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From *Kadı* to *Naib*: Reorganization of the Ottoman Sharia Judiciary in the Tanzimat Period

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Historians dealing with the sharia courts in the late Ottoman Empire have long been aware of the fact that it was always the *naib*, not the *kadı* (qadi), who presided over the court.¹ ‘*Naib*’ literally means a deputy *kadı*. Why then was the sharia judge in the late Ottoman period generally called *naib*? This paper focuses on the process of the shift in the title of judges during the Tanzimat period: from that of *kadı* to *naib*. But it was not merely the title that changed. This shift was in fact a replacement of one system by a new one and represents an extensive reorganization of the sharia judiciary under the Tanzimat. So far the development of the *naib*ship system has not been examined. Research on the nineteenth-century Ottoman *ulema*² usually paid little attention to the institutional aspect and studies on the Tanzimat reforms have had little interest in what happened to the ‘traditional’ sharia courts. It is true that the Ottoman sharia courts in the nineteenth century were overshadowed by the enactment of a series of secular legal codes and the formation of a new secular court system, which eventually reduced the scope of the sharia jurisdiction more or less to matters concerning personal status and *waqf*. However, the Ottoman judicial reforms comprised from the beginning the reorganization of the institution of the sharia court and judiciary, which profoundly affected the whole hierarchy of the *ulema*, as well as the daily practice of local sharia courts. Recent studies using the sharia court registers are more concerned with how individuals managed to use the court and how the court dispensed justice, thus turning to the examination of the way the court records reconstructed the ‘reality’. This trend necessitates more careful attention to the institutional background against which the court records were produced. The diversity of court practice over time and space is also brought into focus in this context.³ Changes during the nineteenth century are no doubt especially significant in the history of the Ottoman sharia court. The purpose of this paper is to illustrate the reorganization of the sharia judiciary in the Tanzimat period and also to examine the underlying logic of the reforms.

Naibs in the Pre-Tanzimat Period

The main characteristic of the Ottoman sharia judiciary was the integration of the kadıs' offices into the Empire's ruling institutions and its hierarchical organization. This organization was established during the mid-sixteenth century, and developed through the following centuries. As a precondition for understanding the reforms, the situation of the Ottoman sharia judiciary in the late eighteenth and early nineteenth centuries must be understood, since naibs were already prevalent by that period.⁴

There were two types of the kadiship: *mansıb* and *mevleviyet*. Most of the offices of the kadı (sing., *kaza*, which also meant the district under kadı's jurisdiction) were in the former category. Mansıbs were divided into three according to geographic area (Rumeli, Anadolu and Mısır⁵) with each line organized into a hierarchical order. These career lines were collectively called 'the hierarchy of kadiship' (*tarik-i kaza*). Kadıs of the mansıbs in Rumeli were appointed by the *Kazasker* of Rumeli and those in Anadolu and Mısır by the *Kazasker* of Anadolu.

Mevleviyet, which meant the office of the *molla* (senior judge), was a kadiship of the Empire's main cities. Cities such as Edirne, Bursa, Damascus or Jerusalem were included in this category.⁶ These offices were given only to those ascending from the career line of the professorship (*müdürrislik*) in Istanbul. Above the *mevleviyets* came the kadiships of Mecca and Medina, the kadiship of Istanbul, the offices of two *Kazaskers*, and finally the office of *Şeyhülislam*. This hierarchy beginning from the professorships to the *Şeyhülislam* at the top, was called 'the hierarchy of professorship' (*tarik-i tedris*). It was the *Şeyhülislam* who had the authority to appoint the *mollas*.

The two hierarchies, of kadiship and professorship, constituted the two pillars of the *ilmiye* hierarchy. The actual operation of the system was, however, not so simple. The kadıs often delegated their duties to deputies and they themselves did not actually serve as judges. This phenomenon could be explained through the existence of two factors: the fee-collection system and the increase in the number of candidates for kadiships.

Judges were not salaried. They earned their income from court fees collected in return for their legal, notarial and administrative services. The post of judgeship could bring in large profits so long as the judge tried to collect as much fees as possible during his tenure. The authority of the kadı to collect fees facilitated the transfer of this right to another person, just as in tax farming.

The lucrateness of kadiships attracted many *ulema* to this profession, which eventually led to the over-abundance of candidates. In fact, an elaborate and strict hierarchy of judgeship was

originally developed to control the number of candidates and impose order on the distribution of the right to collect fees. The short tenure ranging from one to two years was a device to prevent one person from monopolizing the office, and to provide as many candidates as possible with equal opportunities.⁷ But excessive competition led to abuses such as bribery and favouritism on the one hand, and led to the domination of several prominent ulema families of the higher offices of the *ilmiye* hierarchy, on the other. Since vested interests of members of the *ilmiye* hierarchy could not be easily infringed, even unqualified ulema would retain their offices. This situation necessitated the delegation of their duties to deputy judges.

Especially serious were the problems in the hierarchy of kadiship. The foremost among them was overpopulation. It was said that there were 5,000 to 6,000 members belonging to the hierarchy of kadiship during the reign of Selim III,⁸ despite the number of kadiship posts in the whole Empire being around one thousand at most. According to a firman of Selim III, many 'incompetent' (*na-ehl*) individuals infiltrated into the hierarchy through favouritism, personal connections and bribery, or by taking the place of dead kadis.⁹ It was also said that many personal followers or servants of certain high-ranking ulema had acquired the membership of the hierarchy through their favour,¹⁰ certainly not all of whom were qualified. Many of them sent naibs to their places of duty.

The inflation in the number of judges resulted in other consequences. Candidates had to wait a long time before they were appointed. While on the waiting list, they were allowed to serve as a naib at the sharia court, a measure to enable them to make a living. The hierarchy of professorship was also oversized and many stayed for a long period in the offices of the lower professorships. The naibship was a remunerative occupation for lower-ranking professors who were seeking an additional income.¹¹ In consequence, we can find many naibs holding the title of *kadı* or *müderriş*.

Some of the characteristics of the Ottoman sharia judiciary explained above were most obvious in the practice of *arpalık*, which was a nominal judgeship given as a stipend to the holders of honorary ranks.¹² In principle, judges of the *mevleviyet* posts (*mollas*) as well as kadis of Mecca, Medina and Istanbul assumed their original duties. However, due to the inflation in the number of applicants at every level of professorship and *mevleviyet*, honorary ranks (sing., *paye-i mücerred*) of the *mevleviyets* and other higher judge posts were created for candidates. To provide the holders of honorary ranks with income, they were granted judgeships as *arpalıks*. The holders of these judgeships would farm out their duties to naibs so that they could receive their income from court fees

collected by the naibs. In the same manner, judgeships known as *maişet* were given to high-ranking professors to supplement their incomes.

