

The Ottoman Municipality of Jerusalem and the Application of the Tanzîmât Reforms in Jerusalem

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The Ottoman municipality of Jerusalem (Al Quds) is a particularly good example of an institution which was shaped by the Tanzîmât reforms and which in turn applied their spirit on the level of local government. Largely ignored by historians until recently¹, the Ottoman municipality was a major actor in the modernization of Jerusalem's infrastructure and administration and a very important element of civic life. The archives of this institution, partly preserved for the period between 1892 and 1917, provide many details about the work of the municipal council².

These archives are part of the Historical Archives of the Jerusalem Municipality, kept today in the municipality building in the Musrara neighborhood. They consist of notebooks in which the clerks noted the deliberations of the municipal council and were intended for the internal use of the council. Fifty-five percent of the council minutes available for the period from 1892 until 1917 are in Ottoman Turkish, the remainder is in Arabic. They offer a unique perspective into the urban development of Jerusalem and the workings of the administration in the last decades of Ottoman rule. The municipality applied measures decided on the imperial level, but also responded to local needs and demands in a continuous tension between autonomy and dependence. The municipal archives thus provide a great wealth of information about social, economic, cultural, and political life during that crucial period of the city's history and offer many glimpses of daily life issues in late Ottoman Jerusalem.

In this article, I will provide a brief analysis of the evolution of urban governance in late Ottoman Jerusalem, describe the archives of the Ottoman municipality and analyze the information they provide about the application of the Tanzîmât reforms in the Jerusalem area.

The evolution of urban governance in Jerusalem¹

The Ottoman municipality of Jerusalem was not an *ex-nihilo* creation of the Tanzîmât, but rather an institution which succeeded other instances of urban governance. In the earlier Ottoman period, urban governance was multi-layered and included several actors. The *qadi* clearly played an important role in urban governance during that period. This was partly a result of his juridical powers, which made him the adjudicator of fiscal conflicts, public security issues caused by disagreements, and disputes concerning the distribution of water. ‘Arif al-‘Arif has pointed out that in addition to the inspection of *waqf* properties and the control of real estate transactions, the *qadi* supervised weights and measures and construction permits³. In the latter task, he was assisted by the *muhtasib*, whose role was to maintain order in the public space, and notably on the markets.

Another key actor was the *naqîb al-ashrâf* who was in charge of defending the interests of the descendants of the prophet Muhammad, the *ashrâf*. Any legal affair involving a *sharîf* had to be handled in collaboration with the *naqîb*. In Jerusalem, the *naqîb* was nominated by the *qadi* after he had been chosen by the notables of the city, including the ‘*ulama*, the *ashrâf* and other dignitaries. The nomination of the *naqîb* was then confirmed by the governor and by the chief *naqîb al-ashrâf* on the imperial level in Istanbul. The “vote” preceding the nomination by the *qadi* shows that although the *naqîb* nominally only represented the *ashrâf*, he was a public figure of much greater importance⁴. As Butrus Abu Manneh has emphasized, the “*ashrâf* were not a closed caste” and there was inter-marriage with other families, which meant that *ashrâf* were to be found among all social classes⁵. An 1844 report from the French consulate in Jerusalem about the role of the *naqîb al-ashrâf* states that the latter had an “indirect jurisdiction on the merchants’ and workers’ corporations” since all of those corporations were headed up by relatively poor *ashrâf*. Some of them were also simple merchants or craftsmen. Consequently, the *naqîb* was involved in many, if not all, conflicts that emerged in the market place⁶.

The immediate predecessor of the municipality was the *majlis al-shûrâ* which was first established by the regime of Ibrahîm Pacha and seems to have existed until the foundation of

¹ This section includes several elements from an article written jointly with Abla Muhtadi which will be published under the title « Back into the imperial fold: The end of Egyptian rule as portrayed in the court records of Jerusalem (1839-1840) » in an edited volume on Jerusalem directed by Angelos Dalachanis and Vincent Lemire, scheduled for publication with Brill in 2017.

the municipality in 1867. This council united the different aspects of municipal action and institutionalized them. Under Egyptian rule, its role was to coordinate khedival administrative policies and the collection of tax revenues, but it also had a judicial function as well as an important role in urban governance⁷. The *majlis al-shûrâ* was in charge of fixing price levels, auctioning public charges such as customs, supervising army supplies and mediating complaints from the town's population⁸. In that way, it was clearly an institutional precursor of the municipality.

The Ottoman municipality of Jerusalem between law and practice

The municipal council (*majlis baladiyya*, *meclis-i belediye*) of Jerusalem came into being as such sometime between 1863 and 1867. Prussian consular archives mention the municipality in 1863⁹, while in French consular archives it is cited for the first time in 1867¹⁰, the very year in which an Ottoman law called for the establishment of municipal councils. In the beginning, the municipal councils were composed of nominated members of the property-holding classes for a period of two years. The council members did not receive a salary for their service on the council¹¹.

