⁶¹ They believed that freedom of exchange is one of the “inseparable results” of the right of property, and limited ownership rights result in “ambivalence and insecurity” that impede “the progress of wealth and civilization.”³⁶² They advocated for a regime of private ownership where land changes hands freely so that market exchanges can bring the property to ‘the highest and best use,’ or in Ohannes Efendi’s words, “to the ownership of those who can manage it best.”³⁶³ Some writers, such as Serandi Arşizen (1809-1873), another supporter of free trade who adapted the work of Italian economist Pellegrino Rossi,³⁶⁴ even went further to conceive the right of property as the basis of society,

³⁶⁰ “bir insânın aklı, iz’ânı yerinde olup da, tembel dahi olmadığı ve ma’âzallah sirkat ve irtikâb ve iflâs gibi beliyeler ile kreditosuna, yani nâmûs ve i’tibârına halel getirmedığı hâlde nakden sermâyesi olmayacak bile olsa, yine büyük ticâretler ederek yaşayabileceği ve hattâ zengin dahi olacağı görülür.” Ahmed Midhat, *Ekonomi Politik*, 76.

³⁶¹ “Mülkiyet-i şahsiye, medeniyetin en kavî ve en müessir muharrikidir.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 132.

³⁶² “serbestî-i mübâdelât, ... hakk-ı mülkiyetin dahi netâic-i lazîmesindendir”; “kararsızlık ve emniyetsizlik”; “terakki-i servet ve medeniyet.” Ibid, 148 and 132.

³⁶³ “en ziyade idaresine muktedir olanların taht-ı tasarrufuna girip.” Ibid, 133.

³⁶⁴ Kılınçoğlu, *Economics and Capitalism*, 26-7. On Serandi Arşizen, see Sayar, *Osmanlı İktisat Düşüncesinin Çağdaşlaşması*, 284-5 and 291-2; Hamdi Genç, M. Erdem Özgür, “Osmanlı İmparatorluğu’nda Politik İktisadi Düşüncenin Evrimine Kısa bir Bakış,” in *Tasarrufât-ı Mülkiye*, eds. Hamdi Genç, M. Erdem Özgür, *Osmanlı’da Bir Politik İktisad Kitabı* (Istanbul: Kitabevi, 2011), xviii-xxii; Hamdi Genç, M. Erdem Özgür, “Sarantis Archigenes (Serandi Arşizen), Pellegrino Rossi and the Spread of the Classical Approach in the Ottoman Empire,” *European Journal of the History of Economic Thought* 21, no. 3 (2014): 421-47; Hamdi Genç, M. Erdem Özgür, “An Ottoman Classical Political Economist: Sarantis Archigenes and His *Tasarrufât-ı Mülkiye*,” *Middle Eastern Studies* 47, no. 2 (2011): 329-42.

the violation of which would lead to “confusion of chaos and rebellion.”³⁶⁵ He argued that the violation of property rights by the “men of government” makes people think that property laws are in fact legislated for “the interests of the ruling class,” and “the instructions given to them about the purity of morals and manners” are just “false stories” (*hikâyât-ı kâzibe*).³⁶⁶ The sanctity of property rights was, therefore, also the basis of a well-functioning legal system.

It is possible to see morality as a discursive means that classical economists used to privatize political power. Property rights were central to this process in relation to electoral politics that developed in the nineteenth century. Property ownership as the basis of political representation was in tune with the liberal perception of property as the basis of happiness. Respect for property was to respect one’s honor and dignity. Property was also about feelings as civilized society was about happiness as much as property rights were secured. Guaranteed property rights were the primary means to increase industriousness and prosperity, and elevate moral qualities. They were the antidotes against uncertainty, a drive for betterment, improvement, and progress.

However, there were some problems with Ottoman practices of property which were difficult to be reconciled with bourgeois ideology of private property. State ownership of land was the main problem. Likewise, waqf property was also seen questionable to a certain extent according to the political economy of property. On the one hand, Ottoman writers raised several objections against *mîrî* (state) ownership of land, because they held the idea that *mîrî* lands are bound to remain underdeveloped in comparison to private property since renters do not have much “interest” (*menfa‘at*) in investing in lands which do not belong to them. On the other

³⁶⁵ “heyûlâ-yı şûriş ü ihtilâl.” Serandi Arşizen, *Tasarrufât-ı Mülkiye*, 41.

³⁶⁶ “erbâb-ı hükûmet”; “irtikâb”; “menâfi‘-i zümre-i hükümdârân zımnında”; nezâhet-i ahlâk u âdâba dâir kendülerine virilen ta‘lîmâtun hikâyât-ı kâzibe kabîlinden idüğünü.” Ibid, 39-40.

hand, the practices of waqf property were not always encouraging in terms of long-term investments, either. Some writers, therefore, proposed the idea that waqf property be converted into *mülk* (freehold) property.

This chapter contrasts the ideas of Ottoman writers about property with the legal changes in the regime of property in the nineteenth century. Even though the concerns of the state in maximizing productivity, enhancing real estate values, and facilitating property transactions were largely parallel with those of economic writers, the state, however, did not see the solution in the conversion of waqf and *mîrî* property into *mülk*. Rather, it expanded usage rights over such categories of property. This was done by uniting the transactional practices over waqf and *mîrî* property. Mundy and Smith assert that waqf land was “increasingly assimilated to *miri* land” in the nineteenth century, and the state tried to develop “a single field of ‘immoveable property’” to unite the administration of waqf, *mîrî* and *mülk* property.³⁶⁷ Even though new laws and regulations of the century treated *waqf* and *mîrî* property as almost one and the same thing, the category of *waqf* to which these laws applied initially included *waqfs* controlled by *Evkâf-ı Hümâyûn Nezâreti* (the Superintendancy/Ministry for Imperial Religious Endowments).³⁶⁸ The main developments were the expansion of inheritance rights and the establishment of *waqf* and *mîrî* property as collateral to create an alternative money lending system.³⁶⁹

However, these practical developments have been overlooked by the literature on property in Ottoman historiography. Therefore, this chapter examines these changes briefly in

³⁶⁷ Mundy and Smith, *Governing Property*, 51.

³⁶⁸ The term “*nezâret*” translates as “superintendancy” at the beginnings of its existence but then comes to mean “ministry.”

³⁶⁹ Eda Güçlü, “Transformation of Waqf Property in Nineteenth-Century Ottoman Empire” (MA Thesis, Sabancı University, 2009).

order to divert the disproportionate attention on the Land Code of 1858. Because most of the property in Istanbul belonged to religious endowments in the nineteenth century, it pays attention to inheritance regulations on waqf property, in particular. Several regulations were issued during the century which entitled the members of wider family to inherit waqf and *mîrî* property.³⁷⁰ The logic of the state was based on the belief that if given the right to keep a waqf or *mîrî* land in the family, people would invest more capital and labor to improve the property in question which would result in greater production and prosperity.³⁷¹ In line with the state logic, Ohannes Efendi wrote that the right of inheritance makes property holders “think of the future,” and encourage them to make a living beyond a “daily” basis.³⁷² In that sense of private property as a regime of expectations, this chapter explores the temporal dimensions in the meanings of security.

This chapter deals with leasing practices in temporal terms, as well. It focuses on long-term leasing systems like *icâreteyn* that was quite widespread in the capital. Such systems created a fixed-rent tenancy system in the city which, however, came to be seen as a problem by the state in the nineteenth century. One of the aims of the state was to abolish fixed rents in waqf property in order establish market values and increase ground-rents in the city. If we take

³⁷⁰ Halil Cin, *Osmanlı Toprak Düzeni ve Bu Düzenin Bozulması* (Ankara: Kültür Bakanlığı Yayınları, 1978), 17-18, 366; “Arâzi Kânûnnâmesi,” 1858. *Düstûr*, 1:1, 178-180; “Arâzi-i emîriyye ve mevkûfenin tevsi-i intikâlâtına dâ’ir nizâmname ve zeyli,” 1867. *Düstûr*, 1:1, 223-224; “Hayrât ve müberrâta dâ’ir,” 1867. *Düstûr*, 1:1, 232-236; “Bi’l-icâreteyn tasarruf olunan musakkafât ve müstegallâtın usûl-ü intikâlâtı hakkında karârgâr olan müsâ’adât-ı seniyye,” 1869. *Düstûr*, 1:1, 225-229; “Musakkafât ve müstegallât-ı mevkûfede muvâza’ât-ı ferâğ hakkında buyuruldu-ı sâmi,” 1870. *Düstûr*, 1:3, 163-164; “Bi’l-icâreteyn tasarruf olunan musakkafât ve müstegallât-ı mevkûfe hakkında nizâmname,” 1875. *Düstûr*, 1:3, 459-461; “Emvâl-i gayr-i menkûle intikâlâtı hakkında kânûn-ı muvakkat,” 1910. *Düstûr*, 2:5, 145-147.

³⁷¹ “Hudûd-ı intikâliye ne rûte tevsi’ ve tezyîd edilür ise arâziye mutasarrıf olanların ‘uhdelerindeki yerleri i’ mâr husûsundaki mesâi’ yesi dahî ol meritebe tezâyüd edeceği ve hudûd-ı intikâliyenin vüs’atsizliğinden dolayı el-yevm servet-i nakdiyelerini arâzi üzerinde isti’ mâl eylemek istemeyen erbâb-ı yesârın da arâzi edinmeğe ve arâziden iktitâf-ı menâfi’ eylemeğe râğbet edecekleri ve bu sebeblerle günden güne arâzinin kıymet ve i’tibârı ve mesâi’ ve servet ve menâfi’-i ‘umûmiye nisbetinde de devletin menâfi’i artacağı emr-i âşikâr bulunduğu cihetle hudûd-ı intikâliyenin bir derece daha tevsi’i münâsib ‘add edilmiştir.” Demir Hafız Mehmed, *İntikâl Kânûnları Üzerine Şerh* (İstanbul, c1910/1328), 1.

³⁷² “âtiye sarf-ı efkâr etmek”; “günü gününe geçinmek.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 133.

time as the measure of the productive capacity of land, temporal terms of leasing in rural property becomes central to the discussions on the *mâlikâne* system, too. After all, what really made the *mâlikâne* system something similar to private property if not life-long contracts? Likewise, this chapter examines the establishment of waqf and *mîrî* property as securities in relation to the functions of a credit system in balancing different speeds of the turnover time of capital.

Ottoman political economy

One of the occupations of Ottoman intellectuals in the nineteenth century was to read Western economic theories in order to formulate new visions of economic mentality for the peoples of the Empire. Reformers as well as intellectuals conceived the century, Kılınçoğlu claims, as an “economy-centered age,” and conceptualized economics as a “new instrument of government,” and a “scientific” tool to transform society in order to progress in the civilized world.³⁷³ In other words, economics was transformed from “a science of state administration to an instrument of social change.”³⁷⁴ This interest in European economic literature gained a momentum in the 1860s. More and more articles started to appear in newspapers and journals, and new translations were introduced to the Ottoman book market.³⁷⁵ At the same time, political economy attained a crucial position in public education to inspire an industrious mentality in young students,³⁷⁶ and various schools started to offer courses on economics as a “new discipline.”³⁷⁷

³⁷³ Kılınçoğlu, *Economics and Capitalism*, 12.

³⁷⁴ Ibid, 33.

³⁷⁵ Ibid, 30-2; Sayar, *Osmanlı İktisat Düşüncesinin Çağdaşlaşması*, 297-313.

³⁷⁶ Kılınçoğlu, *Economics and Capitalism*, 33.

³⁷⁷ Ibid, 28; Tevfik Çavdar, *Türkiye’de Liberalism (1860-1990)* (Ankara: İmge Kitabevi, 1992), 53.

Ottoman intellectuals took this new discipline as a science. To Ahmed Midhat, for instance, political economy was not a “tale” (*masal*), but a kind of science (*‘ilm*) concerned with wealth (*servet*) from which civilized societies benefited greatly.³⁷⁸ There were many things that the science of political economy was to change, such as the traditional understanding of wealth as the abundance of gold and silver. In his writings, Ahmed Midhat tried to show that wealth is rather about everything that is useful both materially and morally.³⁷⁹ In a similar fashion, Ohannes Efendi listed some “superstitious ideas” (*efkâr-ı bâtila*) that the science of wealth was to rule out. “In the past,” he writes, “it was believed that a man’s progress in profit and acquisition results from his neighbor’s and peer’s loss” just like the progress of a nation is contingent upon the “harm” of others.³⁸⁰ He believed that this understanding of exchange had to change.

In more simplistic and popular terms, the literature on political economy was a guide to making money and becoming a capitalist. The words of a writer in *Ahenk*, a journal published in İzmir, in 1900 attest to that:

Look, I took these ideas from this book. It shows you the way to wealth. It is called the book of wealth. If you read this book, you would know how to make money, how to take care of your farming implements, understand how capital is created, what a company is, and what trade and free trade mean.³⁸¹

The appropriation of Western economic literature by Ottoman intellectuals was pragmatist and eclectic, which was, Kılınçoğlu suggests, clear in their preference of compendia

³⁷⁸ Ahmed Midhat, *Ekonomi Politik*, 39.

³⁷⁹ “İşimize yarayan her şey, bir “servet”tir. Bu hâlde serveti altının, gümüşün çokluğundan ibâret zannedenlerin efkârı ve mütâla’sı ba’îd kalıp.” Ibid, 22.

³⁸⁰ “Geçmiş zamanlarda bir adamın kendi kâr u kesbinde ilerlemesi mücerred komşusunun ve akrânının ziyânıyla hâsıl olur deyu zannolunduğu gibi, bir milletin de tarîk-i servette terakkisi diğerlerinin ızrârına menûd addolunur idi.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlîl*, 53.

³⁸¹ Cited in Kılınçoğlu, *Economics and Capitalism*, 70.

over multi-volume, detailed and theoretical works like *the Wealth of Nations*, which, as a matter of fact, was not translated into Turkish until 1948.³⁸² In the words of Kılınçoğlu, “their sole aim was to provide a toolbox of a modern discipline to their fellow countrymen to be used on the path of salvation for the empire.”³⁸³ As presented by Ahmed Midhat, for instance, his book *Ekonomi Politik* was not a direct translation from a classical economist, but rather a kind of “summary,” a selection of ideas from different works which were most agreed and most suited to the local dynamics of the Ottoman Empire. But his aim was no less than to demonstrate “the substance of economic spirit.”³⁸⁴ One of the most critical points to him in the adaptation of European economic ideas was the lower level of “civilization and progress” in the Ottoman empire compared to those of its European rivals. It would be “wrong” in his view to adapt “a work of the most progressed nation” to a country like the Ottoman Empire that was in a “state of decline.”³⁸⁵ He therefore criticized those who based their teachings of political economy exclusively on Adam Smith, which only resulted in “odd and strange ideas” of confused students.³⁸⁶ The problems that he saw with the instruction of political economy in schools made him inspired by Peter the Great and his successors who “taught the Russian nation economy not by pen but whip.” He thought some force was necessary: “We need to be made into farmers, craftsmen, [and] merchants by stick.”³⁸⁷

³⁸² Ibid, 26-7.

³⁸³ Ibid, 22 and 27.

³⁸⁴ “Biz bu risâlede, ekonominin hülâsa-i rûhunu göstermekte olduğumuz için.” Ahmed Midhat, *Ekonomi Politik*, 76.

³⁸⁵ “memleketimizin şu hâl-i tedennîsine göre en müterakkî bir milletin eserini ve en-cümle plân ittihâz eylediğimiz eseri aynen tercüme eylemiş olsak, ne büyük bir hatâda bulunacağımız derkâr bulunduğundan, bizim için mutavassıt bir yolda ve hâl ve şânımızza münâsib bir sûrette bir ekonomi politik yazmak lüzûm ve mecbûriyyeti.” Ibid, 11-2.

³⁸⁶ “Ammâ mekâtib-i âliyemizde mu’allimîn hazerâtı, ekonomi politik denilen ilm-i zannîyi yalnız Adam Simit’in zanlarına binâ ederek o sûrette tedrîs buyuruyorlar imiş de bundan dahi gençlerimizin efkârı müteşettit olarak ortaya acib ve garîb fikirler çıkıyor imiş.” Ahmed Midhat, *Hallü’l-Ukad*, 215-6.

³⁸⁷ “Büyük Petro ve onun ahlâfı bugüne kadar Rus milletine ekonomiyi kalem ile değil “kunût” ya’nî kırbaç ile öğretmişlerdir. Düşünüyorum düşünüyorum da böyle bir tâxiyâne-i ta’lîme ihtiyâcımızı görüyorum. Bizi sopa ile çiftçi, san’atkâr, tüccâr etmelidir.” Ibid, 274.

There were mainly two intellectual camps in the nineteenth-century world of Ottoman economic thought: the liberals who believed in the universality of free trade; and the protectionists who utilized “a more historical and evolutionary approach” that questioned the relations between local dynamics and the asymmetries of global economy.³⁸⁸ And Ahmed Midhat was one of the most influential representatives of the protectionist camp. When he wrote his *Ekonomi Politik* in 1879, protectionism was already on the rise following the interruption of the ascendancy of economic liberalism by the Long Depression of 1873-96.³⁸⁹ For the proponents of protectionism like Ahmed Midhat, Friedrich List (1789-1846) became an important figure, because List offered an alternative to British liberal policies. His *National System* proposed economic nationalism as a way to protect local industries from global competition. Against the Ottoman supporters of Smithian economics in particular, Ahmed Midhat challenged the supposed universality of free trade by employing an historical approach.³⁹⁰

To him, the most important part of political economy for the Empire was hence the issue of freedom in import and export, for he believed that the protection of local industry was of necessity for the creation of “national wealth.”³⁹¹ He agreed with the common assumption of his day that Muslims did not engage in trade and industry as much as non-Muslims did, and asserted that Muslims were still of a “military nation” at a time when “peace” (*sulh*) came to be elevated to an objective position by the science of political economy as the most conducive condition for the progress of industry and trade.³⁹² The “old wealth,” that is the wealth that

³⁸⁸ Kılınçoğlu, *Economics and Capitalism*, 8; Çavdar, *Türkiye’de Liberalism*, 40.

³⁸⁹ Kılınçoğlu, *Economics and Capitalism*, 43.

³⁹⁰ Ibid, 48.

³⁹¹ “Biz ki Osmânlıyız, bizim için ekonomi politikten en ziyâde istifâde olunacak bir mebhâs, işte şu sanâyi’-i dâhiliyyeyi himâye ve muhâfaza kazıyyesi olacağından”; “servet-i milliye.” Ahmed Midhat, *Ekonomi Politik*, 57 and 59.

³⁹² “millet-i askeriyye.” Ibid, 59.

came with military expeditions of the ‘glorious’ past had long past, and the impetus for the creation of a “new wealth” in Ottoman society was still lacking.³⁹³ “Work” (*mesâ’î*) was but the sole means for the production of wealth but, the Muslim “men of work” (*erbâb-ı mesa’î*) were reduced to “boaters and porters,” “ordinary occupations” that depend on physical strength since local industry was exposed to free trade before it was strong and developed enough to compete with foreign goods.³⁹⁴ To advocate for free trade was for Ahmed Midhat absurd in spite of the fact that even trade between the equals like England, France and Belgium, was not absolutely free. The competition of Ottoman industry with those of developed nations, given the “big delay of two hundred years,” would be asymmetrical.³⁹⁵ Therefore, he opts for “symmetrical freedom” in import and export.³⁹⁶ Absolute freedom of exchange for Ahmed Mithad was more of a dream that could only come true when a “general equilibrium” in terms of wealth is reached in “all the distances of the world,” when the world becomes a “common nation” of all.³⁹⁷

In contrast to the stance of Ahmed Midhat, Sakızlı Ohannes Efendi was a supporter of free trade and one of the most important representatives of the liberal camp. Before he started to teach economics at the *Mekteb-i Mülkiye* in 1877, he held several official positions in the financial bureaucracy. After he published various journal articles, he wrote a book in 1880,

³⁹³ “servet-i kadîme münkariz olmakla berâber, elde servet-i cedîde istihsâli için îcâb eden esbâb ve vesâ’il dahi mefkûddur.” Ibid, 61.

³⁹⁴ “Eskiden kalma sanâyi’-i dâhiliyyemizin her biri birer sûretle mahv ve münkariz olup, şimdi Müslümân olan erbâb-ı mesâ’îye kayıkcılık ve hamâllık gibi zûrbâzûya ve kuvvet-i vücûda ta’alluk eder birkaç âdî meşgûliyetten başka bir şey kalmamış gibidir.” Ibid, 61.

³⁹⁵ “Belçika ve Fransa ve İngiltere gibi ahvâl-i sanâ’iyye ve ticâriyyeleri bayağı mütevâzin bulunan yerlerde bile, elyevm tamâmıyla hürriyet-i mübâdele yoktur.” Ibid, 66.

³⁹⁶ “hürriyetin cihet-i mütenâsibesi.” Ibid, 64.

³⁹⁷ “İmdi vesâ’it-i muhâbere ve mürâsele her ne zamân dünyânın kâffe-i eb’âdına doğru bihakkın imtidâd ederek, nev’-i beşer dahi servet-i tabî’iyyeden ale’l-umûm nâ’il oldukları şeyleri mevki’-i istifâdeye vaz’ eder ve bunları gerek çıkarmak ve işlemek ve gerek nakl ve fûrûht eylemek sûretleriyle bir tevâzün-i umûmî hâsıl olur ise o zamân dünyâ ale’l-umûm insân denilir bir milletin vatan-ı müşterek ve umûmîsi addolunacağından serbestî-i mübâdele dahi her tarafa ta’mîn olunur.” Ibid, 67.

Mebâdi-i 'İlm-i Servet-i Mîl (Principles of the Science of the Wealth of Nations), to be used as a textbook.³⁹⁸ As its title suggests, the book focused on free trade in “Smithian” terms. However, like Ahmed Midhat, Ohannes Efendi also utilized the writings of other economists as he saw fit to the Empire, such as those of Henry Joseph Léon Baudrillart, Joseph Garnier, Quesnay, Ricardo, Jean-Baptiste Say, Colbert, Anne Robert Jacques Turgot as well as Thomas Robert Malthus among others.³⁹⁹ Several generations of students read his book that remained on the curriculum for more than twenty years.⁴⁰⁰ Due to his position as a professor at one of the most distinguished schools of the Empire, he became, in Kılınçoğlu’s words, “the towering figure of late Ottoman economic thought, especially for the liberals.”⁴⁰¹

According to Ohannes Efendi, the science of wealth “has only recently disseminated among the people,” and, “approximately one hundred twenty years ago,” it was still unseparated from politics as in the works of physiocrats like Quesnay.⁴⁰² In his view, it was Adam Smith who defined the boundaries of the science of wealth “for the first time.”⁴⁰³ In a Smithian spirit, he thought that “free production” (*serbestî-i i‘mâl*) was the “soul” (*rûh*) of industry, the absence of which would result in “hesitation” (*tereddüd*) and “inertia” (*‘atâlet*).⁴⁰⁴ Any work that is done without “the feeling of personal interest and responsibility” would be “defective.”⁴⁰⁵ The “natural result” of free production is competition that is the main impetus to industrial

³⁹⁸ Çavdar, *Türkiye’de Liberalism*, 54.

³⁹⁹ Dıġıroġlu, Genç, and Özgür, “Giriş,” 30.

⁴⁰⁰ Hamdi Genç, “Sunuş,” in *Mebâdi-i 'İlm-i Servet-i Mîl*, 6.

⁴⁰¹ Kılınçoğlu, *Economics and Capitalism*, 45.

⁴⁰² “İlm-i servet ancak şu son vakitlerde beyne’n-nâs münteşir olmuş.” “bundan takriben yüz yirmi sene evvel.” Sakızlı Ohannes Efendi, *Mebâdi-i 'İlm-i Servet-i Mîl*, 54.

⁴⁰³ “İlk defa olarak ilm-i serveti hudûd-ı mahsusası içinde tahdîd ve kavâid-i umûmiyesini izah ve takrîr etti.”

Ibid.

⁴⁰⁴ *Ibid.*, 74-5.

⁴⁰⁵ “menfaat-i şahsiyye ve mesuliyet hissi.” “nâkıs.” *Ibid.*, 76.

progress.⁴⁰⁶ He saw liberalism as a way to break “the autarkic internal inertia” of Ottoman economy.⁴⁰⁷

At the target of Ohannes Efendi were monopolistic privileges and guilds that were not only prone to abuse but also contrary to justice as they prevented the development of free will to decide which craft to practice.⁴⁰⁸ Likewise, the establishment of factories by the state as an effort to develop industry in the Empire was not a solution, because the officials employed in such state factories could not be compared with the individual men of profession in terms of industriousness and private interests that were at stake. That the state cannot know the most industrious use of labor for individuals than the individual himself was one of the common assumptions in the economic literature of the period. Ohannes Efendi writes that “There is no administrative measure that could substitute and be more effective than personal interest.”⁴⁰⁹ No one but “industrialists” know what is best for their “particular interests,” hence, he opposed any government intervention.⁴¹⁰

Likewise, the establishment of market prices by the state contradicts “the just way” that every commodity finds its own ‘natural price’ in an environment of free trade and competition.⁴¹¹ To Ohannes Efendi, the idea that state intervention is necessary for the maintenance of general interest is the primary source of “lethargy” (*rehâvet*) and “inertia” (*atâlet*). It not only damages the “eagerness and energy” (*şevk ve gayret*) of industrious men but also gives birth to various “abuses” (*sû’-i isti’âlât*) and “tricks” (*desâyis*) by government

⁴⁰⁶ “netice-i tabiiyye.” Ibid.

⁴⁰⁷ Toprak, “From Liberalism to Solidarism,” 175-6.

⁴⁰⁸ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 81, 83-4.

⁴⁰⁹ “İdarece bir tedbir yoktur ki menfaat-i şahsiyyenin yerini tutabilsin ve ondan ziyade mü’essir olsun.” Ibid, 75.

⁴¹⁰ “Ashâb-ı sanayiîni kendi menâfi’-i mahsusalarına müteallik hususâtta en sağlam yol, işi onlara havale etmektir.” Ibid.

⁴¹¹ “usul-ı hakkaniyet.” Ibid, 159.

officials and tradesmen. That it is the duty of the state to “make people rich” is a “superstitious and harmful idea.”⁴¹² To him, “the principal duty of the government is the institution and protection of public security” in return for taxes.⁴¹³ Public security is one of the most important bases upon which wealth can grow, which depends on the well-functioning of the legal and administrative system as well as of the police forces.⁴¹⁴ The term “security” (*emniyet*) in Ohannes Efendi’s conception means “justice, discipline, regularity, public order, and liberty,” for which people pay taxes to the government.⁴¹⁵

Between the positions of Ahmed Midhat and Ohannes Efendi, there were people who did not take a clear position as a liberal or protectionist. Süleyman Sûdi is one such example. He presents free trade (*serbestî-i ticâret*) and protectionism (*himâye-i ticâret*) as “mutually opposite” options.⁴¹⁶ Nevertheless, he thinks that the Ottoman Empire had to resort to both options at the same time in different sectors. In his view, given the infant nature of Ottoman industry, it was not a choice but an “obligation” (*mezbûriyyet*) to import manufactured products like English maritime tools.⁴¹⁷ On the other hand, the state banned the import of some other products like tobacco, salt, snuff, and firearms.⁴¹⁸ Unlike Ahmed Midhat and Ohannes Efendi, he also had a particular purpose of linking political economy of the century to Islamic economic literature, and to show that many of the precepts of European political economy could be found in earlier Islamic practices.⁴¹⁹ Süleyman Sûdi’s work also appears to be more original than those

⁴¹² “efrâd-ı ahaliyi ... zenginletmek”; “efkâr-ı bâtila ve muzırta.” Ibid, 84-5.

⁴¹³ “Hükûmetin dahi ilk vazifesi emniyet-i umûmiyenin tesis ve muhafazasıdır.” Ibid, 134.

⁴¹⁴ “emniyet-i umûmiye.” Ibid.

⁴¹⁵ “emniyet tabiri adalet, inzibât, intizâm, asayiş ve hürriyet manalarını şâmilidir.” Ibid.

⁴¹⁶ “yekdiğerine zıdd.” Süleyman Sûdi, *Defter-i Muktesid*, ed. by Mehmet Ali Ünal, *Osmanlı Vergi Düzeni* (Isparta, 1996), 232.

⁴¹⁷ Ibid, 244.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid, 41-2.

of Ahmed Midhat and Ohannes Efendi in the sense that he engages in concrete problems and practices peculiar to the Empire rather than abstract and universal principles.

Despite the differences among these writers, they also had many ideas in common. One of the most significant similarities was their belief in the necessity of separating economy from politics and morality. Another was their approach to the issue of private property. In the next section, I focus on their intellectual efforts to delineate the boundaries between the economic, moral and the political.

The separation of economy from politics and morality

Ahmed Midhat points at the necessity of separating economics from politics and morality in reference to Rossi.⁴²⁰ He cites the example that Rossi gave to delineate the boundaries of these three realms: the example of a child who works for fifteen hours per day. In moral terms, fifteen hours of work for a child is harmful for his/her body, therefore, unfair. From the perspective of politics, when that child comes to the age of conscription he would be weak and unfit for the military service. And in terms of political economy, child labor contributes to the accumulation of wealth but, the development of industrious mentality through education, in other words, the accumulation of cultural capital, during the childhood, is more important than the contribution of child labor in the long run.⁴²¹

⁴²⁰ “Muallim Rosi der ki “Ekonomi politikten maksad, gâye olan şeyi, bilhâssa ilm-i ahlâk ile ilm-i siyâsetten ayırmaya dikkat lâzımdır.” Ahmed Midhat, *Ekonomi Politik*, 15.