Another type of naib was found in *nahiyes* or sub-districts under the kazas. The judges of kazas sent their naibs to the nahiyes under their jurisdiction. In fact, the problem of naibs in the sixteenth century concerned this type of naibs.¹³ But later, larger kazas such as provincial centres absorbed neighbouring smaller kazas relegating them to nahiye status, so that judges of the larger kazas would appoint naibs to the adjacent kazas, which allowed them to transfer the income of these smaller kazas to themselves. This kind of annexation was more widespread in the provinces farther from the centre. For example, Nablus, itself a large town and administratively a sancak (region or sub-province), was a nahiye of Jerusalem in the *ilmiye* terminology, that is, the kadı (*molla*) of Jerusalem appointed his naib to Nablus.¹⁴

Overall, the influx of the number of candidates, the existence of unqualified kadı title-holders, the assignment of arpalıks and the integration of smaller kazas into the larger ones all contributed to the proliferation of naib appointments, which entailed two main problems: First, since naibs were appointed by kadıs themselves (or arpalık holders), the centre could not check the qualifications of naibs. Second, since naibs had to pay the kadıs, they usually tried to collect as much as possible in fees and thus they tended to abuse their office.

Selim III issued several firmans to prohibit kadıs from delegating their duties to naibs.¹⁵ But since the decrees allowed sick and aged kadıs to appoint naibs, they seemed to have little effect. Later Mahmud II was more concerned about the issue of court fees and the appointment of proper naibs.¹⁶ The *İlmiye Penal Code* enacted in 1838 dealt mainly with the naib problem.¹⁷ It tried to determine the qualifications of naibs, and officially approved the delegation of judgeship to naibs regardless of kadıs' condition.

The Early-Tanzimat Period

Immediately after the promulgation of the *Gülhane Rescript* in November 1839, the reorganization of the sharia judiciary was undertaken as part of the Tanzimat reforms in the provincial administration and the tax system. Just as the initial reform projects of the Tanzimat resulted in failure in the first two years, the attempt to pay salaries to naibs was also unsuccessful mainly because of the financial crisis.¹⁸

But it did not mean a total reversion to the pre-Tanzimat practice. The most important result of the judiciary reforms during these years

was the separation of naibs from kadıs. Naibs were no longer dependent on kadıs in the sense that they did not need to pay monthly to kadıs, who would now receive pensions from the state¹⁹ and that naibs would not be appointed by kadıs. It became a principle that the appointment of naibs should be administered by the Şeyhülislam.²⁰

In actual practice, the nomination of naibs was determined by informal personal relationships and by one's position in the patrimonial ilmiye hierarchy. Reputation among the elite ulema circles in Istanbul was a main criterion of appointment. '*Ma'lumü'l-ebliye*' ('whose competence is known') or '*ebliyeti ve haysiyeti nümayan*' ('whose competence and dignity is evident') was a common phrase used by the Şeyhülislam.²¹ Holding a rank of the ilmiye itself meant that he was known and competent. On the contrary, the phrase '*mecbulü'l-abval*' ('whose quality is unknown') was usually associated with incompetence and abuse.²² On the other hand, especially for naib posts in the remote provinces for which applicants usually did not appear in the capital, personal relationships with the provincial governors or reputation among the provincial notables was important. The İlmiye Penal Code of 1838 had laid down the examination requirement for those applicants whose quality was unknown.²³ Several archival documents indicate the implementation of this rule, although it is not clear whether it was applied regularly.²⁴ It seems that the examination was only one of the criteria for the nomination of judges.

Altogether, a regular system of naib appointment did not exist. The Şeyhülislam Ârif Hikmet Beyefendi (1846-54) seemed frustrated at the lack of information about the naibs when it became obvious that the corruption of naibs concerning court fees continued to be a serious problem. On one occasion when the unlawful charge of court fees by a naib again came to light in 1848, the Şeyhülislam proposed that naibs with unknown competence should find sureties (*küfelâ*) on their appointment.²⁵ He openly admitted that the unknown naibs infiltrated into the judiciary and he attributed all the troubles to them. Presumably they were without rank, that is, outside the ilmiye hierarchy and most probably coming from the provinces to the capital seeking posts. However, Ârif Hikmet Beyefendi's proposal about the surety never materialized.

The Reforms of 1855

An Order of 1855

The next Şeyhülislam Meşrebzade Mehmed Arif Efendi (1854-8), a leading member of the reformist ulema, launched a series of reforms

in the sharia judiciary. In April 1855 an order was issued concerning the conduct and fees of kadıs and naibs,²⁶ which mentioned the question of excessive fee collection in the preamble and pointed to two reasons for the problem. First, the order acknowledged that most of the corrupt judges were judges of nahiyes whose posts were farmed out (*iltizam*) by the judges of larger kazas. They purportedly committed unlawful acts in order to collect the sum they owed. The second reason was that since some of the naibs were appointed directly by the holders of mansıb and maişet, these 'unknown' naibs were apt to charge illegal fees. Here again, being unknown is associated with injustice.

As regards the first point, the order stipulated that the judge of a kaza should not farm out the judgeship of a nahiye at a fixed price but should appoint by way of 'trust' (*emanet*), leaving to the naib one fourth, one third or a half of the net amount of the court revenue. As for the second problem, the order prescribed that the appointment letters should be given to naibs not by the original holders of mansıb or maişet, but by the Kazaskers of Rumeli and Anadolu. By this measure, naibs were to be formally appointed by Kazaskers and thus nominal title-holders were officially excluded from the appointment procedure. Its implementation can be seen in appointment letters recorded in the sharia court registers. Appointment letters after 1855 were written in the name of the Kazasker, whereas previously they were usually sent by the original title-holders.²⁷

The Regulations for Naibship of 1855

A more serious step towards the reorganization of the sharia judiciary was taken by the regulations for naibship²⁸ which passed the new reform organ *Meclis-i Tanzimat* in April 1855 together with the regulations for kadıship.²⁹