Jerusalem was thus one of the very first cities within the Ottoman Empire to form a municipality, which was further consolidated after the 1871 amendments of the Vilayet Laws and the Ottoman law on municipalities in 1877¹². From the 1880s onward, the municipal council was composed of nine to twelve members elected (by censitary male suffrage) for a renewable mandate of four years, in addition to a maximum of four *ex officio* members (engineer, doctor veterinarian, and the head of police). The Ottoman government chose the council president from among the elected members¹³, who, according to the 1877 law, was the only one to receive a salary¹⁴.

The minutes of the municipal council, which mix Ottoman Turkish with Arabic, show that it had many responsibilities: there are minutes concerning public works and infrastructure (including lighting, street repair, water, etc.), the regulation of bread prices, warnings about counterfeit money, organization of vaccinations campaigns, and the construction of hospitals.¹⁵ How did the daily practice of the municipality relate to the legal framework which regulated the activities of Ottoman municipalities?

Article 3 of the 1877 law on municipalities enumerates the obligations of the municipality, among which were the construction, maintenance and improvement of all infrastructures (water, roads, public spaces etc.), the supervision and organization of traffic flow and transportation, the control of weights and measures, prices and quality of food products, the regulation of lease contracts and the upkeep of a population register and a property register. Furthermore, the municipality had extensive responsibilities in the area of public health, including the construction of a municipal hospital inside the city and that of a slaughterhouse outside of the city limits, in addition to regular inspections of bakeries, butcheries, restaurants and coffeehouses. Last but not least, the municipality was now also responsible for social welfare: it was held to establish orphanages and vocational schools and to provide suitable work to physically able beggars¹⁶.

From the time of its foundation, the Ottoman municipality of Jerusalem initiated and spearheaded a number of important projects in the city and in neighboring cities such as Nablus and Bethlehem. From the 1860s onwards, the roads in and around the city were improved and the road network in the region extended¹⁷. The railway between Jaffa and Jerusalem was inaugurated in 1892¹⁸, more than a decade before the Hijâz railway. That same year, along Jaffa Street, a public garden was created by the municipal council¹⁹. In 1904 street lighting was extended from the Old City of Jerusalem to the new neighborhoods outside the walls²⁰. All of those projects were designed to improve the quality of life for the inhabitants of the city and the country and to better the infrastructure for trade, industry and travel, while bolstering the image of the Ottoman empire as modern and forward-looking.

A very important accomplishment of the municipality was the foundation of the first municipal hospital of Jerusalem where all of the city's inhabitants could receive medical care free of charge, regardless of their religion. This hospital was not only an important provider of medical care, but also an Ottoman reply to the intense investment of missionary medical institutions in the city. The Beiruti newspaper *Al Bashîr* reported about the inauguration of this hospital in July 1891²¹, and in the municipal council minutes for the following few years, we can find a number of items dealing with the day-to-day business of the hospital.

Here is an example from the year 1892:

“When one of the patients dies in the hospital, it is difficult to find persons to wash (the corpses), and consequently the burial is delayed. Therefore the council has decided to appoint

an officer for this task. The necessary qualifications have been found with Ibrâhîm Zahbki, therefore he has been nominated from the 13th of the month of Mart (1)308 with a monthly salary of three *riyâl majîdî*. In order to confirm this, this decision was taken on the 12th of Mart (1)308²².

حيث عند وفاة أحد المرضى في المستشفى يحصل مشقة بإيجاد المغسلين، ومن ذلك يتأخر دفن الموتى. بناءا عليه تنسب مجلسيا بتعيين مأمور مخصوص لذلك. وحيث وجدت الكفاية بإبراهيم زحبه، فاقتضى تعيينه إعتبارا من اليوم الثالث عشر من شهرمارت 308 بمعاش شهري ثلاثة ريالات مجيدي. فتصديقا على ذلك صار إعطاء هذا القرار في 12 مارت 308.

For 1904, there is an announcement of the municipal doctor's office hours for free vaccinations.

“We announce to all the people that the municipal doctor will be in his centre in the municipal administration on Tuesday and Thursday of each week from the morning until noon in order to vaccinate children for free. Therefore these directions were published on the 15th of Tishrîn thâni (1)320²³.

يعلن الى عموم الأهالي بان طبيب افندي البلدية سيتواجد في مركزه الذي في الدائرة البلدية يومي الثلاثاء والخميس من كل أسبوع من الصباح حتى الظهر لأجل تطعيم الأطفال مجانا . ولذلك صار اعلان الكيفية في 15 تشرين ثاني 320 .