⁴²¹ “Binâenaleyh muallim Rosi, keyfiyeti bir de mes’ele-i hâriciyyeye tatbîk ederek der ki: “İşte size bir mes’ele: Diyorlar ki çocukları günde on beş sâ’at çalıştıralım. Şimdi bu mes’ele-i ahlâk ve ekonomi ve siyâset nokta-i nazarınca halledelim. Ahlâk der ki, on bir yaşında bir çocuğu, on beş sâ’at çalıştırmak onun vücûdunu harâb edeceğinden bu hâl insâfa sığmaz. Ekonomi der ki: Vâkı’a çocuğu da çalıştırmak husûl-i servete yardım eder ise de, istihsâl-i servet evvelce sermâye tedârikine vâbeste olup, çocuk ise sermâye-i kesbîsi olan ma’ârif ve sanâyi’ nazâriyâtını bu yaşta iken kazanacağı cihetle, ona bu sermâyeyi tedârik ettirmek elhâletün hâzihi mevcûd olan sermâye-i vehbîsini yani kuvvetini istihlâkten daha (menfa’at)lidir. Siyâset der ki, on beş yaşında bir amele

In a similar fashion, Ohannes Efendi starts his book with the division that he thought it should exist between the economic, political, and the moral. According to his division, “the science of the wealth of nations” “enquires and demonstrates the natural laws that are the means of the improvement of the state of humankind, and of the attainment of happiness.”⁴²² As happiness is achieved through one’s “effort and work,” human labor is the principle site of this enquiry.⁴²³ “Political sciences” are about “the ways in which people form and participate in societies in order to attain security and justice.”⁴²⁴ And “the science of morality describes one’s duties and rights.”⁴²⁵

Ohannes Efendi writes that according to some, “moral and spiritual matters” are also included in the meaning of wealth, but he is of the opinion that they are rather matters of the science of morality and philosophy even though they are of help, he admits, for the progress of civilization and the growth of material wealth.⁴²⁶ He refers to John Stuart Mill: “being rich” and “being wise” or “virtuous” are different things; however, “this does not mean that there is no relation between them.”⁴²⁷ “But, in the view of men of the science of wealth, as it is for the common people, richness is to have much value in cash, in land, real estate and others,” in things that are measurable. But, “how is it possible to measure moral wealth” like “knowledge,

tedârik edip de, onu on beş sâ’at çalıştırmak, bilâhare o amele yirmi yaşına gelince millete za’îf ve çürük bir asker teşkîl etmiş olacağından muzırdır.” Ibid, 16.

⁴²² “İlm-i servet-i milel ... benî âdemin ıslâh-ı hâline ve husûl-i saadetine medâr olacak kavânîn-i tabiyyeyi tecessüs ve isbat eder.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 51.

⁴²³ “İlm-i servet-i milel ise efrâd-ı beşerin sa’y u amelinden, yani çalışmasından ve bu vasıta ile husûl-i rahat ve saadetinden bahs eder.” Ibid.

⁴²⁴ “Ulûm-ı siyasiyye, cemiyet-i beşeriyyece emniyet ve adaletin husûliçün insanların ne suretle ictimâ’ ve iştirâk eylediklerini bildirir.” Ibid.

⁴²⁵ “İlm-i ahlâk, insanın vezâif ve hukukunu tarif eder.” Ibid.

⁴²⁶ “maneviyat kabîlinden olan şeyler.” Ibid, 59-60.

⁴²⁷ “zengin olmak başka şeydir. Âlim, şâci’ [?], fâzıl olmak başka şeydir.” “Bu şeyler beyninde hiç münasebet yok demek değildir.” Ibid. 60.

beauty, officiousness, good character, justice, and other virtues”?⁴²⁸ “To measure the value of a scholar’s discovery, for instance, or of a famous writer’s work on the basis of the price of the published book is to measure their [scholars’, writers’] fortune, dignity, and honor and pleasure [that they give] to the people of their country with the lowest measure.”⁴²⁹ No matter how “praise-worthy” they are, qualities like “self-sacrifice,” “compassion,” and “generosity,” in other words, “services” that, for instance, “a man provides for a friend” as Ohannes presents, are not necessary requirements for the production of wealth.⁴³⁰ They are neither materially measurable nor exchangeable.⁴³¹

Ohannes Efendi defines two types of capital (*sermâye*): material (*maddî*) and immaterial (*ma‘nevî*). “Sciences, good morals and manners” are constitutive of immaterial capital, which are not directly subject matters of the science of wealth, but nevertheless contribute to the accumulation of material wealth to a great extent.⁴³² Moral qualities like “perseverance in effort and work” are necessary for material capital to ever increase and be continuous.⁴³³ In other words, such moral qualities like dignity and honor are taken into consideration as much as they contribute to “material wealth.”⁴³⁴ His perception of morality is quite pragmatist. “The impact of good manners and morals on industry,” he writes, “cannot be denied.”⁴³⁵ “A worker endowed with good manners” would not spend his energy to anything that Ohannes Efendi describes as

⁴²⁸ “Lâkin avâm-ı nâs gibi, ilm-i servet erbâbının dahi nazarında zenginlik, nûkûd, arazi, akâret ve sâire olarak çok kıymete mâlik olmaktır. Hususa ki şu servet-i maneviyeyi takdir etmek nasıl kâbil olur.” “malumât, güzelliğ, işgüzarlık, hüsn-i tabiat, adalet, ve sâir fezâil.” Ibid.

⁴²⁹ “bir âlim veya bir edib-i meşhûrun keşfiyât ve âsârını, neşr olunan telifâtının bahası üzre takdir etmek, kader ve haysiyetlerini ve ednâ-yı vatanlarınca bâis oldukları şeref ve telezzüzü pek ednâ bir mikyâs ile ölçmek olur.” Ibid.

⁴³⁰ “Bir adamın dostuna fedakârlık ve ebnâ-yı cinsine şefkat ve mürüvvet yolunda ifa ettiği hizmet, başka nokta-i nazardan bakıldıkda ne kadar şâyân-ı takdir olur ise olsun, istihsâl-i serveti mûcib add olunamaz.” Ibid, 71.

⁴³¹ “imâl ve hidemâtı mevlid-i servet add olunmak için, sanayi-i âdiye âsârı gibi, maddeten takdir ve mübâdele olunabilmek şarttır.” Ibid.

⁴³² “ulûm ve fûnûn ve hüsn-i ahlâk ve edeb.” Ibid, 95.

⁴³³ “sa’y u âmelde sebât.” Ibid.

⁴³⁴ “servet-i maddiye.” Ibid, 61.

⁴³⁵ “Mehâsin-i âdâb ve ahlâkın dahi sanayie tesiri münker değildir.” Ibid, 135.

“misappropriation,” whereas, “a worker who is inclined to disgraces like laziness, rakishness and habitual drinking wastes his time, and destroys his body, and becomes useless untimely.”⁴³⁶ A “respectable man” works hard in order to “secure the future” of his family.⁴³⁷ Good morals stimulate “effort, prudence and good behaviors,” and therefore, contribute to the general “welfare” and “public order.”⁴³⁸ In a country where “moral uprightness” is a general character of its peoples, “everyone’s word would be reliable, hence, litigation would happen rarely.”⁴³⁹ Therefore, he asserts that “the acquisition of good morals” is perhaps even more important than “obtaining mental virtues.”⁴⁴⁰

But for Ohannes Efendi who was Smithian in many ways, morality was different than what it was for Smith. Rothschild inspiringly demonstrates in *Economic Sentiments* that eighteenth-century economics was still “intertwined” with the political and the moral as economic thought was about whole life, about sentiments and reflections on life, and about “thought and speech.”⁴⁴¹ Moral thought was inseparable from Smith’s economic and political writings.⁴⁴² Rothschild shows that “commercial judgments” for Smith were no different than “moral judgments” in the sense that both are “a combination of reasons and sentiments” as the boundaries between “the personal and the commercial, the economic and the political, the rational (or calculable) and the emotional (or intuitive)” are fluid.⁴⁴³ Smith was concerned with “economic life as a process of discussion, as a process of emancipation within “the politics of

⁴³⁶ “Hüsn-i edeb ile muttasıf olan işçi”; “su’-i isti‘malât”; “Tenbellik, hovardalık, bekrilik gibi ma‘âibe mâil olan işçi ise, vaktini telef ve vücudunu ifnâ eder ve vaktinden evvel işe yaramayacak hale giriftâr olur.” Ibid, 135-6.

⁴³⁷ “ehl-i ırz olan adam”; âtilerini de temin etmek.” Ibid, 136.

⁴³⁸ “gayret, dūr-endişlik ve hüsn-i atvâr”; “refahiyet”; “asayiş-i umûmi.” Ibid.

⁴³⁹ “istikamet-i ahlak”; “herkesin sözü muteber olur ve muhakemeye müracaat nadiren vukubulur” Ibid.

⁴⁴⁰ “mehâsin-i ahlak intisâbı”; “fezâil-i akliyye tahsili.” Ibid.

⁴⁴¹ Rothschild, *Economic Sentiments*, 8.

⁴⁴² Ibid, 3.

⁴⁴³ Ibid, 27-8.

a universe of uncertainty.”⁴⁴⁴ To him, exchange was “a sort of oratory” in which “rumors,” “promises,” “persuasion,” “risk,” conventions, and public sentiments play a defining role.⁴⁴⁵

She talks of how Smith’s ideas, however, greatly transformed over the course of the nineteenth century to the extent that his reflections on social justice, which were inseparable from his reflections on economic freedom, were almost completely forgotten with the professionalization of political economy.⁴⁴⁶ She speaks of a separation that did not happen before the nineteenth century, of economic history from political history, as well as from the history of economic thought:⁴⁴⁷

The history of economic relationships has come to be seen, in particular, as a matter of quantities and commodities, of canals and paper money and the bullion committee. Economic thoughts (the thoughts of economic theorists, and of public officials, and of individuals in their economic lives) have come to be seen as something less than events.⁴⁴⁸

Ohannes Efendi was only one of many actors who transformed the intrinsic and organic relations between the economic, political, and moral sentiments in Smith’s conception into a more pragmatist outlook. He as well many others were after all men of the nineteenth century, of a period of compartmentalization of different fields and sciences. However, even though Ottoman writers tried to draw the boundaries between economy, morality, and politics, they did not think that these spheres were mutually exclusive. What was new in their approach was a kind of utilitarian pragmatism that subordinated morality to economy.

⁴⁴⁴ Ibid, 2.

⁴⁴⁵ Ibid, 8.

⁴⁴⁶ Ibid, 82-3, and 88-9.

⁴⁴⁷ Ibid, 40.

⁴⁴⁸ Ibid, 44.

Serandi Arşizen, for instance, writes that although moral philosophy and political economy seem to be “diametrical” (*mütehâlif*) to each other, there are points on which they agree. For instance, “sluggishness” (*meskenet*) is a characteristic upon which both fields frown.⁴⁴⁹ He furthermore states that private interest is not something to be “blamed” or “disapproved” by moral philosophy, because there is no conflict between private and general interest.⁴⁵⁰ Ahmed Midhat, for example, sees labor as “directly related to morality, self-discipline, and trustworthiness. Idleness, on the other hand, leads one to “evil thoughts and to immorality.”⁴⁵¹ Industriousness produces both material and moral wealth. Otherwise, he felt the need to clarify, “Political economy has not been developed in order to destroy people’s magnanimity, special virtue of being civilized and angelic, and it is not laid down to treat men with ignominy. It never permits anything that would bring dishonor upon the fame of humanity.”⁴⁵²

They built their instrumentalist approach to morality on conceptual interfaces between economy and social morality. The term *i’tibâr*, for instance, was one of the concepts on which Ohannes Efendi elaborated in terms of relations between financial credit and public morality. It literally means ‘regarding; paying attention; esteem; honor; reverence; and influence.’ In commercial terms, it refers to ‘credit and nominal value.’ *Mâlî i’tibâr* means ‘financial credit,’ whereas, *i’tibârı bozulmak* indicates ‘losing one’s credibility.’⁴⁵³ Within the terms of political economy, Ohannes Efendi defines the concept as “all of the conducts/transactions that are based

⁴⁴⁹ Serandi Arşizen, *Tasarrufât-ı Mülkiye*, 26-7.

⁴⁵⁰ “mezmûme”; “müstakbah.” Ibid, 30.

⁴⁵¹ Kılınçoğlu, *Economics and Capitalism*, 104.

⁴⁵² “Ekonomi politik insânın ulûvv-i cenâbını, meziyyet-i mahsûsa-i medeniyye ve melekîyyesini mahv ve adamı terzîl için mevzû’ değildir. Şân-ı insâniyyete nakîsa verecek bir şeyi, aslâ tecvîz etmez.” Ahmed Midhat, *Ekonomi Politik*, 85.

⁴⁵³ James W. Redhouse, ed., *A Turkish and English Lexicon* (Istanbul: Çağrı Yayınları, 2011), 565.

on credibility.”⁴⁵⁴ As his definition goes, “credibility” depends on the condition that the people of a nation must be “honest,” “respectable,” and “men of integrity” who aim to profit as much as possible by employing their capital and labor.⁴⁵⁵ “In other words,” Ohannes writes, “the principle condition of *i’tibâr* is uprightness, officiousness and credibility.”⁴⁵⁶ Through financial credit, capital changes hands and reaches the most industrious men who could employ it best. In his view, public morality was indispensable to financial credit.

Morality was also an instrument that liberal writers used to justify free trade. According to Serandi Arşizen, for instance, free trade was a means that “mends morals.”⁴⁵⁷ He furthermore claims that at the root of many “disorders and rebellions” are the obstacles to the “freedom of production.”⁴⁵⁸ Likewise, to Ohannes Efendi, the true source of “corruption” (*irtikâb*) and “fraud” (*hîlekarlık*) was in fact the intervention of the state in free trade and competition.⁴⁵⁹ Like his counterparts in the West, he believed that free market in itself constituted an antidote against corruption. He nevertheless admits that free competition could be abused by some fraudulent and deceitful traders; however, in his mind, this still could not justify state intervention. The solution lies in “the improvement of public morality and opinion,” and more importantly, in the removal of all obstacles to free trade.⁴⁶⁰

Ohannes Efendi moreover asserts that there is nothing more effective and encouraging than “private interest” for people to work and accumulate wealth, and there is no contradiction

⁴⁵⁴ “İtibar-ı malî, yahud sadece itibar, ilm-i servet ıstılâhınca emniyete müstenid olan muamelâtın cümlesine itlâk olunur.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 193.

⁴⁵⁵ “mustakîm”; “ehl-i ırz”; “ashâb-ı istikâmet.” Ibid.

⁴⁵⁶ “Yani itibarın şerâit-i esasiyesi doğruluk, işgüzârlık ve emniyettir.” Ibid, 194.

⁴⁵⁷ “tehzîb-ı ahlâk.” Serandi Arşizen, *Tasarrufât-ı Mülkiye*, 64.

⁴⁵⁸ “fitne ve ihtilâl”; “serbestiyet-i i‘mâliyye.” Ibid, 32.

⁴⁵⁹ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 79.

⁴⁶⁰ “ahlak ve efkâr-ı umûmiyyenin ıslâhı.” Ibid, 78.

between private and general interest as long as private interests of individuals limit each other within a legal context.⁴⁶¹ However, this “good union” between private and general interest is only possible in an environment of “free production.”⁴⁶² Commercial privileges or trade restrictions favor private interest at the expense of general interest.⁴⁶³ In a society of free trade like England, deceitful traders “would soon lose the trust of their customers,” whereas, those “who conduct business in uprightness” and have “the honor of commerce” and “personal dignity” would earn “credit and good reputation.”⁴⁶⁴ Earlier than Ohannes Efendi, Turgot had said almost the same: free trade “is not to say that there will not be merchants who are scoundrels, or consumers who are dupes; but the consumer who is tricked will learn, and will stop going to the merchant; the latter will be discredited and thereby punished for his fraud; and all this will never happen very often.”⁴⁶⁵ Rothschild describes Turgot’s point as “a process of moral learning” in which personal reputation appears to be a defining factor in commercial relations.⁴⁶⁶

This correlation that Ohannes Efendi saw between state intervention, immorality and corruption echoes Condorcet’s line of justification on the part of free trade as well. According to Condorcet, “every privilege for buying, or selling, or manufacturing, far from encouraging industry, transforms it into a spirit of intrigue in those who have privileges, and stifles it in others.”⁴⁶⁷ Such a “spirit of intrigue” was a concern that Ohannes Efendi as well as Serandi Arşizen expressed vigorously in opposition to government regulations. Morality sometimes

⁴⁶¹ “menfaat-i mahsusa/şahsiyye.” Ibid, 331.

⁴⁶² “hüsn-i ittihad”; “serbesti-i imâl.” Ibid, 332.

⁴⁶³ Ibid.

⁴⁶⁴ “az vakitte müşterilerinin emniyeti kendilerinden münselib olmak”; “doğrulukla muamele eden”; “tüccarlık namusu”; haysiyyet-i şahsiyye”; “itibar ve hüsn-i sit.” Ibid, 78.

⁴⁶⁵ Cited in Rothschild, *Economic Sentiments*, 167.

⁴⁶⁶ Ibid.

⁴⁶⁷ Cited in ibid, 163.

functioned as a side line of argumentation against older institutions, as well, like guilds, for they were strongholds of strict regulations. Such institutions were against the freedom to enjoy one's own fruits of labor, because they limited free employment of labor through highly exclusive rights. Smith's opposition to practices like apprenticeship was based on this justification.⁴⁶⁸

But there were opposite views to Smith's that guilds were good for the moral order as they prevented the young from turning into vagrants.⁴⁶⁹ They were the places where the young learned "subordination" (to a master) which was against freedom for Smith, but a good moral quality for some others.⁴⁷⁰ Altogether, *The Wealth of Nations* was to endure some criticism that "The administration of things" without state involvement was detrimental to the "moral wealth."⁴⁷¹ After all, morality was an effective but also a slippery ground to position economic freedom. The conflict between private and general interest was one thing that could shake any discourse based on morality. It could be, for instance, easily argued that all that was considered to be against individual freedom and freedom of property, like guilds and monopolies, were in fact the freedom and property of some self-interested individuals.⁴⁷²

The relation between individual and general interest was furthermore a dilemma that could reveal the political implications of moral fictions. Ottoman writers held the common assertion that every individual contributes to the general interest by pursuing his own private interest. What defines the relation between different private interests is competition that is,

⁴⁶⁸ Ibid, 95-6.

⁴⁶⁹ Ibid, 98-9.

⁴⁷⁰ Ibid.

⁴⁷¹ Cited in ibid, 26-7.

⁴⁷² As Rothschild says, this was a critical observation on Smith's ideas by Playfair. Ibid, 145 and 154.

according to Ahmed Midhat, a “means of happiness of civilized society,”⁴⁷³ but, to Marx, a “war of all against all.”⁴⁷⁴ Even though it is this “war” that produces something called general interest, Ottoman intellectuals preferred to see it as a source of happiness. The character of freedom that bourgeois economists advocated so passionately was economic that exchange presupposes equal and free individuals, and this is why, Marx argued, “the exchange of exchange values is the productive, real basis of all equality and freedom.”⁴⁷⁵ Like European political economists, Ottoman intellectuals concealed the differences between free competition and individual freedom in their moral narratives.

The ideal of private property and the practices of waqf and mîrî property

Ottoman writers regarded private property as a form of property that is most prone to the growth of production and wealth. However, waqf and *mîrî* property did not really fit into their understanding of private property. To Ahmed Midhat for instance, waqf property was objectionable “to a certain extent” according to “the science of political economy” in terms of inheritance regulations. He gives the example of “a prosperous farm and a well-managed factory.” Such a waqf property managed by a renter without encumbrances would escheat (*mahlûl*), therefore, cease to be industrious upon the renter’s death, because usufructuary rights on waqf property could be inherited only by the children of the deceased. In such a case of escheat, the property in question would return back to the waqf, and be rented out again. For Ahmed Midhat, this was a restriction imposed upon the inheritance (*intikâl*) of waqf property.⁴⁷⁶

⁴⁷³ “cem’iyyet-i medeniyenin esbâb-ı sa’âdeti.” Ahmed Midhat, *Ekonomi Politik*, 44.

⁴⁷⁴ Marx, *Grundrisse*, 156.

⁴⁷⁵ Marx, *Grundrisse*, 245.

⁴⁷⁶ “hürriyet-i istimlâk husûsunda ekonomi politik fenni olsa olsa bizde arâzî ve emlâk-ı mevkûfeye bir dereceye kadar i’tirâz edebilir. Zîrâ bilâ veled vefât edenlerin arâzî ve emlâkı mahlûl olmak demek, o adamın arâzî ve emlâk-ı mezkûreye nısf nisbetinde mâlik olması demek olup.” Ahmed Midhat, *Ekonomi Politik*, 34-5.

Therefore, he proposed that all waqf property should be turned into “freehold” (*mülk*) property.⁴⁷⁷

Yet, there are certain points that Ahmed Midhat missed in his proposition. First, he did not include *mîrî* property that was also subject to escheat almost in the same way as waqf property. Second, when he suggested the idea of changing the status of waqf property into *mülk* in his book *Ekonomi Politik* that was published in 1879, there were already substantial changes in inheritance regulations that made siblings no longer the sole heirs to waqf property, thus making escheat a less likely case. In fact, the state had a particular interest in inheritance practices of waqf and *mîrî* property. Like Ahmed Midhat, the government also wanted to maintain the continuity of production and improvements on the land. However, unlike him, the state saw the solution in the expansion of usage rights rather than in the conversion of waqf and *mîrî* property into *mülk*. The state issued several regulations that expanded the circle of people who could inherit within the family. The purpose behind the changes that new regulations brought was to persuade people that *waqf* or *mîrî* property over which they had only usage rights would remain in the hands of their individual families. If holders of usage rights were convinced and secured they would invest more capital and labor to improve the property in question.

Judging from an official document regarding the discussions on the inheritance of waqf property dated 1867, it is clear that the state had a specific concern with the case of the capital. The focus of these discussions was the dominance of waqf property, and the widespread practice of the *icâreteyn* system in the city. *İcâreteyn*, literally meaning ‘double rent,’ was a

⁴⁷⁷ “meselâ ma’ûr olan bir çiftliğin ve muntazaman işleyen bir fabrikanın hall vukû’unda perişân olacağı derkârdır. Eğer bizde arâzî ve emlâk dahi, “mülk” sûretiyle tasarruf olunacak bir usûle konulur ise.” Ibid, 35.

form of long-term leasing in waqf property. It was composed of *mu'accele*, that is a downpayment made to the waqf at the beginning of the lease contract, and *mü'eccele*, that is yearly rent. The *icâreteyn* system was firmly the rule in Istanbul, and there was a scarcity of property in the city other than waqf. This scarcity, as explained by the state, was the result of the gradual bending of the rules that regulated and limited the foundation of waqfs.⁴⁷⁸

However, such long-term leasing systems were controversial issues in Hanafite waqf jurisprudence. The rental period of waqf properties was, in principle, limited to one, or at maximum, three years. Behind this limitation was the assumption that in the course of time, people would claim what belonged to waqf as their freehold property, and consequently, this would endanger the status of waqfs. The following remarks from a treatise on waqfs encapsulate the major concern:

After all, people would in the course of time no longer remember that a property is waqf and consequently give false statements in court. Since oral testimonies are the main category of legal evidence, this would endanger the legal status of waqfs. In the old days, this was not seen as a problem and there were no limits to the terms of the leasing of waqfs, but in these times people are prone to corruption and eager to appropriate what is not theirs.⁴⁷⁹

Yet, actual necessities of life often made the principal of short-term leasing difficult to maintain. On the contrary, various forms of long-term leasing systems like *icâreteyn* became widespread from the sixteenth century onwards based on the justification that “necessity makes lawful that which is prohibited.”⁴⁸⁰ The state’s approach to the *icâreteyn* system was flexible and pragmatic, contrary to the ‘*ulamâ*’s (the class of learned men) common opposition based

⁴⁷⁸ “Hayrât ve müberrâta dâ’ir,” 1867. *Düstûr*, 1:1, 232; BOA, İ.MMS. 34/1417.

⁴⁷⁹ Richard van Leeuwen, *Waqfs and Urban Structures: The Case of Ottoman Damascus* (Leiden, Boston, Köln: Brill, 1999), 63.

⁴⁸⁰ Ömer Hilmi Efendi, *İthâf-ül Ahlâfî Ahkâm-il Evkâf* (Ankara: Vakıflar Genel Müdürlüğü, 1977), 54.

on the assumption that “if the period [of lease by the same person] is long, this results in the annulment of the waqf (*ibtal al-waqf*), since whoever saw the person treating the property the way owners do, will, with the passage of time, consider him its owner.”⁴⁸¹

Throughout its development, the *icâreteyn* system also provided a wide range of transactions that could be conducted on waqf property, including transfer (*ferâğ*), subletting, exchange (*istibdâl*), and the physical separation of waqf assets (*ifrâz*). It moreover introduced a distinctive practice of inheritance: usage rights on waqf properties that were rented through *icâreteyn* were inheritable by male and female offspring on an equal basis. This was different than Islamic law of succession that governed *mülk* properties which did not treat male and female children equally. Even though the *icâreteyn* system furnished waqf renters with various rights, something more was needed in the nineteenth century. In case the renter of such a waqf property died without an encumbrance, the property in question becomes escheated (*mahlûl*), a situation that Ahmed Midhat found incompatible with the idea of private property. The official discussions in 1867 also point at the problems with this practice from the perspective of general interest:

It is natural that a person without encumbrances [including those who lost their children] would be afflicted by the fact that his dependents will be deprived [of their house or a source of revenue like a shop] upon his death. As a matter of fact, it cannot be considered lawful that if he dies childless, his wife or his grandchildren will be thrown in the street from the house that he built as his own property without remembering that it was a waqf [property]. Therefore, for the purposes of public interest, [the necessity of] further improvements and extensions in inheritance regulations originated ...⁴⁸²

⁴⁸¹ Cited in Miriam Hoexter, “Adaptation to Changing Circumstances: Perpetual Leases and Exchange Transactions in Waqf Property in Ottoman Algiers,” *Islamic Law and Society* 4, no. 3 (1997), 326.

⁴⁸² “Hayrât ve müberrâta dâ’ir,” 1867. *Düstûr*, 1:1, 233-234.

Such considerations gave birth to a regulation in 1869. Even though the expansion of inheritance rights was framed within the context of general interest, there was another purpose to the regulation: the adjustment of waqf rents to market values. The new regulation sanctioned the annulment of “*icârât-ı kadîme*,” that is customary fixed rents, and the reassessment of rents in every five years. These changes in inheritance rules suggest important interventions in the regime of ownership that the state endeavored to accomplish in the nineteenth century in order to increase production and enhance real estate values. The approach of the state to the issue of inheritance reveals that property rights were conceived not only on an individual but also on a familial basis. Even though the state did not withdraw its title to waqf and *mîrî* property as suggested by Ahmed Midhat, it tried to increase familial production by making the intergenerational transmission of wealth easier through inheritance regulations. After all, Ahmed Midhat conceptualized civilized society as a “family,” and Ohannes Efendi furthermore asserted that every family and every community that is composed of individual families is “of the nature of a company.”⁴⁸³ The explanation by Süleyman Sûdi of the logic behind the decree of 1847 that entitled daughters to inherit *mîrî* lands from their fathers without the payment of any fee is also telling with regard to the relations between gender, production and family.⁴⁸⁴ He stated that even though women are not actually farmers, they could establish “agricultural families” through marriage, and in this way, the land they inherit gets cultivated.⁴⁸⁵ According to him, “the essential condition of state lands changed completely” through new inheritance laws.⁴⁸⁶

⁴⁸³ “Mâdâmki cem’iyyet-i medenîyye bir familya hükmündedir.” Ahmed Midhat, *Ekonomi Politik*, 92; “şirket mesâbesinde olub.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 136.

⁴⁸⁴ For an evaluation of the decree of 1847, see Cın, *Osmanlı Toprak Düzeni*, 17-8.

⁴⁸⁵ “vezâ’ife-i nisâ bi’l-fi’il erbâb-ı zirâ’atten değil ise de, zirâ’at familyası teşkil edebilecekleri ve o cihetle kendilerine müntakıl olacak arâziyi i’râr eyleyecekleri.” Süleyman Sûdi, *Defter-i Muktesid*, 36.

⁴⁸⁶ “arâzi-i emîriyyenin vazîyyet-i aslîsi bütün bütün değiştirilmiş.” Ibid, 37.

Ahmed Midhat was not the only person who thought that waqfs should be converted into *mülk*. A reform-minded bureaucrat, namely İsmail Sıdkı, was of the same opinion. He published a short treatise in 1908 on waqf property and its administration with an effort to show that the Ministry for Imperial Religious Endowments was an institution in need of structural reforms. This institution, founded in 1826, was initially to centralize the administration of waqfs that were established through the resources of the dynasty or subsidized by the central government. Its primary task was the transfer of revenues derived from waqf sources to the state treasury.

Depending on his experience of many years in state bureaucracy, İsmail Sıdkı asserted that the situation of waqfs was in contradiction with “the requirements of the time” and the constitutional system.⁴⁸⁷ The condition of waqfs was all but one of the “wounds” of the government that made the Empire look both “ugly” in a “world of civilization” and as the “sick man” of Europe.⁴⁸⁸ Like İsmail Sıdkı, Ahmed Midhat was not happy with the way in which waqfs were administered. He believed that if waqfs were not misused and mismanaged the Empire would be far better prosperous than any other country.⁴⁸⁹ Given his sense of haste after all those years of “the calamity of despotism” that ruined the country, İsmail Sıdkı saw no time to waste with small and piecemeal improvements.⁴⁹⁰ In his view, a more radical change was necessary to alter the waqf administration that was, during the Hamidian era, marked by corruption, patronage, plunder and misuse which the “happy revolution” of 1908 only made more visible.⁴⁹¹

⁴⁸⁷ “icâbât-ı zaman.” İsmail Sıdkı, *Hâtûrât: Memâlik-i ‘Osmânîye’de Kâ’in Evkâfın Sûret-i İdâresi Hakkında ba’zı Mutâla‘âtı Hâvidir* (Dersaadet: Selanik Matba’ası, c1906/1324), 6.

⁴⁸⁸ “ceriha.” “çirkin.” “cihân-ı medeniyet.” “şahs-ı marîz.” Ibid, 3.

⁴⁸⁹ Ahmed Midhat, *Ekonomi Politik*, 93.

⁴⁹⁰ “âfet-i istibdâd.” İsmail Sıdkı, *Hâtûrât*, 2.

⁴⁹¹ “inkilâb-ı mes‘ûdumuz.” Ibid, 3.