The main point of the regulations for naibship of 1855 was the introduction of the five-grade system to the naibship. In this system, judges as well as judicial posts were arranged into five categories and the judge would be appointed (in principle) only to the post corresponding to his grade (*sınıf*) (art. 1). The posts of judges were classified according to the importance and scale of each kaza (art. 4). Edirne, Selanik, and İzmir, for example, became first grade kazas. For the categorization of the judges, rank, reputation and the results of examination constituted the main criteria. High-ranking judges would be given the first grade automatically. Along with judges of lower ranks in the hierarchy of professorship (*mevali-i devriye* and *müderresin*), judges who had higher ranks in the hierarchy of kadıship and whose qualifications were well known would be granted the

second grade. Those who held the ranks of *mevleviyet* or *müderriş* but having no experience of actual service could attain the third grade after passing the examination (art. 2). Judges without ranks were obliged to take examinations to acquire the *naibship* grades (art. 11). Article 11 of the regulations applied a strict selection criterion to those *naibs* of an unknown quality. Whereas *naibs* holding *ilmiye* ranks were treated favourably, the regulations were severe to *naibs* without ranks. Even if they had certificates (*tezkiyeleler*) for judgeships, these documents were deemed suspicious. *Naibs* who had already taken an examination and thus got certificates should take the examination again to get the *naibship* grades. To conduct examinations and arrange the appointment of judges, the Committee for Selection of Sharia Judges (*Meclis-i İntibab-ı Hükkâmü's-Şer'*) was created in the Şeyhülislam's Office.

While experienced judges might possibly be weeded out through strict examinations, a new way for recruiting judges was intended to be a formal apprenticeship in the courts in Istanbul, which the Şeyhülislam's Office could keep under its control. According to article 12, a new candidate should do his apprenticeship in one of the courts in Istanbul serving as a court scribe until getting the certificate to be admitted in the examination. But this project soon turned out to be unrealistic because of a shortage of the scribal posts. Then a school for training judges called *Mu'allimhane-i Nüvvab* was created in Istanbul in August 1855.³⁰ Graduates of this school would be granted the third to fifth grades of *naibship* upon graduation. Thus the Şeyhülislam, while applying a strict selection criterion to experienced judges, adopted a new recruitment policy based on a merit system in which judges were to be trained in the professional school administered by his office. Whereas judges with *ilmiye* ranks continued to be treated favourably, the introduction of the grade system nonetheless laid the foundation for a rational appointment system based on grade and not on rank. In other words, the élite *ulema*, confronted with challenges from the outside, aimed to defend the privileged status of their organization by redefining the membership.

The creation of the grade system was highly significant, because it was a new order different from the existent *ilmiye* hierarchy and special to the *naibship*, promoting it to an official and independent institution. This arrangement was in a sense an official declaration of the replacement of *kadıship* by *naibship*. The regulations for *naibship* of 1855 allowed original holders of *mansıbs* in the hierarchy of *kadıship* to actually serve in their own *kazas*, but only on conditions stipulated in the 6th article of the regulations, the inclusion of which suggests that the actual services by *kadis* themselves were unusual. Exceptionally, ten *mevleviyet* posts (Cairo,

Damascus, Jerusalem, Aleppo, Kurdistan [Van], Trabzon, Crete, Baghdad, Tripoli of Libya, Beirut) besides the kadıships of Istanbul, Mecca and Medina were reserved for the original title-holders (mollas or kadıs).³¹ To all the other judge posts including several *mevleviyet* posts (Edirne, Bursa, etc.), naibs were appointed in principle.

Nominal Kadıship

One may wonder why the Ottomans did not try to restore the kadıship to its original function. This is mainly because the state was not willing to infringe the vested interests of the kadı title-holders. Restructuring of the kadıship would have necessitated the dismissal of many ulema who depended on the revenue accruing from their titles. The Ottoman bureaucracy preferred to leave the kadı system untouched and instead built a new institution of naibship.

The kadıship survived, but it eventually became a nominal institution, composed of title-holders receiving monthly stipends. The 1855 regulations of mansıbs in the hierarchy of kadıship³² only articulated the appointment procedures in detail but were not concerned with the duties of appointees. Registers in the Meşihat Archives of the Istanbul Mufti's Office reveal that later in the 1870s only those who had little or no other income could hold the nominal kadı titles to receive their stipend. For example, a *hizmetkâr* (servant) Selim Efendi was entitled to the Harput kazası (nominal kadıship of Harput),³³ while a certain es-Seyyid Mustafa Salim Efendi was deprived of his title of 'kadı' because he was a clerk in a government office (*tarik-i kalemiyede müstahdem*).³⁴ Most probably their own occupations had nothing to do with judgeship.

Bereketzade İsmail Hakkı, a medrese student in the 1860s attests that it was medrese students who were the main beneficiaries of the nominal kadıship. In a sense, the kadıship became a kind of fellowship for medrese students.

This was a nominal hierarchy of kadıship, in which nominal *kazas* were assigned to those who entered the career (*tarik*) once in every one or two years by seniority and by fortune as far as I remembered. The first assigned *kaza* [would bring in] a twelve-month [stipend], and the *kazas* assigned next and much later [would bring in] stipends continuing for eighteen months. At the beginning of the career, stipends were very little but as one attained seniority the amount of stipend rose higher and higher.... As is evident from my remarks here, the kadıship of the *tarik* [-i *kaza*] was in itself not such a significant thing. Students, however, deemed it very important because they

would enter an intelligence competition (*zekâ yarışı*) in the examinations and thus it increased their eagerness rather than hampered [their] study...³⁵

We can find in the personnel records of the late Ottoman ulema examples of naibs who entered the hierarchy of kadiship in their student years. As Bereketzade İsmail Hakkı said, the amount of the first stipend was as small as 29 or 30 *guruş*. It usually ended up with 100 to 200 *guruş*.³⁶ The highest amount seen in the records was 480 *guruş*,³⁷ but it was exceptional. The value of these stipends was very low if we compare with the salaries of fifth-grade naibs after the provincial reform (about 500 to 1500 *guruş*).

