In one of his essays on modernity, Anthony Giddens makes the case that modern social life consists of a unique type of human reflexivity, which is rather different from earlier types of self-monitoring. In the age of modernity “social practices are constantly examined and reformed in the light of incoming information about those very practices, thus constitutively altering their character.”¹ Giddens identifies an epistemological difference between modernity and premodernity without having to fall back on simplistic dichotomies of the kind offered by the modernization theories. For Giddens, tradition is more than a distinctive period of time; it is a state of mind, in which reflexive monitoring of action is exercised through a perpetual reference to the past. Such a notion does not imply that premodern societies were static, and surely not “primitive.” Tradition is undoubtedly reinvented by each new generation. In modern societies, however, reflexivity is obsessively centered on recently acquired knowledge.² In the age of modernity, no action may any longer be justified solely by custom. At the same time, knowledge is subject to constant suspicion, associated with a permanent expectation for a new, better knowledge to replace it.³

The scrupulous collection of statistical data from the Nizamiye courts was one among various expressions of a new bureaucratic consciousness that emerged in the nineteenth century, which may be summarized here, following Giddens, as state reflexivity. In the course of the nineteenth century, the Ottoman administrative discourse on a lack of discipline among state officials was increasingly
dictated by the notions of efficiency and regularity, being perceived a precondition for the proper functioning of the state. The present chapter explores the issue of accountability among the judicial personnel, from both the macro perspective of the Nizamiye courts as a system, and the micro perspective of the individual official.

Being a precondition for state centralization, the principle of bureaucratic accountability was institutionalized and standardized during the reign of Mahmut II (1808–1839). After establishing a regular salary system, Mahmut issued a series of laws meant to render officials and judges liable for their misconduct. These laws defined bureaucratic powers and provided a more accurate meaning to the concept of corruption, which was associated primarily with receiving bribe. Later decrees and legislation paid much attention to issues of bureaucratic accountability, notably in the context of corruption. In the course of the century, the expectations of the imperial administration with regard to official accountability came to include an extensive range of practices, of which corruption was but one. The present discussion focuses primarily on everyday praxis and to a lesser extent on positive law. While judicial officials were aware of the laws and penalties at the theoretical level, the Ceride provided the leaders of the Nizamiye court system with a new medium used for disseminating the principle of accountability. From the ministry’s point of view, the publication of detailed reports about trials of judicial personnel served as a warning sign conveying the twin messages that the behavior of judicial officials was closely monitored, and that official misconduct resulted in penalties. Thus, through circulars distributed to the courts and through the publication of officials’ transgressions, a judge who worked in the Nizamiye court in Jaffa, for example, or the assistant public prosecutor who served in Selanik, were made aware of the gaze of the central judicial administration. The latter was watching and punishing.

**Disciplining Officials: A Normative Law Perspective**

Though earlier versions of the Criminal Code had dealt, to some extent, with transgression of state officials (1840, 1851), the Criminal Code of 1858 was the first systematic treatment of official transgression through codification. The third chapter of the code contains sixteen articles that address bribery (rüşvet), establishing a maximum standard penalty of eight years imprisonment and the dismissal from office for officials convicted of bribery-related charges. The fourteen