He suggested that waqfs that were run through systems as confusing and irregular as *icâreteyn*, *mukâta‘a*⁴⁹² and *gedik*⁴⁹³ should be changed into *mülk* in a way that would violate neither the rights of renters nor the waqf jurisprudence.⁴⁹⁴ As İsmail Sıdkı presented, such systems were very widespread and created a big mess in waqf procedures and property transactions; they therefore usually attracted the “hate” of people.⁴⁹⁵ The abolition of these systems would not be against *şer‘î* law since they were already legally controversial practices.⁴⁹⁶ He furthermore proposed the idea that pious foundations should be controlled by local councils instead of the central government. Even though İsmail Sıdkı does not mention it, as a matter of fact, there were efforts to delegate waqf affairs to local councils in the 1840s. However, such efforts failed, and as a result, the control of waqfs was assigned to centrally appointed directors.⁴⁹⁷ According to İsmail Sıdkı, the maintenance and administration of waqfs

⁴⁹² *Mukâta‘a* is another form of long-term leasing similar to the *icâreteyn* system. The difference between *icâreteyn* and *mukâta‘a* is that buildings or plants on a waqf land rented through *mukâta‘a* are the freehold of the renter while the land itself remains in the possession of the waqf. *Mukâta‘a* system could be adapted to *mîrî* lands as well. See Ömer Hilmi Efendi, *İthaf-ül Ahlaf-ı Ahkâm-il Evkaf*, 17.

⁴⁹³ *Gedik* was a specific type of ownership in a work place like a shop within the rules of trades and artisanship. For different meanings of *gedik* see, Engin Deniz Akarlı, “A Bundle of Rights and Obligations for Istanbul Artisans and Traders, 1750-1840,” in *Law, Anthropology and the Constitution of the Social: Making Persons and Things*, eds. Alain Pottage and Martha Mundy (Cambridge, New York: Cambridge University Press, 2004), 166-200; Miyase Koyuncu Kara, “The Dilemma of the Ottoman State: Establishing New Gediks or Abolishing Them,” *Turkish Studies - International Periodical For The Languages, Literature and History of Turkish or Turkic* 8, no. 5 (Spring 2013), 441-463.

⁴⁹⁴ “Her nev‘-i evkâfın ne taraftan idâresi icâb edeceğine dâ‘ir olan mutâla‘ât ber-vech-i bâlâ ‘arz ve izâh olunmuş ve idârenin şu sûretle te‘şîsi hâlinde husûle gelecek fevâ‘id-i ta‘dâd edilmiş ise de mutâla‘ât-i mesrûde teşkilât-ı esâsiye hakkında olub hâlbuki teşkilât ne derece muntazam olursa olsun evkâfca icâreteyn, gedik ve sâ‘ire nâmlarıyla vücûda getirilmiş olan bir takım karışık usûller mu‘âmelât-ı nâsı işkâl eder kâi‘deler ber-taraf edilmedikçe intizâm tam husûle gelemes ve halkın şikâyetine sedd çekilemez. Gerçi ahîren teşkil edilen bir komisyon icâreteynli musakkafât ve müstegallâtın bir bedel mukâbilinde intikâlâtının tevsi‘i ve gediklerin emr-i tasarrufâtının kavâ‘id-i cedîdeye rabtî gibi ba‘zı husûsâtı tezekkür etmekte ise de müzâkerât-ı câriye ta‘dîlât-ı cüz‘iye dâ‘ir olmağla bununla matlûb hâsıl olmaz. Hazînenin ıslâhı için ‘âdetâ bir (tasfiye-i mu‘âmelât) lâzımdır. İcâreteynli, mukâta‘alı vakıf mahallerin, gediklerin mülk hâline ifrâğına çalışılmalı ve fakat gerek mutasarrıflarının ve gerek vakıflarının te‘mîn-i hukûku için ‘âdilâne bir sûret-i tesviye ittihâz etmelidir. Ve‘l-hâsıl hangi taş kaldırılsa altından bir vakıf çıkması ve anın yüzünden dürlü dürlü müşkilât zuhûr etmesi gibi ahvâl meydan bırakmamalıdır.” İsmail Sıdkı, *Hâtrât*, 20-1.

⁴⁹⁵ “vakıf mu‘âmelesinin el-hâletül-hazihi ‘avâm-ı halk nezdinde ‘âdetâ nefretle telakkî olunur bir dereceye gelmesi.” Ibid, 7, footnote 1.

⁴⁹⁶ “Şu teklîfin kabûl ve icrâsında hiçbir güne mahzûr-ı şer‘î olmamakla berâber vâkıfların maksad ve rızâsına da muvâfık bir hareket icrâ edilmiş olur. Çünkü gerek icâreteyn ve gerek gedik ta‘bir olunan usûller bir iki ‘asır mukaddem ihdâs edilmiş bir takım kavâ‘id-i sakîmeden ‘ibâret olmağla.” Ibid, 21.

⁴⁹⁷ Yediyıldız, Öztürk, “Tanzimat Dönemi Vakıf Uygulamaları,” 573.

was a municipal and local affair; hence, what was needed was decentralization. If the waqf administration were to be delegated to local councils, there would be no need for the Ministry of Religious Endowments. The Ministry could be replaced by a much simpler institution whose duty was limited to the inspection of local councils in the provinces.⁴⁹⁸ More importantly, the engagement of local people in such affairs would encourage “personal initiative” that was most needed for “progress,” but unfortunately destroyed by the centralization of waqf management.⁴⁹⁹

Another person who advocated the conversion of waqf to *mülk* property was Mehmed Halid, about whom, unfortunately, we do not know much apart from the information that he gave in his petitions. He was the *nâ'ib* (deputy qadî)⁵⁰⁰ of Küçükçekmece in Istanbul when he presented a personal note to the Ministry of Finance in 1891, and then another one directly addressed to the sultan in the same year. He described himself as one of the “servants” of the government whose only desire was to serve for the “progress of happiness and order” and the “growth of wealth and prosperity” in the Empire.⁵⁰¹ He suggested that the change of waqfs to *mülk*, and tithe to cash would not only serve the best interests of the state both materially and morally but also restore many rights.⁵⁰² In his first petition, he used the term “waqfs run through the *icâreteyn* system,” but in his second note, preferred to employ the term “waqf property in

⁴⁹⁸ İsmail Sıdkı, *Hâtîrât*, 13.

⁴⁹⁹ “Ahâli de her işi hükümetten, pâdişâhtan beklememelidir, böyle her işte hükümetin icrââtına intizâr ve iftikâr eden bir millet hiçbir sûrette ilerülemez. Terakki ve ta’âli-i millet efrâd-ı ahâlinin, kuvve-i fâ’ileye, teşebbüs-i şahsiye mâlikiyetine mütevakkıftır.” “merkeziyet usûlünün tam bir kuvvetle tatbikiyle efrâd-ı ahâlîde teşebbüsât-ı şahsiye hissiyâtının imhâ olunmasıdır.” Ibid, 10 and 11.

⁵⁰⁰ For the changing meanings of *nâ'ib* in the nineteenth century, see Jun Akiba, “From *Kadî* to *Naib*: Reorganization of the Ottoman Sharia Judiciary in the Tanzimat Period,” in *Frontier of Ottoman Studies: State, Province, and the West*, eds. Colin Imber, Keiko Kiyotaki (London, New York: I. B. Tauris, 2005), 43-60.

⁵⁰¹ “emekdâr”; “terakki-i sa’âdet ve intizâm”; “tezâyüd-i servet ve ma’mûriyet.” BOA. Y.MTV 49/131; BOA. Y.PRK.MŞ 3/24.

⁵⁰² “icâreteynlü evkâfın mülke tahvîli ve vâridât-ı ‘öşriyenin akçeye tebdîli ise maddî ve ma’nevî en ‘âli fevâ’id-i menâfi’ ve binlerce hukûkun ihyâsını muktazî olub.” BOA. Y.MTV. 49/131.

land.”⁵⁰³ Therefore, it is not exactly clear to which kinds of waqfs he was referring since *icâreteyn* applied to both land and buildings. So is the question of whether he had local waqfs in Küçükçekmece, or something more general in mind.

He guaranteed that he knew the best way to convert waqfs to *mülk* which would be confirmed by both the public and *şer‘î* law. But, there was a problem. Some circles were strongly opposing his idea and preventing him from sharing his views with official institutions. Thus, he requested a meeting where he could “orally” (*şifâhen*) explain the details of his proposition. Unfortunately, he did not explain who these circles were, and why they were against such a change. But it seems that this affair was a local one as those who tried to stop him from approaching to the government offices were most probably some people he knew personally. We can reasonably speculate that due to his status as the *nâ‘ib* of the district, he knew very well the practical difficulties in conflicts of waqf property, and possible abuses in waqf management. The case might have involved certain waqf properties in Küçükçekmece but, his suggestion nevertheless implies something wider than local circumstances.

The fact that he presented petitions to the government reveals that he saw a structural problem that he could not settle as the *nâ‘ib*. Otherwise, it was his job to “restore” property rights. And the idea of converting waqf to *mülk* property itself, no matter what actual problems it was offered to as a solution, echoes one of the main beliefs of the classical economists that private property would incentivize and maximize production, hence, produce greater ‘progress’ and ‘growth of wealth and prosperity.’ These are the very concepts that Halid Mehmed used with an actual proposition instead of complaining about vested interests in waqf property, and

⁵⁰³ “icâreteylü evkâf.” Ibid; “mustagallât-1 mevkûfe.” Y.PRK.MŞ 3/24.

their negative consequences for the institution of waqf and society. It is also unfortunate that we do not know what the official response was to his petitions. Were they ever taken into consideration; Was his demand for a meeting satisfied; If so, what was the best way that he presented to change waqf to *mülk* property?

Similar objections were raised against *mîrî* property as well. For instance, Süleyman Sûdi asserts that farmers who cultivated state lands never “appropriated” these lands as their own, and remained as renters.⁵⁰⁴ Likewise, Ohannes Efendi argues that the holders of *mîrî* lands did not make long-term investments in the soil since they did not have the guarantee that they could amortize these investments. He presents three systems of farming and land use: lands that are directly cultivated by their owners; lands that are rented out; and sharecropping. The best system is, according to Ohannes, the first one because a farmer would be more “zealous” (*gayretkeş*) to improve the land if it belonged to him with all the surplus that it yields.⁵⁰⁵ It is the most conducive way to maximize production and investment in land, though, he adds, that is not an “absolute rule” since owners do not necessarily have the best agricultural knowledge and expertise.⁵⁰⁶ Therefore, the second option, leasing the land out, is also “acceptable” if it provides the cultivation of the land by the most expert and knowledgeable renter.

He furthermore claims that the existence of commercial agricultural farms known as *çiftlik* lands in the Empire did not actually have a positive impact on the development of agriculture. On the contrary, such *çiftlik*s were prone to “destruction” because their owners lived in cities; thus, they were run by officials preoccupied with self-interest and renters who

⁵⁰⁴ “arz-ı mîrî derûnunda sâkin olanlar, hiçbir vakit taht-ı zirâatlerinde bulunan arâziyi benimsemeyip bir takımı mûcer, diğer takımı müste’cir makâmında kalmıştır.” Süleyman Sûdi, *Defter-i Muktesid*, 36.

⁵⁰⁵ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 122-3.

⁵⁰⁶ “kâide-i mutlaka.” Ibid, 123.

were “ignorant and poor.”⁵⁰⁷ In his view, what is important is not really the size of the land, but rather the amount of labor and capital invested in the soil.⁵⁰⁸ Another problem that he underlines is leasing terms. He states that the duration of land leases needs to be long enough for renter farmers to amortize the improvements that they make on the land.⁵⁰⁹ Otherwise, they would not invest in the land. The lack of investment furthermore results in low rents and a fixed land market. That state lands are characterized by fixed-rent tenancy, and the terms of occupation are almost permanent creates another problem according to Ohannes Efendi. It makes the turnover of renters a low possibility which, in turn, makes the transfer of land to those who have the best skills and capital very difficult.⁵¹⁰ However, it seems that what Ohannes Efendi says about leasing terms are only impressionistic views that are not always coherent. As a matter of fact, he contradicts himself by arguing elsewhere that the term of land leases was “usually around five-six years” in the Empire which was not enough for renters to exploit completely the investment that they made in the land.⁵¹¹

Nevertheless, there is some truth to his comments on absentee ownership. According to Salzmänn, it was the *mâlikâne* system, life-time contracts of tax-farming, which opened the way for “absentee management” of agricultural fields and commercial investments.⁵¹² The views of Mehmed Şerif Efendi, an official in the fiscal bureaucracy who suggested economic ideas for the New Order of Selim III, support the criticism of Ohannes Efendi against absentee ownership. According to Mehmed Şerif Efendi, behind the *mâlikâne* system was “the expectation that the *mâlikâne* holders would maintain their units as their private orchards and

⁵⁰⁷ “harabiyet”; “cahil ve fakir.” Ibid, 119.

⁵⁰⁸ Ibid.

⁵⁰⁹ “şâyân-ı kabul.” Ibid, 123.

⁵¹⁰ Ibid, 132.

⁵¹¹ “ekseriyâ beş, altı sene.” Ibid, 124.

⁵¹² Salzmänn, “An Ancien Regime Revisited,” 403.

gardens and provide the poor peasants with seeds, so that the Islamic lands might become more prosperous by the day.”⁵¹³ He commented on how production on *mâlikâne* lands, however, deteriorated over time, because *mâlikâne* holders usually had a tendency towards “outsourcing their units to local subcontractors” who did not engage in long-term investments. The result of such short-term outsourcing practices was the “overexploitation” of actual producers.⁵¹⁴ It can be said that the expectations of the state and those of *mâlikâne* holders did not really overlap. This might partly explain why *mâlikâne* holders came to be seen as a “parasitic” class as presented in the *Tanzîmât* Edict of 1839.

Credit and property

Even though Ottoman writers conceptualized private property as a basis of expectations, they did not explore their conception in terms of credit. Likewise, they gave a great importance to the development of transport and communication, whereas, they did not examine the crucial role of credit in such developments. Railway construction, for instance, requires huge amounts of capital. However, without a credit system that “mediates, accelerates and intensifies the concentration of capital in a single hand,” such undertakings are difficult to be realized.⁵¹⁵ For a credit system to function, property provides material security as collateral while honor serves the trust needed for economic transactions. A credit system is an indispensable part of private property as a regime of expectations. Harvey states that “the credit system rests, as Marx also observes, on faith and expectations. Capitalism increasingly lives on faith alone.”⁵¹⁶

⁵¹³ Quoted in Yayıcıoğlu, *Partners of the Empire*, 43.

⁵¹⁴ Ibid.

⁵¹⁵ Marx, *Capital*, vol. 2, 312-3.

⁵¹⁶ Harvey, *The Limits to Capital*, xxiv.

However, to Marx, the security of property rights was not the only basis of expectations. The continuity of the transition of value from one phase to the other is critical in a capitalist system, but these different phases are “separate in time and space.” That is to say that the continuity of the process involves the factor of “chance” that is independent of the production process. Credit is necessary to eliminate this factor of chance, because it functions to adjust different turnover times.⁵¹⁷ Because the turnover time of capital is not the same in every sector, there is a necessity to find a way to “reduce the infinite diversity of circulation times to some common denominator.” The “credit system,” Harvey argues, “provides the mechanism to reduce different turnover times to a common basis,” and “this ‘common basis’ is the rate of interest.”⁵¹⁸ Marx adds that “credit also enables the acts of buying and selling to take a longer time, and hence serves as a basis for speculation.”⁵¹⁹ Likewise, the credit system also imposes a certain temporal pressure that forces production and circulation times to be adjusted to the payment periods.⁵²⁰

But, in a context like the Ottoman Empire where state ownership of land was the rule, how did waqf and *mîrî* property function in terms of credit relations? This is a topic that did not attract the attention of Ottoman writers in spite of the fact that one part of agricultural reforms was the development of mortgaging (*rehn*) systems in line with the emergence of modern banking institutions and new ways of both domestic and external borrowing. In an empire where production was largely dependent on agriculture, the need for agricultural reforms was felt much more profoundly.

⁵¹⁷ Marx, *Grundrisse*, 535.

⁵¹⁸ Harvey, *The Limits to Capital*, 186-7.

⁵¹⁹ Marx, *Capital*, vol. 3, 567.

⁵²⁰ Harvey, *The Limits Capital*, 258.

The institution of new borrowing systems for cultivators was one of these reforms among others, such as the foundation of agricultural schools, the establishment of model farms and fields, importation of agricultural machinery, and sending students to Europe to study modern methods of agriculture.⁵²¹ Traditional moneylenders who usually demanded high rates of interest were the only address that small peasantry could apply for credit.⁵²² The clientele of European commercial banks were mostly wealthy merchants and local notables.⁵²³ Therefore, the state needed to establish a domestic bank that would serve the needs of poorer classes of cultivators for low-interest credit.⁵²⁴ Ziraat Bankası (Agricultural Bank) was founded by the state in 1888 for this purpose.

The Agricultural Bank opened more than 400 branches throughout the Empire. As cadastral surveys were necessary for the Bank to issue loans that were secured through mortgage, each branch was required to obtain property registers within its area of operation.⁵²⁵ Individuals demanding credit from the Bank needed to provide immovable property as collateral. Therefore, the establishment of waqf and *mîrî* property as collateral was necessary to create an alternative credit system. At the background of modern mortgaging systems was the practice of temporary transfer of usage rights over waqf and *mîrî* property to the lender by the lessee for his/her debts which was called *ferâğ-bil-vefâ*.⁵²⁶ Regulations issued in the second half of the nineteenth century were gradually built on this practice.⁵²⁷ These changes can be

⁵²¹ Şevket Pamuk, *A Monetary History of the Ottoman Empire* (Cambridge: Cambridge University Press, 2003), 222; Haydar Kazgan, *Osmanlı'dan Cumhuriyet'e Türk Bankacılık Tarihi* (İstanbul: Türkiye Bankalar Birliği, 1997), 107; Donald Quataert, "Dilemma of Development: The Agricultural Bank and Agricultural Reform in Ottoman Turkey, 1888-1908," *International Journal of Middle East Studies* 6 (1975), 221.

⁵²² Pamuk, *A Monetary History of the Ottoman Empire*, 222.

⁵²³ Ibid, 221.

⁵²⁴ Quataert, "Dilemma of Development," 212.

⁵²⁵ Ibid, 213.

⁵²⁶ Ömer Hilmi Efendi, *İthâf-ül Ahlâfî Ahkâm-il Evkâf*, 72; Cin, Osmanlı Toprak Düzeni, 279.

⁵²⁷ "Arâzi Kânûnnâmesi," 1858. *Düstûr*, 1:1, 195-6; "Tâpu Nizâm-nâmesi," 1859. *Düstûr*, 1:1, 206-207; "Arâzi-i emirîyye ve mevkûfe ve musakkafât ve müstegallât-ı vakfiyenin ba'de'l-vefât te'mîn-i deyn etmesine dâ'ir nizâm-nâme," 1869. *Düstûr*, 1:1, 242-243; "Emvâl-i gayr-i menkûlenin deyn mukâbilinde te'mînât irâesi

seen as an attempt of the state to support small peasantry over provincial notables by making the former less dependent on the latter. Pamuk states that “The central government supported, whenever it could, small and middle peasant holdings against large landlords both in order to preserve its fiscal base and to prevent a political challenge to its rule from the provinces.”⁵²⁸ Such concerns of the state were also at the basis of the contradictions between the *mâlikâne* system’s tendency to encourage entrepreneurial attitudes and the constant possibility of confiscation.

When taken in historical continuity, all these developments, such as the changes in inheritance practices and the establishment of waqf and *mîrî* property as securities, it becomes clear that the nineteenth-century changes in the regime of property were built on earlier practices. It appears that the process was much more complicated than a simple transformation from multiple usage rights to absolute individual property as conventionally assumed.⁵²⁹ As already suggested, the developments in terms of inheritance regulations were also a gradual process in which systems like *icâreteyn* provided a wide range of usage rights. Such developments were usually practical responses to social needs as the Land Code of 1858 was a “gradual reworking of legal vocabularies,” as argued by Mundy and Smith in contrast to Islamoğlu’s presentation of it as a rupture.⁵³⁰ The argument of Islamoğlu that “the alienability or divisibility of the subsistence holdings” was limited before the Code of 1858 does not hold true, either, when it comes to waqf property.⁵³¹ We saw that the existence of long-term leasing systems like *icâreteyn* proves that waqf renters were able to conduct various transactions.

hakkında kânûn-ı muvakkat,” 1913. *Düstûr*, 2:5, 158-161; Ömer Hilmi Efendi, *İthâf-ül Ahlâf fi Ahkâm-il Evkâf*, 73; Cin, *Osmanlı Toprak Düzeni*, 447.

⁵²⁸ Pamuk, “The Ottoman Empire in Comparative Perspective,” 133-4.

⁵²⁹ Islamoğlu, “Property as a Contested Domain”; “Towards a Political Economy.”

⁵³⁰ Mundy and Smith, *Governing Property*, 40.

⁵³¹ Islamoğlu, “Property as a Contested Domain,” 16.

Chapter III: Municipal organizations

The first thing that Hüseyin Kazım Bey did in 1911 when he became the prefect (*şehremîni*) of the capital was to send a very critical letter to the heads of the municipal districts. The opening sentence of his letter was strong enough to warn the addressees that it was a sharp and urgent call for a self-evaluation and institutional criticism:

There is no single man who does not know and complain about the fact that the *Şehremâneti* has not achieved any [significant] success, and failed to provide any service [to the dwellers of the city] since the declaration of the Constitution up until now.⁵³²

He invited the district heads to reflect faithfully on the negligence and failure of the *Şehremâneti*'s officials to honor the material and moral obligation to duly perform their duties.⁵³³ He openly stated that “I do not doubt that there are men among us who would sacrifice the interests of the country for their personal interests.”⁵³⁴ Within a national framework, he pointed at the need for “honorable” (*nâmûskâr*) men who work “self-sacrificingly” (*fedâkârâne*) for the “happiness of the homeland.”⁵³⁵ To him, “in a country with a constitutional government, the basis of all state institutions is municipal offices,” and “the sovereignty of a nation manifests itself first through these municipalities.”⁵³⁶ In order to show people “what the Constitution and the government means,” the capital had to have a strong municipal organization.⁵³⁷

⁵³² “Şehremâneti’nin i’lân-ı Meşrûtiyyet’ten bugüne kadar bir eser-i hayat ve faâliyet gösteremediğini bilmeyen ve bu halden dolayı şikâyet etmeyen bir adam yoktur.” Ergin, *Mecelle-i Umûr-ı Belediyeye*, vol. 3, 1432.

⁵³³ “Eğer Emânet’in en basit ve kolay işlerde bile düştüğü haybet ü hüsrân memûrünün kayıdsızlıklarından ve vazîfelerini hakkıyla yapmaktaki mecbûriyet-i maddiyye ve ahlâkiyyeyi takdir etmemelerinden münbais ise.” Ibid.

⁵³⁴ “Şübhe etmem ki içimizde memleketin menâfiini kendi şahsî menfaatlerine feda edebilecek adamlar vardır.” Ibid.

⁵³⁵ “saâdet-i vatan.” Ibid, 1432-3.

⁵³⁶ “Meşrûtiyyet’le idare olunan bir memlekette bütün teşkilat ve müessesât-ı hükûmetin esası devâir-i belediyyedir. Hâkimiyet-i milliyye en evvel belediyyelerle tezahür ve tecelli eder.” Ibid, 1433.

⁵³⁷ “Meşrûtiyyet ve hükûmetin ne demek olduğu.” Ibid.

He, therefore, called out his “friends” and reminded them the meaning contained in the word “*emânet*” (trust): “This great city that is, to us, more sacred and esteemed than our souls and existence is an “*Emânet*” entrusted in our honor with all its dwellers, its air, waters, with the living and the death, with its great and poor foundations, its ruins, all of its beauties and ugliness, in short, with its existence.”⁵³⁸ He expected the officials not just to perform their duties, but to perform “self-sacrificingly” in a way worthy of personal “dignity” (*haysiyet*) and “respect” (*i’tibâr*). They had to provide the “service” (*hizmet*) that the “citizens” (*vatandaş*) of the city deserved. Only then, they could be considered as the true “sons of this sacred and honored nation.”⁵³⁹ After fifteen days, he sent another letter to the municipal offices, the tone of which was as sharp as that of the first one. He seems to have felt a certain sense of helplessness. Unable to find the proper words to say, he prayed “May God give justice,” and continued: “It is a shame. It is a sin. Mercy on our citizens. Perform the duty that is entrusted in your patriotism and honor self-sacrificingly.”⁵⁴⁰

Concepts like honor, dignity and respect loomed large in the letters of Hüseyin Kazım Bey which he weaved into a discourse on duty, service, and citizenship. His letters were reflective of an ideology of services that developed within the context of the municipalization process of the city in the nineteenth century, and of the centrality of honor to the conceptions of state officialdom. In his earlier articles that he published in the newspaper *Tanîn* after he resigned from the governorship of Aleppo, we see that he furthermore placed “dignity” above

⁵³⁸ “Arkadaşlar bize canımızdan, varlığımızdan daha aziz ve muhterem olan bu şehr-i muazzam bütün insanlarıyla, havasıyla, sularıyla, sağlarıyla, ölüleriyle, muazzam ve sefil mebânisiyle, harâbeleriyle, bütün güzellikleriyle ve çirkinlikleriyle, hâsıl-ı tekmil mevcudiyetiyle bizim nâmusumuza mevdû bir “Emânet”tir.” Ibid.

⁵³⁹ “bu mukaddes ve muhterem vatanın evlâdı.” Ibid, 1434.

⁵⁴⁰ “Ne söyleyelim, Allah insaf versin. Yazıktır. Günahtır. Vatandaşlarımıza acıyınız. Hamiyetinize ve nâmusunuza tevdi’ olunan vazifeyi fedâkarâne yapınız.” Ibid.

“authority” (*salâhiyet*), because he believed that state officials first needed personal “dignity” rather than “extensive authorities.”⁵⁴¹ But, what was the meaning of “authority” in the post-revolutionary environment of 1910’s, and what did Hüseyin Kazım Bey try to convey by questioning it from a moralistic angle?

In order to answer these questions, we have to go back to the nineteenth century in which the city was subjected to the experimental logics of *tanzîmât* in municipal reform. The foundation of the *Şehremâneti* in 1855 as a municipal institution modelled after the French Prefecture was a major outcome of the new administrative mindset of the *Tanzîmât* era. One of the reasons behind its establishment was to centralize municipal services that were, in the pre-*Tanzîmât* period, provided by various institutions, such as qadis and religious endowments, in a decentralized fashion. However, the *Şehremâneti* did not prove itself as a successful municipality, and its history became a ‘failure’ story in the hands of Ergin.

Unlike Hüseyin Kazım Bey, Ergin saw the problem behind the failure of the *Şehremâneti* in the lack of “authority” (*salâhiyet*) that this institution had rather than in the “dignity” that the municipal officials lacked. It is the term “*salâhiyet*” as used by Ergin that this chapter examines within the question of local autonomy vs. state centralization. I show that *salâhiyet* meant self-government and autonomy, concepts about which Ottoman ruling elites were always vigilant, but, to Ergin, the limitations on which were an obstacle to municipal development and electoral politics. According to him, the lack of local autonomy resulted in a bureaucratic and official city administration where “independent” actors like businessmen, bankers, real estate speculators, and others had limited participation. It also meant an absence

⁵⁴¹ “bütün me’murîn-i idarenin vâsi’ bir salâhiyetden ziyade nâ-kâbil-i taarruz bir haysiyete muhtaç oldukları.” Quoted in Osman Nuri Ergin, *İstanbul Şehreminleri*, prepared by Ahmet Nezih Galitekin (İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı, 1996), 249.

of mechanisms like elections that could tie city governors to people in a binding way, and supposedly create more transparent and accountable local governments that could control corruption.

In general terms, it is difficult to raise an objection to Ergin's statements as even today municipalities in Turkey are largely 'official' institutions. But even if we accept his arguments regardless of our disagreements as to the degree to which local autonomy and participation was limited, why do we have to present it as a 'failure'? The present chapter shows that it becomes a 'failure' as long as it diverges from the generic European model that Ergin assumed to have existed. In this chapter, I provide a brief comparison with European cities to demonstrate that actual municipal practices on the ground were more contentious and less 'modern' everywhere than we tend to think. The main problems that Ergin pointed out in the municipal functioning of the city are likewise more complicated than a simple juxtaposition with Western examples suggests.

One of the purposes of this chapter is to show that local autonomy was something contingent that different groups of society were constantly fighting for, whereas, the state usually needed the 'cooperation' of local actors on certain matters. The interface between two levels included not only opposition but also overlaps and cooperation in ideological and economic policies without necessarily one dictating the other. The present chapter takes the issue of taxation as an example of cooperation and negotiation between the central state and local groups which was crystallized in the redistributive relation between real estate tax and municipal services. In the cosmopolitan context of nineteenth-century Izmir, Zandi-Sayek takes this new understanding of urban duties as "one that bounded residents and authorities in a web

of rights and responsibilities.”⁵⁴² City dwellers had to pay taxes in order to benefit from urban services. However, the imposition of new taxes was never a smooth process because of various opposition groups and insufficient technical and structural means to undertake property surveys. Hence, cooperation with local people was indispensable.

Therefore, we cannot simply conceptualize the local in opposition to imperial or state levels of politics, and as a constrained venue of governmental power. The overlap between the establishment of municipal organizations and the institution of taxes on urban property reveals less visible practical needs behind the meta-narratives of modernity on ‘civil society.’ Broader fiscal necessities and economic dynamics have been usually eclipsed by a generic story of Ottoman municipalities as an extension of imperial state power in contrast to autonomous self-governments in European cities. When we take the problem as one of urban rent and taxation, the question of local autonomy looks even more complicated.