With restricted membership and the small amount of stipends, the hierarchy of kadiship lost its importance. In the end, when the old regime was dissolved in 1908, the new government pursuing a rational system should have seen no value in the existence of this nominal kadı system. In March 1909, the hierarchy of kadiship was officially abolished and kadıs disappeared both nominally and virtually.³⁸

Limited Centralization

As mentioned above, the reorganization of naibship in 1855 established the grade system and centralized the appointment procedure. The reformed personnel administration was visible in two registers of naibs, of Rumeli and Anadolu, found in the Meşihat Archives.³⁹ These registers covering the period from 1855 to the early 1870s, list names and appointment dates of naibs under the heading of each kaza. Kazas are arranged in alphabetical order after the five-grade classification. From these registers we can see not only the achievements of the reforms but also their limitations. The registers do not contain records of significant numbers of kazas belonging to the Arab and Southeast Anatolian provinces. Not only tiny kazas, but some administrative centres of sancaks such as Nablus, Sulaimaniya or Mardin are also absent. This under-representation means that these kazas remained outside the control of the Şeyhülislam's Office. Naibs of these kazas were appointed by the judges of central kazas to which they were attached as nahiyes.

In fact this situation had practical reasons, since the Şeyhülislam's Office often had a great difficulty in finding judges for the posts of smaller kazas in the remote regions. In the naib registers, notes such as 'as there is no naib of the grade who would go [to the post]' (*sınıfta gider naib bulunmadığından*) appear repeatedly. In such cases a naib 'outside the grade' (*sınıfta gayri dahil*) would be appointed. In other cases, judges were selected from among the ulema originating or

living in the kaza in question (*yerli, ol tarafta sakin*), even though there was a customary rule of avoiding the appointment of locals.⁴⁰ There were also cases where provincial governors or local administrative councils requested the appointment of their candidates by official letters. Since these kazas were not expected to yield sufficient revenues to make up for the travel and living expenses, and because of a basic principle of appointment on application, few naibs would wish to go to such places. For example, in Palu (near Harput) Hüseyin Hamid Efendi, a former naib of Palu, returned to the post in January 1854 at the request of the local administrator and the local council. After serving in Palu for more than four years, he was dismissed on the ground that he was a local and had stayed in office longer than the prescribed period (two years). But as there was no applicant holding the grade, an Ali Rıza Efendi, again from the local inhabitants and without the naibship grade was appointed in May 1858. Then in November of the same year, a complaint was brought against Ali Rıza, and the local administrator and the local council again requested the appointment of Hüseyin Hamdi, who was living there. But this time, before the appointment letter for Hüseyin Hamdi arrived in Palu an applicant with the naibship grade appeared in Istanbul and eventually he became the naib of Palu.⁴¹

The Şeyhülislam was aware of these circumstances. In July 1855 in his report to the Grand Vizier,⁴² using a familiar cliché he lamented that these provincially nominated judges were 'unknown' and therefore incompetent. Then he proposed the application of an examination in each provincial centre to nominate the judges for nahiyes or smaller kazas in each province. Examination in the provinces was implemented at least in some places.⁴³

Provincial Reform and the Establishment of Naibship

Integration of the Judicial System into the Provincial System

As the judicial system was an essential part of the provincial administration, it was the provincial reforms beginning in 1864 that brought more fundamental changes to the sharia judiciary. Whereas the reforms in 1855 were carried out on the initiative of the Şeyhülislam's Office, these series of reforms were initiated by the Sublime Porte.

The provincial reforms were first undertaken in the Tuna province (with the capital in Rusçuk [Ruse]) in 1864 under the governorship of the famous Midhat Pasha. In the following years the new administrative system was extended to most of the provinces in the Empire.⁴⁴ The Provincial Reform Law⁴⁵ was intended to lay a centralized and uniform administrative system over the Empire,

reorganizing provincial units into three hierarchical levels: *vilayet* (province), *sancak/liva* (region) and *kaza* (district). Accordingly, each of the administrative units would have one sharia court with a sharia judge appointed by the centre. Naibs nominated by the Şeyhülislam would preside over the kaza and sancak courts. (In actual practice, they were nominated by the Committee for Selection of Sharia Judges and appointed in the name of the Kazasker of Rumeli or Anadolu). To the centre of each vilayet, the inspector of judges (*müfettiş-i hükkâm*) would be nominated by the Şeyhülislam and appointed by the Sultan. The inspector of judges would check the decisions of the sharia courts in the vilayet, supervise the conduct of naibs under his jurisdiction and at the same time hear cases at the sharia court of the provincial centre in his capacity as the sharia judge.⁴⁶ Thus the law integrated the judicial institution into the provincial administration system. Before, the hierarchy of the sharia judiciary had not corresponded to that of local administration. For an extreme example, the naib of Muş in the province of Erzurum, had been appointed by the molla of Kurdistan, that is the judge of Van, which was the centre of another province.⁴⁷ By the implementation of the Provincial Reform Law this kind of inconsistency disappeared and judges of all the kazas in the Empire began to be officially appointed directly from Istanbul, although certainly not all the naibs were sent from Istanbul but still nominated in the provincial centres to be approved by the Şeyhülislam's Office.⁴⁸

Another important innovation the provincial reform introduced to the sharia judiciary was the salary system.⁴⁹ Salaries were assigned to the judges of kaza level and above, according to the grade of the judicial post. The introduction of the salary system enabled the government to get hold of the court revenues and it expected that this would prevent corruption in the collection of fees.

Creation of the Nizamiye Court System

The scope of the provincial reform encompassed a much wider design, which actually transformed the Ottoman judicial system fundamentally. The organization of secular courts called *mahakim-i nizamiye* was created to hear cases according to state law, apart from the existing sharia courts.⁵⁰ In this new order, sharia judges assumed a new duty: the office of the chief judge of the secular court. The inspector of judges would serve as the chief judge of the high court (*divan-ı temyiz*) in the provincial centre and the provincial criminal court (*meclis-i cinayet*). The naibs of sancaks and kazas would also serve as the chief judges of the new secular courts (*meclis-i temyiz* and *meclis-i de'avi* respectively).

The establishment of the nizamiye court system was an important part of provincial reform. The official statement⁵¹ published on the occasion of the promulgation of the Provincial Reform Law, stated that the confusion in the local administrative councils had been caused by the fact that administrative, civil and criminal cases were all discussed in the same place. It was to avoid this confusion, the statement follows, that the administrative and judicial functions of the local councils should be separated. To this end, the judicial function became independent of the duties of the local councils and was taken over by these new courts. This new court was to consist of one chief judge and a certain number of members elected from among the local population both muslim and non-muslim.