Throughout the 25-year period for which most of the municipal council's minutes are available, many vaccination campaigns are mentioned, which were led by the municipality's doctors. In those campaigns, Jerusalem had a particular responsibility in terms of logistics and finances, since the city was a provincial capital, as we can deduce from a decision taken in April 1892 and written in Ottoman Turkish.

Item of Vaccine	Number	Price	Total (kurush)
	500	5	2500
Vaccinator's salary	40	300 (per each) x 40=12000 12000 x 3 (months) =26000	36000
			38500

<i>Distribution of Cost</i>	
From the Income of Jerusalem Municipality	16200
From the Income of Jaffa Municipality	8100

From the Income of Gaza Municipality	8100
From the Income of Ramallah Municipality	4050
From the Income of Hebron Municipality	2050
	38500

“As stated in the second appendix of the above-mentioned municipality doctor, it has been understood that there is a need for 38,500 kurush for the vaccination of all children within the Sanjak of Jerusalem. The sum of money to be spent for vaccination is specified above, as distributed according to the income of each kaza municipality. This decree requires that the cost of vaccination of the children living in kazas with a lesser municipality income be covered by other kazas with more municipality income. Thus, as the incomes of the municipalities of Ramallah and Hebron do not suffice for the vaccination of the inhabitants of the villages belonging to these kazas, it is necessary to purchase the required vaccines and to send vaccinators. Although it has been considered that the sum of money allocated to each municipality to cover this expense should be sent to the sanjak center for approval, it is appropriate to relegate the matter to the Sanjak Administrative Council for renewed discussion. 12 Nisân 1308”²⁴.

In the decisions of the municipal council for the period between 1892 and 1917, we can thus analyze in detail how the Jerusalem municipality followed and implemented the 1877 law. The municipal council worked actively to put into practice what the law demanded, namely in terms of public health and social welfare. For example, in 1894, a public bid for the construction of a new slaughterhouse in Wad Qaddusa was launched, in compliance with the law which demanded that slaughterhouses be outside of city limits²⁵. That same year, the municipality decided to build housing units for the poor in Silwân, in an attempt to meet its responsibilities for the social welfare of the inhabitants of the city²⁶.

In 1907 the municipal council decided to establish a pharmacy:

“In accordance with the decision of the district administrative council dated on the 28th of Tishrîn thâni bearing the number 1113 about the necessity of opening a pharmacy at the expense of the municipality (...). The needed space has been rented and the necessary medicine has been ordered, and a pharmacist and an assistant have to be hired. It has been found the Sulaymân Effendi, one of the military officers who has the legal diploma, and Bishâra Effendi Y‘aqûb Lûrans have the needed qualifications for those positions. Their

recruitment in the mentioned positions has therefore been decided. Sulaymân Effendi will receive 300 qirsh and Bishâra Effendi 150 qirsh as monthly salaries from the date on which they begin onwards. Accordingly, this decision has taken on the 8th of Shbât (1)322”.²⁷

The available archives thus allow us to conclude that the municipality actively sought to comply with the terms of the 1877 law in terms of inspection and quality control procedures, infrastructural improvements and public health and social welfare institutions and initiatives.

The law was also omnipresent in times of violations of the law and penalties inflicted, as for example in case of non-payment of rent or taxes or lack of respect for construction regulations. The following case taken from the municipal council’s decisions for the year 1899 illustrates the way the law formed an integral part of the reasoning and decision-making process of the municipal council:

“According to the provisions of the 40th article of the Vilayet Municipal Law, as regards the persons who own a debt to municipal offices but refuse to pay their debt, it is necessary to arrest these persons and collect their debt in accordance with the mandates to be obtained from municipal councils. As presented and stated, in the case of any unwillingness by the fined persons to pay this penalty, the institution to be applied to has been the municipal police force since the establishment of the municipal council. (...) According to the provisions of the 39th article of the Vilayet Municipal Law, it is the duty of the municipal police force to collect the payments in case of any non-payment of these municipal taxes. It is hereby presented that if this practice is not approved, it will not only be impossible to collect the pecuniary penalties, but also no one will pay attention to warnings by the municipality. 10 Nisân 1315”²⁸.

There are many references to articles of different laws concerning the workings of the municipality, but also issues of urban planning, such as construction and demolition of buildings. In this context, it is interesting to point out that most council decisions concerning references to articles of law are in Ottoman Turkish, whereas decisions in Arabic generally refer to rules, rather than articles of law. We can speak of a general discrepancy between the decisions to be found in both languages, with Ottoman Turkish being used in order to relay issues to the district administrative council and to directorates and ministries of the Ottoman government, whereas Arabic was employed for announcements to the public and for

managing the day-to-day business of the municipality as a service provider².