This chapter also examines the legal meaning embedded in the concept “*salâhiyet*.” Ergin situated some of the problems with the municipal functioning of the city in the separation of “*kazâ*” – that is the administrative and juridical district of a qadi – and “*belediye*” – that is a municipal district. Unlike the qadis of Istanbul, the prefects of the city did not have extensive jurisdictional authorities. This was a part of a bigger problem that Ergin saw with the legal reforms of the century. He believed that Ottoman municipalities would have been better “if the intervention of qadis in municipal matters after *Tanzîmât* had been reinforced instead of

⁵⁴² Sibel Zandi-Sayek, “Public Space and Urban Citizens: Ottoman Izmir in the Remaking, 1840-1890” (PhD. Dissertation, University of California, 2001), 82.

nullified in comparison to European municipalities, and if, instead of instituting and opening new *nizâmiye* courts, Islamic courts had been reorganized and reformed.”⁵⁴³

Even though the degree of judicial power given to municipal organizations was insufficient according to Ergin, these institutions had an important role in the resolution of property disputes that the renewal projects created. Unfortunately, we do not know much about the nature of municipal jurisdiction that was accorded to the urban institutions of the nineteenth century. But, it appears that it is not possible to comprehend the administrative logic behind the creation of city councils and commissions like the CSI without looking at the “system of administrative councils” that developed throughout the Empire as a result of provincial reforms. Although urban historians of Istanbul tend to see the imperial capital in isolation, many of the changes in the administrative landscape of the city reflected the centralizing reforms of the state in provincial administration.⁵⁴⁴ Moreover, it was the organizational structure of these administrative councils that was eventually built into the new system of *nizâmiye* courts.⁵⁴⁵

As it will be discussed in the next chapter, municipal organizations and commissions like the CSI were, in fact, the institutions that solved property disputes especially in the limbo after the 1850s and 60s when both urban and legal reforms gained momentum. They operated under the authority of the Supreme Council of Judicial Ordinances (*Meclis-i Vâlâ-yı Ahkâm-ı ‘Adliye*) that was founded in 1838 during the reign of Mahmud II as both a legislative body and

⁵⁴³ “Kadıların vezâif-i belediyeye müdâhaleleri Tanzimat’tan sonra ref’ edileceğine Avrupa belediyelerine kıyasen takviye edilmiş olsa ve mehâkim-i nizâmiyye tesis ve küşâd olunacağına mehâkim-i şer’iyye tensik ve islâh edilmiş bulunsa.” Ergin, *Mecelle-i Umûr-ı Belediyeye*, vol. 3, 1267-68.

⁵⁴⁴ One exception to this tendency is Alp Yücel Kaya, Yücel Terzibaşoğlu, “Tahrir’den Kadastro’ya: 1874 İstanbul Emlak Tahriri ve Vergisi: ‘Kadastro tabir olunur tahrir-i emlak,’” *Tarih ve Toplum Yeni Yaklaşımlar* 9 (2009), 30.

⁵⁴⁵ Mustafa Safa Saraçoğlu, “Letters from Vidin: A Study of Ottoman Governmentality and Politics of Local Administration, 1874-1877” (PhD dissertation, Ohio State University, 2007), 18; Akiba, “From *Kadı* to *Naib*,” 54.

a high court. The authority to which urban institutions had to answer was not the qadi courts but the Supreme Council. Although city dwellers, in principle, could go to the qadi court, it seems that property disputes were being tried by the urban institutions with the Supreme Council being the authority of last instance. Petitioning was the medium of people, whereas, municipal councils and commissions of various types were the new courts. That also means that property conflicts were increasingly reduced to an administrative sphere.

Furthermore, what was criticized by Ergin, namely the separation of administrative and judicial spheres, is, in fact, one of the so-called principal features of modern states. And provincial laws did promote the idea of the separation of powers and the independence of judiciary. Even though local councils were envisioned to function independently of each other, the division of labor that the provincial laws stressed on between these councils, however, remained on paper to a significant extent as did the separation of administrative and judicial spheres of the modern state a “supposed” principle.⁵⁴⁶ However, this had important implications for the way in which property disputes resulting from urban reforms were settled.

The question of local autonomy

The foundation of the *Şehremâneti* in 1855 was a response to what was perceived by Ergin as a ‘lack’ of institutions that would be conforming to European standards. Before that date, according to him, Ottoman authorities did not ‘even’ feel the need to establish an independent and autonomous municipality in the capital, because their relations with Europe were not intensified enough to familiarize themselves with fine examples of municipal

⁵⁴⁶ Saraçoğlu, “Letters from Vidin,” 99-100.

organizations and their centrality in the administration of Western cities.⁵⁴⁷ But the *Şehremâneti* was neither adequately effective enough nor institutionalized at least until the Regulation on the Municipal Administration of Istanbul was passed in 1868. Ergin saw no innovation in its foundation as it was just a rebranding of the Superintendence of Guilds and Markets (*İhtisâb Nezâreti*) under a different name. The *şehremîni*, a centrally appointed prefect of the city, was a state official, and no different than the superintendents of the Prefecture's predecessors.⁵⁴⁸ Those who composed of the City Council, the decision-making body of the *Şehremâneti*, had "almost no" experience and knowledge in terms of city administration.⁵⁴⁹ They were to be chosen amongst "the respected and trustworthy" figures of Ottoman subjects of all classes and tradesmen whose decisions needed to be confirmed by the prefect and the Supreme Council.⁵⁵⁰ Altogether, the *Şehremâneti* remained under the supervision of the Supreme Council, and dependent on various ministries as opposed to an autonomous institution.⁵⁵¹ It furthermore failed to take over the responsibilities of earlier institutions regarding city planning and urban improvement.

In the hands of Ergin, the 'failure' of the *Şehremâneti* as a municipal project has become an explanation to the emergence of new urban institutions including the Municipality of the Sixth District. Propelled by this 'failure,' 'high officials of the Sublime Porte' decided to institute a new municipal commission whose members would also include foreigners who were living in Istanbul and 'knowledgeable' about modern municipalities.⁵⁵² This new commission was thought to be 'temporary,' and as such, expected to make Istanbul worthy of its real position

⁵⁴⁷ Ergin, *Mecelle-i Umûr-ı Belediyeye*, vol. 3, 1265.

⁵⁴⁸ The Regulation of 1855 on the *Şehremaneti*, article 3. Ibid, 1272-5; Oktay, *Şehremaneti*, 17-18.

⁵⁴⁹ Ergin, *Mecelle-i Umûr-ı Belediyeye*, vol. 3, 1274-75.

⁵⁵⁰ "muteber ve mutebed" The Regulation of 1855, article 5. Ibid, 1273.

⁵⁵¹ Ibid, 1272.

⁵⁵² Ibid, 1275.

as an imperial capital. Under the name of the Commission for the Order of the City (*İntizâm-ı Şehir Komisyonu*), a new body was instituted in 1856, and Emin Muhlis Efendi who served as a diplomat and translator at the Ottoman Embassy in Vienna, and the Ministry of Foreign Affairs was appointed to the presidency.⁵⁵³

This new institution was not successful, either, in bringing substantial changes in municipal organization, and some of its members were likewise quite disappointed, because they were not granted the authority necessary to undertake urban improvements, and their duties were not well defined. After all, it was a ‘temporary’ institution which, to some members, meant the opposite of “well arranged,” (*muntazam*) “effective” (*mü’essir*), and “formal” (*resmî*).⁵⁵⁴ They therefore wrote down their frustrations in a memorandum, and presented it to the office of the grand vizier, which Ergin considers “the most important document of municipal history,” in fact, “almost an ultimatum” as one historian puts it.⁵⁵⁵ Ergin even seems to be highly impressed by their sharp articulation, and sees them as “independent” (*müstakni*) men of “dignity” (*haysiyet*) “free from official mentality.”⁵⁵⁶ Among them were Avram Camondo, a Jewish banker who acted as the personal creditor of Mustafa Reşid Paşa, and owner of real estate largely located in Galata and Pera; Antoine Alleon, son of a very wealthy French family who fled from France and settled in Istanbul, and founded a bank there; David Revelaki, an Ottoman Greek merchant under British protection; and others who were in a sense ‘European,’ or familiar with ‘European ways.’⁵⁵⁷ To the liking of Ergin, the Commission for the Order of the City eventually gave birth to the Municipality of the Six District where such figures were

⁵⁵³ Ibid; Gül, *The Emergence of Modern Istanbul*, p. 44.

⁵⁵⁴ Ergin, vol. 3, p. 1297.

⁵⁵⁵ “Belediye tarihinin en mühim vesikası.” Ergin, vol. 3, pp. 1297-8.; Murat Gül, *The Emergence of Modern Istanbul: Transformation and Modernization of a City* (London: Tauris Academic Studies, 2009), 44-5.

⁵⁵⁶ “memur zihniyetinden azâde.” Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1297.

⁵⁵⁷ Ibid, 1303-5; Gül, *The Emergence of Modern Istanbul*, 44.

given a central role in municipal affairs, which is a development that Neumann considers an “experiment of autonomy.”⁵⁵⁸

The selection of Galata and Pera among the fourteen districts as the pilot area for the Municipality of the Sixth District was, of course, not a coincidence. In an official document published in the *Takvîm-i Vekâyi*’, the stress was on the higher quality and quantity of real estate in the area, and the knowledge that the predominantly non-Muslim and foreign dwellers of the district supposedly had in municipal administration due to their mental and geographic proximity to Europe – whatever this proximity entailed.⁵⁵⁹ As it appears in the report of the *Tanzîmât* Council, it was a strategic and pragmatic selection for the government in that the idea of municipal services provided through the money of those who benefited from these services was believed to be actualized more easily in this ‘European’ part of the city since its property-owning inhabitants in particular were regarded to have comprehended this redistributive logic as a “true duty.”⁵⁶⁰ Even though the establishment of the Municipality of the Sixth District might be also seen as one of those moments when Ottoman reformers tailored ‘European values’ to their interests, they had to deal with the question of local autonomy.⁵⁶¹

The same report of the *Tanzîmât* Council admits that “the best way” was ‘the selection of municipal administrators by the people of neighborhoods,’ and yet, adds that it could not be “proper” to introduce an electoral process in an “abrupt” way.⁵⁶² Therefore, it was decided that

⁵⁵⁸ Neumann, “Marjinal Modernitenin Çatışma Mekanı,” 14; on the Municipality of the Sixth District, also see Steven Rosenthal, “Foreigners and Municipal Reform in Istanbul: 1855-1865,” *International Journal of Middle East Studies* 11, no. 2 (April 1980): 227-45.

⁵⁵⁹ Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1307-8; Neumann, “Marjinal Modernitenin Çatışma Mekanı,” 9-11.

⁵⁶⁰ “vazife-i sahîha.” Ergin, “Marjinal Modernitenin Çatışma Mekanı,” vol. 3, 1309-10.

⁵⁶¹ Neumann, “Marjinal Modernitenin Çatışma Mekanı,” 15.

⁵⁶² “Mesâlih-i belediye için teşkil olunan idâre mahallât ahalisinin intihabıyla ta’yîn olunmak kâ’ide-i umûmiyye iktizasından olub en doğru yol dahi bu ise de bizce usulen birdenbire buralara gidilmek münâsib olamayacağından.” Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1310.

the director of the District and seven members of its Council would be selected among the locals by the government.⁵⁶³ Kâmil Bey Efendi, Master of Ceremonies, and owner of property in Beyoğlu, was appointed the director. The members of the Council were required to have resided in the city for ten years, and to have possessed real estate of 200.000 piasters in value at minimum. In addition to the director and the members of the Council, foreigners who met similar qualifications were also given the right to be chosen by the government as advisors (*müşâvir*), since their population was significant in the area.⁵⁶⁴

The members of the Municipality of the Sixth District also knew how delicate the question of autonomy was, as it is evident in the municipal regulation that they drafted. If completely accepted, this regulation was to introduce novelties that would necessitate significant restructuring in administrative and legal terms. In a report written by the Council's members about this regulation, they seem to have been aware of the fact that their Municipality would make some of the older institutions redundant. They also knew that the creation of an autonomous municipal district would "upset the personal interests of many men," and this would result in conflicts of interest between different institutions, which however must not be taken as an "intervention and transgression" of the Municipality, the members needed to clarify.⁵⁶⁵

⁵⁶³ "meclis a'zâsının ve müdürinin ol dâire ahalisinden olmak üzere devletçe intihâb ve ta'yîn olunması sureti daha muvafık-ı hâl görüldüğünden." Ibid.

⁵⁶⁴ Neumann, "Marjinal Modernitenin Çatışma Mekanı," 11-3.

⁵⁶⁵ "iş bu nizâm maddesi Dersaadet hakkında yeni ve görülmemiş bir şey olduğu ve Avrupa devletlerinde olduğu gibi icrâ olunmak lâzım geldiği halde Devlet-i Aliyye'nin ahvâl-i hâzırasında idâre-i dâhiliyenin bir takım şu'abât-ı muhtelifesine sekte irâs edeceği ve nizâm-ı mezburun dâire-i vezâ'if ve salâhiyeti her ne kadar zayıf olsa yine bunların devâm ve icrâsı pek çok adamların menâfi' ve efkâr-ı zâtiyyelerine dokunacağı ve bir takım küçük me'muriyetlerin bazılarına hâlel gelip ve bazılarının dahi büsbütün adem-i lüzumunu isbat ederek lağvına sebep olacağı hususları evvel-emirde dermiyân olunarak usûl-i hükûmet-i Saltanat-ı Seniyye'ye tarafımızdan müdâhale ve tecâvüz olunmuş manâsı verilmemesini istihsâle sa'y etmekliğimiz iktizâ eder." Ergin, *Mecelle-i Umûr-ı Beledîyye*, vol. 3, 1315.

Their target was the Building Council's Administration (*Ebniye Meclisi İdâresi*) which was one of the urban institutions, originally founded in 1831 under the name of the Directorate of Imperial Buildings (*Ebniye-i Hâssa Mûdîriyeti*) in charge of running building activities and urban development in the capital. In 1849, the name of the Directorate was changed into the Building Deputyship (*Ebniye Mu'âvinliği*), and tied to the ministries of Commerce and Public Works that merged and fell apart many times.⁵⁶⁶ And finally in 1852, it was renamed as the Building Council's Administration.⁵⁶⁷ Behind the cautious attitude of the Sixth District's members towards this institution was corruption in which its officials involved.

As a matter of fact, the Building Administration faced other charges of corruption in its history, and the Supreme Council assigned committees to investigate these allegations a couple of times during the 1850s. Each time, some officials were found guilty and expelled from their jobs. As a result, some changes were made in the organization of the Administration.⁵⁶⁸ Against such official transgressions, the members of the Sixth District presented "the principle of good intentioned and sincere services" as an underlying discourse.⁵⁶⁹ Hence, their demand for the 'right' degree of 'authority' (*salâhiyet*) was a question that was at the center of their report.⁵⁷⁰ Their stress on such a fragile 'balance' itself reveals a new type of administrative praxis that some degree of autonomy was deemed indispensable for urban reforms to be successful and effective, albeit at the expense of some older institutions. An ideology of "sincere services" against corruption was the leverage that they produced to strengthen their demand for local autonomy.

⁵⁶⁶ Aziz Tekdemir, "Ticaret Nezareti (1839-1876)" (PhD dissertation, İstanbul Üniversitesi, 2010).

⁵⁶⁷ Selman Can, "Osmanlı Mimarlık Teşkilatının XIX. Yüzyıldaki Değişim Süreci ve Eserleri ile Mimar Seyyid Abdülhalim Efendi" (PhD dissertation, İstanbul Üniversitesi, 2002), 17.

⁵⁶⁸ Ibid, 22-25.

⁵⁶⁹ "hüsn-i niyyet ve hâlisâne hizmet esâsı." Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 3, 1317.

⁵⁷⁰ "hadden ziyâde tevsi'-i dâire-i salâhiyyet olunması veyahut salâhiyet-i mezbûrenin dûn ve noksân bulunması muhataradan hâlî değildir." Ibid, 1316.

Even though the members of the Sixth District were not selected by the people of the area but by the government, it was still a novelty that the majority of the appointed members were among the locals. And in the eyes of Ergin, this was enough to earn them the qualities of being “independent” and “free from official mentality.” By such features, he was also referring to the autonomous role of industrialists, entrepreneurs, financiers, and speculators in real estate in local administration. However, he never attributed these qualities to the *Şehremâneti* that remained an ‘official’ institution.

To Ergin, the ‘official’ character of the *Şehremâneti* was in contrast to the ‘civil’ nature of local governments in Europe where city dwellers elect their municipal governors. However, the municipal personnel in the Ottoman capital including the prefect were composed of centrally appointed state officials, and these officials, as Ergin presented them, could not be “held responsible in the eyes of people,” since they were not elected by them.⁵⁷¹ In the absence of a mechanism that supposedly ties officials to people in a binding way like elections, state officials would behave arbitrarily, and respond to the needs of city inhabitants only if they wanted to do so. As a result, people would lose confidence in municipal institutions, and start to hesitate to pay due taxes.⁵⁷² When he draws the lines of an ideal municipal organization with frequent references to European examples, he pointed at the necessity that municipal districts should “announce” (*i’lân*) their sources of income and expenditure, as people have the right to

⁵⁷¹ “Avrupa’da devâir-i belediyye mutlaka ahâlinin intihabıyla teşkil olunur. Çünkü memurlar ahâli indinde mesul olmadıkları hâlde tanzimât-ı belediyyeye tamamiyla dikkate mecbur olmazlar.” Ibid, 1376.

⁵⁷² “faraza ahâli gazeteler vasıtasıyla ihtiyâcâtını arz ve beyan dahi etse bunlara istenilir ise ehemmiyet verilir, istenilir ise verilmez ve ahâlinin devâir-i belediyeden emniyeti münsalib olup tarholunan verginin i’tâsında tereddüd eyler ve nizâmen verdiği paranın nizâmında sarfolunmadığını bahane eder.” Ibid.

know what the taxes they pay are spent for.⁵⁷³ As a mechanism of accountability in his view, such a practice would furthermore put a check on corruption (*irtikâb*), as well.⁵⁷⁴

Other historians shared Ergin's view that Ottoman municipalities did not have a 'civil' nature. Baer's article on the development of municipal government in Egypt is one example. He claims that there appears to be "no indigenous nuclei of self-government" in the Ottoman lands that could have developed into a municipality.⁵⁷⁵ He sees the Municipality of the Sixth District, as does Bernard Lewis, as "a moderate innovation" that brought about "a new kind of administrative agency of the government" rather than an autonomous municipality as in "the European conception" where the city was recognized as a "corporate person."⁵⁷⁶ He nevertheless adds that the example of the Sixth District gave a stimulus to the establishment of municipal institutions in Egypt; however, even such "moderate" attempts at instituting municipal organizations in Cairo and Alexandria invoked the opposition of European consuls there.⁵⁷⁷

Baer sees a paradox in this situation. Even though the idea to establish the Sixth District in Pera and Galata came from Europe through the actual influence of Western residents there, it was European consuls who opposed the idea in Egypt. When taken as a generic figure, the "European" was inspiring municipal ideas somewhere, but opposing the same ideas somewhere else in the Empire. But if we do not take Europeans as a homogeneous group, we can see that different classes of 'European' actors had definitely an impact on the development of municipalities in Egyptian cities as they did in Istanbul. For example, one of the actors behind

⁵⁷³ Ibid, 1374.

⁵⁷⁴ Ibid, 1375-6.

⁵⁷⁵ Baer, "The Beginnings of Municipal Government," 119.

⁵⁷⁶ Ibid, 120-1.

⁵⁷⁷ Ibid, 121.

the creation of the Alexandria Municipality in 1890 was the Commission of Export Merchants, formed in 1867, whose members were largely European merchants who financed street paving especially in the port area where commercial traffic was the busiest.⁵⁷⁸

Kuran's work, on the other hand, examines the relations between waqfs, municipalities, and corruption, and presents 'the waqf system' as a predecessor to nineteenth-century "European-inspired municipalities." He marks the establishment of modern municipalities as an end to the 'decentralized' "provision of public goods" by various types of religious endowments. In a rather lamenting and counter-factual manner, he furthermore sees a lost chance that Ottoman society had had with 'the waqf system.' "Had the waqfs gained corporate powers," he asserts, "they would have acquired the ability to transform themselves into organizations akin to municipalities."⁵⁷⁹ Consequently, this "failure to generate municipalities" out of 'the waqf system' resulted in another deficiency to initiate "the intermediate social structures that we associate with "civil society.""⁵⁸⁰

At the root of all these failures lies, according to Kuran, "the principle of static perpetuity" in waqf administration that limited "the flexibility" of waqf managers and other functionaries.⁵⁸¹ In his response to those who claim that waqf administrators were quite flexible and 'the principle of static perpetuity' was evaded in more than one way and usually adjusted to practical circumstances on the ground, he argues that the constant evasion of rules and regulations might have made the waqf system less rigid in practice, but this had certain "consequences." Namely, the negative effects of 'legal circumventions' on economic

⁵⁷⁸ On Barak, "Scraping the Surface: The Techno-Politics of Modern Streets in Turn-of-Twentieth-Century Alexandria," *Mediterranean Historical Review* 24, no. 2 (December 2009), 189-90.

⁵⁷⁹ Kuran, "The Provision of Public Goods," 881.

⁵⁸⁰ Ibid.

⁵⁸¹ Ibid, 862.

development in the long run is, for instance, only one of those “consequences.” Another is corruption as a subtle way to achieve that flexibility.⁵⁸²

What Ergin, Baer and Kuran miss is that state centralization did not stop different social actors from creating spaces for autonomy, and self-government was not always something that was suppressed by the imperial state. Furthermore, some of the municipal models that Ergin and other reformers thought to be the best were not exactly as they were assumed to be. The nineteenth century was a global process in which Ottomans were experimenting in local administrations in their own ways just as other major cities of Europe were in a period of municipalization at the same time in various areas such as urban planning, transport, fire-fighting, gas and electricity supplies, and others, which was a process marked by power struggles between different actors.⁵⁸³

For instance, the City of London was a perfect example to Ergin. The figure of the lord mayor who was “one of the most visible, powerful and privileged men in England” was quite central in local politics.⁵⁸⁴ In comparison to the extensive judicial and administrative rights that the British mayors had, those of Ottoman prefects were insignificant. However, the City of London was, in fact, regarded by many in England as a barrier to municipal development. All the institutions within the City of London purposefully prevented parliamentary intervention in their affairs and were keen to protect their long-established vested interests in the city administration.⁵⁸⁵ The point which Ergin missed lies exactly in these rooted interests that were

⁵⁸² Ibid, 843-4.

⁵⁸³ Neumann, “Marjinal Modernitenin Çatışma Mekanı,” 9.

⁵⁸⁴ Timothy B. Smith, “In Defense of Privilege: The City of London and the Challenge of Municipal Reform, 1875-1890,” *Journal of Social History* 27, no. 1 (Autumn 1993), 60.

⁵⁸⁵ Drew D. Gray, *Crime, Prosecution and Social Relations: The Summary Courts of the City of London in the Late Eighteenth Century* (London: Palgrave Macmillan, 2009), 32.

increasingly seen as an obstacle to municipal reform over the course of the nineteenth century. In the face of growing demands for municipal authority, the City of London did not want to alter its “centuries-old form of government,” and share power with other groups.⁵⁸⁶ In fact, many municipal reformers regarded it as an unmodern institution.⁵⁸⁷ Therefore, seen internally, supposedly “the most advanced city in the world” was “at variance with the times,” as Timothy B. Smith himself concludes in his article.⁵⁸⁸ In the 1870s and 1880s, numerous groups and institutions, such as the London Municipal Reform League, the London Social Democratic Federation, the Fabian Society, and the Municipal Reform Association were fighting against “the great traditions of self-government that had distinguished England from the Continent” which the City of London embodied.⁵⁸⁹

Likewise, the French model of municipalization was also marked by constant struggles for autonomy. According to the French model, municipality is conceptualized as a “basic cell of the national state and political life with centralizing consequences.”⁵⁹⁰ It stands in contrast with the English model where relatively autonomous “communities of property-owning citizens” form the basis of municipal organizations.⁵⁹¹ Among these broad generalizations of models in municipal organization, the Ottoman experience in the capital city has been usually likened to that in Paris. Both in Paris and Istanbul, mayors were centrally appointed. And both cities still bear the stamps of imperial renewal. The Hausmannization of Paris,⁵⁹² and for that

⁵⁸⁶ Smith, “In Defense of Privilege,” 61.

⁵⁸⁷ Ibid.

⁵⁸⁸ Ibid, 62.

⁵⁸⁹ Ibid, 62 and 68.

⁵⁹⁰ Michele Dagenais, Pierre-Yves Saunier, “Tales of the Periphery: An Outline Survey of Municipal Employees and Services in the Nineteenth and Twentieth Centuries,” in *Municipal Services and Employees in the Modern City: New Historic Approaches*, eds. Michele Dagenais, Irene Maver, and Pierre-Yves Saunier (Hampshire, Burlington: Ashgate, 2003), 6.

⁵⁹¹ Ibid.

⁵⁹² David Harvey, *Paris*.

matter, the creation of Vienna's Ringstrasse,⁵⁹³ were imperial projects as were the regularization activities undertaken by the CSI in Istanbul. The power of Haussmann was unparalleled. He shadowed the municipal council's power, and marginalized the role of the planning commission on which property owners had influence.⁵⁹⁴ However, even though the French model delegates very limited autonomy to cities controlled by appointed prefects, research suggests that French municipalities in the nineteenth century enjoyed a wide degree of autonomy.⁵⁹⁵ And the power of Haussmann did not stop different groups in the Second Empire from fashioning discourses on decentralization for different reasons in their united attack against Haussmann in the 1860s and the hierarchical and centrally controlled organization of power.⁵⁹⁶

The tensions between local and imperial/state levels of politics were likewise not so different in the Prussian cities. In spite of regulations that granted a wide degree of local autonomy to cities, such as the municipal code of 1808, researchers do not see the nineteenth century as a period of "progressive emancipation" of German urban centers.⁵⁹⁷ They point to certain limits to the local practices of self-government, and claim that as in the French model of appointed mayors, German cities were largely run by centrally controlled state officials, and as such, seen as state units of administration.⁵⁹⁸ But studies also demonstrate that this cannot be taken as the complete domination of the local by the central state. For instance, Steinmetz's work on local politics in imperial Germany shows that unlike mayors who were "typically career politicians with a legal background," city councilors in many of the cities during the

⁵⁹³ Carl. E. Schorske, *Fin-De-Siècle Vienna: Politics and Culture* (New York: Vintage Books, 1981).

⁵⁹⁴ Harvey, *Paris*, 96 and 128.

⁵⁹⁵ Dagenais and Saunier, "Tales of the Periphery," 27, note 4.

⁵⁹⁶ Harvey, *Paris*, 271-2.

⁵⁹⁷ George Steinmetz, *Regulating the Social: The Welfare State and Local Politics in Imperial Germany* (New Jersey: Princeton University Press, 1993), 150.

⁵⁹⁸ *Ibid*, 150-1.

nineteenth century were usually from financial, commercial, and industrialist circles.⁵⁹⁹ The state control that was asserted through the figure of centrally appointed mayors was usually interrupted, because mayors strongly needed volunteers who were usually from the middle and upper classes in order to undertake local policies like poor relief. Thus “cooperation” with the bourgeoisie was indispensable.⁶⁰⁰ The players outside of the imperial and official sphere like industrialists, entrepreneurs, and women as holders of property and runners of businesses made this interface between the imperial and local more porous than we usually like to admit through their close relations with bureaucratic circles. Moreover, it was sometimes municipal governments that initiated social policies that were eventually adopted by the imperial state as in the case of “unemployment insurance.”⁶⁰¹

In the Ottoman case, we can also see examples of how it was sometimes local groups who demanded the formation of municipalities against *ad hoc* councils and commissions that “assumed some municipal responsibilities.” Zandi-Sayek informs us that it was indeed the case in Izmir in 1860 when a group of property owners, after meeting the city’s governor, initiated the process by drafting a petition to the Sublime Porte in order to explain their desire of having a municipality like the one in Istanbul. The petition was signed by over 200 locals the identity of whom she does not specify.⁶⁰² Urban notables of Izmir continued to pressure authorities in order to organize a municipality that would supervise the city administration centrally.⁶⁰³ Their demand was also an expression of a challenge against the cadastral commission. Powerful local groups challenged the authority of the cadastral commission on the ground that it did not have “their own legitimately named representatives” when dealing with the Gas Company on

⁵⁹⁹ Ibid, 153 and 155.

⁶⁰⁰ Ibid, 155.

⁶⁰¹ Ibid, 152.

⁶⁰² Zandi-Sayek, “Public Space and Urban Citizens,” 113.

⁶⁰³ Ibid, 114.

prices.⁶⁰⁴ Whatever the interests the cadastral commission represented, some of local elites found their businesses more favored by a municipality. In 1867, the Sublime Porte finally granted the right to establish a municipality in Izmir. In terms of the organizational structure of the new municipality, three hundred voters among payers of property tax of over five hundred piasters would be selected in order to ‘elect’ the members of the municipal council, and be ‘elected.’⁶⁰⁵ With regard to the similarities between the Sixth District in Istanbul and Izmir in terms of the prominence of foreign property owners, foreigners were given the right to sit in the municipal council in Izmir, too.⁶⁰⁶ However, power struggles between different city actors would soon end in the dissolution of the council, thus constituting a hindrance to municipal institutionalization in Izmir.⁶⁰⁷

The case of Tarabya in Istanbul also presents a similar example of local demand to establish a municipality. Although Tarabya was not among the fourteen districts, the request of the area’s notables was not declined by the government, and the Tarabya municipality was established in 1864. As in the example of the Sixth District, the Sublime Porte chose some of these local notables as members to run the new municipality. Local taxes and donations of the wealthy were their main sources of revenue with which they undertook some urban development activities that were quite welcomed by the government.⁶⁰⁸ Likewise, the municipality of the Princes’ Islands was founded upon local demand.⁶⁰⁹ However, given the lack of any particular study on these municipalities, it is difficult to talk about their specific motivations and the interactions between municipal districts of distinct characters. But such

⁶⁰⁴ Ibid, 114-5.

⁶⁰⁵ Ibid, 116.

⁶⁰⁶ Ibid, 116-7.

⁶⁰⁷ Ibid, 117-8.

⁶⁰⁸ Oktay, *Şehremaneti*, 27-8.

⁶⁰⁹ Ibid, 28.

examples show that there is no substantiated reason to assume that state centralization automatically cancels out local initiatives. They also suggest that it is problematic to see the *Şehremaneti* just as an extension of the imperial state, therefore as something ‘official’ that cannot be ‘local’ and ‘civil’ in municipal terms in comparison to European cases.

These examples also show how problematic to confine the question of local participation to liberal notions of electoral politics. Even if we take electoral practices as a measure of local autonomy, the representational basis of municipal elections was quite limited all around Europe. Ownership of property of certain value was one of the main criteria to be eligible for local ‘elections.’ This reduced the number of people who could vote to a small group of urban elites. In Vienna, for instance, the percent of participation in local elections was 5.91 in 1891; 17.16 in Berlin in 1891; 8.7 in Budapest in 1910; and around 6 percent in Prague between 1861 and 1914.⁶¹⁰ Women were excluded altogether even though some of them owned property far more substantial than the minimal value required for eligibility. Municipal elections in Paris were a business of a small group, too. According to the law of 1834, a tiny number of property owners would elect thirty-six representatives who would form the municipal council. Although this municipal council was dominated by the prefect of the Seine, Papayanis argues that it was an “innovation” that the law of 1834 brought about in the sense that it was “an elected body,” albeit by “a narrow electorate of wealth and position.”⁶¹¹ The London County Council established in 1889 as one of the outcomes of municipal reforms in England was a far more ‘democratic’ organization than its contemporaries in the sense that it was a “public body” that was “directly elected” for the members of which women who met the

⁶¹⁰ Cathleen M. Giustino, “Municipal Activism in Late-Nineteenth-Century Prague: The House Numbered 207-V and Ghetto Clearance,” *Austrian History Yearbook* 34 (2003), 250.