As mentioned above, the chief judge of the new court was the judge of the sharia court. But this arrangement is conceivable when one considers that the secular court was developed from the local council, in which the sharia judge had been performing judicial services as its *ex officio* member. Therefore the existence of a sharia-cum-secular judge was not a mere expedient in the transitional period but a natural form extended from long experience in the local council.⁵²

Establishment of the Naib System

The provincial reforms beginning in 1864 underwent several modifications. In the judicial sphere, first in June 1869, due to the overload of the inspector of judges, another naib called *merkez naibi* was appointed to the provincial centre to serve as the judge of the sharia court and the chief judge of the higher court of the central sancak.⁵³ As usual in Ottoman reform attempts, financial problem restricted the achievement of the judicial reorganization project. Salaries were cut at least twice between 1866 and 1872.⁵⁴

In November 1871, to reduce the financial burden, the offices of the inspector of judges and the merkez naibi in the provincial centre were abolished and replaced by the single office of the naib called *merkez-i liva naibi* (later renamed *vilayet merkez naibi*).⁵⁵ At this stage, a universal system of naibship was finally established. This meant that to every sharia court in each vilayet, sancak and kaza a naib would be appointed by the Şeyhülislam's Office.⁵⁶ Only five judicial offices were exceptions: three kadiships in Istanbul (Istanbul, Galata and Eyüp), two kadiships of the holy cities of Mecca and Medina, and the kadiship of Cairo.

As seen above, the system of naibship was a by-product of the provincial reform. The reform established a centralized judicial organization, in which one sharia court and one secular court were set up in each administrative unit in parallel, and one judge was

appointed by the centre to preside over both of the courts. The Sublime Porte at first seems to have intended to be involved in the appointment of all the judges.⁵⁷ But in consequence, after the abolition of the office of the inspector of judges, the authority to appoint all the judges at the kaza level and above was concentrated in the Şeyhülislam's Office.⁵⁸

Now the Şeyhülislam's Office would administer the appointment of naibs according to grade. One effect of this can be seen in the case of mevleviyet. As a result of the establishment of the naib system, all the mevleviyet posts except Galata, Eyüp and Cairo ceased to be actual judge posts. Since the mevleviyet posts were integrated in the ilmiye hierarchy, kadıs (mollas) had been appointed to these offices according to seniority in the hierarchy for a term of one year. But after the extension of the naib system to these posts (Damascus, Jerusalem and others mentioned above), appointments began to be made not according to rank, but to grade, which was unique to, and the basis of, the naibship.

Conclusion

The Ottoman efforts to cope with the disorganization of the sharia judiciary resulted in the transition from kadıship to naibship in 1871. The establishment of the naib system achieved the Şeyhülislam's direct administration over the whole sharia judiciary. Under the new system, the naib became the judge of both the sharia and the new secular courts. But during the following decades the naib's position as the judge of the secular court would face continuing challenges from the Ministry of Justice.⁵⁹ The new law for the nizamiye court system of 1879 divided the courts at the vilayet and sancak levels into civil and criminal sections and in consequence the Ministry of Justice began to appoint judges of the criminal courts directly. The law also introduced the new procedure of recruitment and appointment of nizamiye court judges. While it was never fully realized, the law provided that an official from the Ministry of Justice should be present at the Committee for Selection of the Sharia Judges to check the naibs' qualifications for serving at the nizamiye courts.⁶⁰ In spite of these pressures, the naibs' double role continued until the end of the Empire.⁶¹

The reorganization of the sharia judiciary also brought about a change in the character of the naibs. In the preceding period, naibs had always run the risk of failure in recouping their expenses with court fees. Because of this, holding the office of naib involved a certain degree of speculation. At the same time, their appointment had been highly dependent upon personal connections. But after the salary and grade systems were introduced to the naibship as a result

of the reforms, naibs began to resemble modern civil officials. A new identity as a professional group gradually grew among the naibs, and this probably prepared the ground for the revival of their title in 1913: back from naib to kadi.⁶²

Notes

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¹ See, e.g., *Encyclopaedia of Islam*, new ed. (hereafter cited as *EP*), s.v. 'Mahkama, 2. The Ottoman Era,' by H. İnalcık and C. V. Findley, 6:6.

² In fact not many studies have been done on the Ottoman ulema during the Tanzimat period. See for example, David Kushner, 'The Place of the Ulema in the Ottoman Empire During the Age of Reform (1839-1918),' *Turica* 29 (1987), 51-74; Richard L. Chambers, 'The Ottoman Ulema and the Tanzimat,' in *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East since 1500*, ed. Nikki R. Keddie (Berkeley: Univ. of California Press, 1972), 33-46.

³ I am thinking here of the works of Iris Agmon, Beshara Doumani, Boğaç A. Ergene, Leslie Peirce and Najwa Al-Qattan, to name only a few. Especially relevant here is Iris Agmon's study on the family and the court in late Ottoman Haifa and Jaffa, in which she examines the implementation of the judicial reforms in the provinces. See Iris Agmon, 'Text, Court, and Family in Late-Nineteenth-Century Palestine,' in *Family History in the Middle East: Household, Property, and Gender*, ed. Beshara Doumani (Albany: State University of New York Press, 2003), 201-28; idem, 'Social Biography of a Late Ottoman *Shari'a* Judge,' *New Perspectives on Turkey*, Spring 2004 (forthcoming).

⁴ For the general description of the Ottoman *ilmiye* hierarchy, see İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin İlmiye Teşkilâtı* (Ankara: TTK, 1965); *EP*, s.v. 'İlmiyye,' by U. Heyd and E. Kuran, 3: 1152-1154; Madeline C. Zilfi, 'Elite Circulation in the Ottoman Empire: Great Mollas of the Eighteenth Century,' *Journal of Economic and Social History of the Orient* 26 (1983), 318-64. Especially for the classical Ottoman sharia judiciary, see also İlber Ortaylı, *Hukuk ve İdare Adamı Olarak Osmanlı Devletinde Kadı* (Ankara: Turhan, 1994); Feda Şamil Arık, 'Osmanlılar'da Kadılık Müessesesi,' *OTAM* 8 (1997), 1-72.

⁵ Since Egypt achieved *de facto* independence from the Ottoman Empire in the 19th century, judges in Egypt are outside the scope of this article. For the sharia judiciary in Ottoman Egypt, see Galal H. El-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century* (Minneapolis and Chicago: Bibliotheca Islamica, 1979), 12-17; Nelly Hanna, 'The Administration of Courts in Ottoman Cairo,' in *The State and its Servants: Administration in Egypt from Ottoman Times to the Present*, ed. Nelly Hanna (Cairo: The American Univ. of Cairo Press, 1995), 44-59; A. Chris Eccel, *Egypt, Islam, and Social Change: Al-Azhar in Conflict and Accommodation* (Berlin: Klaus Schwarz Verlag, 1984), 20-3, 78-93.