The municipality of Jerusalem thus followed the outlines of the legal framework and applied the demands of the central government. It cannot, however, be reduced to the status of a simple executor of imperial policies, devoid of any agency. The following decision of the municipal council, dated in 1909 and written in Ottoman Turkish, demonstrates the agency inherent in the municipality:

“Upon the Ministry of Internal Affairs’ telegraph dated 2 February 1909, regarding the specification of articles of the provisions of the municipal law deemed necessary to be amended, (.....) This telegraph has been examined by our council. A negotiation has been held on this issue and considerations have been made to make the below-written amendments in the Municipal Councils Regulation:

1) Despite the reference in the 3. article of the Municipal Councils Regulation to the construction and reparation of public and private waterways, the expenses of which to be paid by the party owning them, making an explanation that the expenses of the roads must be collected from real estate owners, who would benefit from these activities, / and giving permission to municipalities for setting an official price, other than bread, for vital needs such as foods and fuel.

2) (.....)

3) Although, as written in the 65th article, municipal sergeants and inspectors are authorized to enter places such as hamams, shops, theatres, etc. and do their duty for investigating matters falling within their remit, the provisions of the said article is carried out only for Ottoman subjects; thus, completing the means for including into the said article also the places owned by foreigners.

4) (.....)

5) Completing the means for making it obligatory for the subjects of foreign states in paying general incomes assigned by municipal councils in accordance with legislation.

6) Treating municipal offices like other state offices and giving permission to whom it may concern for accepting and sending letters and telegraphs.

7) Just like other tax-exempted charities, also exempting municipal places, as the incomes of the places owned by the municipality are reserved for the town’s interests.

² I would like to thank Hanna Borne-Monot, who worked on indexing the municipal minutes, for her keen observation of the differences of the texts in both languages.

8) Taking pension contributions from the salaries of municipal clerks and other officials and enabling them to enjoy a pension once they retire just like other state officials.

A negotiation must be held with regard to the specified points and if they are deemed suitable, it is appropriate to take due action in respect thereof. 28 Kanûn tâni 1324”²⁹.

What we have here, basically, is an attempt to reform the legal framework from below, which in this case seems to occur at the invitation of the Ministry of the Interior. That notwithstanding, the municipal council clearly appears as an important political actor on the provincial level, with a mediating power vis-à-vis of the Sublime Porte, and not as a simple local authority receiving orders from above. The issues raised have a strong link with the budget constraints the municipality faced and its difficulties in financing the improvement of existing and construction of new infrastructures and public service facilities. Therefore the council requests a tax-exemption for municipal institutions such as the hospital and the pharmacy, arguing that these institutions serve the public interest. It also demands the right to levy contributions from inhabitants whose properties are adjacent to roads, streets and waterways who benefit from improvement works led by the municipality.

In a city such as Jerusalem, which counted many non-Ottomans among its population, the municipality wanted to have the right to levy taxes and fees also from those inhabitants who were citizens of other countries. Moreover, the council requests the right to allow its inspectors and municipal sergeants to inspect properties owned by foreigners, in order to enforce rules pertaining to the public space, to construction and to hygiene. Last but not least, the municipality demands to extend the regulation of prices from bread to other basic food stuffs and fuel, since the municipality had a major role in maintaining social peace on the local level.

Although Jerusalem was not one of the official model provinces of the age of Tanzîmât, like Gallipoli, Izmir, or later Bursa³⁰, the city clearly held a particular status in the eyes of the Ottoman government. Given the important investment of foreign consulates and missionary organisations and the growing ambitions of the Zionist movement, urban governance in Jerusalem (and provincial government in Palestine in general) was of strategic importance for the Ottomans. Jerusalem was indeed a “model Tanzîmât city” as defined by Johann Büssow : “both an example for new standards in urban planning and an administrative stronghold from which the Ottoman reforms were supposed to spread into the hinterland”³¹.

In this model city for the age of Tanzîmât, the municipality clearly was one of the main actors. While the municipal council had strong historical roots predating its official foundation in the 1860s, the subsequent increase of its responsibilities and of its status as an elected local authority provided it with the means to become an important historical actor.

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² The archives of the municipality have been deciphered and more than half of them translated in the framework of the “Opening Jerusalem’s Archives” project, which is funded by the European Research Council (ERC), based at the University of Paris-Est Marne-la-Vallée (UPEM) and directed by Dr. Vincent Lemire. A large selection of these translations are scheduled to be published in English in 2018. I would like to thank my colleagues Abdul-Hameed Al Kayyali, Yasemin Avcı, Vincent Lemire and Hanna Borne-Monot for our years of fruitful and enriching collaborative work on those archives.

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