⁶¹¹ Nicholas Papayanis, *Planning Paris before Haussmann* (Baltimore, London: The Johns Hopkins University Press, 2004), 195-6; Jeffrey H. Jackson, *Paris under Water: How the City of Light Survived the Great Flood of 1910* (New York: Palgrave Macmillan, 2010), 18.

qualifications for suffrage could also vote.⁶¹² Of course, what was experimented by the London County Council was a ‘limited’ form of democracy exercised under certain criteria for suffrage.⁶¹³

Property ownership as a basis of political representation is, nevertheless, an important issue in terms of the relations between the ideology of services and taxation. It is no coincidence that one of the most important achievements of the Municipality of the Sixth District was the cadastral survey of the area through the help of the District’s members who were themselves among the wealthiest property owners. Their role in navigating property relations is central to the ideological construction of property and taxation. The next subsection deals with the intrinsic relations between urban property, taxation and municipal institutions.

Real estate tax and the ideology of services

The nineteenth century was a period of transition from indirect and collective to direct and individual taxation. In Ottoman terms, this was a transition from *tevzî*, that is the distribution of taxes in shares, to the practice of *tahrîr* that rested on cadastral surveys. The period was marked by the efforts of the state to individualize taxes according to each person’s property and income, which was, according to Süleyman Sudi, the backbone of cadastre. He presented cadastre which he called “*usûl-i tahrîr*” or “*tahrîr-i emlâk*” as a more solid basis of taxation in comparison to the earlier methods that usually resulted in “irregularity” (*yolsuzluk*).⁶¹⁴ Cadastre was based on science (*fenn*), estimation (*keşf*), apportioning

⁶¹² Susan D. Pennybacker, *A Vision for London, 1889-1914: Labour, Everyday Life, and the LCC Experiment* (London, New York: Routledge, 1995), 8.

⁶¹³ Ibid, 19.

⁶¹⁴ Süleyman Sûdi, *Defter-i Muktesid*, 66.

(*mukâseme*), communication (*münâkalât*) and revision (*ta'dilât*),⁶¹⁵ and as such, it made adjustments possible in relation to demographic changes and the growth of production and trade.⁶¹⁶ The institution of income registers (*temettu'ât defterleri*) in the 1840s was an important step for the individualization of taxation.⁶¹⁷ It was with the help of these registers that tax exemptions were tried to be eliminated, and property income started to be an object of taxation for the first time.⁶¹⁸ The foundation of the Ministry of Cadastral Registry (*Tahrîr-i Emlâk Nezâreti*) in 1858, the selection of Bursa as a pilot city to carry out a general cadastral survey, and the introduction of the Regulation on Population and Property Survey (*Tahrîr-i Nüfûs ve Emlâk Nizâmnâmesi*) in 1860 were some of the other important developments of the period.

Cadastral surveys were welcomed by Ottoman economic writers as the “scientific basis” of taxes.⁶¹⁹ They were the means of an impersonal administration of taxation,⁶²⁰ and without them, taxes could not be levied on an individual basis.⁶²¹ In this cadastral era, there were some points that should be observed in taxation: everyone should be taxed in proportion to his/her wealth; the amount of taxes should be fixed; and taxes should be levied in a way that payments would be easy, and collection costs would be minimum.⁶²² The discussions of Ottoman writers as to whether taxes should be imposed on capital or income, or on gross revenue or net revenue were a part of the “scientific” discourse on taxation.⁶²³

⁶¹⁵ Ibid, 99-100.

⁶¹⁶ Ibid, 106.

⁶¹⁷ Kaya and Terzibaşoğlu, “Tahrir'den Kadastro'ya,” 14-5.

⁶¹⁸ Ibid.

⁶¹⁹ “Verginin ‘ilmen ne esâsa müstenid olduğu.” Nuri Bey, *Mebâhis-i ‘İlm-i Servet*, 12.

⁶²⁰ Sadık Rıfat Paşa, *Müntehabât-ı Âsâr*, 58.

⁶²¹ *Vergi ve Arâzi Mecmû'ası*, no. 1, 12 April 1885, 8.

⁶²² Nuri Bey, *Mebâhis-i ‘İlm-i Servet*, 16-7.

⁶²³ Ibid, 17.

The scientific basis of taxes was also the basis for the legitimacy of taxes. According to Ottoman writers, taxes could be legitimate only if there were a proportionality between taxes and services provided by the state, such as the maintenance of public security and order, and the protection of individual rights and liberties.⁶²⁴ Taxes were to “serve the “general happiness” of society, and the state was to be the central service provider.⁶²⁵ After all, “Governments are instituted for the people, otherwise, the people are not created for the governments,” as Sadık Rıfat Paşa wrote.⁶²⁶ As in the conception of expropriation as a sacrifice that property owners make in return for betterment values, taxes were also a “sacrifice” (*fedâkârlık*) from the capital that could be put into production.⁶²⁷ Because taxes reduce the amount of capital that could be employed in industry, such proportionality was regarded as the only thing that justifies the negative impacts of taxes on the accumulation of wealth. Governments that levy taxes without providing services were “despotic,” which was, to Ahmed Midhat, something that could not be approved by the science of political economy.⁶²⁸

Similar views were also proposed by Süleyman Sudi. He wrote that the basis of taxation is to make everyone to contribute to the “general expenses” (*masârif-i ‘umûmiyye*) in correlation with his/her share from the “general wealth” (*servet-i ‘umûmiyye*).⁶²⁹ What he meant was not only the proportional relation between taxes and services but also the generality of taxes that leaves no room for exceptions. Likewise, he also saw taxes as a sacrifice, but from a different perspective. He held the idea that people pay taxes as a sacrifice in order to secure and

⁶²⁴ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 290-2.

⁶²⁵ “sa’âdet-i ‘umûmiyyeye hizmet.” Nuri Bey, *Mebâhis-i ‘İlm-i Servet*, 11.

⁶²⁶ “Hükümetler halk için mevzû’ olub yoksa halk hükümetler için mahlûk değildir.” Sadık Rıfat Paşa, *Müntehabât-ı Âsâr*, 43.

⁶²⁷ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 290.

⁶²⁸ “hükümet-i müstebide.” Ahmed Midhat, *Ekonomî Politik*, 91.

⁶²⁹ “herkesin servet-i umûmiyyeden nasibi nisbetinde mesârif-i umûmiyyeye teşrik edilmesi mes’alesi.” Süleyman Sûdi, *Defter-i Muktesid*, 54.

protect their wealth. Taxation was, to him, a value-creating mechanism as it was the basis of ownership rights.⁶³⁰ In other words, the payment of taxes had a role in the creation of property rights.

The *Journal of Tax and Land (Vergi ve Arâzi Mecmu'ası)*, which started to be published in 1885, maintains the conception of taxes as a sacrifice but adds that it is rather an exchange relation – taxes in return for services – between the state and citizens.⁶³¹ According to this journal, services are mainly composed of the “protection of property” (*muhâfaza-yı emlâk*) and the “protection of population” (*muhâfaza-yı nüfûs*).⁶³² However, the Journal rejects the idea that “the rich” (*zengin*) needs more protection, because they have greater amount of property; therefore, they should pay more taxes. On the contrary, it is rather “the common people” that cost more in terms of the maintenance of order, litigation expenditures, and education.⁶³³ Nuri Bey, an official in the financial bureaucracy, in his book *Mebâhis-i 'İlm-i Servet* where he focused on taxation adds that because people need different degrees of protection, that everyone should be taxed in proportion to the protection that he/she needs is the legitimate basis of taxes.⁶³⁴

In the economic literature of the era, there also appears a close connection between taxes and public morality. Ottoman writers shared the belief that heavy taxes lead to moral degeneration as well as decline of trade and agriculture. In Ohannes Efendi's view, arbitrary and heavy taxes lead to “fraud, trick and delinquencies that infringe upon public morality,”

⁶³⁰ “işbu mal üzerine vergi vaz' olunmasından dolayı kıymeti artacağı.” Ibid, 50.

⁶³¹ “Hâlbuki esâsen vergi bir takım vezâ'if ve hıdemât mukâbilinde mevzû' olduğu için herkes bunlardan ettiği istifâde nisbetinde bir vergi ile mükellef olması tabî'i idüğünden bunda aranılacak şey fedâkârlık değil belki hıdemât-ı vâkı'anın mukâbilidir.” *Vergi ve Arâzi Mecmû'ası*, no. 2, 12 May 1885, 42.

⁶³² Ibid, 42-3.

⁶³³ “‘avâm-ı nâs.” Ibid, 43.

⁶³⁴ Nuri Bey, *Mebâhis-i 'İlm-i Servet*, 13.

therefore, the best tax is the lightest one.⁶³⁵ He stated that the “immaterial progress [of society] depends on the improvement of material conditions;” therefore, the growth of material wealth should not be hampered by excessive taxes.⁶³⁶ He also added that high taxes on property transactions render the transfer of property to the ‘best use’ unlikely, hence, hinder “the progress of agriculture and the general wealth.”⁶³⁷ In order to prevent “arbitrary dealings,” it should be made clear to everyone that how much tax, when, and in which manner they are required to pay, and it is just and right that the peoples of a nation know how their taxes are spent by the state.⁶³⁸ More importantly, taxes should be levied in a way that leaves no room for “deceit and falsehood.”⁶³⁹

Ahmed Midhat mentioned that high customs duties and transport taxes give rise to practices of “smuggling” and degenerate “general morality.”⁶⁴⁰ Nuri presented tithe (‘*öşr*’) as a tax that was open to “abuse” (*sû’istimâl*) and “irregularity” (*yolsuzluk*), because it was a tax extracted over gross revenue which did not take the fertility of land and cost of production into consideration.⁶⁴¹ In other words, tithe was not a “fixed” tax, therefore, detrimental to social morality.⁶⁴² He did not approve tax-farming, either.⁶⁴³ Similar to Nuri Bey, Ohannes Efendi also saw tithe as an “obstacle to the progress of agriculture.”⁶⁴⁴

⁶³⁵ “ahlâk-ı umûmiyeyi ihlâl eden bir takım hîl ve deâis ve mektûmât”; “Verginin en âlâsı da en hafifidir.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 301 and 292.

⁶³⁶ “terakkiyât-ı maneviyeleri ahvâl-i maddiyelerinin ıslâhına menûl olduğu halde.” Ibid, 293.

⁶³⁷ “ziraatin ve servet-i umûmiyenin terakkisi.” Ibid, 301.

⁶³⁸ “muamele-i keyfiye.” Ibid, 293 and 307.

⁶³⁹ “hilekârlık ve yalancılık.” Ibid, 294.

⁶⁴⁰ “gümrüklerin ve bâhusûs rûsûm-ı nakliyyenin en büyük bir mazarratı halkı kaçakçılığa alıştırıp, ahlâk-ı umûmiyeyi bozmaktır.” Ahmed Midhat, *Ekonomi Politik*, 48.

⁶⁴¹ Nuri Bey, *Mebâhis-i ‘İlm-i Servet*, 18-20.

⁶⁴² “maktû’ ve muayyen”; “ahlâkı bozmağa yardım eder durur.” Ibid, 19-21.

⁶⁴³ Ibid, 21.

⁶⁴⁴ “ziraatin terakkisine mani.” Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Mîlel*, 296.

One dimension of the problem of corruption in taxation has to do with the changes in the conceptions of state officialdom and bureaucracy. Throughout the nineteenth century, the state undertook various reforms in order to professionalize and rationalize state bureaucracy, and create more accountable local governments. Central to the emergence of “state reflexivity” of a kind that aimed at the eradication of corruption among other things was the question of accountability.⁶⁴⁵ We see a reflection of this in the pages of the *Journal of Tax and Land* where some officials who were involved in different forms of corruption were denounced as examples of official transgression. We, for instance, learn that two tax clerks at the *Şehremâneti*, namely Maşuk Efendi and Mümtaz Efendi, were dismissed from office because of their misconduct.⁶⁴⁶ The Journal also devoted some space to good examples of official behavior, such as the case of a provincial tax clerk, Abdülkerim Efendi, who was praised for his “good service” and his fight against corruption.⁶⁴⁷

The efforts of the state at eradicating official transgressions were also a response to the common perception of bureaucracy as a corrupt and unproductive system that accommodated idleness, indolence, abuse, and dishonor rather than inventiveness and industriousness.⁶⁴⁸ We can discern a certain attack on the problem of “*fonctionnarisme*” (*me'mûriyetperestlik*) especially among the Muslim population in the economic literature of the period. According to Ahmed Midhat Efendi, for instance, Muslim dwellers of Istanbul usually resorted to bureaucracy, whereas, Greek, Armenian, Jewish and other non-Muslims residents all made a living in non-official occupations as the “men of effort and work.”⁶⁴⁹ The population of “the official class” in the capital, around five thousand at maximum as he informs us, was largely

⁶⁴⁵ Rubin, *Ottoman Nizamiye Courts*, 113-14.

⁶⁴⁶ *Vergi ve Arâzi Mecmû'ası*, no. 1, 12 April 1885, 14.

⁶⁴⁷ “hüsn-i hizmet.” Ibid, no. 2, 12 May 1885, 56.

⁶⁴⁸ Kılınçoğlu, *Economics and Capitalism*, 103.

⁶⁴⁹ “erbâb-ı sa'y ü amel.” Ahmed Midhat, *Sevdâ-yı Sa'y ü 'Amel*, 15-6.

composed of those who did not have a love of work; therefore, they were “miserable” enough to “beg” for an official post that was in fact redundant.⁶⁵⁰ Muslims, furthermore, by preferring civil service as a profession, were corrupted by the bureaucratic system that arrested their entrepreneurial spirit. As most offices are only created redundantly for purposes of patronage, state officials usually spend their time ‘yawningly.’⁶⁵¹ In contrast, the lovers of work would know that a man of honesty can never become rich as an official.”⁶⁵² That is to say that a rich official was most probably a corrupt man in the eyes of Ahmed Midhat. For those who had “patriotic love,” he nevertheless perceived civil service as an “honor” as we see in the words of his entrepreneur character in one of his novels:

My dear friend! One should not regard civil service as something to exploit [materially]. It is not [a source of] income and benefit. It is simply an honor.⁶⁵³

Sadık Rıfat Paşa even went further by saying that those who “leech off of the government cannot be regarded as useful subjects,”⁶⁵⁴ and “only those peoples and nations who have good morals and manners deserve freedom and liberty.”⁶⁵⁵ Government officials who are corrupted by “greed and avarice” and “personal interests” bring disgrace on “the honor of the state” which is “of the nature of the people’s soul.”⁶⁵⁶ And states that do not protect “the general interest” would only generate “public hate” as in the case of taxation.⁶⁵⁷ He wrote that taxes should be distributed and collected according to rules and regulations, and “personalities”

⁶⁵⁰ “me’mûrîn sınıfı.” Ibid, 55.

⁶⁵¹ “kalem odasında esnemek.” Ibid, 45.

⁶⁵² “Kendi şevkini kendi menfa‘atine hasr edenlerin hesâbı ise başkadır. Onlar hesâp ederler ki bir âdem me’mûr olup da iffetli dahî olur ise aslâ zengin olmaz.” Ibid, 42.

⁶⁵³ Cited in Kılınçoğlu, *Economics and Capitalism*, 103. The explanations in brackets belong to Kılınçoğlu.

⁶⁵⁴ “hükûmet sırtından geçinmek sûretine hasr-ı hâl iden eşhâs fâ‘idelü tebe‘adan ‘add olunamaz.” Sadık Rıfat Paşa, *Müntehabât-ı Âsâr*, 17.

⁶⁵⁵ “ahlâk ve adâb-ı hasenesi olan kavm ve millet serbestiyet ve hürriyete müstehak olurlar.” Ibid, 50.

⁶⁵⁶ “hırs ve tama”; “menâfi‘-i zâtiyye”; “Devletlerin nâmûsu insanın rûhu mesâbesindedir.” Ibid, 3 and 43.

⁶⁵⁷ “menfa‘at-ı ‘umûmiye”; “nefret-i ‘umûmiye.” Ibid, 42.

should not intervene in the process.⁶⁵⁸ Official tax collectors should behave on the basis of “justice, fairness, munificence, and mercy” in order to maintain their “capital of credibility” (*sermâye-i i‘tibâr*).⁶⁵⁹ They should also act according to “the character of the age,” and keep pace with “the commands and requirements of the time.”⁶⁶⁰

In addition to the proportional relation between taxes and services, Ottoman writers and reformers also saw a proportionality between the salaries of civil servants and the services provided by them. These two need to be “proportional” (*mütenâsib*), too, in order to prevent corruption among government officials.⁶⁶¹ Insufficient salaries of tax collectors were, for instance, one of the more important factors that built into a corrupt taxation system.⁶⁶² All these issues, of relations between “living standards of civil servants” and corruption, the discourse on honor, and of lethargy of the bureaucratic system, were also addressed by Abdülhamid in a memorandum on education:

The government needs a strong system that will secure improvements in the living standards of civil servants. By designing and building such a system, we should get rid of the insolence of some civil servants—a result of immoral character and a tendency to treason—that evil-minded and malicious foreigners have observed. Such a system will bring about an efficient administration of the judicial, security, fiscal, and political establishment. It will also help us to prevent corruption and benefit from industry-and the wealth of the country to the utmost extent, thereby improving the reputation, prestige, and honor of the government and regaining its financial credibility. It would also pave the way for a total reform of the bureaucracy by [following the principle of] assigning officials to specific tasks, rather than creating [futile] tasks for [redundant] personnel. We should also make sure that only qualified, patriotic, and meritorious people are employed, and that ranks and orders are bestowed upon only those who truly deserve them.⁶⁶³

⁶⁵⁸ “virgü-yü memâlik nizâmâta tatbîken taksîm ve tahsîl olunmalı, şahsiyât anı taksîm ve ta‘yîn edememelidir.” Ibid, 58.

⁶⁵⁹ “hakkâniyet ve insâf ve mürüvvet ve merhamet.” Ibid, 59 and 5.

⁶⁶⁰ “mizâç-ı ‘asr”; “zamanın hükmü ve ihtiyâcâtı.” Ibid, 18.

⁶⁶¹ Sakızlı Ohannes Efendi, *Mebâdi-i ‘İlm-i Servet-i Milel*, 72.

⁶⁶² Nuri Bey, *Mebâhis-i ‘İlm-i Servet*, 39, 46, and 68-9.

⁶⁶³ Cited in Kılınçoğlu, *Economics and Capitalism*, 150.

To Abdülhamid, honor meant loyalty which would support the well-functioning of bureaucracy, whereas, to liberal writers like Ohannes Efendi, it was based on free trade and autonomy. The extension of the state's duties to matters that could be carried out by members of society, such as municipal administration, was, according to Ohannes Efendi, itself the main source of inertia, '*fonctionnarisme*,' and favoritism.⁶⁶⁴ It was an obstacle to self-improvement and the development of personal initiative.

However, all these ideals of "general happiness," morality, rational bureaucracy, and the ideology of services were not really matching realities on the ground. Taxation of real estate in Istanbul was a tricky business. The cadastral survey of Galata and Pera was completed in 1858, however, the taxation of property in the area started in the 1860s and resulted in limited success.⁶⁶⁵ One of the reasons behind the failure in the collection of taxes is indeed ironic. Yücel Terzibaşoğlu and Alp Yücel Kaya argue that the members of the Municipality's Council who were among the wealthy property owners of the area "preferred to provide credit for the financing of the Municipality instead of collecting taxes."⁶⁶⁶ In addition, many non-Ottoman residents were provided tax exemption through the political influence of their embassies.⁶⁶⁷ As that was the case, the "European" who was supposed to have understood the redistributive relation between taxes and municipal services was not really an ideal, generic figure.

⁶⁶⁴ Sakızlı Ohannes Efendi, *Mebâdi-i İlm-i Servet-i Mîlel*, 335-6.

⁶⁶⁵ Neumann, "Marjinal Modernitenin Çatışma Mekanı," 16-7; Kaya and Terzibaşoğlu, "Tahrir'den Kadastro'ya," 21-2.

⁶⁶⁶ Kaya and Terzibaşoğlu, "Tahrir'den Kadastro'ya," 22.

⁶⁶⁷ Ibid; Neumann, "Marjinal Modernitenin Çatışma Mekanı," 17.

Cadastral activities continued in some parts of the city in the 1860s.⁶⁶⁸ And the most comprehensive survey was done in 1874. However, the success of the government in the collection of real estate tax in Istanbul was indeed too limited that someone named İsmail Hakkı Mustafa who was a member of a court of appeal suggested in 1901 that the collection of taxes be carried out by the Public Debt Administration (*Düyyûn-ı 'Umûmiye İdâresi*), an institution that was established in 1881 in order to secure the payments of debts that the Ottoman Empire owed to European states. He put forward the idea that the Public Debt Administration could do this more successfully at least until a regularity was achieved in tax collection, and “people [of the city] developed a habit of paying taxes.”⁶⁶⁹ He complained that “the men of wealth and power” evaded taxes through “various tricks” which made “the principle of equality” in taxation non-applicable.⁶⁷⁰ Therefore, as in the examples of European cities where property tax was outsourced to private banks and financial firms, he argued, the Ottoman state should do the same in order to benefit from such an important source of revenue.⁶⁷¹

There were also larger structural problems with the taxation of urban property. The dominance of waqf property in the city, most of which was under the control of the state, was a barrier to the attempts of the state to institute real estate tax. Given the fact that no differentiation existed between tax and rent at the moment, and rents were actually the taxes as the state was the landlord when it came to *mîrî* and waqf property, it was actually “uncustomary” (*gayr-i câri*) to tax rent-paying waqf tenants.⁶⁷² But real estate tax was

⁶⁶⁸ Kaya and Terzibaşoğlu, “Tahrir’den Kadastro’ya,” 28-9

⁶⁶⁹ “ahâlice te’diye-i tekâlîf i’tiyâdı hâsıl olduktan.” BOA. Y. PRK. AZN. 21/72.

⁶⁷⁰ “erbâb-ı servet ve iktidâr”; “dürlü dürlü hayl ü desâ’is”; “kâ’ide-i müsâvât.” BOA. Y. PRK. AZN. 21/72.

⁶⁷¹ “Ekser ecnebi devletleri bu misillü büyük şehirler emlak vergilerinin tahsîl ve cibâyetini hâricden bankalara ve sâ’ir maliye şirketlerine münâsib mikdâr ücret tahsîliyle i’tâsıyla tevdi’ ederek.” BOA. Y. PRK. AZN. 21/72.

⁶⁷² Süleyman Sûdi, *Defter-i Muktesid*, 76.

eventually instituted which probably required a redefinition of property rights in ways that future studies on the topic will hopefully demonstrate.

The principle of the separation of powers

In volume three of *Mecelle* where Ergin focused on the *Şehremâneti*, he made a comparison between the ‘old’ and ‘new’ ways of municipal organization, and stated that the old system that was closer to European municipal organizations, was “preferable” (*müreccah*) to the new one.⁶⁷³ Apart from the French example, he had other European cases in mind where municipalities had extensive judicial rights, such as the City of London in which an upper court of Aldermen and a lower Court of Common Council held a significant portion of governmental power,⁶⁷⁴ and summary courts that were centrally situated in the capital were among the common options that city dwellers could resort to in settling both their criminal and civil cases.⁶⁷⁵ In particular, he criticized the fact that legal reforms of the century diminished the role of qadis in city administration, and new urban institutions were not given substantial jurisdictional power.

It is true that Istanbul qadis gradually lost their central role in urban affairs when new urban institutions began to appear during the nineteenth century. But these new municipal organizations were also granted certain judicial powers. As a matter of fact, there are certain continuities between the office of the Superintendent of Guilds and Markets and the *Şehremâneti* in that the latter took over the duties of the former in controlling the markets and

⁶⁷³ Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 3, 1265-68.

⁶⁷⁴ Smith, “In Defense of Privilege,” 60-1.

⁶⁷⁵ Drew D. Gray, *Crime, Prosecution and Social Relations*, 13 and 34.

resolving the conflicts between tradesmen. Furthermore, as Ergin also admits, the Regulation of 1868 on the Municipal Administration of Istanbul expanded the scope of their jurisdictional power. According to article eleven of this regulation, they were responsible for: interrogating urban officials who were accused of thievery and bribery, and referring them to the Council of the State; resolving conflicts involving property tax and expropriation for the public good; settling disputes between the municipal institutions and individual constructors; and hearing cases between tradesmen.⁶⁷⁶ As Ergin puts it, the Regulation of 1868 “bestowed the *Şehremâneti* Council with the right of jurisdiction to a certain extent.”⁶⁷⁷

Moreover, an official memorandum dated 1871 informs us that a “prison” (*hapishâne*) was opened in the *Şehremâneti* in order to detain “tradesmen and others” for short periods who “did not follow the orders and warnings of the *Şehremâneti*, and were obstinate to pay due charges and debts.”⁶⁷⁸ It also appears that urban institutions had the authority to prepare criminal regulations. For instance, a criminal regulation was drafted which defined penalties for practices like over-pricing, “counterfeiting” (*sahtekârlık*), “bribery” (*irtikâb*), and “unfairness” (*insâfsızlık*) in trade after the Commission for the Order of the City brought forward concerns about traders, artisans, craftsmen and others who did not obey the rules on market prices. Although it is not exactly clear if some members of this Commission were among the drafters, the *Şehremâneti* seems to be the main institution that was responsible for the control of such “irregular” behavior and the execution of the regulation accordingly.

⁶⁷⁶ Ergin, *Mecelle-i Umûr-ı Belediyye*, vol. 4, 618.

⁶⁷⁷ “emânet meclisine birer dereceye kadar hakk-ı kaza bahşedilmiş” Ibid, vol. 3, 1370.

⁶⁷⁸ “esnaf ve sâire”; “emânetten verilen evâmîr ve tenbihâtın ifâsına müsâra’at etmeyen ve zimmetlerini ifâda temerrüd eyleyen” Ibid.

Likewise, the Council of the Sixth District also had the authority to hear property conflicts, and issue “papers in the capacity of [legal] decision.”⁶⁷⁹ In 1871, a separate *sulh* court was founded within the Six District to settle minor conflicts involving claims below 500 piasters. This was a major step to reunite *kazâ* and *belediye*, which made the example of the Sixth District even closer to the English model of municipality according to Ergin. The practice of *sulh*, ‘peacemaking or amicable settlement’ in Islamic law, was not unknown to Ottomans before the institution of *sulh* courts in the nineteenth century. On the contrary, it was quite a widespread mechanism throughout the Empire as an alternative form of dispute resolution⁶⁸⁰ as factors like ‘clientism, patronage, and social networks’ among others drove people to use *sulh* mechanism instead of qadi adjudication.⁶⁸¹ However, there were differences between the *sulh* courts of the nineteenth century and earlier practices of amicable settlement, and yet, there is unfortunately no study on the *sulh* court of the Sixth District.

As Ergin also recognizes, the *sulh* court of the Sixth District is one of the most visible examples of municipal institutions having judicial rights regarding property disputes, in particular. But long before its foundation, the Building Council’s Administration was solving property cases, and issuing documents which they called *i’lâm* (judicial decision) as we will see in the next chapter. Likewise, the Commission for Street Improvement was also bestowed legal authority to oversee and resolve disputes among officials, such as builders and engineers, and property owners.⁶⁸²

⁶⁷⁹ “ilâm makamında verilen evrâk” Ibid, 1371.

⁶⁸⁰ Aida Othman ““And Sulh is Best”: Amicable Settlement and Dispute Resolution in Islamic Law” (PhD dissertation, Harvard University, 2005), 202.

⁶⁸¹ Ibid, 204-5, footnote 390.

⁶⁸² BOA. İ.MVL. 550/24667.

Jurisdiction in the city was fragmented between all these institutions. Unfortunately, our knowledge as to the legal structure of municipal organizations is far from being comprehensive. However, it is plausible to consider municipal councils and commissions like the CSI as a form of administrative councils similar to provincial examples that were eventually developed into the system of *nizâmiye* courts.⁶⁸³ If we take Petrov's simplified definition of *nizâmiye* courts as "bureaucratic judicial councils," city councils of municipal institutions can be considered as a part of the *nizâmiye* system.⁶⁸⁴ With the exception of the Sixth District, institutions like the *Şehremâneti* and the CSI were all bureaucratic in the sense that their members were appointed by the central government. They were usually high ranking bureaucrats, and the *şehremîni* was a member of the Supreme Council; their proceedings had to conform to various regulations concerning the city administration like building codes, as *nizâmiye* courts had to follow "state-produced normative legal document[s]"; and similar to the functioning of the *nizâmiye* courts, they used information gathered through investigations, maps, and testimonies as evidence.⁶⁸⁵ In terms of property conflicts stemming from urban reforms, qadi courts were no longer the place to apply even before the 1870s when such disputes were transferred to the civil sections of *nizâmiye* courts.

It is usually ignored that the provincial laws of 1864 and 1871, "probably the most ambitious piece of legislation during the *tanzimat* period," Rubin observes, had a great impact not only on provincial cities but also on Istanbul.⁶⁸⁶ The laws of 1864 and 1871 elaborated the process of administrative restructuring that began in the 1840s during which the first examples of local administrative councils (*meclis-i idâre*) came into being. The duties of administrative

⁶⁸³ Rubin, *Ottoman Nizamiye Courts*, 71.

⁶⁸⁴ Milen V. Petrov, "Everyday Forms of Compliance: Subaltern Commentaries on Ottoman Reform, 1864-1868," *Comparative Studies in Society and History* 46, no. 4 (October 2004), 736.

⁶⁸⁵ *Ibid.*, 736-7.