⁶ There was another branch of *mevleviyet* called *devriye mevleviyetleri*, which included the kadiships of Bosna, Baghdad, Diyarbakır and others. In principle, only those who came through the posts of (titular) professorships in Bursa and Edirne were

appointed to these offices and they would not be promoted to the main mevleviyet posts.

⁷ It also had an object to prevent judges from getting rooted in local societies. See Halil İnalçık, 'Risiznâme Registers of the *Kadıasker* of Rumeli as Preserved in the Istanbul Müftülük Archives,' *Turcica* 20 (1988), 264; idem, 'Centralization and Decentralization in Ottoman Administration', in *Studies in Eighteenth Century Islamic History*, ed. Thomas Naff and Roger Owen (Carbondale and Edwardsville: Southern Illinois Univ. Press, 1977), 30.

⁸ Başbakanlık Osmanlı Arşivi (hereafter cited as BOA), HH (Hatt-ı Hümayun) 3708, copy of firman, evahir Şaban 1207/Apr. 1793.

⁹ Ibid. copy of firman, evahir Şevval 1209/May 1795; Cevdet Adliye 4271, report of *Kazaskers*, 11 Rebiülahir 1213/22 Sept. 1798. Cf. Uzunçarşılı, 255-9.

¹⁰ [Tatarcık Abdullah], 'Sultan Selim-i Salis Devrinde Nizam-ı Devlet hakkında Mutala'at,' pt. 1, *Tarih-i Osmani Encümeni Mecmu'ası* 7, no. 41 (1332), 274; Ahmed Lütüfî, *Tarih-i Lütüfî*, 8 vols. (Istanbul: Matba'a-i Âmiri, 1290-1328), 1:194-5.

¹¹ Madeline C. Zilfi, 'Diary of a Müderris: A New Source for Ottoman Biography,' *Journal of Turkish Studies* 1 (1977), 170.

¹² For arpalık, see İbnülemin Mahmud Kemal, 'Arpalık,' *Türk Tarih Encümeni Mecmu'ası* 16, no. 17 (94) (1926), 276-83; Uzunçarşılı, 118-21; Zilfi, 'Elite Circulation,' 353-4; idem, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)* (Minneapolis: Bibliotheca Islamica, 1988), 66-70.

¹³ Halil İnalçık, 'Adâletnâmeler,' *Belgeler* 2, no. 3-4 (1965), 76-77; Gilles Veinstein, 'Sur les *nâ'ib* ottomans (XVème-XVIème siècles),' *Jerusalem Studies in Arabic and Islam* 25 (2001), 247-67.

¹⁴ Beshara Doumani, *Rediscovering Palestine: Merchants and Peasants in Jabal Nablus, 1700-1900* (Berkeley: Univ. of California Press, 1995), 249-50.

¹⁵ BOA, Cevdet Adliye 717, copy of firman, evahir Ramazan 1203/June 1789; HH 3708, copy of firman, evasit Receb 1213/Dec. 1798; Cevdet Adliye 6366, draft of firman, evahir Safer 1217/June 1802. See also Uzunçarşılı, 255-60.

¹⁶ For example, BOA, Cevdet Adliye 1712, 13 reports of judges on receipt of the firman (Vidin, Tirnova, Rusçuk etc.), Ramazan-Şevval 1239/May-June 1824; *Takvim-i Vekayi* (hereafter cited as TV) 76 (13 Ramazan 1249/24 Jan. 1834), 1; 93 (23 Şaban 1250/25 Dec. 1834), 1-2.

¹⁷ 'Tarih-i İlmi'ye dair Ceza Kanunnamesi,' reprinted in Musa Çadırcı, 'Tanzimat'ın İlanı Sıralarında Osmanlı İmparatorluğunda Kadılık Kurumu ve 1838 Tarihli 'Tarih-i İlmiyye'ye Dâir Ceza Kânunname'si,' *Tarih Araştırmaları Dergisi* 14, no. 25 (1981-82), 139-61.

¹⁸ Halil İnalçık, 'Tanzimat'ın Uygulanması ve Sosyal Tepkileri,' *Bellekten* 28, no. 112 (1964), 639.

¹⁹ BOA, İrade Dahiliye 285, 1 Zilhicce 1255/5 Feb. 1840; İrade Dahiliye 440, 14 Muharrem 1256/18 March 1840.

²⁰ BOA, MAD (Maliye'den Müdevver Defterler) 9061, 22, circular of the Ministry of Finance, 3 Şaban 1257/19 Sept. 1841; İnalçık, 'Tanzimat'ın Uygulanması,' 686.

²¹ See, e.g., BOA, A.MKT (Sadaret Mektubî Kalemi) 82/14, Şeyhülislam to Grand Vizier, 5 Cümadelahir 1263/20 May 1847; A.MKT 116/41, Şeyhülislam to Grand Vizier, Feb.-March 1848; A.MKT 143/6, Şeyhülislam to Grand Vizier, 5 Ramazan 1264/6 Aug. 1848.

²² The preface of the İlmiye Penal Code of 1838 openly stated that most of naibs were of an unknown quality (*mecbulü'l-abval*) and that their unsuitable deeds (*uygunsuz harekâtü*) were evident. Çadırcı, 'Kadılık Kurumu,' 148.

²³ Ibid. 150-1.

²⁴ For example, a former naib of Behište (near Bitola) İsmail Efendi petitioned for the appointment complaining that he was still out of office although he had taken

an examination in Istanbul and acquired the certificate. BOA, A.MKT.NZD (Sadaret Mektubî Kalemi Nezaret ve Devair) 7/15, Grand Vizier to Şeyhülislam, 28 Cümadelahir 1266/5 May 1850. See for other documents referring to the naibship examinations, e.g., A.MKT 131/121, 29 Cümadelahir 1264/2 June 1848; A.MKT 159/49, 26 Zilhicce 1264/24 Nov. 1848; A.MKT.NZD 8/26, 21 Receb 1266/2 June 1850; A.MKT.NZD 12/92, 13 Şevval 1266/22 Aug. 1850. The grading as stipulated in the law (Çadırıcı, 'Kadılık Kurumu,' 151-2) was not mentioned in the sources.

²⁵ BOA, A.MKT 116/41, Şeyhülislam to Grand Vizier, Feb.-March 1848.

²⁶ 'Kuzat ve Nüvvabın Suret-i Hareket ve Rüsumatına Da'ir ba-İrade-i Seniyye Karargir Olan Usulü Şamil Tenbihat,' TV 521 (18 Receb 1271/6 Apr. 1855), 2-4.

²⁷ For example, the sender of the appointment letter to the naib of Varna dated 1 Ramazan 1268 (19 June 1852) was the holder of the *mansib* of Varna, while another letter dated 1 Rebiülevvel 1272 (12 Nov. 1855) was given by the *Kazasker* of Rumeli. Istanbul Mufti's Office, Sharia Court Record Archives (Istanbul Müftülüğü Şer'i Siciller Arşivi), Bilâd-ı Metrûke Defterleri, Varna sharia court registers, 13/5, fol. 1b; 13/6, fol. 52b.

²⁸ 'Nüvvab Hakkında Nizamname,' 17 Receb 1271/5 Apr. 1855, *Düstur*, 1st ser., 4 vols. and 4 suppl. (Istanbul: Matba'a-i Âmire, 1289-1302) (hereafter cited as *Düstur*), 1:321-324, TV 522 (5 Şaban 1271/22 Apr. 1855), 4.

²⁹ 'Tevcihat-ı Menasib-ı Kaza Nizamnamesi,' 17 Receb 1271, *Düstur*, 1:315-20, TV 522 (5 Şaban 1271), 2-4.

³⁰ For details, see Jun Akiba, 'A New School for Qadis: Education of the Sharia Judges in the Late Ottoman Empire,' *Turcica* 65 (forthcoming).

³¹ Istanbul Mufti's Office, Meşihat Archives (Istanbul Müftülüğü Meşihat Arşivi, hereafter cited as IMMA), Register belonging to the Meşihat Archives but located in the Sharia Court Record Archives (hereafter cited as D/I), 143, Register of naibs (Anadolu), fols. 92b-93b. I am indebted to Bilgin Aydın and İlhami Yurdakul, who showed me the draft of the Meşihat Archives' catalogue they were preparing and gave me many helpful suggestions about the sources. My special thanks are also due to Ömer Özkan, Abdullah Coşkun, Murat Al and Hüsnü Atam among the staff of the archives.

³² 'Tevcihat-ı Menasib-ı Kaza Nizamnamesi,' see n.29 above.

³³ IMMA, Register no.1999, Register of Committee for Selection, fol. 27a, #7/229, 22 Receb 1290/15 Sept. 1873.

³⁴ Ibid. fol. 6a, #16/1, 24 Muharrem 1290/23 March 1873. These measures were in conformity with article 24 of the regulations for kadiship.

³⁵ Bereketzade İsmail Hakkı, *Yâd-ı Mâzî* (Istanbul: Sebülür-Reşad Kütübhanesi, Tevsi-i Tiba'at Matbaası, 1332), 30-1.

³⁶ See, e.g., IMMA, Sicill-i Ahval Dosyaları, #1892 (Zileli Osman Hayri), #2573 (Libhocalı Abdülhalim), #2687 (Elbistanlı Abdurrahman Nafiz). See also Sadık Albayrak, *Son Devir Osmanlı Uleması*, 2nd ed., 5 vols. (Istanbul: İstanbul Büyükşehir Belediyesi, 1996), 1:101 (Abdurrahman Nafiz Efendi, Elbistanlı), 1:168 (Ahmet Efendi, Tirebolulu).

³⁷ IMMA, Sicill-i Ahval Dosyaları, #2538 (İbradılı İsmail Hakkı).

³⁸ IMMA, Sicill-i Ahval Dosyaları, #3755 (Ardanoçlu Süleyman Sami), curriculum vitae. I wish to thank Halil İbrahim Erbay for drawing my attention to this record.

³⁹ IMMA, D/I 143, Register of naibs (Anadolu), D/I 144, Register of naibs (Rumeli).

⁴⁰ EP, s.v. 'Mahkama, 2,' 6:4. Yücel Özkaya, *XVIII. Yüzyılda Osmanlı Kurumları ve Osmanlı Toplum Yaşantısı* (Ankara: Kültür ve Turizm Bakanlığı, 1985), 211.

⁴¹ IMMA, D/I 143, fol. 50b.

⁴² BOA, İrade Dahiliye 21189, Şeyhülislam to Grand Vizier, 19 Şevval 1271/4 July

1855.

⁴³ For example a naib of Erzurum, appointed in December 1856, abolished the practice of farming out the nahiye naibships according to the order of 1855 mentioned above, and then applied the examination to nominate the nahiye judges. As this arrangement worked well, the naibships of the sancaks of Bayezid and Çıldır were also integrated under the jurisdiction of the Erzurum judge. Before, no one in the capital applied to the judgeships of these sancaks, since they were too far and yielded little revenues. Because of this, blank appointment letters (*açık mürasele*) had been sent to these places and judges had been selected locally (*yerlüsünden maballince tensib*). BOA, A.MKT.NZD 219/46, report of special agent to Erzurum, 22 Cümadelahir 1273/18 Feb. 1857; Şeyhülislam to Grand Vizier, 9 Şaban 1273/4 Apr. 1857. Cf. IMMA, D/I 143, fols. 8b, 50a, 53b.

⁴⁴ For the provincial reforms, see İlber Ortaylı, *Tanzimattan Sonra Mahalli İdareler (1840-1878)* (Ankara: Türkiye ve Orta Doğu Amme İdaresi Enstitüsü, 1974), 42-104; Carter V. Findley, 'The Evolution of the System of Provincial Administration as Viewed from the Center,' in *Palestine in the Late Ottoman Period: Political, Social and Economic Transformation*, ed. David Kushner (Jerusalem: Yad Izhak Ben-Zvi, Leiden: E. J. Brill, 1986), 3-29; Stanford J. Shaw, 'Local Administration in the Tanzimat,' in *150. Yılında Tanzimat*, ed. Hakkı Dursun Yıldız (Ankara: TTK, 1992), 33-49.