⁶⁸⁶ Rubin, *Ottoman Nizamiye Courts*, 27-8.

councils varied from tax collection, public works, and security to agricultural production. Some of them specialized on certain matters, such as the tax-collection councils (*muhassılık meclisi*) whose name, function and composition changed continuously as the political interface between local administration and taxation had to be slippery enough to accommodate new systems of tax assignment and opposition groups.⁶⁸⁷

The provincial laws of 1864 and 1871 created new administrative units governed by centrally appointed and salaried bureaucrats.⁶⁸⁸ The governors (*vâlis*) were at the top of the provincial hierarchy. They were appointed by the central state, and accorded a broad scope of authority and responsibility to govern administrative units called *eyâlets*. ‘The administrative council system,’ “the backbone of the new provincial administration,” accommodated judicial and administrative powers in a fashion that was open to local participation, as well. In addition to centrally appointed officials, the composition of provincial councils also included representatives from local society, though their selection depended upon their relations with the nominating committees whose members were entirely state officials.⁶⁸⁹ Local councils produced by *tanzîmât* reforms were to put together appointed state officials with members of local population in order to bring about a more effective system of provincial administration.

The system of local councils was also an attempt to balance out the power that local elites and state officials held respectively within an administrative and bureaucratic framework.⁶⁹⁰ In a way, it was aimed to create a system of checks and balances by preventing an asymmetrical accumulation of power that would allow the domination of one group over

⁶⁸⁷ Saraçoğlu, “Letters from Vidin,” 19-20.

⁶⁸⁸ Rubin, *Ottoman Nizamiye Courts*, 28.

⁶⁸⁹ Ibid; Saraçoğlu, “Letters from Vidin,” 115-6, and 135.

⁶⁹⁰ Ibid, 60-1.

another.⁶⁹¹ This restructuring as a part of the state's desire to centralize provincial administration sometimes worked at the expense of some local elites who previously had significant influence in their locales.⁶⁹² But, the reforms in the administration system also created opportunities for those whose influence on local politics was only minimal. Yazbak's study on Nabulsi in the late Ottoman period shows that it was the case with 'ulamâ and merchants who gained access to membership in provincial and municipal councils as well as *nizâmiye* courts.⁶⁹³ Thus, the whole process of 'election' to membership emerged as a new target of competition over local politics. The role of the state in this "new reality" was apparent in the power that it asserted through its appointed officials, such as mayors.⁶⁹⁴

Councils of appeals and crime⁶⁹⁵ were among the new judicial bodies that the regulations of 1864 and 1871 introduced in a much clearer legal organization and hierarchy. At different administrative levels were different councils like the councils of appeals and crime at county levels, and the councils of litigation (*de'âvi meclisi*) at district levels.⁶⁹⁶ These councils were a part of the *nizâmiye* court hierarchy. Akiba's work on the transition from qadi to *naib* in the context of legal reforms shows that the provincial regulation of 1864 introduced some changes in "the sharia judiciary" as well. She argues that "the hierarchy of the sharia judiciary" overlapped the administrative hierarchy which was not the case before 1864.⁶⁹⁷

⁶⁹¹ Ibid, 109.

⁶⁹² Mahmoud Yazbak, "Nabulsi Ulama in the Late Ottoman Period, 1864-1914," *International Journal of Middle East Studies* 29, no. 1 (February 1997), 73.

⁶⁹³ Ibid.

⁶⁹⁴ Ibid, 83.

⁶⁹⁵ meclis-i temyîz-i hukûk ve cinâyet.

⁶⁹⁶ Saraçoğlu, "Letters from Vidin," 114-5.

⁶⁹⁷ Akiba, "From *Kadı* to *Naib*," 52-3.

The provincial laws also detailed the formation of municipal districts and councils. A decree in 1867 stipulated the establishment of municipal councils (*meclis-i dâ'ire-i belediye*) in the provinces. They were designed as a part of the provincial council system, and functioned in a similar way to judicial and administrative councils. The members of municipal councils were composed of a head and his assistant along with six local representatives who were 'elected' by alderman councils. They were among property holders, as ownership of property of certain value was one of the criterion for them to be 'elected.' Only men over the age of eighteen who paid fifty piasters of tax could vote. Eligibility to being 'elected' required higher sums of tax rate, that is, over one hundred piasters, and only men over the age of thirty could be 'elected.'⁶⁹⁸ Every municipal district was given the right to 'elect' two *muhtârs*. In addition to the 'elected' members, their personnel also included an engineer, a doctor, and a group of police forces.⁶⁹⁹

In addition to the enormous scope of influence that various types of local councils exerted on local politics and municipal administration, special commissions that were established on an *ad hoc* basis on particular matters, such as commissions for land surveys, or for that matter, the Commission for Street Improvement in the capital, formed another group of institutions that the new administrative logic of the *Tanzîmât* era created. Such commissions also served certain municipal functions, and were sometimes even more influential than formal municipalities as in the case of *Şehremâneti* and the CSI that carried out one of the largest replanning projects in the history of the imperial capital. The composition of such commissions and committees seems to have been more arbitrary than the municipal councils since there appears to have been no general guidelines about the formation of members. In principle, municipal councils were subject to a limited election process and open to land owners of every

⁶⁹⁸ Zandi-Sayek, "Public Space and Urban Citizens," 74.

⁶⁹⁹ Saraçoğlu, "Letters from Vidin," 213-4.

religious community, whereas, commissions were usually composed of appointed members and sometimes entirely of Muslims as in the example of the CSI. In contrast to the seemingly more participatory practices of urban government in religious, ethnic, and national terms in Izmir,⁷⁰⁰ for example, or as a matter of fact in Galata and Pera, cases like the CSI shows that the formation of special commission and committees was always contingent upon tensions between local and imperial dynamics.

One of the principles that the provincial laws promoted was the separation of powers and the independence of judiciary. Local councils had different functions, such as administrative, judicial and commercial, and were to operate independently of each other.⁷⁰¹ Rubin associates the “modern” principle of the separation of administrative and judicial powers with the changing conceptions of justice during this period of profound legal reform that resulted in the “proceduralization of judicial praxis.”⁷⁰² The efforts of the state to rationalize and professionalize the administrative bureaucracy were also a part of this process.

However, historians point to the limits to the applicability of the principle of the separation of powers on the ground. Rubin states that even though some administrative measures were taken to keep judicial and administrative matters separate, such as the prevention of *mülkiye* officials from accepting petitions on judicial cases, the principle was not really observed in judicial practices until 1879 when the Law of the *Nizâmiye* Judicial Organization and the Code of Civil Procedure were instituted.⁷⁰³ That different functions were staffed by the same groups of people was, furthermore, a common practice in Ottoman provincial

⁷⁰⁰ Zandi-Sayek, “Public Space and Urban Citizens,” 75.

⁷⁰¹ Saraçoğlu, “Letters from Vidin,” 103-4.

⁷⁰² Rubin, *Ottoman Nizamiye Courts*, 27 and 16.

⁷⁰³ *Ibid*, 38.

administration. Saraçoğlu's work illustrates that judicial and administrative offices were "interrelated" as often the same people staffed both institutions.⁷⁰⁴ His research shows that in Vidin, there were municipal members who also served in administrative councils and commissions alike, such as commissions for land surveys.⁷⁰⁵ In its efforts to prevent local administrators' control over judicial proceedings, the Ministry of Justice usually had to respond to abuses in the usages of membership in the *nizâmiye* courts. As Rubin points out, it is striking that the Ministry identified the problem with the fact that the practices of membership in *nizâmiye* courts came to resemble those in municipal councils; thus, the Ministry had to specify the differences between the forms of membership in two different institutions. In doing so, the Ministry admitted the influence of urban elites on municipal councils that also had certain judicial authorities like the settlement of property disputes resulting from urban reforms.⁷⁰⁶

Practical difficulties to differentiate the judicial from the administrative sphere on the ground leave the concept of the separation of powers as a discursive field of ideology in the service of "administrative state" that Ottoman reformers of the century advocated through new administrative procedures.⁷⁰⁷ Given the overlaps between the judicial and administrative jurisdictions in the system of councils as created by the provincial laws, it is possible to identify a system of administrative law and administrative courts similar to French examples that emerged after the Revolution.⁷⁰⁸ Like French and American opponents of the pure separation of powers, W. A. Robson, whose work pursued the traces of administrative law in Britain, presents discipline and procedure as a cure to the impracticality of the doctrine when he states that "The exercise of judicial functions by administrative bodies can be rationalized and

⁷⁰⁴ Saraçoğlu, "Letters from Vidin," 222.

⁷⁰⁵ Ibid, 216 and 222.

⁷⁰⁶ Rubin, *Ottoman Nizamiye Courts*, 43-4.

⁷⁰⁷ M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Indianapolis: Liberty Fund, 1998), 399.

⁷⁰⁸ Ibid, 268.

disciplined only by the introduction of specific institutional reforms and procedural safeguards.”⁷⁰⁹

In the case of Istanbul, Tarkan Oktay, whose study on the institutional structure of the *Şehremâneti* is an important contribution to Istanbul’s municipal history, suggests that the conception of municipalities as ‘service’ institutions eclipsed their potential as venues of local participation.⁷¹⁰ In other words, the ideology of services signifies a ‘depoliticized’ representation of local governments as it reduces the municipal to an administrative sphere where rational, professional, and disciplined officials would serve people strictly in compliance with rules and procedures. The degree to which the process of rationalization and professionalization of administrative bureaucracy also meant the de-politicization of civil service is relevant to understanding where exactly the line of separation lies, whether between politics and administration, or between judiciary and executive.⁷¹¹

However, it is still a question whether or not Ottomans as borrowers of French procedural codes ever took the relations normatively between executive, legislature, and judiciary, the classical three branches of governmental power, as something to be separated neatly in practical terms. Such a reception of the doctrine is in contrast with practices that can be termed ‘quasi-judicial’ and ‘administrative justice’ that various forms of councils can most readily be associated where authority was both local in its own fashion, and as such, constitutive, rather than a mere reflection, of central state power.⁷¹² When viewed in the light of Ottoman practicality shaped in the practices of ‘administrative law,’ the creation of semi-

⁷⁰⁹ W. A. Robson, *Justice and Administrative Law* (London, 1928), 333. Quoted in Vile, *Constitutionalism*, 260.

⁷¹⁰ Oktay, *Şehremaneti*, xxiv.

⁷¹¹ Vile, *Constitutionalism*, 6-7.

⁷¹² *Ibid*, 11.

autonomous councils with appointed state officials throughout the provinces may not appear as an anomaly in a century marked by centralization. Rather, they may even seem essential to a coordinated and pragmatic form of centralization.

But how did corruption cut across the currents of governmental power, whether judicial or administrative? The discourse of corruption was quite operational to be used for the promotion of the principle and the independence of judiciary. However, the same discourse was also viable for those who opposed the separation of judicial and administrative offices when the independence of judges stood against their vested interests.⁷¹³ We can see an example of the institutional reflections of such tensions between the Building Council's Administration and the Municipality of the Sixth District as mentioned above. But such institutional tensions were marked by a larger structural problem that "the administration was a judge in its own cause" as we will see in the next chapter.

This was a serious problem that was openly addressed in the legal journal of the Ministry of Justice, *Cerîde-i Mehâkim*, in 1881. In the ideal world of "procedural correctness" that this legal journal was meant to create,⁷¹⁴ it seemed unlawful that municipal institutions held the status of both the plaintiff (*müdde'i-'aleyh*) and the judge (*hâkim*).⁷¹⁵ In the *Cerîde*, we see a document that the Ministry of Justice sent to public prosecutors (*müdde'i-'umûmî*)⁷¹⁶ in order

⁷¹³ Rubin gives the example of Sir Austen Henry Layard, the British ambassador, complaining about the reduced involvement of provincial governors in judicial affairs See Rubin, *Ottoman Nizamiye Courts*, 39.

⁷¹⁴ Ibid, 97; Avi Rubin, "Legal Borrowing and its Impact on Ottoman Legal Culture in the Late Nineteenth Century," *Continuity and Change* 22, no. 2 (2007), 291.

⁷¹⁵ "belediye dâ'iresinin hem müddei-'aleyh hem de hâkim sıfatlarını cem' etmesi câ'iz olmayacağı." *Cerîde-i Mehâkim*, no 117, 5 October 1881, 929.

⁷¹⁶ Public prosecutors were officials "representing the state in legal matters," and the office of public prosecution was one of the novelties that legal reforms of the nineteenth century introduced. See Rubin, *Ottoman Nizamiye Courts*, 133-4.

to explain the procedure to be followed when faced with a case similar to what was taken as an exemplary dispute in this document.⁷¹⁷

This exemplary dispute involves two individuals, Dimitraki, an owner of tobacco factory, and Nikoli, a tavern keeper, who were not satisfied with the value that was estimated for their expropriated properties in Yeniköy during the reorganization of the area. They appealed to the civil court of Beyoğlu in order to reclaim the true value of their properties. Because their plea was against a state institution, the municipal district in this case, the question of who would assess the value for a second time became a real problem. The civil court of Beyoğlu was of the opinion that it was not “lawful” (*câ’iz*) to employ officials from the *Şehremâneti*, because the municipal district in question was under the authority of the Prefecture, therefore its officials could not judge the value impartially. Due to this conflict of interest, the Beyoğlu court decided to use engineers and experts who worked for the court. However, this was contrary to the Street and Building Regulation of 1863 that made the involvement of the Prefecture’s officials necessary in such examinations.

The Expropriation Decree of 1879 also repeats this ruling,⁷¹⁸ but adds further articles that describe the procedures to be followed if the owner did not accept the estimated value, and took her/his case to the court.⁷¹⁹ According to the third chapter of the Decree, the court forms a “decision committee” (*hüküm encümeni*), and appoints its members among those who applied for the municipal membership in the district in question.⁷²⁰ However, there was again a problem

⁷¹⁷ “‘Adliye nezâret-i celîlesinden fi 3 Zi’l-ka‘de sene 98 [27 September 1881] tarihiyle müddei‘-‘umûmilere tasîr olunan ‘umûm sûretidir.” *Ceride-i Mehâkim*, no 117, 5 October 1881, 929-30. Ergin included the same document in *Mecelle-i Umûr-ı Belediye*, vol. 7, 3718-9.

⁷¹⁸ Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 4, 1759.

⁷¹⁹ Ibid, 1760-1.

⁷²⁰ Ibid.

with the application of this procedure, because municipal ‘elections’ remained on paper. In other words, these people that the court would appoint to the “decision committee” did not exist at all at the time. Therefore, it was difficult to decide how to proceed. But, at the end of several correspondences between the *Şehremâneti* and the Council of State, the court was given the role to assemble a “decision committee” the members of which would be chosen among the property owners (*ashâb-ı emlâk*) who were “impartial” (*bî-taraf*) and “trustworthy” (*şâyân-ı i’timâd*).

This stress on ‘impartiality’ was lacking back in the 1860s when the Building Council was making decisions in cases where its officials were the direct target of property holders. On the other side of this general institutional and legal framework within which we can situate property disputes studied in the next chapter were the ideologies of honor and justice that local people communicated through petitions. What stood between honor as an abstract concept and corruption as a network of monetized relations was what people made of justice in practical terms.

Chapter IV: Corrupting property

Even though the fiction of urban rent was clean and clear-cut as a discourse, dark complexities were lurking behind urban *tanzîmât*. One of the most pressuring problems was corruption. Urban reforms harbored all those fortunes large or small that would pass hands during the reorganization of the capital. People, whether official or private, rich or poor, man or woman, Muslim or non-Muslim, ordinary or otherwise, were all participants in the imaginations of the city's future. Some acted upon new opportunities that urban reforms presented for personal gain. Among other things, urban *tanzîmât* was also an occasion to be 'corrupt.' It was conducive to corruption as much as it created a 'collective fiction of urban rent.' This opportunity was material, and fashioned itself as quick, tangible proof of the merits of *tanzîmât* reform in urban space.

However, corruption as the dark side of urban *tanzîmât* has received almost no systematic attention as a historical subject. At best, it has been acknowledged as something happening in the background but we still tend to think of it ahistorically for it feels so "ordinary" and "widespread" since time immemorial.⁷²¹ The structural relation between urban planning and corruption has been usually overlooked to such an extent that corruption has been reduced to the same old story that always occurs as a part of a ubiquitous backdrop. In this chapter, I argue against this common assumption that offers no historical substance to corruption. Instead, I take it as a site of analysis in order to understand social conventions of justice and morality in juxtaposition to the fiction of urban rent. Its ordinary and daily manifestations reflect not only

⁷²¹ Cengiz Kırılı, "Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi," *Tarih ve Toplum Yeni Yaklaşımlar*, no. 3 (Fall 2006), 45.

the basic commodified margins of negotiations in a transforming urban space but also relations between justice, civil officialdom, and state legitimacy.

In order to historicize corruption in terms of city planning, I focus on the reorganization activities in the Istanbul peninsula following the fires of Mercan and Hocapaşa in 1865. The fire of Mercan happened a couple of months before the Hocapaşa fire, and its scale was much smaller. The area eventually became a part of the larger planning scheme that the government envisioned after the Hocapaşa fire. As we have already seen in the first chapter, all the dwellers of and businesses in these neighborhoods were to be given new plots but often in new locations that usually generated vociferous debate, protest, and intrigue. Imperial visions of urban renewal and the contentious relocation plans underpinning them were contested by property holders on various grounds. My main purpose is to illustrate how, by whom, and through which control mechanisms property disputes resulting from urban reforms were settled in this intense period of spatial restructuring.

I show that a theme of honor was central to both state institutions and property owners with regard to the positions that they took in such conflicts. For property owners, the concept of honor was not only a rhetorical tool to enforce their understanding of justice and morality against corruption but also a collective leverage to negotiate the value of their property in response to the changes in their environment. Seen in a continuum, the correlation between the themes of honor and corruption are so palpable that they could be evoked interchangeably. Corruption may also be seen as an operational element in many property conflicts, cutting through the legal and social ambiguities, yet producing another web of relations that gave the locational value its social character. Likewise, for the state institutions like municipal organizations and special commissions, a discourse of honor was concomitantly a moral check

on corruption in fashioning institutional ideologies as well as a means to justify expropriation and changing locational values.

As a case study, I have chosen to follow the traces of three different litigation processes. These cases show well the rhetorical world in which urban reforms were localized and translated into everyday language. The first case concerns the objection of a woman named Gülizar Hanım to the relocation of her property after the Mercan fire. Like many other property owners, she was not happy with the inauspicious gap between the pre- and post-fire value of her plot. The “valuable” (*şerefli*) location of Gülizar Hanım’s property simply became “valueless” (*şerefsiz*) when her plot was replaced after the fire, and according to her, this happened through ways that involved bribery. Bribery, on the other hand, invokes a language in which justice means the “completion of honor” (*ikmâl-i nâmûs*) that was violated by urban officials. The frequent employment of concepts like honor (*nâmûs*), justice (*‘adâlet*), and equity (*hakkâniyet*) by her seems to be in tune with the use of the term “*şeref*” in that all were interwoven in politics of property location as both moral and economic notions.

Her example also demonstrates amply how far the administration of law was prone to corruption. In her case, jurisdiction was fragmented between the Building Council and the Supreme Council. But the caveat of Gülizar Hanım’s case was that the Building Council was not only the judge but also the defendant: the officials of the Building Council were those who Gülizar Hanım accused of corruption. This is why she continuously demanded the involvement of the Supreme Council in her case as a higher court of appeal. Therefore, the degree to which

“the administration was judge in its own cause”⁷²² appears to be pivotal in understanding the notions of justice and corruption which historical actors fashioned during this period.

The second case involves a woman named Habibe Hanım who had to defend her shop against a high-ranking bureaucrat who claimed the same property. Her case is an excellent example of property struggles among asymmetrical litigants in the sense that she had to make her case against Mahmud Nedim Paşa, one of the top bureaucrats of the century whom she alleged tried to seize her shop. Though she failed to maintain her previous level of livelihood, she was partly successful. Her strategy was to incite the term “*ma‘delet*” that meant both justice and equity as a power balancing discourse. Her opponent, on the other hand, could not be regarded ‘corrupt’ in a strictly legal fashion, at least in this case. On the contrary, his game was a procedural one in the sense that he merely highlighted the compelling fact that the building of her shop was contrary to new building codes. He of course had to influence some people to make it officially visible. But the punchline of this case is that he had some shops next to hers that were likewise constructed against regulations. This is where “*ma‘delet*” as a discursive term becomes tangible reflecting the material basis of what justice and equity meant on the ground. Her success lies in the fact that he also ended up losing his shops. Technically speaking, this case may not constitute corruption, but it provides an evocative example through which discourses of corruption could be employed in ways that normative legality usually fails to capture. Their case exposes the potential of urban *tanzîmât* as a collective and structural opportunity to be corrupt, albeit procedurally. Their example also shows the limits of the public-private dichotomy as an analytical category as their case turned into an inter-institutional conflict, too.

⁷²² Martina Künnecke, *Tradition and Change in Administrative Law: An Anglo-German Comparison* (Berlin, Heidelberg: Springer, 2007), 21.

The third case is a story of a shop owner by the name of Ivan who was unhappy with the relocation of his property. Unsatisfied with the plot of shop that he was allocated after the fire, he openly accused officials of playing “intrigue” (*fesâd*) against him. In his petitions, he claimed that the officials tried to give his land to someone else by violating his rights. He used the term “*sahâbet*,” literally meaning support, protection and patronage, in order to describe such official behavior. Likewise, his opponents, including some of his neighbors, depicted him as an “improper” (*uygunsuz*), “annoying” (*harf-endâz*), and “corrupted” (*müzevver*) person while they were praising the conducts of the responsible official against him. These mutual accusations not only reveal the multi-directional nature of corruption and the continuum between the corruptor and corruptee but also show how such labels were commonly employed among official and non-official people alike. The crucial point in their case is the implicit involvement of the state as a property owner in the litigation process. Yet, this involvement does not refer to any of the state institutions that were somehow associated with the case. The state was actually a third party in the form of an intangible defendant in the proceedings as the owner of expropriated lands. This character of state ownership was different from its classical forms. The nineteenth-century urban expropriations created a temporary form of state ownership as expropriated lands had a *mîrî* character only briefly until the reorganization was completed. The physical borders of these pieces of land were constantly changing as the reorganization progressed. Their example pictures how exactly this continuous fluidity in the physical space itself was prone to corruption.

All of these cases are reconstructed from individual petitions that the property owners in question presented to different authorities, and the official responses given to these petitions. They demonstrate how city dwellers developed narrative and legal strategies at the face of the

adversity they experienced. Gülizar Hanım and Habibe Hanım, rather invisible actors in mainstream historiography as women, were quite capable of building the discourses of morality and legality into urban politics and administration. They fiercely negotiated their understanding of justice against corruption. However, these negotiations were not only legal but also moral and emotional. More importantly, they were also commodified in an economy of corruption. However, the question of female agency here is relational rather than normative and “static,” and gender is only one of the factors that shaped the way in which historical actors fashioned themselves in petitions.⁷²³ Other markers of life like social status, class, religion and ethnicity had their impact on the form of positionality that people took. Both Gülizar Hanım and Habibe Hanım were Muslim women of a relatively higher status. And Gülizar Hanım was represented by her son-in-law during the proceedings.

This chapter also traces the reflections of the efforts to rationalize and professionalize bureaucracy in the daily performance and behavior of an official. Municipal officials are shadowy figures in Ottoman history. We know very little about the city’s urban personnel who were supposed to meet the requirements of an effective and disciplined system of administration. Issues like employment and career patterns, selection procedures, ways of training, the margins of their duties and responsibilities remain obscure to a large extent. The impact of ordinary officials who actually carried out urban reforms on the physical and social landscape of the city is usually overlooked. However, it was with them that city dwellers got into contact in their affairs. They were the living and concrete figures who ‘represented’ state institutions within an ideology of services. It was them who continuously forged actual links between judicial and administrative powers that were vested in municipal institutions. Their

⁷²³ Leslie Pierce, “Seniority, Sexuality, and Social Order: The Vocabulary of Gender in Early Modern Ottoman Society,” in *Women in the Ottoman Empire: Middle East Women in the Early Modern Era*, ed. Madeline C. Zilfi (Leiden, New York, Köln: Brill, 1997), 169.

expertise and technical knowledge acquired on the ground, and their daily relations with city dwellers was an important part of urban *tanzîmât*. It was usually unknown officials who held the actual power of parceling onsite behind the technical rationality of urban remaking. It was them who gave a new order to the city by applying the geometrical rules of planning, and dividing the urban space into blocks. It is, therefore, hoped that the examples of officials in the following cases will also shed some light on the role of civil servants in urban planning.

Corruption

Corruption is a nebulous concept. A continuous and flexible mediation between what is and what is not corrupt on the ground makes it difficult to define it. As Scott points to, scholars have traditionally laid too much stress on illegality by defining it as an “illegal private-regarding behavior in a public role.”⁷²⁴ This is rather a modern notion of corruption that assumes a clear-cut separation between legal and illegal, and public and private. Although attempts at reforming state apparatuses throughout the nineteenth century brought about changes that were centered on the professionalization and rationalization of bureaucracy, actual cases of corruption were much more complicated than the categories of that separation. It is legitimate to claim that pre-modern conceptions of corruption were less about individual official behavior than the general moral norms of the political system against which decline was measured.⁷²⁵ But it is equally valid to argue that notions of morality were suggestively operative in the definitions of corruption against which justice was measured from the perspective of property owners as the nineteenth-century cases under study in this chapter reveal.

⁷²⁴ James C. Scott, “The Analysis of Corruption in Developing Nations,” *Comparative Studies in Society and History* 11, no. 3 (June 1969), 318. Scott takes the definition of corruption by J. S. Nye as representative. J. S. Nye, “Corruption and Political Development: A Cost-Benefit Analysis,” *The American Political Science Review* 61, no. 2 (June 1967), 419.

⁷²⁵ Lisa Hill, “Adam Smith and the Theme of Corruption,” *The Review of Politics* 68 (2006), 636-37.

The questions of whether justice were completely legal, on which property owners placed a collective claim, and how much of it stemmed from that ‘collective fiction of urban rent’ are as relevant as the normative context of corruption. The production of corruption usually comes with not only moral and legal condemnation but also social legitimization.⁷²⁶ The slippery ground upon which we try to historicize corruption reflects a blurry continuum in the relations between the corruptor and the corruptee. One of the manifestations of this intricate relation can be deduced from a common binary complaint by property holders: under-valuation when a property was expropriated by the state; and over-valuation when it came to taxation. Similar to the occasions that urban disasters like fires produced, the most comprehensive cadastral survey of the capital in 1874, for instance, must have created another larger communal opportunity to be corrupt. It is not difficult to imagine some official surveyors asking for bribes in return for smaller tax assessments. In the same way, it is also easy to picture some property owners’ bribing cadastral officials in order to make their properties look smaller on paper to decrease their tax burdens. Obviously, corruption requires some sort of negotiation, and the forms and rules of negotiation are socially set. It is difficult to comprehend how far the expression of the pot calling the kettle black proved to be true in this period of urban remaking in empirical terms. But such complaints were also shaped in a moral economy of property of which corruption was an integral part.

Likewise, the question of when corruption exactly becomes corruption hints at the diligent timing skills of historical actors and power relations rather than at the sanctions of the law. This is not to ignore, however, the legal developments of the century out of which

⁷²⁶ For a case study of how corruption is socially legitimized see Sardan, “A moral economy of corruption,” 25-52.

corruption was “invented” as a punishable crime regardless, supposedly, of social distinctions.⁷²⁷ New laws did provide new social tools to mediate those skills. The criminal codes of the century, especially of 1858, were crucial in defining and specifying corruption as a legal category. They also specified penalties including imprisonment and dismissal from public office for different forms of official transgression like bribery, embezzlement, and abuse of office.⁷²⁸ From the perspective of the state, disciplined, regular, and disinterested official behavior was viewed as a precondition for the efficient functioning of state bureaucracy. Corruption, on the other hand, symbolizes moments of an ideological entanglement between rational and non-rational forms of bureaucracy. A supposed separation between the public and private was the bedrock of the ideological imposition of corruption as an ‘illegal’ category, and salary was the measure to differentiate between private and public income. The salary, in other words, measured against pre-modern sources of income, such as fees, taxes, and gifts, was a product of a rationale that separated the incomes of an institution from those of its officials. Rational bureaucracy might be a myth in empirical terms, but its discursive ramifications were real as long as its ‘corrupt’ officials were portrayed as individual deviations from its norms. Corruption became more individual and deviant in nature when state officials became salaried.⁷²⁹

Continuous attempts of the state to transform its officials in different branches of bureaucracy into honorable civil servants reveal a new consciousness as to the relation between the practical and daily examples of good official behavior and state legitimacy. This was clearly visible in the measures that the government took in order to prevent corruption during the

⁷²⁷ Kırılı, “Yolsuzluğun İcadı.”

⁷²⁸ Ibid, 114.

⁷²⁹ Steven Pierce, “Looking Like a State: Colonialism and the Discourse of Corruption in Northern Nigeria,” *Comparative Studies in Society and History* 48, no. 4 (October 2006), 903.

reorganization activities following the Hocapaşa fire. The government was aware of the fact that the planning of the burnt-down area of such a vast scale was prone to all sorts of corruption. One of the most critical aspects of the reorganization process was the just measurement and reallocation of plots to their owners. It was a decisive and challenging moment for owners to define the boundaries of their property. It was subject to error, corruption, negotiation, persuasion, and confrontation, whether between property owners themselves, or with the urban officials. As a matter of fact, one of the reasons behind the establishment of the Commission for Street Improvement (CSI) was to control corrupt relations that were likely to flourish in the environment that the Hocapaşa fire and the following planning activities created. The duty of the CSI was to reorganize the narrow and crooked street pattern, and allocate plots in destroyed neighborhoods to their owners according to proper rules and regulations.⁷³⁰

The just reallocation of parcels was not just an empty concern, as complaints of property owners already started to pile up prior to the institution of the CSI. The Fire Office at the Building Council's Administration was the department responsible for the reorganization of the area until the CSI was instituted in 1866. But the scale of reorganization after the fire was extraordinary and complicated, and it became clear that the Fire Office was a corrupt institution.⁷³¹ When the institution of the CSI was announced with a fifteen-article bill in the official newspaper *Takvîm-i Vekâyi*, the “guarantee of property owners’ rights” was the point that was made clear as the “fundamental duty” of its operations.⁷³² This was not an ordinary founding principle that was pronounced out of discursive formalities. It was followed by institutional changes and several measures to assure order and justice in the conduct of government officials.

⁷³⁰ BOA. İ.MVL. 550/24667; BOA. İ.DH. 572/39882; BOA. İ.MVL. 555/24895; BOA. İ.MVL. 571/25660.