⁴⁵ The Provincial Reform Law was first promulgated in 1864 and then modified in 1867 for general application. 'Tuna Vilayeti Namıyla Bu Kere Teşkil Olunan... Nizamnamedir,' 7 Cümadelahir 1281/7 Nov. 1864, *Düstur* (İstanbul: Matba'a-i Âmiri, 1282), 517-536, *TV 773* (7 Cümadelahir 1281), 2-5; 'Vilayet Nizamnamesi,' [1867], *Düstur*, 1: 608-24

⁴⁶ At first the offices of müfettiş-i hükkâm and the judge of the provincial capital were separate. But because of the financial problem (see below), after November 1866 these offices were given to a single person and an assistant judge (*bab naibi*) was appointed to help him. BOA, İrade Meclis-i Mahsus 1348, 19 Receb 1283/27 Nov. 1866.

⁴⁷ *Salname-i Devlet*, 12 (1274): 75; 21 (1283): 76.

⁴⁸ In the registers of naibs cited above, appointments of judges after the provincial reforms are recorded in separate pages. IMMA, D/I 143, fols. 80a-90b; D/I 144, fols. 47b-75a. We can find, for example, the names of the naibs appointed to kazas in the Suriye province (including the Jerusalem sancak) during several years following the application of the provincial reforms (D/I 144, fols. 62b-66a). Most of those kazas do not appear in the original section of the register.

⁴⁹ In the Tuna province, naibs of sancaks would be given a monthly salary of 6000 guruş, while naibs of the first, second, third, fourth and fifth grade kazas would be given 4000, 3000, 2500, 2000 and 1500 guruş respectively. BOA, MAD 13635, 2, #5, Ministry of Finance to Şeyhülislam, 22 Cümadelahir 1281/22 Nov. 1864; IMMA, D/I 144, fol. 50b. For the implementation in the Tuna and other provinces, see BOA, MAD 13635, 13547, 13419, Registers of reports from Ministry of Finance to Şeyhülislam, 1864-8.

⁵⁰ See *EP*, s.v. 'Mahkama, 2,' 6:7-11; Sedat Bingöl, 'Nizamiye Mahkemelerinin Kuruluşu ve İşleyişi, 1840-1876' (doctoral thesis, Akdeniz Üniversitesi, 1998).

⁵¹ 'Beyanname,' *TV 773* (7 Cümadelahir 1281), 1-2, *Düstur* (İstanbul, 1282), 516.

⁵² For the local council during the Tanzimat period, see Ortaylı, *Mahalli İdareler*, 13-29; Stanford J. Shaw, 'The Origins of Representative Government in the Ottoman Empire: An Introduction to the Provincial Councils, 1839-1876,' in idem, *Studies in Ottoman and Turkish history: Life with the Ottomans* (İstanbul: Isis Press, 2000), 183-231, first published in *Near Eastern Round Table, 1967-68*, ed. R. Bayly Winder (New York: New York Univ. Press, 1969), 53-142; Musa Çadırcı, 'Osmanlı İmparatorluğunda Eyalet ve Sancaklarda Meclislerin Oluşturulması (1840-1864)', in

Yusuf Hikmet Bayur'a Armağan (Ankara: TTK, 1985), 257-77; Doumani, 172-8, 241-3.

⁵³ BOA, İrade Dahiliye 41397, 9 Rebiülevvel 1286/19 June 1869; Ayniyat Defteri, Meşihat 1076, p. 88, 15 Rebiülevvel 1286/14 Haziran 1285/26 June 1869. Before the appointment of the *merkez naibi*, an assistant judge (*bab naibi*) was serving under the direction of the inspector of judges.

⁵⁴ BOA, İrade Meclis-i Mahsus 1317, 18 Rebiülahir 1283/29 Aug. 1866; BOA, MAD 13419, pp. 2-3, #11, Ministry of Finance to the Şeyhülislam's Office, 21 Muharrem 1284/25 May 1867; MAD 9431, Register of financial instructions to Edirne, 22 #78, 28 Mart 1288/9 Apr. 1872; MAD 9433, Register of financial instructions to Selânik, pp. 26-27, #43, 27 Temmuz 1285/8 Aug. 1869; 84-93, #317, 14 Rebiülahir 1289/20 June 1872.

⁵⁵ BOA, İrade Dahiliye 44621, 8 Ramazan 1288/20 Nov. 1871; MAD 9431, 23, #82, 22 Mart 1288/3 Apr. 1871; MAD 9433, 70, #240.

⁵⁶ Its implementation can be seen in the Ottoman state and provincial yearbooks (*salname*). Since the functions of the naib were almost equal to those of the kadı, the naib was popularly known as kadı. An Ottoman dictionary of Şemseddin Sami gives 'a kadı in general (*ale'l-ittlak kadı*)' for the third meaning of a naib. Şemseddin Sami, *Kamus-ı Türkî*, 2 vols. (Istanbul: İkdâm Matba'ası, 1317-18; repr. Istanbul: Enderun Kitabevi, 1989), 2:1453.

⁵⁷ In the first provincial reform law of the Tuna province, all the judges were designed to be nominated by the Şeyhülislam and appointed by the Sultan. As the Sultan's order would be issued in the form of irade, this process required the Sublime Porte's approval. But the later law in 1867 stipulated that only the inspector of judges should be appointed by the Sultan. 'Tuna Vilayeti Namiyla Bu Kere Teşkil Olunan ... Nizamnamedir,' art. 16, 39, 54; 'Vilayet Nizamnamesi,' art. 16, 37, 50. See n.45 above.

⁵⁸ The new system was confirmed by the regulations for sharia judges of 1873. 'Hükkâm-ı Şer'iyye Nizamnamesi,' 13 Muharrem 1290/12 March 1873, *Düstur*, 2:721-5.

⁵⁹ For details see Akiba, 'New School for Qadis,' forthcoming.

⁶⁰ 'Mahakim-i Nizamiyenin Teşkilât Kanun-ı Muvakkatıdır,' 27 Cümadelahir 1296/5 Haziran 1295/17 June 1879, *Düstur*, 4:245-260, esp. art. 1, 43-53 and an additional article.

⁶¹ See the Ottoman state and provincial yearbooks and also *EP*, s.v. 'Mahkama, 2,' 6:9; Kushner, 'Place of the Ulema,' 61-2.

⁶² 'Hükkâm-ı Şer' ve Me'murin-i Şer'iyye hakkında Kanun-ı Muvakkat,' 19 Cümadelula 1331/26 Apr. 1913, *Düstur*, 2nd ser., 12 vols. (Istanbul: Matba'a-i Osmaniye, 1329-1927), 5: 352-61, art. 3.