⁷³¹ BOA. İ.MVL. 571/25660.

⁷³² “Ashâb-ı emlâkın zamân-ı hukûku”; “esâs-ı vazîfe.” *Takvîm-i Vekâyi*, 1 July 1866.

The CSI first had to put officials whom it considered corrupt under close scrutiny. To this end, all the officials working at the Fire Office and the Building Administration for the reorganization of the area were taken into the retinue of the CSI. According to the CSI, these officials caused “endless disputes” because of “all sorts of impropriety” in which they engaged.⁷³³ Although some police officers under the command of the CSI were ordered to investigate and resolve these conflicts, the officials’ “sins were at a point beyond correction.”⁷³⁴ The CSI kept “hearing” about their “doing some irregular and improper things” as a consequence of their “incapacity.”⁷³⁵ Therefore, Mehmed Efendi, the head functionary, together with some other officials under his command were “expelled” from the CSI and redistributed elsewhere because of their misconduct.⁷³⁶ In place of Mehmed Efendi, Hafız Ahmed Bey, a colonel in the artillery corps, was appointed, and all the building officials and engineers were to answer to him.

Another measure to prevent corruption among the officials working for the CSI was to pay their salaries regularly without delay or deficiency. In the reports that the CSI presented to the government regarding their operations, expenses, and future plans, the payment of the officials and engineers’ salaries appears to be central to the problem of corruption. The CSI acknowledged the situation straightforwardly, for officials were likely to engage in some “intrigues” (*fesâd*) in their business because of the “necessity” (*zarûret*) arising out of these

⁷³³ “münâza‘âtın arkası alınamayub dürlü dürlü uygunsuzluklar zuhûra gelerek.” BOA. İ. MVL. 571/25660.

⁷³⁴ “hatî’iyyât-ı vâkı‘âsı kâbil-i islâh olamayacak dereceye gelmiş olmasıyla.” Ibid.

⁷³⁵ “ba‘zı yolsuz ve uygunsuz şeyler yaptıkları işitilüb”; “ehlîyetsizlik.” Ibid.

⁷³⁶ “def’ olunarak”; “âhar işte kullanılmak üzere.” Ibid.

delays and deficiencies.⁷³⁷ In order to prevent this, the CSI had to pay their wages from its own budget.⁷³⁸ Some raise in their salaries was also another object that the CSI tried to materialize.

A further measure that the CSI designed to avoid possible abuses to which officials on the ground measuring and allocating plots to owners were subject was to publish notifications in the newspapers for the owners to be present during the measurement of their land.⁷³⁹ Property holders were required to “show the borders of their land,” and then receive a certificate given by the officials regarding the size of their property.⁷⁴⁰ If they still had a doubt they were free to hire an expert whom “they trusted” to measure their land for a second opinion.⁷⁴¹ If there were still a ‘mistake,’ they had two weeks starting after the day when they obtained their certificates to object by applying to the Building Administration. For those who “did not have anybody to measure” their plot, the CSI also made some officials from offices outside the surveying department of the Building Administration available for the job.⁷⁴² And for those who were not in the capital at the moment, the *imâm* and *muhtâr* (headman) of the neighborhood were assigned responsible.⁷⁴³

All these measures that the CSI took in order to discipline its officials show the degree of the importance given to the eradication of corruption during the reorganization of the burnt-down districts. The complaints of property owners, nevertheless, continued to pile up after its founding in 1866. Furthermore, no matter how hard the CSI tried to control corruption, the

⁷³⁷ BOA. İ.DH. 572/39882.

⁷³⁸ Ibid.

⁷³⁹ *Takvîm-i Vekâyi* ‘, 26 February 1866, 27 March 1866, 24 April 1866; *Tasvîr-i Efkâr*, 20 September 1865, 28 September 1865, 14 October 1865.

⁷⁴⁰ “arsaları başlarında bulunarak hudûdlarını göstermeleri.” *Takvîm-i Vekâyi* ‘, 26 February 1866.

⁷⁴¹ “emniyet ettikleri.” Ibid.

⁷⁴² “mesâha ettirecek kimesnesi olmayanlar.” Ibid.

⁷⁴³ Ibid.

problem was much more structural than its members possibly imagined. The following cases demonstrate how far the rationalization and professionalization of urban bureaucracy was successful before and after the establishment of the CSI. They also illustrate the extent that the ideals of morality and legality were built into politics and administration.

The problem of Gülizar Hanım with the Building Council

Urban *tanzîmât* left many property owners dissatisfied with the redevelopment schemes that followed large fires that consumed parts of Istanbul in the second half of the nineteenth century. Among them was Gülizar Hanım, a widow over 80 years old and in poor health who fashioned herself as in tears with her “honor broken” (*şikest-i nâmûs*) because of the injustice that ensued the conflagration.⁷⁴⁴ Her son-in-law, Mehmed Fevzi Efendi, acted as her representative during the proceedings, and he was no stranger to the intricate ways of Ottoman bureaucracy as he himself was an official serving at the Ministry of Foreign Affairs. Her deceased husband was a man of considerable stature as well. He was the former director of the Imperial Fez Factory, but it is not clear whether Gülizar Hanım came to have her properties, a shop and adjoining house, through her husband.⁷⁴⁵ Her properties had a very “*şerefli*” (valuable) location on the Yüzükçüler Street in Mercan as they had an “esteemed corner”⁷⁴⁶ position on a crossroad of important streets and “a perfect open view all around” that featured the Golden Horne.⁷⁴⁷ After the fire, however, a new street was created that sliced through the middle of her property, paving over a water reservoir, three wells, and a big cellar that she had there.

⁷⁴⁴ “dâ‘îye-i dîrînelerinizi ağlatmayub.” BOA. MVL. 466/19.

⁷⁴⁵ Ibid; BOA. MVL. 473/57; BOA. MVL. 472/5.

⁷⁴⁶ “köşe-i mu‘teberâde.” BOA. MVL. 466/19.

⁷⁴⁷ “cevânib-i erba‘adan açıklıkla nezâret-i kâmileyi câmi’.” BOA. MVL. 473/57.

Furthermore, she faced the bitter prospect of losing the corner site because her land became the object of a contentious relocation plan.

Although it is quite difficult for us to comprehend fully the content of this dispute in the absence of a map, it seems that the new street produced a new corner, and the official responsible for the reorganization of the area, a certain Hüsnü Efendi, decided to give this new corner site to someone named Hacı İbiş Ağa, a maker of amber mouthpieces for pipes, because his cellar fell within the boundaries of this re-plotted piece of land on the corner. Gülizar Hanım alleged that losing the highly coveted corner location and the view resulted in the decrease of her properties' value.⁷⁴⁸ Upon the objection of Gülizar Hanım, two building assistants, Hüseyin and Esad Efendis, were assigned to solve the problem. They decided in favor of Hacı İbiş Ağa based upon the rule specified in the building regulation that planning officials must try to adhere to what was deemed the original constitution of the property in question, which included factoring in the location of cellars.⁷⁴⁹ However, it appears that other variables such as location and auspicious views did not figure in the picture drawn by the urban officials. At the beginning of the dispute, Hüsnü, Hüseyin and Esad Efendis suggested a quick solution to the problem: Gülizar Hanım could have the corner site if she accepted to pay the value of Hacı İbiş Ağa's cellar to him. She agreed, and consequently, in the presence of some neighbors, they reached the final decision.

Yet later, these officials acted hesitantly in implementing their decision as Gülizar Hanım claims. Therefore, she presented a petition to the ministries of Commerce and Public Works, and her son-in-law went to the Building Administration to explain the situation to the

⁷⁴⁸ "150.000 gurusluk hukûk-ı 'acizânemin ibtâli." BOA. MVL. 466/19.

⁷⁴⁹ The Street and Building Regulation of 1863 (Turuk ve Ebniye Nizâmnâmesi), article 12. Selman, "Urban Development Laws," A51.

director. According to the allegations of Mehmed Fevzi Efendi, they had “deceived” (*iğfâl*) the director of the Building Administration by hiding their initial decision and somehow manipulating the original map of the place. As a result, the director did not pay attention to the claims of her son-in-law. Moreover, when Mehmed Fevzi Efendi told him that he would present a petition to the Supreme Council in order to seek justice, he “got angry and spurned him away, saying many insulting things that are against the honor of humanity, and ill-suited to his office.”⁷⁵⁰ Enraged, he even attempted to “apprehend” (*habs*) him. In contrast, Mehmed Fevzi Efendi appears quite even-tempered in the petition and maintains his idea that “claiming one’s right is no offense.”⁷⁵¹ He added that the director had no right to “insult him and break his honor” for wanting to seek justice.⁷⁵²

The response of the Building Council unsurprisingly denied all these claims. As they argue, they were “gentle” (*mülâyimâne*) towards Mehmed Fevzi Efendi when explaining that Gülizar Hanım was given new land “in a just way as in similar cases.”⁷⁵³ However, he would not listen and went too far as to accuse the officials of the Building Administration of having accepted a “bribe” (*rüşvet*). They took his language and “insults” extremely seriously and responded by arresting him and sending him to the office of the gendarme.⁷⁵⁴ Further responding to his “imputation of bribery,” they also indicated that they were prepared for an official hearing in the Building Council in order to prove their just conduct.⁷⁵⁵

⁷⁵⁰ “pür-hiddet olub çâkerlerini tard ve bir takım hakâretle nâmûs-ı insâniyete düşmeyen ve makâm-ı me’mûriyete yaraşmayan bir hayli kelâm-ı nâ-becâ.” BOA. MVL. 466/19.

⁷⁵¹ “hakını taleb ve istid’â eylemek insana bir kusûr olmadığı.” Ibid.

⁷⁵² “hakâret ve şikest-i nâmûs eylemek.” Ibid.

⁷⁵³ “usûl-i hakkâniyete ve emsâline tatbîkan.” Ibid.

⁷⁵⁴ “itâle-yi lisân.” Ibid.

⁷⁵⁵ “rüşvet ‘azvi.” Ibid.

Around a month later, Gülizar Hanım had to present another petition. This time there was a different problem. Hacı İbiş Ağa started to construct a building on the land that she claimed to be hers. This was contrary to regulation because the land was still being disputed. Before a final verdict was reached no one was allowed to use the land. But apparently, this was no obstacle for Hacı İbiş Ağa as he already started building. According to Gülizar Hanım, it was a deliberate strategy that he could stake out a claim to the land by using the building and the money that he would spend for it as a legal bargaining chip.⁷⁵⁶ His timing was, as she keenly stressed, perfect: he chose to begin construction during the Muslim feast of sacrifice when the government offices were closed. Therefore, Gülizar Hanım felt the need to present a petition in order to expose his deceptive plan and demanded that Hacı İbiş Ağa should be checked. She also requested an official inquiry to determine whether or not the Council's officials knew about the ağa's scheme.⁷⁵⁷ In about two weeks, she and her son-in-law submitted yet another petition on the matter. However, it seems that their petitions were not taken into consideration. On the contrary, the Building Administration "completely permitted the construction of the building" as Gülizar Hanım claims in another petition.⁷⁵⁸ Their answer was the same: it was Hacı İbiş Ağa's right to claim and construct on that land, and Gülizar Hanım's claims were "futile" (*vâhi*).⁷⁵⁹ In the meantime, a testimonial (*şehâdetnâme*) signed by six persons, most probably some of her neighbors, followed all these petitions in order to back up Gülizar Hanım's claims. They stated their conviction for the official record that the locational *şeref* of the new plot given to her was indeed not equal to that of her former land, and as it was, this relocation was an "exceeding injustice and great loss" for her.⁷⁶⁰

⁷⁵⁶ "merkûm ise şu yolda edeceği masâriften dolayı bir ser-rişte ittihâz ederek güyâ umûruna takviyet vermek ve muhahharan bir takım da'vâ ihdâs eylemek emelinde bulunduđu." BOA. MVL. 572/5.

⁷⁵⁷ Ibid.

⁷⁵⁸ "bütün bütün ebniye inşâsına ruhsat verilmiş." BOA. MVL. 473/57.

⁷⁵⁹ BOA. MVL. 472/5.

⁷⁶⁰ "fevke'l-âde gadr ve hasâr-i külli." Ibid; BOA. MVL. 473/57.

Gülizar Hanım's reply to the response of the Building Administration arrived shortly. For her, the urban officials were "telling a story"⁷⁶¹ full of "gossip" (*kıylükâl*) and "resentment" (*garaz*), and "wrong accusations" (*isnâdât*) "in order to hide and drive away"⁷⁶² the loss that they caused on her. She firmly states that if they were ready for a hearing, she was ready too, though the solution did not lie in a hearing as she was sharp enough to add. The evidence was clear enough: it lay in the map of replotting that Hüsni, Hüseyin and Esad Efendis were hiding as well as in the testimony of the neighbors. As she understood the situation, there was no need for a hearing in the ostensibly corrupt "Council."⁷⁶³

One of Gülizar Hanım's petitions provides a glimpse into what the 'collective fiction of urban rent' was about. As the central government promoted it after the Hocapaşa fire, every dweller of the city should feel "*hissemend*" (having a share or interest) in urban "prosperity" (*ma'mûriyet*).⁷⁶⁴ She thought accordingly that "all these [expropriated properties] were sacrificed by the people on the ground with the expectation that [their properties] would attain more value in the future" as a result of urban redevelopment.⁷⁶⁵ The interest that people were expecting to gain from the reorganization of their environment was "public" as it was collective and individual.⁷⁶⁶ However, her situation was quite the contrary. The officials responsible for the replotting of her land turned this "public interest" into a "private" one by giving her land to Hacı İbiş Ağa, by implication, through ways that involved bribery.⁷⁶⁷ After several weeks, she

⁷⁶¹ "hikâye beyân etmekte oldukları." BOA. MVL. 473/57.

⁷⁶² "setr ve def' etmek için." Ibid.

⁷⁶³ "'abd-i 'âcizleriyle heyetçe muhâkeme olunacağı dahî ifâde kılınmış ise de bunun heyete dokunur bir yeri olmayub." Ibid.

⁷⁶⁴ Ergin, *Mecelle-i Umûr-ı Beledîyye*, vol. 3, 1288.

⁷⁶⁵ "İlerüde daha ziyâde nâil-i şeref olunur mütâla'asıyla bunların cümlesi beyne'l-ahâlî fedâ olunmuş." BOA. MVL. 473/57.

⁷⁶⁶ "tesviyeden murâd 'umûmun menfa'atı olub." Ibid.

⁷⁶⁷ "bu menâfi'imizi menfa'at-ı husûsiye-i şahsiyeye inhisâr ile." Ibid.

demanded again that the Supreme Council should gather the map that Hüsni, Hüseyin and Esad Efendis supposedly concealed.⁷⁶⁸

At first view, her situation looks like an ordinary case of corruption that caused a great pain for Gülizar Hanım. And her case does seem plausible. Unfortunately, however, we do not know how the case ended. Therefore, it is difficult to ascertain which party was telling the ‘truth’ even if we accept that there were only a single, one-sided truth to tell. Even if we assume that Hacı İbiş Ağa were indeed in the possession of the cellar that fell within the borders of the plot on the corner after the redevelopment, and Gülizar Hanım had actually owned the corner position with an open sea view before the fire, a simple question still remains: why did the urban officials choose the cellar over corner location given the fact that the building regulation of 1863 includes articles of rather limited specification and does not enumerate the qualities of a property like position vis-à-vis streets and corners, open air and light, views, or having a cellar hierarchically.⁷⁶⁹ And yet, what appears to be more important is that the question of locational value was as social as technical in that the testimony of Gülizar Hanım’s neighbors was important as much as the map of the area was central to the matter, upon both of which she placed equal importance in her petitions. Even though the scope of such locational replacements appears to be limited, usually on the same block, the changing “dynamics of property location” in a changing rent market informed people’s reactions to urban re-placements in this period.⁷⁷⁰ In any way, the scope seems less important than the emergence of the block system as the dominant form of urban replanning.

⁷⁶⁸ Ibid.

⁷⁶⁹ The Street and Building Regulation of 1863. Selman, “Urban Development Laws,” A47-A64.

⁷⁷⁰ Russell Schiller, *The Dynamics of Property Location: Value and the Factors Which Drive the Location of Shops, Offices and other Land Uses* (London, New York: Spon Press, 2001).

Regardless of all such questions concerning locational values, and of all lies and truths in Gülizar Hanım's story, another pivotal aspect of her case is that the Building Council functioned as not only the judge but also the defendant. The officials who were supposed to solve her problem were the very officials who created the problem itself. Even though urban institutions like the Building Council were under the supervision of the Supreme Court in principle we see that the Building Council had the capacity to hear her case and issue a legal decision. In addition to this, the same Council also attempted to detain Gülizar Hanım's representative even before such an authority was legally specified in the Regulation of 1868 on the Municipal Administration of Istanbul.⁷⁷¹ The double role of the Building Council posed a conflict of interest in the dispute which characterized her continuous efforts to bring her case before the Supreme Council. This also explains why she needed to draw attention to the procedures to be followed in settling land disputes such as hers, procedures regarding the investigation of maps, consulting to the office of the cadastral registry, and the hearing of witnesses, of which urban officials were no doubt aware. In such a situation, who could expect the Building Council to be impartial? Definitely not Gülizar Hanım. After all, the building director did not believe her representative when he went to him in order to explain the misconduct of Hüsnü, Hüseyin and Esad Efendis. This is why she continuously demanded the involvement of the Supreme Council in her case as a higher court of appeal.

It is of course for a reason that Mehmed Fevzi Efendi narrated in detail how the building director "got angry" when he told him that he had no choice but to apply to the Supreme Council. That "claiming one's right is no offense" was the backbone of his rhetoric against the director. In the face of the director's insults that were "against the honor of humanity," it was

⁷⁷¹ The Regulation of 1868 on the Municipal Administration of Istanbul (Dersa'âdet İdâre-i Belediye Nizâmname), article 9: Ergin, *Mecelle-i Umûr-ı Belediye*, vol. 4, 1618.

natural for them to appeal to the Supreme Council. Gülizar Hanım and her son-in-law were also quite tactful when they pointed to the procedures to be followed in settling such property disputes. They rejected any hearing in the Building Council without any investigation done regarding the map of the area and the testimony of the neighbors. That Gülizar Hanım was given new land “in a just way as in similar cases” was just a usual answer that they could not accept. Nevertheless, justice was whatever she and her representative made of it during the proceedings which they centered on the concept of honor. It was not only a matter of legality but also morality for Gülizar Hanım as she defined corruption and injustice as a violation of her honor. At the interface between legality and morality was the concept of honor that functioned as a rhetorical tool against corruption.

The “age of justice and equity” and Habibe Hanım vs. Mahmud Nedim Paşa

Habibe Hanım, a resident of the Ayasofya neighborhood and owner of a grocery (*bakkâl*) next to the ferry quay nearby the lemon and dried fruits wharf on the shore of the Golden Horn, was a woman who likewise had to defend herself against an obscure situation that emerged in the process of reorganization following the Hocapaşa fire in 1865. In her case, urban *tanzîmât* applied selectively because her shop was pinpointed to be demolished among the others close by along the seashore. She had a particular person in mind to accuse for the situation, the owner of a next-door shop. She refrained, however, from revealing the identity of her neighbor until her third and last petition. It turns out that he was, unlucky for her, a very powerful man. She believed that he wanted to annex her shop. Against him, she was all alone,

“having no male” representative who could help her.⁷⁷² Nevertheless, it was the “age of justice and equity,” she wrote, that would help her neutralize this selective “injustice” (*gadr*).⁷⁷³

Her menacing neighbor was Mahmud Nedim Paşa, none other than the future grand vizier of the Empire, last successor of one of the great *Tanzîmât* architects Ali Paşa. Following the footsteps of his father’s bureaucratic career – Gürcü Mehmed Necip Paşa, the governor of Bagdad (1842-1849) – he started his official life in 1831. Before he was appointed grand vizier in 1871 for the first time, he held various high-ranking positions including governorships and ministry directorships. His grand vizierate represented the rise of a political faction that was repressed in the 1860s by the influence of Ali Paşa and Fuad Paşa.⁷⁷⁴ Known for his “anti-*Tanzimar*” treatise in which he advocated the ideal of an absolutist sultan, he developed close relations with the Palace.⁷⁷⁵ Over the course of his bureaucratic trajectory, he also made enough enemies to tarnish his reputation. He was known for his “immorality” (*sû’-i ahlâk*), and associated by many with “corruption” (*irtikâb*).⁷⁷⁶ Faced with such accusations, he tried to defend himself in his writings. Unlike his peers, he states, he “did not have any landed property except for a house that he inherited from his father along with an ordinary mansion on the seashore.”⁷⁷⁷ In fact, he “did not have anything but honor and integrity as capital in this world,” as he states in a document he wrote to the grand vizierate asking for a new appointment in 1855.⁷⁷⁸

⁷⁷² “zükûrdan kimesnem olmayub.” BOA. A.} MKT. MHM. 431/64.

⁷⁷³ “‘asr-ı ma‘delet.” Ibid.

⁷⁷⁴ Butrus Abu-Manneh, “The Sultan and the Bureaucracy: The Anti-Tanzimat Concepts of Grand Vizier Mahmud Nedim Paşa,” *International Journal of Middle East Studies* 22, no. 3 (August 1990), 257.

⁷⁷⁵ Ibid; İbnülemin Mahmut Kemal İnal, *Osmanlı Devrinde Son Sadrazamlar*, vol. 1 (İstanbul: Dergah Yayınları, 1982), 256-314.

⁷⁷⁶ Quoted in ibid, 263.

⁷⁷⁷ “pedermânde bir hane ve bir adi sahilhaneden başka bir emlâk ve akara mutasarrıf olmadıktan.” Quoted in ibid, 311-12.

⁷⁷⁸ “bu âlemde namus ve istikametten başka sermayem olmadığından.” Quoted in ibid, 262.

But apparently, as his case with Habibe Hanım demonstrates, the kind of “honor and integrity” that the paşa claimed to have did not prevent him from using his stature and connections as a high-ranking bureaucrat for personal interests. Habibe Hanım was obviously in a disadvantageous position against him. However, even though she underlined in her second petition that she did not have any “male” representative, most likely so that she could attract some sympathy by fashioning herself as a lonely, helpless woman, she was somehow supported by Server Bey, then the prefect of the city, and a member of the CSI. Server Bey supported her, because doing so was for the interest of the CSI. In that sense, maybe she was lucky that their case turned into an inter-institutional conflict involving the *Şehremâneti*, the Building Administration, the CSI, the Ministry of Imperial Religious Endowments, the Harbor of Istanbul, the Ministry of the Navy, and the Imperial Shipyard. Therefore, their case not only presents some of the dynamics of corruption but also reveals inter-institutional tensions. Although corruption was a new “invention” defined in criminal codes, the case of Habibe Hanım against Mahmud Nedim Paşa did not need to refer to any invention as such.⁷⁷⁹ Already made into a strategic tool to mediate social relations, corruption involved in their case was not defined in terms of normative legality as a simple conflict between a ‘public’ and a ‘private’ person, but in a wider conception of justice and equity (*ma‘delet*) in an inter-institutional context.

The story goes back to the 1840s when a fire destroyed her shop that was her “means of livelihood.”⁷⁸⁰ She states in her first petition that the property continued to be used as a wooden booth (*salâş*) after this fire until the new urban codes made her make-shift solution illegal.⁷⁸¹ Consequently, after her shop was pulled down, she presented her first petition asking for

⁷⁷⁹ Cengiz Kırılı, “Yolsuzluğun İcadı.”

⁷⁸⁰ “medâr-ı ta‘yîş.” BOA. A.} MKT. MHM. 431/64.

⁷⁸¹ “salâşlar yıkılıb kârgir olunacağı nizâmı vecihle.” Ibid.

permission from the Imperial Shipyard (*Tersâne-i Âmire*) in 1867 for her store to be reconstructed with proper materials. But the Imperial Shipyard was a rather curious place to apply for such matters. In the response to her petition, she was told to appeal to the Building Administration given that the Imperial Shipyard was not the right institution to which she should apply. Soon enough, another intriguing thing happened after her case was transferred to the latter institution. Having investigated the matter, the Building Administration wrote back stating that “there is no such a plot of shop in that location.”⁷⁸² Then, the need arose to check merely if such a plot even existed.⁷⁸³ The officials from the Administration then approached to the Ministry of Imperial Religious Endowments, because they determined that the shop was a waqf property. As it turns out, the shop really existed and belonged to the waqf of the Great Ayasofya Mosque, and the title deed of Habibe Hanım was authentic. In the end, they granted her the permission to rebuild her shop.

Of course, this was not a simple issue that could be explained easily, as there was merit in her decision to apply to the Imperial Shipyard in the first place. Her foresight becomes visible when the same institution stopped the reconstruction. In response, she submitted her second petition to the Imperial Shipyard. She summarized what happened up to that point and once more asked for the permission to resume rebuilding her shop. But this time, it was not going to be easy for her to solve the problem. The dispatches written by different offices of the Imperial Shipyard recalled the claim of the Building Administration and even challenged the very existence of her shop’s plot. The Shipyard, in fact, pointed out that this was not a matter of a land dispute, because her shop was not even on shore but, rather, hastily built over the water on a pier. Apparently, the shop was anchored in the sea with the help of piles. But if she had not

⁷⁸² “mahal-i mezkûrda öyle dükkân ‘arsası bulunamadığı.” Ibid.

⁷⁸³ “zıkr olunan ‘arsanın el-hâlet-i hazihi mevcûd ve mezbûre ‘uhdesinde olub olmadığının.” Ibid.

had any land on the seashore, why and how did the Building Administration give her permission to build such a structure? Moreover, how did she come to have a title deed that proved that she did have some form of property? The same dispatches also reveal that her land was expropriated during the reorganization of the streets in the area after a fire burned the district in the 1840s, and as compensation, yet “contrary to the rules,”⁷⁸⁴ she was “anyhow” given “a place over the sea” by the Ministry of Imperial Religious Endowments, instead of a place somewhere on land.⁷⁸⁵ Since the construction over the water involves the issue of sea traffic given her shop’s proximity to the wharf and the ferry quay, and hence “strictly forbidden,” the Imperial Shipyard had no choice but to stop it.⁷⁸⁶

But then, why did the Imperial Shipyard raise all these issues only after Habibe Hanım presented her second petition while declining her first petition by referring the case to the Building Administration? The initial response from the Harbor of Istanbul to her second petition first had to justify why they did not prohibit the reconstruction in the first place. The strategy that they appear to have employed hinges on an excuse. They simply pretended as if they did not know that the shop was a pier over the water even though Habibe Hanım mentions openly the piles in the sea in her first petition. As they present it, the real problem was something else anyway: it was the problem of whether she had a piece of land or not. This was not an ordinary issue to bring into the fore. It mainly passes on the problem to another institution that gave her permission despite the fact that her land was gone in the 1840s. The real solution that they suggest is that Habibe Hanım should be given a new place somewhere else according to the regulations, which meant that those regulations should be under the purview of the CSI.

⁷⁸⁴ “mugâyir-i nizâm olarak.” Ibid.

⁷⁸⁵ “her nasılsa”; “denizden yer.” Ibid.

⁷⁸⁶ “kaviyyen taht-ı memnû’iyyette bulunduđu.” Ibid.

What was the reason behind this change in the tone and the direction of the proceedings? The career pattern of Mahmud Nedim Paşa was probably the most important factor. When Habibe Hanım applied for the first time to the Imperial Shipyard in 1867 the paşa was the Minister of Judicial Pleas.⁷⁸⁷ He already became the Minister of the Navy in March 1868 when she appealed to the same institution for the second time, which most probably made the situation more difficult for her. Nevertheless, she was somehow helped by Server Bey. It would be naïve to believe that he helped her out of his generosity or deep commitments to mercy and justice. We do not know whether there were pending personal conflicts between Server Efendi and Mahmud Nedim. But we know that Server Efendi did not want the CSI to compensate her. His aim seems to avoid any reimbursement that would burden the CSI. Therefore, he sided with Habibe Hanım against Mahmud Nedim. He was as successful as the Paşa in staging a very procedural counteraction. Although he was in touch with Mahmud Nedim via several dispatches that they wrote to each other, he was studiously invisible when it came to supporting Habibe Hanım.

Even though Habibe Hanım found Mahmud Nedim Paşa responsible for the demolition of her shop we still do not know exactly which institution had her grocery stall pulled down. It is possible that the CSI, whose duty was to reorganize the area under the *Şehremâneti*, initiated the process with reference to the imposition of masonry construction. The Paşa, on the other hand, would have seen it as an opportunity to seize Habibe Hanım's shop by making the reconstruction completely "forbidden" whether or not it were masonry. This would require some help from the Navy to prove that the construction in question was against harbor regulations, and hence, it would explain why Habibe Hanım presented her first petition to the

⁷⁸⁷ De'âvî Nezâreti.

Imperial Shipyard. What is certain regardless of how the dispute originated is that Mahmud Nedim Paşa did want to annex her shop with the help of some people from the Imperial Shipyard. However, the nature of this help is not clear, either. The answer given to Habibe Hanım's earliest petition does not absolutely confirm a full-fledged institutional collaboration since it did not reject her demand once and for all. Instead, she was told to apply to the Building Administration. We can assume that his relations with the Imperial Shipyard were only on an *ad hoc* basis at the time, rather than institutionally coordinated given the fact that he was not the Minister of the Navy yet. When Habibe Hanım presented her second petition, he was already entrenched in his new, powerful position in the Navy.

In addition to the answer of the Harbor of Istanbul, Mahmud Nedim Paşa personally wrote a note addressed to the *Şehremâneti*. He repeated the same problem, and likewise suggested the same solution. Server Efendi, however, challenged the paşa's maneuvering. Since it was the Harbor Administration that deemed the building of her shop harmful, it was their responsibility to compensate Habibe Hanım. Otherwise, it was completely legal according to the Building Administration. Mahmud Nedim Paşa wrote another note to Server Efendi. Unsurprisingly, he did not accept such a responsibility. Once more, he pointed at the original problem that the Building Administration gave her a place over the water, which was apparently contrary to the rules. Server Bey was obliged to accept, and thereupon, he found another institution to stage his battle. Was it not the Ministry of Imperial Religious Endowments who confirmed that Habibe Hanım had a plot of shop? The Building Administration gave her permission only after the confirmation of the Ministry. So, he came to the conclusion that it was the Ministry's fault, hence their responsibility. The reaction of the Ministry was straightforward: it was not their job to allocate plots in areas reorganized after fires. When Habibe Hanım's shop burnt down in the 1840s it was not them who failed to give her a new

plot. In this case, they “naturally” (*bi't-tab'î*) gave her the old place that was actually expropriated and added to the street.⁷⁸⁸ It appears that Server Bey's last attempt to pin the responsibility on another institution did not result in a decision in his favor.

⁷⁸⁸ BOA. A.} MKT. MHM. 431/64.



Figure 36: On the seashore, from right to left: the ferry quay (vapur iskelesi); Habibe Hanım's shop (yapılacak mahal); the oil quay (Yağkapanı İskelesi); and the wharf of dried fruits (Yemiş İskelesi) (Source: BOA. A.} MKT. MHM. 431/64).



Figure 37: Yemiş İskelesi (the wharf of dried fruits) (Source: İB.B. A.K. Krt_012284).

In the end, he left the matter open-ended by stating that the budget of the CSI was not enough to compensate Habibe Hanım; therefore, the issue should be referred to another institution. From the last dispatch he wrote, we also learn that he ordered the CSI to investigate the so-called harm that Habibe Hanım's grocery posed to the wharf and ferry quay. Upon his order, some members of the CSI with several engineers in their retinue investigated the matter, and they concluded that the problem could be resolved if the grocery were to be moved back a little from the sea to make it in line with the adjacent shops. Again, this was not a random decision but rather a calculated strategy since he of course knew that some of the adjacent shops belonged to Mahmud Nedim Paşa. He deliberately attempted to put his shops in the firing line, too. However, it did not yield the intended effect. The Imperial Shipyard did not accept the suggestion of the CSI. In the end, the experts of the CSI estimated the value of her shop, and it was decided that Habibe Hanım was to be given 650 piasters per *zirâ* 's, in total 27.000 piasters for 42,5 *zirâ* 's (24.4 square meters).

Unhappy with this result, Habibe Hanım presented her final petition in a last ditch effort to gain the compensation and justice she felt she was entitled. She claims in the very beginning that Mahmud Nedim Paşa wanted to buy her shop, but because she did not sell it, he was utterly “offended” (*münfa‘il*) and clearly held a veritable grudge against her. As a consequence, he first had her shop pulled down “by provoking the Imperial Shipyard”⁷⁸⁹ on the basis of a “rumor” (*şâyi‘a*) that the building of the shop was “supposedly contrary to the harbor regulation.”⁷⁹⁰ Habibe Hanım added that this was not enough for Mahmud Nedim Paşa. He also halted the reconstruction of her new shop even after she gained the permission from the Building Administration. But on what basis could he do that given the fact that he was the owner of the tobacco shop next to hers as well as a two-story coffee house built in a similar manner upon the same type of piling on precisely the same quay? Moreover, there were other shops built in similar ways. She asks: what about the big “*gazino*” (a place serving refreshments) at the Fener coast owned by İsmail Paşa, the governor of İzmit at the time, which was likewise constructed over the sea? What about the houses on the shore from Eyüp all the way to the lemon wharf as well as 40-50 other similar shops near hers? Among “all these visible examples”⁷⁹¹ only her grocery store, she argues, became the target of Mahmud Nedim Paşa’s “spitefulness” (*nefsâniyet*). By all means, she considered this “unjust treatment” (*mağdûriyet*) unacceptable in the “age of justice and equity” that she was supposed to be living.⁷⁹² She demanded the case be referred to the Supreme Council.

⁷⁸⁹ “Tersâne-i ‘Âmire’yi tahrîk ile.” BOA. A.} MKT. MHM. 431/64.

⁷⁹⁰ “güyâ limân nizâmına mugâyir olduđu.” Ibid.

⁷⁹¹ “bunca emsâli meydânda iken.” Ibid.

⁷⁹² Ibid.

The discussions that transpired as a result of Habibe Hanım's last petition hinged on the serious objections she daringly raised. Her petition stirred up another process of investigation concerning the other shops built on pilings extending from land out over the sea which were found equally deleterious to the operations of the wharf and ferry quay. Obviously, they had to be demolished, too, in a manner consistent with the idea of "justice and equity." Hence, the questions had to be answered collectively: how many shops there were; when they were built; which institutions authorized them; and whether the owners had proper documents that authorized the construction of their properties. Unfortunately, we do not have documentation answering these inquiries. But two points are nevertheless clear. One is that they found three-four shops around the quay which needed to be removed. Another is that Mahmud Nedim Paşa had indeed a two-story coffee house and a tobacco shop in the area precisely as Habibe Hanım claimed. However, when Server Efendi wrote to him to inquire about the nature of these properties, he replied that he had only "a coffee house in the form of a [ferry] station for passengers."⁷⁹³ He did not mention the tobacco shop. Furthermore, as the investigation revealed, the coffee house and the tobacco shop were built by turning the covered waiting lounge constructed "for passengers and officials to protect them from the rain" into a new form.⁷⁹⁴ So the ferry station was already there before Mahmud Nedim Paşa converted it into a shop. We also learn that some tradesmen of lemon, grain, and dried fruits presented a petition asking for the removal of these shops.

In the final decision, all these shops including Mahmud Nedim Paşa's and Habibe Hanım's were to be pulled down, and the owners were to be reimbursed only if they produced the proper title deeds. This result must not have been ideal for Habibe Hanım. Even though it

⁷⁹³ "müşterîlere mevki kılıklı kahve dükkânı." Ibid.

⁷⁹⁴ "me'mûrlar ile müşterîlerin yağmurdan muhâfazası zımında." Ibid.

might have given her a sense of justice and equity as Mahmud Nedim Paşa's shops, too, were included in the decision of demolition, she was faced with the unpleasant reality of undervaluation. The fact that she was granted an extra 3000 piasters as an act of "imperial benevolence"⁷⁹⁵ to compensate the "misery" (*sefâlet*) that she went through the proceedings was most probably not enough given her claim that one *zirâ'* of her land was worth around 1000 piasters, whereas, she was only compensated 650 piasters. Mahmud Nedim Paşa, on the other hand, was adept and powerful enough to use his connections to ensure in the end that he could annex Habibe Hanım's shop. Yet in the end, he became a victim of his own malevolence, and Habibe Hanım succeeded to reverse his schemes against him.

Altogether, is the case of Habibe Hanım an example of "speak[ing] *Tanzimat*" as defined by Petrov?⁷⁹⁶ Was she an "ordinary" subject who "learned" how to "speak *Tanzimat*"?⁷⁹⁷ Even though it is questionable how "ordinary" she was as a property-owning actor in a very commercial and lucrative area of the city, her employment of the concept of "*asr-ı ma'delet*" (the age of justice and equity) seems to confirm to the presentation of historical actors' using "the key elements of the language of the *Tanzimat* reforms" to their benefits by Petrov.⁷⁹⁸ However, without a deeper engagement in conceptual history, it would be misleading to confine the term *ma'delet* to "the language of the *Tanzimat* reforms." It is an open question how different the language that she would have 'spoken' would be if this case had taken place in previous periods. In addition, her case challenges any tendency of Ottoman historians to see the concept of equality only in religious and ethnic terms as what her example cuts through is equality in terms of class and social status.

⁷⁹⁵ "sadaka-yı seniyye." Ibid.

⁷⁹⁶ Milen V. Petrov, "Everyday Forms of Compliance," 730-759.

⁷⁹⁷ Ibid, 733.

⁷⁹⁸ Ibid, 743.

Intrigued by expropriation: property owners vs the intangible state

Some property-owning dwellers of Kürkçübaşı Süleyman Ağa neighborhood in Kumkapı, including Muslims, Armenians and Greeks, wrote a collective petition in favor of an engineer, Hamdi Efendi, on the 1th of April 1866. They wanted to get rid of the “disturbance” (*iz’âc*) that a neighbor of theirs, a grocer named Ivan, caused on the basis of his “futile” (*vâhi*) claims. As they portrayed him, Ivan was an “improper” (*uygunsuz*) and “annoying” (*harf-endâz*) person who initiated a property dispute that lasted around two years during which they went through several investigations. Against Ivan, they spoke very highly of Hamdi Efendi who, appointed by the Building Council, measured the plots in the neighborhood after the fire that happened a year ago, and reallocated them to their owners with almost perfect justice and conformity with the regulations.⁷⁹⁹ His reorganization of the plots was also approved by the institution that he worked for. Around a month later, they repeated their eulogy of the engineer in another petition with a more pronounced stress on how greatly they were contented and satisfied by him.⁸⁰⁰

They might have been very gratified, but Ivan was “overwhelmingly shocked”⁸⁰¹ by the situation that he faced when he returned back to the city. Maybe he was fortunate not to have witnessed the fire that destroyed his two shops around Kumkapı while he was away. However, his absence was probably a disadvantage for him when the land on which his shops were was given to a coal dealer. He accused officials of “having protected” (*sahâbet*) the coal dealer by

⁷⁹⁹ BOA. MVL. 494/132.

⁸⁰⁰ BOA. MVL. 877/67.

⁸⁰¹ “girdâb-ı hayrette müstağrik kalup.” BOA. MVL. 499/88.

playing “intrigue that they displayed openly.”⁸⁰² The new plot that he was given by the officials, as he argued, was not only in a less “valuable” (*şerefli*) place, but also smaller in size. He demanded his property to be restored back to its formerly auspicious location.⁸⁰³

His objection triggered a process of investigation without which the reorganization of the area after the fire would otherwise have gone quietly and smoothly. The first official response came from the Building Council, and it was against Ivan. His claim was regarded “futile” as in the petitions of some neighbors. The Council explained away the changes in the location and size through technical calculations with regard to the direction of the street, and the necessary expropriation. However, these responses did not convince Ivan. Therefore, the case was transferred to another institution, namely the Council of Roads and Bridges (*Me‘âbir Meclisi*), and underwent a new inquiry. Interestingly enough, this council was also operating at the ministries of Commerce and Public Works like the Building Council. It was a branch office of the Council of Public Works (*Meclis-i Nâfi‘a*) that was responsible for the development of agriculture, industry and infrastructure. Because the workload of the Council of Public Works was excessive covering a broad range of issues, the Council of Roads and Bridges (CRB) was founded in 1857 as a branch office to take over some of the responsibilities.⁸⁰⁴ Unfortunately, we do not know what kind of a relationship there was between this council and the Building Council. There appears to have been some overlap between the duties of these two councils, but the actual division of labor is not clear when it comes to urban planning in the capital. Nevertheless, from one of the dispatches regarding the case of Ivan, we learn that the CRB was an “appeal” (*istinâf*) institution that was in charge of resolving such conflicts like Ivan’s.⁸⁰⁵ And

⁸⁰² “açıktan eyledikleri fesâd.” Ibid.

⁸⁰³ Ibid.

⁸⁰⁴ Tekdemir, “Ticaret Nezareti,” 99-101.

⁸⁰⁵ “bu misillü husûsun istinâfına mahal ve merci‘ bulunan me‘âbir meclisi.” BOA. MVL. 482/21.

it appears to have had a superior authority as it overruled the judicial decision (*i'lâm*) of the Building Council.⁸⁰⁶ Ivan's plea for retribution was confirmed by the CRB on the basis of the building regulation which stipulated that the location of plots could not be altered during the re-planning process unless it was absolutely necessary.⁸⁰⁷ Although the second council granted Ivan the justice he sought, the case was still far from being solved.

The coal dealer, Hasan Ağa together with other two shareholders, Bekir Efendi, a surgeon in the gendarme, and Mehmed Ağa, a cart driver, reacted heavily through numerous petitions that they presented against Ivan. As a response to the decision of the CRB in favor of Ivan, they demanded the case be solved by the Supreme Council. We do not know exactly how many petitions they submitted in a two year period, but the amount of money they claim they spent on petitioning – contradictory sums that varied between 2000 and 4300 piasters in disparate petitions – is quite high.⁸⁰⁸ Their assertion was also very sharp: “Since there is no other Supreme Council in the Empire we will not stop bothering the state until the matter reaches a conclusion.”⁸⁰⁹ No matter how far they were determined to go to solve the dispute in their favor, it was a difficult period for them. They spent months disputing which only doubled the hardship and financial straits incurred from the fire. The long process of conflict itself turned into a form of “oppression” (*zulüm*) that they wanted to be protected from as they “lived in misery at the [official] gates” trying to claim justice.⁸¹⁰ However, their initial response did not target Ivan. They expressed that if there were a “mistake and fault” (*sehv ve hatâ*) it rather

⁸⁰⁶ “i'lâm-ı mezkûr [the decision of the Building Council] hükmünün feshiyle.” Ibid.

⁸⁰⁷ Ibid.

⁸⁰⁸ BOA. MVL. 513/134; BOA. MVL. 518/58.

⁸⁰⁹ “devlet-i âliyemizin başkaca bir meclis-i vâlâsı dahî olmadığından bundan böyle hitâm-ı keyfiyete kadar hâk-ı pâ-yı seniyyelerini ta'cizden dâr olmayacağımız.” BOA. MVL. 513/134.

⁸¹⁰ “kapularda sürünmek.” BOA. MVL. 502/41; BOA. MVL. 518/58.

belonged to the Building Council. What was at stake for them was the building that they had already started to construct before Ivan returned to the city.⁸¹¹

Later on in the proceedings, Hasan Ağa and his partners also brought up the issue of “*sahâbet*.” They blamed Ivan for “looking for a favor” from an official named Rüstem Efendi by “presenting some witnesses.”⁸¹² Rüstem Efendi was a member of the CRB that, as a matter of fact, decided in favor of Ivan. In return, Hasan Ağa together with his partners declared that they “have witnesses among the common dwellers as well.”⁸¹³ Even though both the Building Council and the CRB were branches of the same ministry, their decisions contradicted one another. Hence, the case was transferred to the Supreme Council as demanded by Hasan Ağa and his partners. Then, a commission was formed to investigate the matter for a third time, where two officials from each council were assigned the task under the authority of Aziz Paşa, a member of the Supreme Council. It is also important to note that Mahmud Paşa, a member of the CSI that was formed after the case of Ivan originated, also involved in the dispute. But his role seems to be limited to one of an investigator of the Supreme Council.⁸¹⁴ Otherwise, the CSI did not take over the case.

The decision of this mixed commission was somehow open-ended, so were the reactions of the disputing parties. The commission ruled that the size of the land that was allocated to Ivan was only one square meter less than what ought to be.⁸¹⁵ However, Rüstem Efendi, the official who allegedly “protected” Ivan, claimed that some part of Ivan’s original land was

⁸¹¹ BOA. MVL. 482/21

⁸¹² “bir takım şahitler bulub ve iltimâs aramakta olduğu.” BOA. MVL. 503/110; BOA. MVL. 511/10.

⁸¹³ “[bu] kullarının dahî ahâlden mütevâtiren şahitlerim olduğunun.” BOA. MVL. 503/110.

⁸¹⁴ BOA. MVL. 502/41; BOA. MVL. 503/51; BOA. MVL. 503/110; BOA. MVL. 516/28; BOA. MVL. 517/27; BOA. MVL. 508/57.

⁸¹⁵ BOA. MVL. 877/67.

given to a greengrocer who was not in the city at the moment, and it was more than one square meter. Rüstem Efendi also added that he could prove his claim when the greengrocer returned to the city. The other issue was the relocation of Ivan's plot. But, there were conflicting arguments as to the extent of this relocation. According to Ivan and the CRB, the new plot given to Ivan was in "another location" that was less valuable, whereas, according to Hasan Ağa and the witnessing dwellers, it was the "adjoining" (*ittisâl*) plot. The mixed commission decided in favor of Hasan Ağa and his partners. It seems that the properties of all parties were actually on the same spot, the boundaries of which changed after the creation of a block in the area. It also appears that what Ivan claimed back from Hasan Ağa was the expropriated part of his land that was reallocated to Hasan Ağa after the fire. But legally speaking, there was nothing wrong with this situation. The part of Ivan's land as expropriated property was legally belonged to the state before it was given to Hasan Ağa.

However, it was exactly this fluid status of expropriated lands that created the confusion and contention. What cuts deeper than the personal level of the dispute is the nature of the situation that the fire created: a temporary dispossession of owners during which expropriation rates and, if necessary, the relocation of lots were decided. One of the reasons for competing claims was the government's policy to expropriate one quarter of all plots without exception regardless of the fact it was actually needed in order to enlarge the streets. Some pieces of expropriated lands were not added to the streets, but sold by the CSI as an additional source of income for the renewal projects. But the process was open to corruption. This might partly explain one of Ivan's claims which gives away an important insight: "Many narrow shops have been widened while many big ones have been narrowed through way of *sahâbet*."⁸¹⁶ Another

⁸¹⁶ "eser-i nâzar-ı sahâbetle nice dar dükkânlar genişleyüb geniş dükkânlar daraltılıb." BOA. MVL. 503/110.

petition filed by Cevioğlu Bünyad, an owner of a yoghurt shop in the area, also points to this direction. According to his claim, some of his plot was added to next-door shops, one of which surprisingly belonged to Ivan.⁸¹⁷ And Cevioğlu Bünyad was probably right, because Ivan was to buy some land from expropriated properties, which might have belonged to Cevioğlu Bünyad before the fire. What they all seem to have negotiated is the fluidity of expropriated lands as state property during the planning period. None of this, however, overrules the possibility that what Ivan called “*sahâbet*” was in fact a state policy to balance out differences in size of the shops. If it were the case, what was the state logic behind, and what made it possible? More importantly, how was it appropriated by the officials on the ground?

What about the inhabitants of the neighborhood? Why did some of them write petitions in defense of Hamdi Efendi who carried out the initial distribution of the plots? Why did they call Ivan “improper” and “annoying”? According to the results of the investigation carried out by the mixed commission, the dwellers of the place were asked to write these petitions as witnesses. But were they also coerced into to take sides with Hamdi Efendi against Ivan? Probably not, because there was something at stake for them, too. According to the findings of the last investigation, around 230 square meters of *mîrî* property from the streets, the value of which was 80.000 piasters, was somehow trespassed by some dwellers of the neighborhood.⁸¹⁸ Their keen stress on Hamdi Efendi’s “just” conduct raises the possibility that Ivan’s objection might have divulged their trespassing; a situation that they might have feared from the very start, even though Ivan’s discontent had nothing to do with them, but with the officials. But the investigations caused by Ivan posed their offense at the end. This might be why they labelled their old neighbor Ivan as “improper” and “annoying.” Their position shows that the accusations

⁸¹⁷ BOA. MVL. 506/81.

⁸¹⁸ BOA. MVL. 877/67.

of corruption were versatile as the Armenian, Muslim and Greek dwellers of the neighborhood united their attack against Ivan across religious and ethnic boundaries when they needed in their defense of Hamdi Efendi as the ideal state official of public virtue and justice.

Although Hasan Ağa and his partners did not see Ivan as the direct respondent, they sometimes spoke derogatively of him, like the neighbors, as a “corrupted” (*müzevver*) person, maybe slightly out of being tuckered out as a result of the lengthy proceedings, but mainly because of their attempt to build on the accusations of the neighbors as a litigation strategy on the side.⁸¹⁹ Their main line of argument however lies somewhere else. It was the argument ‘We did everything by the book,’ a strategy they consistently employed throughout the proceedings. That was to say that it was not their “fault” if Ivan may have had just claims, because it was the government officials who gave them Ivan’s plot “by saying this is how the imperial regulation is,” even though they asked for their original land.⁸²⁰ Therefore, they demanded to be compensated “by those whoever was legally responsible” for the amount of money they spent in two years: 35.250 piasters for the construction costs; 20.257 for the interest they paid on that cost; 1.875 for the watchman they hired after the construction was stopped when Ivan objected; 935 for the building permit; 4.300 for the petition charges; and 6.000 for the wages of three building workers for four months; in total 68.617 piasters.⁸²¹ In other petitions, they stated that the total cost was 100.000 piasters including the additional cost of 40.000 piasters which they were prevented from profiting from their business due to the lengthy process of litigation.⁸²² It is clear in the sources that Ivan was to pay for the building if he were given back his plot as he

⁸¹⁹ BOA. MVL. 517/27.

⁸²⁰ “nizâm-ı seniyye böyle diyerek.” Ibid.

⁸²¹ “nizâmen kimlerden lâzım gelir ise.” BOA. MVL. 518/58.

⁸²² BOA. MVL. 503/51; BOA. MVL. 505/76; BOA. MVL. 511/10; BOA. MVL. 516/28.

himself also accepted. But what about the other expenses like interest, petition charges, the wages of the watchman? Who was it to reimburse for them?

The question of whether it were only Ivan whom they petitioned against is what appears more important than a simple land dispute between individual parties. Their petitions suggest that the state, in whatever capacity in this particular locality and time, was implicitly a third party in the litigation, not only in the institutional form of some councils but also as a defendant, because the state was also an actor as the owner of expropriated lands. In order to understand how the state and justice were made localized as tangible reflections we need to understand how “*sahâbet*” functions here in relation to the state’s role as a property-owning entity.

The character of the state as a property owner in the context of urban planning was temporary and abstract, whereas, the officials representing different state institutions were living persons with whom property owners entered into real relations. The underlying question is the ways in which both state officials and property owners understood this character. This is why what appears to be a property dispute between two individual parties was actually a dispute that they both had against the state. Hence, the accusations of “*sahâbet*” were operative for both parties regardless of the possibility that they actually happened. It is again this character of state ownership that created the occasion for the state officials to be corrupt who were after all people. It is difficult to say exactly what kind of institutional tensions there were between the Building Council and the CRB, and if the contradiction in their decisions were actually due to some sort of corruption. However, what seems to be clear is that the involvement of the state as an expropriating agent in urban planning projects was one of the crucial factors that shaped the practices of corruption, and it was state officials who communicated the rationality behind expropriation through different layers of society.

Epilogue

At the level of discourses, everything in this dissertation somehow boils down to honor and corruption. But why? I kept asking this question for some time. Within the context of this study, it appears that the themes of honor and corruption had an organic relation that they evoked each other almost automatically. Even though they seem to be the opposites of each other, their functions were quite similar in the processes of social justification. Morality was a discursive field of sentiments that encapsulated both economic and political aspirations. However, honor meant different things to different classes of society.

To the state, honor was connotative of loyalty, duty and professionalism within the context of the ideology of services. State officials first needed to be honorable before anything else to serve best the citizens of the Empire. The honor of the state was depended on the honor of its officials. The best official was an official who had a fear of “being dismissed from the ranks of loyalty and the exalted degree of honor and dignity.”⁸²³ The duty of the state was to dispense happiness and justice which could be succeeded only through honest, fair, merciful, and loyal officials. Corrupt officials, by contrast, were like a stain on the ‘happiness and justice-dispensing’ image of the state who rendered moral discourses empty.⁸²⁴

To the writers of political economy, honor was a theme that they employed to promote free trade. One of the core aims of political economy was to limit state interventionism to a minimum. Ottoman intellectuals justified this aim in moral terms. They presented state interventions in economy as the main source of corruption which created a “spirit of intrigue”

⁸²³ “en ziyâde havf olunacak şey rütbe-i sadâkat ve mertebe-i ‘âlîye-i nâmûs ve haysiyetden ‘azl olmasıdır.” Sadık Rıfat Paşa, *Müntehabât-ı Âsâr*, 34.

⁸²⁴ Rothschild, *Economic Sentiments*, 213.

that spread over society like an epidemic. They put moral checks on state power by fashioning an idea of civilized society in which people were honorable and industrious as free producers and consumers. Likewise, writers like Osman Nuri Ergin held the opinion that local autonomy was an antidote against corruption in city administration. Moral fictions that they produced were also the sites where they implied political demands.

For property holders, honor was something embodied in the social conventions of justice. Justice was an active process of social positioning in which historical actors constructed their subjectivity as property owners. Their references to “*hakikat*” (truth) and “*hakkaniyet*” (justice) in their petitions were shaped in the very experiences of the spatio-temporal restructuring of their social environment. Their individual responses were what rendered the abstract, normative and impersonal notions of justice and happiness less coherent within a concrete context. Local, fluid and contingent articulations of urban *tanzîmât* as seen in the examples of property owners show that the way in which the state and justice became localized was fluid and open to everyone’s bid in the making. Social understandings of justice were also shaped by the tensions between private and general interest.

What cuts through different moral fictions which embodied both spatial and temporal articulations of urban *tanzimat* in concrete terms was the concept of *şeref*. This dissertation positioned the term *şeref* in the new immediacy of the street in the built environment of the city, and treated it as a process of value creation within the context of the fiction of urban rent that the government tried to communicate through different layers of society. It is this fiction of urban rent within which I attempted to locate property as a fictitious form of capital. I presented both property and value as a social relation that was crystallized in the urgency of present

struggles over *şeref* that historical actors imagined as prospective valuation in relation to the imaginations of a better future.

This future, as envisioned by the government and the CSI, was also the moment when the Ottoman capital could be catapulted into the same present as European cities. But it entailed breaking with the practices of the past that were reflected in wooden buildings, and narrow and labyrinthine streets. However, this break was not abrupt and total, nor was it the result of a comprehensive plan to be implemented quietly and smoothly. Rather, it included many contradictions, ambiguities, opposition as well as compliance, corruption, negotiation and coercive persuasion. It was a contested relation between different actors who had uneven senses of space and time.

This research paid attention to time in order to illustrate the temporal dimensions of urban planning and relations of property. I attempted to put considerations of temporality and spatiality in a dialog that would reflect capital as “value-in-process” in the built environment of the burnt-down area in question. In that sense, spatial regularity is considered in relation to temporal regularity that would accelerate the turnover time of capital. By taking progress as a global temporal order, I presented private property as a civilizational paradigm and a regime of expectations. Such a presentation of property implies the view of capital as a process of the expansion of value which acts upon expectations from the future. The role of property rights in securing expectations was embodied in the “mediating” role of time in terms of urban investments. Property rights provided an anchor that grounded the prospects of future in the present.

I sought the material reflections of the role of property in securing expectations in mainly two developments: the changes in inheritance regulations and the changing role of waqf and *mîrî* property in credit relations. The character of these developments was temporal. The expansion of the groups of people who could inherit waqf property within the family was to encourage the investment of capital and labor in property. It was in a sense to support the act of “forward-looking valuation” on a familial basis.⁸²⁵ Likewise, in an environment like Istanbul where most of property belonged to religious endowments, the establishment of waqf as well as *mîrî* property as collateral has important implications with regard to the role of credit in balancing different rates of the turnover time of capital.

The dependence of a credit system on expectations also has a certain dimension of economic morality in the sense of credibility. I explored the question of morality in the economic literature of the period where honor itself took a form of property. That labor is the source of all wealth was essentially a critique of the landed aristocracy as a non-productive class by classical political economists.⁸²⁶ It is within this critique that European political economists gave a “transhistorical” and abstract character to the categories of labor and wealth. Ottoman intellectuals who appropriated European economic literature took productivity as a measure of credibility and social standing. What tied the relations between time, happiness and morality in their eyes was the question of productivity.

The nineteenth century was perhaps a period when the ideas of a golden age were increasingly replaced with those of a golden future. This dissertation argued that a discourse of security in property rights was at the core of the forward-looking nature of reforms. According

⁸²⁵ Levy, “Capital as Process,” 1.

⁸²⁶ Postone, *Time, Labor, and Social Domination*, 64.

to Ottoman intellectuals, productivity was depended on the degree of security and certainty in property rights that would motivate people to form expectations. They took the right of property as a control over the products of one's labor. But their normative conceptions like their European counterparts concealed "experience" by expectation.

This dissertation explored the field of experience in the petitions of property owners. One of the lines of contention in which experiences were constructed was between private and general interest. I tried to locate the tensions between private and general interest within the context of urban *tanzimat* as a process of the adjustment of sacrifices to the benefits. These tensions were contained in the fact that sacrifices were made privately, whereas, benefits were general. Happiness and justice were increasingly identified with the general interests of society rather than individual experiences. In other words, the general interest was an abstract form of domination which determined the frame of both private interest and the ideology of services. The historiographical manifestation of this is the ignorance of petitioning as a form of local participation, because petitioners as petty owners have not been taken as actors who would compose a civil society.

Altogether, this study contributes to the literature by expanding our understanding of property from a material thing to a social relation. Property as a social relation is open to everyone's bid in the making of an urban environment where politics of location and value was played out around the concept of *şeref*. Streets as commodities and *şeref* as an expression of value were social forms that constituted capitalist modernity with all the contradictions between experience and expectation; private and general interest; sacrifices and benefits; and between depreciation and appreciation. The dissertation also contributes to our knowledge of a period in Ottoman history known as the *Tanzîmât* era by suggesting insights into the spatio-temporal

dimensions of nineteenth-century reforms. Instead of taking space and time as ‘homogenous, empty matrices’ upon which urban reforms could be implemented, it rather presented urban *tanzîmât* as a social process of abstraction of time and space.

Even though considerable attention is paid to the linguistic world of urban *tanzîmât*, this research is not a piece of conceptual history. However, it is my hope that it would provide a suggestive point from which the study of historical experiences and discourses in conceptual terms through time and space would be taken up by historians. It has been shown that terms like *şeref* bind a variety of meanings some of which now sound surprising to us. *Şeref* was a concept that made moral, economic and political dynamics into coherent narratives from which we can grasp the fictitious character of property. In line with Harvey’s warning that “Fictitious capitals are, after all, fictitious,” it looks promising to pay attention to the mediating role of concepts in the construction of social realities.⁸²⁷

Furthermore, this study can be complemented visually through the reproduction of historical maps of the Istanbul peninsula. Big data series like cadastral surveys could be used to make analytical maps through the application of technologies, such as geographic information systems (GIS). This would provide a more holistic context within which this research could be better situated and tested in empirical terms. It would also give ideas about the patterns of ownership; gender, ethnic and religious lines of property relations; taxation; and the urban fabric of the city.

⁸²⁷ Harvey, *The Limits to Capital*, 397.

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İ.DH: İrade-i Dahiliye
 İ. MVL: İrade-i Meclis-i Vala
 İ. MMS: İrade-i Meclis-i Mahsus
 A.}AMD: Sadaret Amedi Kalemi Evrakı
 MVL: Meclis-i Vala
 A.} MKT. MHM: Sadaret Mühimme Kalemi Evrakı
 ŞD: Şura-yı Devlet
 A.DVN: Sadaret Divan Kalemi Evrakı
 Y.MTV: Yıldız Mütenevvi Maruzat
 Y.PRK.MŞ: Yıldız Meşihat Dairesi Maruzatı
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